

DRAFT MINUTES

April 8, 2024

The regular monthly meeting of the Town Board was held April 8, 2024 at 6:00 pm at the Grand Gorge Civic Center and via Zoom. Present were: Supervisor Allen Hinkley, Councilmen Kenneth Davie, Michael Hynes, Deanna Osborn and Lisa Ciaravino, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara, Parks Director Denise Johnston, Water Operator Elisha Martin and 36 people in the audience. Present on Zoom: Attorney Kristin Pratt and 10 others.

The regular meeting was called to order with the Pledge of Allegiance.

On motion of Kenneth Davie second by Deanna Osborn the Town Board approved the Minutes of the March 11, 2024 Public Hearing and regular meeting, March 18, 2024 Special Meeting and March 18, 2024 Public Information Meeting on the Downtown Revitalization Initiative (DRI) grant.
AYES-5 Davie, Osborn, Hynes, Ciaravino, Hinkley
NAYS-0

Michael Harrington submitted a written report updating the status of the following projects:

Roxbury and Grand Gorge Water Project

*The Ct. 9 -- Vega Mtn. Rd. water main work by Birdsall has proceeded rather quickly. The new main is 90% done, but is not in service yet. The major shutdown needed for the valve replacements at Rte. 30 is scheduled for today. Testing and disinfection of the new main will occur later this week, and the new water services are likely to be constructed and transferred to the new main next week. Birdsall has submitted Pay Application #1 for consideration.

* Work is still pending at PW-2. We are still awaiting a schedule from Evergreen.

* The second start-up of the new wellfield generator was successful. There will be some additional costs due to the repeat start-up, but those will be assigned to Contract 6 (Avolio) via a cost reduction change order.

*A Congressional grant was obtained in the amount of \$1.25 M. We have been told it requires a local share of 20%. The details of how/if this will be meshed with the current project are unclear at this time. I understand that the Town is waiting to hear from the US Department of Interior.

Denver Wastewater Study and Grant Application

* The Town became SEQR Lead Agency on 3/15/24. On behalf of the Town, I have prepared an EAF Part 2 and Part 3, along with a Negative Declaration resolution. These will be required for the project to move forward, so I suggest that you adopt the resolution if you are otherwise satisfied with the SEQR documents.

*A draft Map, Plan, and Report has been prepared. The overall funding strategy is being re-evaluated using that as a starting point.

*We have received clarification from Bond Counsel that the time schedule to reach a Bond Resolution is not as tight as previously thought. This is because the action is not subject to permissive referendum. In turn, this means that you can still be ready for the funding application (if desired) as long as the process is started at your May 13 meeting.

*The on-line EFC Clean Water State Revolving Fund (CWSRF) and Water Infrastructure Improvements Act (WIIA) grant applications have been started and will be developed over the next 2 months. As a reminder, the application deadline is June 14, 2024.

Roxbury Force Main Easement Access Maintenance

The site walk-through is scheduled for April 9 from 10:00-11:00. Chris Mattice will handle. If clarifications are necessary, I'll prepare an Addendum later this week. Bids will be received on April 18.

An updated cost summary of Water Project Costs was distributed to the Town Board.

Lorcan & Eugenie Otway stated they have purchased the Hitching Post property in Grand Gorge.

Chris Ciazza, of the ATV Club, requested the Town Board re-consider a Local Law to allow ATV's use of Town highways to get to trails and suggested forming a focus group to discuss the matter. Supervisor Hinkley stated changes have been made to the original draft law from a year ago and the Town Attorney needs to review the draft first.

Elisha Martin reported: 1) Roxbury/Grand Gorge water project update; 2) Denver Sewer electrical issue has been resolved, replaced the pump and decommissioned the old shed; and 3) discussed Denver sewer internet quotes given to Town Board from MTC and Starlink.

Michael Martin expressed concerns with plumbing issues and leaks at the Civic Center. He has started a list of deficiencies for Town Board review and further stated he has been receiving several reservations for building use. Supervisor Hinkley responded that needed repairs may get done with possible grant funds.

