

A Public Hearing pertaining to a proposed Local Law for Historic Preservation was advertised and held May 12, 2008 at 7:00 pm at the Town Hall. Present were Supervisor Thomas Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Stephen Walker, Hwy. Supt. Stephen Schuman, Assessor Kimberly Cammer, Town Attorney Kevin Young, Community Resource Director/Historian Peg Ellsworth and 19 residents.

The notice calling for the hearing was read. The floor was opened to comments. Ronald Cumming questioned what benefits the public would see from the law, and questioned if the public has been polled on the law. David Freer questioned the percentage of historic homes by definition in the proposed district, feels that the law makes only the "in district" owners conform to a law, and questioned the appeal process. Benjamin Whittenburg questioned specific types of construction under the law, questioned when the Town Board would vote on the law, and questioned if the commission personnel were paid by the Town. Peg Ellsworth, Stephen Walker and Douglas Cutsogeorge responded to questions stating that five public hearings have been held on the law, many drafts have been done to get the law where it is now, discussed the benefits to the Town getting more grant funding and district owners benefits, and stated that the law would allow the Town to act as preservationists. With all comments being taken, the hearing closed at 7:28 pm.

The regular meeting of the Town Board was called to order at 7:30 pm.

On motion of Gene Cronk, second by Allen Hinkley, the Minutes of the April 14, 2008 meeting were approved.

AYES – 5 Cronk, Hinkley, Raeder, Walker, Hynes

NAYS – 0

Supervisor Hynes recognized a bouquet of flowers in memory of Leigh Williams, Bookkeeper/Dpty. Town Clerk and Amado "Sonny" Braceros, Town Justice who passed away recently. Both were dedicated employees who will always be remembered.

Jeff Staley and Kim McDonnell of JNS Enterprises were present to discuss their company and how they would work with the Town in erecting a cell tower at a Town owned site, the most desired being at the highway garage. There would be no cost to the Town and income would be split 50/50 between the Town and JNS. The Board will consider the proposal.

Highway Supt. Schuman stated that crews are working roads, will possibly be requesting CWC funds, no word has been received from the engineer regarding the condensation issue at the garage, plans to re-seal the garage floor and will be working with Verizon to move some poles on Schuman Rd.

Peg Ellsworth discussed grant applications, approved grants, pending grant applications, scheduled work, walking tour program, will be attending a Governor's tourism conference this week, and stated that a license has been approved for the radio station.

Assessor Cammer conducted a presentation on Sr. (Aged) Exemptions and requested the Town Board consider increasing the income levels and including a 5% and 10% level. The Board will consider the matter.

Atty. Kevin Young discussed the Hubbell Corners sewer project and approved the agreements with Environmental Facilities Corp. (EFC) and Lamont Engineers.

On motion of Gene Cronk, second by Stephen Walker, the following resolution was adopted:

RESOLVED that the Town Board approves a second amendment to the Amended and Restated Agreement with the Environmental Facilities Corporation (EFC) for the construction of a new sewage treatment facility for the Hubbell Corners Supplemental Service Area. Said block grant funds shall not exceed \$10,055,000.00.

AYES- 5 Cronk, Walker, Raeder, Hinkley, Hynes

NAYS – 0

On motion of Allen Hinkley, second by Gene Cronk, the following resolution was adopted:

WHEREAS, the Town Board has received a Modification Amendment No. 10 from Lamont Engineers, P.C. seeking to modify the Consulting Agreement Between Lamont Engineers, P.C. and Town of Roxbury (the "Consulting Agreement") for the Construction of a New Sewage Treatment Infrastructure Facility; and

WHEREAS, the Town Board has determined that it desires to extend its sewer system to include the Hamlet of Hubbell's Corner; and

WHEREAS, in order to complete the tasks identified above, the Town wishes to engage Lamont Engineers, P.C. to provide engineering services to the Town by modifying and extending the existing Consulting Agreement, and Lamont Engineers wishes to provide said services in connection with the implementation of the Hubbell Corner sewer extension, in accordance with the terms and conditions of the Consulting Agreement.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ROXBURY, DELAWARE COUNTY, NEW YORK:

The Town Board of the Town of Roxbury, for purposes of extending its sewer system to include the Hamlet of Hubbell's Corner, adopts the Modification No. 10 to Consultant Agreement between Lamont Engineers, P.C. and the Town of Roxbury, and accepts Lamont Engineers, P.C.'s scope of services, attached hereto for the project known as New Sewage Treatment Infrastructure Program, Hamlet of Hubbell's Corner in the Town of Roxbury. The Town Board hereby authorizes the Town Supervisor to execute any and all documents necessary to retain Lamont Engineers, P.C. for the above purpose.

WHEREUPON, the resolution was put to a vote and the following result recorded:

AYES – 5 Hinkley, Cronk, Raeder, Walker, Hynes

NAYS – 0

On motion of Allen Hinkley, second by Edward Raeder, the following resolution was adopted:

RESOLVED that the Town Board approves Modification No. 2 to a legal consulting agreement dated March 1998 between Young, Sommer, Ward, Ritzenberg, Baker & Moore and the Town of Roxbury for the Roxbury Sewer (NIP Project) extension to the Hubbell Corners Supplemental Service Area at a not to exceed amount of \$25,000.

