

September 18, 2024

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, September 18, 2024 at 5:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
 Gregory L. Lavorgna Councilman
 Julie A. Markert Councilwoman
 Daniel J. Pinner Councilman
 Janet Champlin Councilwoman

Recording Secretary: Allison R. Gill Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Alan Donner, Roger Lynker, Joan Homovich, Rob Hafele, MaryAnn Hollenbaugh, DeEtta Murphy, Liz Delfalco (The Reporter), 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, August 21, 2024 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Dan Pinner, Greg Lavorgna-aye, Dan Pinner-aye, Julie Markert-aye, Janet Champlin-aye, Arthur Merrill-aye, motion carried.

GUEST: None

VISITOR COMMENTS:

Joan Homovich attended the meeting to follow up on the August 21, 2024 meeting.

She asked Supervisor Merrill if he had made the call to the DEC in regards to the shutting down of the aqueducts. Supervisor Merrill spoke to them. The original plan to start the draw down on the Pepacton will go ahead starting after Labor Day. Joan asked if they would continue with the 700cfs like they are currently doing? Supervisor Merrill did not have that answer.

Joan then spoke about reconsidering of dredging the river in the areas that were affected this last storm. Supervisor Merrill stated that we will not get approval for access in to the water stream to remove the cobblestones. Rob Hafele stated that we need to apply, not just go with the notion that it is not possible to get approval. Roger Lynker stated that times have really changed as he use to have no trouble getting in to the waters to get these types of jobs completed. Roger stated that Supervisor Merrill is a upstanding man and that the Town has given him this position for just that. Supervisor Merrill thanked him for that and still stated that it just does not happen here anymore. Councilwoman Markert stated we need to be more forceful and apply. Board discussed.

MaryAnn Hollenbaugh and DeEtta Murphy both spoke of the water problem even with heavy rains that is runoff from Lindsley Ave., on down to Rt. 30. The State DOT has come to fix the drains in the past, the drain that should be at the end of that street is not there any longer. Need to put in a drain to help take care of this extra water. This is a DOT issue. Supervisor Merrill will contact Rick Hyser about the water and the drains.

Joan Homovich then spoke about the Downsville Water District rate increase. Joan stated that it is unfair to customers as some have meters and some do not. Joan had some information on homes that have only been there for 40 years whose meters did not work. She also asked about the fairness of the billing on an apartment building that has 4 separate apartments. The apartment building in question, does have a working meter and it is for the whole house, not the separate apartments. Joan was told the water meter is installed before the water enters the home, so it is one account as the home is owned by one owner. They are not separate bills. Joan expressed she felt this was not

fair. Ms. Homovich also questioned the amount the Downsville School District pays and was curious if their rate would increase as well. Supervisor Merrill stated that the DCS, the Town of Colchester, and the Downsville Fire District all pay one flat rate for unlimited use. Their flat rate will also be increased.

Supervisor Merrill commented on the meter installation, we have the meters here, just need to hire someone to install them all in the homes. Janet Champlin will make some calls to see if there is anyone that would be interested in installing them for us.

CORRESPONDENCE:

An email from Downsville Water District customer Russ Williams was handed out to board members to read.

Colleen Signor had an update on paper that was passed around on all the Grants and their updates. Board members reviewed.

A letter of appreciation about the Summer Pool Season was passed out for members of the Board to review from Jody Reed.

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

- Downsville Water District—\$2,067.96 disbursed to Supervisor, 57 customers in arrears with balance of \$4,622.06.
- Cooks Falls Water District- \$550.15 disbursed to Supervisor, 22 customers in arrears with balance of \$1,055.00.
- Town Clerk- \$1,833.17 disbursed to Supervisor.
- Colchester Town Court, Judge Lavorgna- \$8,613.00 disbursed to Supervisor.
- Colchester Town Court, Judge Conrow- \$37,847.00 disbursed to Supervisor.
- Town of Colchester Police- August Report