Highway Supt., William Sprague reported: 1) crews are chipping brush from the recent storm; 2) three Seniors are doing a work study with the Highway Department for school credit; 3) the new truck is getting closer to arriving; and 4) requested the Town Board approve the annual Agreement to Spend Highway Moneys.

Renate Rennie reported some trees down in her area. Sprague responded crews are already working on tree issues on the roads.

Theresa Gier expressed concerns with the State plow digging up lawns and breaking sidewalks in Grand Gorge and requested they be contacted by the Town to make them aware of the issue so they don't continue to do it.

The Assessor submitted a written monthly report to the Town Board. Assessor Clerk Stephanie Seminara also discussed: 1) open hours to discuss re-valuation notices will be done the end of the week; 2) the second phase will be to hold open hours once the 2024 Tentative Tax Roll comes out May 1st; and 3) a notice will be advertised for the filing of the tentative roll, open hours and Grievance Day to be held May 30th.

Judith Maguire questioned how to apply for Grievance. Seminara responded that a Grievance Application needs to be submitted with backup documentation to support the assessment value claimed on the application, and added, backup documentation is not needed for open hours to discuss the re-valuation assessment.

Parks Director, Denise Johnston submitted a written report:

*Community Easter Egg Hunt was successful despite the rain. Thank you to everyone who helped with baking, donations, egg stuffing, etc. Many volunteers help make this a great event for our kids. We earned approximately \$275 with the bake sale. We did have another craft available this year and of course children were able to enjoy a visit with the Easter Bunny.

*The Roxbury Youth FIFA Soccer will begin in a couple of weeks.

*Friends of Roxbury group will store their supplies in the kitchen.

*I met with Chris Ortiz about the pop-up neon art in the park. We collaborated on the schedule and some possible locations. He will contact me with his proposed dates and displays.

In Process

*Park Clean Up will be ongoing. I will get into the gardens by the end of this month. I hope to have a community service day with RCS but it depends on student interest.

*I have contacted Jacob and Main Care to get the water and gas turned on.

*I am working on the renewal with DOH for the kitchen space.

*CDO Workforce will once again provide us with funding for a work crew this summer. I'm still looking for students.

*Barn event scheduling is ongoing.

*RHPC work is ongoing.

Upcoming Events

*RHPC meeting Friday, April 19th at 10am

*Fireworks scheduled for Sunday, September 1st, 2024 with a rain date of September 2nd.

*First scheduled barn event is May 11th.

Long Term Considerations

*Tree work with branches that have been falling and some dead trees around the perimeter that need to come down.

*Pathway work

Michael Martin stated people have spoken with him about wanting to help spruce up the Civic Center playground. He was told people should contact the Supervisor or Town Clerk to let them know what the needs are. Denise Johnston also recommended contacting Roxbury School as students need community hours and also contacting the Boy Scouts who are always looking for projects.

Supervisor Hinkley stated he is working to get a meeting scheduled with NYS Dept. of Transportation (DOT) to discuss concerns with the State Hwy 30/Vega Mountain Rd/County Hwy 41 intersection.

Thomas Gebhard expressed concerns with the Grand Gorge State Hwy 23 & 30 intersection as being dangerous with several close call accidents and questioned if the Town could do something. Supervisor Hinkley will discuss the matter with NYSDOT representatives.

Robin Factor stated the Friends of Roxbury have raised money for additional flower planters and requested being allowed to put one in front of the old Town Hall of which there were no objections from the Town Board. Supervisor Hinkley did warn, however, the planters cannot be placed in the NYSDOT right-of-way and, therefore, the planters on State Hwy 30 in front of the Watershed Restaurant and Liquor store need to be moved further back from the road per a call from NYSDOT.

RESOLUTION #25- ENTER INTO EXECUTIVE SESSION

On motion of Kenneth Davie second by Deanna Osborn the following resolution was offered and adopted:

“RESOLVED, motion made and seconded for the Town Board and Town Clerk to enter into Executive Session at 6:38 pm to discuss an employment issue.”