AYES – 5 Hinkley, Raeder, Cronk, Walker, Hynes

NAYS – 0

On motion of Gene Cronk, second by Edward Raeder, the following resolution was adopted:

RESOLVED that the Town Board appoints the following persons to serve on a HUD Application review committee: Blanche Kellerhouse, Donald Kellerhouse Sr., Donald Zoll, MaryEllen Schuman and Stephen Mattice.

AYES – 5 Cronk, Raeder, Hinkley, Walker, Hynes

NAYS – 0

On motion of Stephen Walker, second by Edward Raeder, the following resolution was adopted:

RESOLVED that the Town Board finds no environmental impacts with the adoption of Local Law #2 of the year 2008 entitled Historic Preservation Law and issues a Negative Declaration for the purpose of SEQRA.

AYES – 3 Walker, Raeder, Hynes

NAYS – 1 Cronk

ABSTAIN – 1 Hinkley

A lengthy discussion took place on adoption of the Local Law for Historic Preservation, specifically letting voters decide by a referendum. Atty. Young stated that only certain things are subject to permissive referendum under NYS law. Atty. Young also finds no reason for Councilman Hinkley to abstain from voting on the resolution because he is Roxbury Fire Chief.

On motion of Stephen Walker, second by Edward Raeder, the following resolution was adopted:

RESOLVED that the Town Board hereby adopt Local Law #2 of the year 2008 entitled Historic Preservation Law, and

BE IT FURTHER RESOLVED that if the law is subject to permissive referendum under New York State Law, the Town Board hereby requires that a permissive referendum be held. If the local law is not subject to a permissive referendum or mandatory referendum, it will be adopted as proposed.

AYES – 4 Walker, Raeder, Hinkley, Hinkley

NAYS – 1 Cronk

Supv. Hynes stated that a pre-construction meeting on the Grand Gorge Rt. 23 West sewer extension will be held in Pine Hill on May 22, 2008.

Supv. Hynes stated that NYS Dept. of Transportation (DOT) will be presenting a new proposal on the Grand Gorge intersection after receiving feedback from residents. DOT has also scheduled repaving of Rt. 30 between Hardscrabble Rd. and Grand Gorge for this year.

A letter was received from Assemblyman Clifford Crouch approving \$3,000 member item funds for new chairs and tables at the Civic Center.

It was decided that the Town Board will have a joint meeting with the Planning Board concerning Site Plan after the Planning Board has completed its review of the wind tower application.

Atty. Young discussed the need to update its hamlet designations as he feels that this will probably be the last time that the Towns will be able to do so.

On motion of Allen Hinkley, second by Edward Raeder, the following resolution was adopted:

RESOLVED that the Town Board authorizes the Town Attorney to proceed with appropriate measures for the protection of the Town's hamlets.

AYES – 5 Hinkley, Raeder, Cronk, Walker, Hynes

NAYS – 0

Supv. Hynes stated that the contract has been signed with Rettew Eng. for Lake Street storm water work under CWC funding. An application will also be submitted to CWC for Vega Mountain stream storm water also under the aide of Rettew Eng.

Three proposals have been received for the replacement of the two boilers at the Civic Center and are as follows:

Vendor	Brand	BTU	Proposal #1	Proposal #2
Paraco Gas	Weil-McLain CGi7	169,000	10,785.69	13,905.08
Kurt Flachs	Weil-McLain CGi6	122,000	8,850.00	11,705.00
Proulx Mechanical Inc.	Weil-McLain gv4	133,000	13,390.00	

The Board discussed the proposals. Councilman Cronk stated being against the Weil-McLain product due to types of fittings and feels there will be problems. The Board decided to hold off on any award until the vendors are contacted regarding the product.

On motion of Allen Hinkley, second by Gene Cronk, the following resolution was adopted:

WHEREAS, In Homeland Security Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended NIMS, THEREFORE, BE IT RESOLVED, the National Incident Management System will be utilized for all incident management located within the Town of Roxbury.

AYES – 5 Hinkley, Cronk, Raeder, Walker, Hynes

NAYS – 0 ABSTAINS – 0

On motion of Gene Cronk, second by Allen Hinkley the Board went into Executive Session at 9:50 pm to discuss a personnel issue. On motion of Gene Cronk, second by Allen Hinkley the Board returned to the regular meeting of the Town Board at 10:00 where it was stated that there is no decision as a result of Executive Session.

On motion of Stephen Walker, second by Edward Raeder, the following resolution was adopted:

RESOLVED the Town Board audited the bills and approves their payment in the following amounts:

General #176-217	\$18,778.43	Denver Sewer #40-52	\$167,455.23
Highway #104-130	\$43,575.70	Special Lights #5	\$2,289.45
Roxbury Water #29-36	\$3,192.51	Capital Projects	
Grand Gorge Water #34-42	\$3,230.87	Kirk Park Construction #13-14	\$14,544.00
Denver Water #27-34	\$8,152.70	Kirk Pk NonConstruct #15-25	\$7,414.02
Roxbury Sewer #25-33	\$7,488.61	Roxbury Sidewalks #26	\$116.38

AYES – 5 Walker, Raeder, Cronk, Hinkley, Hynes

NAYS – 0

Atty. Young updated the Board on the recent wind tower public hearings held at BOCES. Minutes will be put on the Town's website.

On motion of Edward Raeder, second by Stephen Walker, the meeting adjourned at 10:15 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Thomas S. Hynes, Supervisor
Gene Cronk, Councilman
Edward Raeder, Councilman
Allen Hinkley, Councilman
Stephen Walker, Councilman