UNFINISHED BUSINESS

- DWD- Downsville Water System Improvement Project DWSR #17537: Meters & Installation – Councilwoman Janet Champlin will make a few calls to possible people to install remaining meters.
- Public Safety Building- Schedule an Open House for the community to come see the new building. Janet Champlin asked Officer Cawley to set up a time that works for both him and the Court. At the next Board Meeting, Supervisor Merrill will have a final amount of what this whole project cost in total.
- NYCDEP hookup to DWD: DEP Bid out 2023; Construction 2024
- Park Paddle Project – Work on this project was put on hold after this last flooding event.
- Town of Colchester Comprehensive Plan Update Grant- Next meeting is 9/26/24. Need to get a few “younger” Colchester citizens in the group.
- Cemetery Drainage Project –Soil and Water is putting together the blueprints to fix the drainage issue. Last storm there was no problem at all.
- Town Pool- Closed for the 2024 season. A great season for all.

NEW BUSINESS : DWD and CFWD rate increase. Currently, DWD pays \$60.00 a quarter and the CFWD pays a flat rate of \$50 a quarter. Board discussed the increase in the rates. The Board feels its best to raise the rates \$25 a quarter this year. If funds are not enough, we may need to increase the rates again next year. This amount will put Downsville Water District at a rate of \$85 per quarter and \$340 for the year. It will put Cooks Falls Water District at \$75 a quarter and \$300 a year.

Dan Pinner made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester in the exercise of its powers as Governing Board of the Downsville Water District, an improvement district in the Town of Colchester, hereby establishes new quarterly water rates in said Downsville Water District for water consumers in said district, via:

- 1) Flat Rate (un-metered property) - \$85.00 quarterly minimum charge.
- 2) Metered users- minimum rate - \$85.00 quarterly minimum charge, which entitles user to use up to 3000 gallons per quarter;
- 3) A \$3.00 per thousand gallons will be charged in excess of 3000 gallons of water used.
- 4) Eligible real property owners for water use service in the Downsville Water District where unconnected with water system - Flat Rate -\$85.00 quarterly minimum.
- 5) Downsville Central School District, unlimited usage, \$8,000.00 per annum payable quarterly (\$2,000) on January 1st, April 1st, July 1st and October 1st of each year.
- 6) Downsville Fire District, unlimited usage, \$8,000.00 per annum payable April 1st of each year.
- 7) Town of Colchester, unlimited usage, \$8,000.00 per annum payable April 1st of each year.

Unpaid water charge in arrears of thirty days or longer is subject to a 10% penalty on amount due and will be added to the next quarterly water bill.

Water bills shall be mailed to users on January 1st, April 1st, July 1st and October 1st of each year, and shall be due and payable within thirty days after mailing.

These rates shall be effective as of January 01, 2025 (April 01, 2025 billing).

All persons requesting service from the DWD shall be responsible for the cost of a tapping fee which shall be Two Hundred Fifty Dollars (\$250.00). All laterals installed by users will be of copper piping as approved by the Water Plant Operator. Each user shall maintain the lateral service pipe from the system to the customer's building free of leaks and shall maintain such quality of piping as approved by the Water Plant Operator. In the event that repairs to lateral service are required by any customer, the customer will immediately notify the Water Plant Operator.

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, Dan Pinner	voting aye
Councilperson, Julie A. Markert	voting nay
Councilperson, Janet L. Champlin	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.

NO.70-2024 09/18/24 Revise Water Rates for the Cooks Falls Water District

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester in the exercise of its powers as Governing Board of the Cooks Falls Water District, an improvement district in the Town of Colchester, hereby establishes new quarterly water rates in said Cooks Falls Water District for water consumers in said district, via:

- 1) Flat Rate (un-metered property) - \$75.00 quarterly minimum.
- 2) Eligible real property owners for water use service in the Cooks Falls Water District where unconnected with water system - Flat Rate -\$75.00 quarterly minimum.
- 3) Downsville Fire District for water use services will be subject to the Flat Rate (un-metered property) - \$75.00 quarterly minimum.
- 4) Property owners located outside the water district may contract with the district for the supply of water. The Town in its discretion may sell water in accordance with the requirements of Section 198(3) (b) of Town Law. Contract customers will be subject to the Flat Rate (un-metered property) - \$75.00 quarterly minimum.

Unpaid water charges in arrears of thirty days or longer is subject to a 10% penalty on amount due.

Water bills shall be mailed to users on January 1st, April 1st, July 1st and October 1st of each year, and shall be due and payable within thirty days after mailing.

These rates shall be effective as of January 01, 2025, (starting for the months of Jan., Feb. & March 2025).

All persons requesting service from the CFWD shall be responsible for the cost of a tapping fee which shall be Two Hundred Fifty Dollars (\$250.00). All laterals installed by users will be of copper piping as approved by the Water Plant Operator. Each user shall maintain the lateral service pipe from the system to the customer's building free of leaks and shall maintain such quality of piping as approved by the Water Plant Operator. In the event that repairs to lateral service are required by any customer, the customer will immediately notify the Water Plant Operator.

Resolution was seconded by Dan Pinner

This resolution was put to a vote by roll call and resulted as follows:

Town Supervisor, Arthur Merrill	voting aye
Councilperson, Janet Champlin	voting aye
Councilperson, Greg Lavorgna	voting aye
Councilperson, Julie Markert	voting aye
Councilperson, Dan Pinner	voting aye

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

NO. 72-2024 09/18/24 Sponsor Christmas Parade & File Perm33c

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby sponsors the Christmas Parade to be held at 4:30PM Saturday, December 14, 2024 on NY State Highway 30 and 206, Downsville, New York and hereby authorizes the Supervisor to file the NYSDOT Special Use Permit Application (Perm33c) on behalf of the Downsville Christmas Parade Committee.

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

NO. 73-2024 09/18/24 Public Facility Permit No.07-2023

Julie Markert made the following resolution:

WHEREAS, William Reichert on behalf of the Downsville Christmas Parade Committee has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Saturday, December 9th from 4:30PM to 6:30PM for turning around of Christmas Parade Floats to proceed back to Downsville Central School;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.07-2023 to the Downsville Christmas Parade Committee for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville.

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

NO. 74-2024 09/18/24 Bid Proposal No.01-24 Fuel

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to advertise for bids for the purpose of purchasing the following fuels: PLEASE TAKE NOTICE that pursuant to the provisions of Section 103 of General Municipal Law, sealed bids will be received by the Town of Colchester for the following:

- A. **No. 2 Heating Fuel** to be delivered as needed to Town Hall, 72 Tannery Rd, Downsville.
- B. **Kerosene** to be delivered as needed to Paige Cemetery, 15505 State Hwy 30 and Highway Garage, 6292 River Rd, Downsville.
- C. **Winter Blend** to be delivered as needed to Highway Garage, 6292 River Rd, Downsville.
- D. **Diesel Fuel** to be delivered as needed to Highway Garage, 6292 River Rd, Downsville.

- E. **Propane** to be delivered as needed to Highway Garage, 20246 County Hwy 17, Cooks Falls; Highway Garage and Public Safety Building, 6292 River Rd; DWD Water Building, 222 Tub Mill Rd; and Town Hall, 72 Tannery Rd, Downsville.

Bids will be received at the office of the Colchester Town Clerk, 72 Tannery Road, Downsville, New York until 4:00 PM on the 16th day of October, 2024. Bids will be publicly opened and read aloud at the Town Hall on October 16, 2024 at 4:00 PM.

Resolution was seconded by Dan Pinner, all in favor, resolution declared adopted.

NO. 75-2024 09/18/24 Winter Road & Sidewalk Maintenance Public Notice

Greg Lavorgna 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 Janet Champlin, Julie Markert-aye, Janet Champlin-aye, Greg Lavorgna-aye, Dan Pinner-aye, Arthur Merrill-aye, 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

NO. 76-2024 09/18/24 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 1st 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 Russell 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, 2024 until April 01, 2025. Resolution was seconded by Dan Pinner, Janet Champlin-aye, Greg Lavorgna-aye, Dan Pinner-aye, Arthur Merrill-aye, Julie Markert-aye, resolution declared adopted.

NO. 77-2024 09/18/24 Inter-Fund Transfer to DWD

Greg Lavorgna made the following resolution:

WHEREAS, the Downsville Water District had insufficient funds to make their October 1st payment to USDA Loan that is in tonight's vouchers;

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to make an Inter Fund Transfer from the Supervisor's General Fund to the Downsville Water District Fund in the amount of \$15,000.00.

Resolution was seconded by Dan Pinner.

This resolution was put to a vote by roll call and resulted as follows:

Town Supervisor, Arthur M. Merrill-voting aye

Councilperson, Janet Champlin-aye

Councilperson, Julie A. Markert-voting aye

Councilperson, Gregory L. Lavorgna -voting aye

Councilperson, Daniel J. Pinner-voting aye

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

NO. 78-2024 09/18/24 Access Emergency Reserve Funds if Need Be.

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester Highway Department has been cleaning up from Flood Damage from the August 9th storm, and contractors have been hired to help with repairs of roadways, etc.,

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to have access, and transfer monies to where need be, in the Emergency Reserve Account, in the event that funds are needed for the contractors, before the FEMA monies are available

Resolution was seconded by Julie Markert.

This resolution was put to a vote by roll call and resulted as follows:

Town Supervisor, Arthur M. Merrill-voting aye

Councilperson, Janet Champlin-aye

Councilperson, Julie A. Markert-voting aye

Councilperson, Gregory L. Lavorgna -voting aye

Councilperson, Daniel J. Pinner-voting aye

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

NO. 79-2024 09/18/24 SWD & Reporting Resolution for Elected & Appointed Officials

Julie Markert made the following resolution:

BE IT RESOLVED, that the Town of Colchester/Location Code 30554 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping systems records or record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs./day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
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Elected Officials

None	Allison Gill	6	01/01/2024-12/31/2025	N	20.74
Appointed Officials					
Supervisor's Bookkeeper/ Account Clerk	Dawn R. D'Addezio	6	01/01/23- 12/31/23	N	26.85

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 L. Champlin voting aye, Councilperson, Daniel J. Pinner- voting aye
 Councilperson, Julie A. Markert- voting aye Councilperson, Greg 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 made the following announcements:

- Next Regular Meeting is Wednesday, October 2, 2024 @ 5PM.

SUBMISSION OF BILL/EXPENSES: Dan Pinner made the motion, seconded by Julie Markert, that the vouchers be approved, subject to any corrections or deletions, Dan Pinner-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-aye, Greg Lavorgna-aye, motion carried. Abstract No. 17-2024 Voucher No. 622-666; Totaling \$396,353.67.

Officer Cawley expressed concern in regards to the dust at the new building. Highway Superintendent Eck will make a phone call to Vestal paving to have them come spray a dust control on it until the area can be paved or concrete poured. Officer Cawley also asked about the bottled water for the office ? They have just been ordering and getting it delivered with the highway department. But in that case everyone uses it. The water jugs get billed to the Buildings.

Janet Champlin made the motion to go into executive session, seconded by Julie Markert , for personnel discussion.

Board entered executive session at 6:10PM. Hwy Supt was invited to stay. Board held discussion. Julie Markert made the motion to enter back into regular session, seconded by Dan Pinner, Greg Lavorgna-aye, Dan Pinner-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-aye, motion carried. Board entered regular session at 6:30PM. Board made no decision forthcoming.

With no further business, Julie Markert made the motion for adjournment, seconded by Janet Champlin, Greg Lavorgna-aye, Dan Pinner-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-aye, motion carried. Meeting adjourned at 6:32PM.

Respectfully Submitted:

Allison R. Gill, Town Clerk