AYES – 5 Davie, Osborn, Hynes, Ciaravino, Hinkley

NAYS – 0

The Town Clerk exited Executive Session at 6:45 pm.

RESOLUTION #26– RESOLUTION TO EXIT EXECUTIVE SESSION

On motion of Kenneth Davie second by Deanna Osborn the following resolution was offered and adopted:

“RESOLVED, motion made and seconded for the Town Board to exit Executive Session and return to the regular meeting at 6:50 pm.”

AYES – 5 Davie, Osborn, Hynes, Ciaravino, Hinkley

NAYS – 0

No comments were made regarding Executive Session.

A letter was received from Amy Srebnick requesting to be on the Downtown Revitalization Initiative (DRI) committee.

On motion of Michael Hynes second by Lisa Ciaravino the Town Board approved the following Department Reports:

- *Town Clerk monthly report for March 2024 in the amount of \$4,883.00 (Town Clerk \$198.00 and Building Permits \$4,685.00
- *Supervisor's monthly report for February 2024
- *Assessor's monthly report for March 2024
- *Water District's monthly report for March reflecting receipts in the following amounts: Denver \$71.72; Grand Gorge \$64.00 and Roxbury \$543.74
- *Parks Dept. monthly report for March 2024
- *Tax Collector monthly report for March 2024
- *Code Enforcement Officer monthly report for March 2024

AYES-5 Hynes, Ciaravino, Davie, Osborn, Hinkley

NAYS-0

No report was received from the Dog Control Officer for March 2024.

No report was given for the Justice Court for March 2024 as an invoice has not yet been received from the State.

RESOLUTION #27-RE-APPOINT MATHIS TO HISTORIC COMMISSION

On motion of Kenneth Davie second by Lisa Ciaravino the following resolution was offered and adopted:

“WHEREAS, Michael Mathis did not take the Oath of Office as a member of the Historic Preservation Commission within the thirty days of a February 12, 2024 appointment;
BE IT RESOLVED, the Town Board re-appoints Michael Mathis to the Historic Preservation Commission for a 3 year term 4/8/24 – 12/31/26.”

AYES-5 Davie, Ciaravino, Hynes, Osborn, Hinkley

NAYS-0

Margaret Ellsworth arrived at 6:52 pm and discussed the following grant information:

CDBG – 1) the Town Board needs to appoint a local committee of 4-6 people to review the applications when received; 2) the first project is due June 15; and 3) discussed the income levels to be eligible

NYSDOT TAP – no announcement of award yet

DRI – 1) meeting with representatives on April 18 for drive thru of both hamlets; 2) the Launch Meeting with the consultants will take place in May; 3) the recommended committee list has been submitted to the State but no word yet on acceptance. The criteria used by Ellsworth and Supervisor Hinkley for names submitted to the State was discussed. The list of 36+/- people who submitted their names to the Town will be posted on the website; and 4) municipal projects do not need matching funds and discussed the process.

Robin Factor expressed concerns with not allowing people attending the Town meetings by Zoom to make comments and requested the Town Board allow their comments during the meeting. Supervisor Hinkley stated not being in favor.

RESOLUTION #28-TOWN BOARD AUDIT

On motion of Deanna Osborn second by Lisa Ciaravino the following resolution was offered and adopted:

“WHEREAS, on March 18, 2024 the Town Board audited the financial records of the Town Clerk,

Tax Collector and Water Clerk for the year 2023;
BE IT RESOLVED, the Town Board found no significant issues with the financial records of the
Town Clerk, Tax Collector and Water Clerk for the year 2023.

AYES-5 Osborn, Ciaravino, Davie, Hynes, Hinkley
NAYS-0

RESOLUTION #29-AGREEMENT TO SPEND HIGHWAY MONEYS

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and
adopted:

“RESOLVED, pursuant to the provisions of Section 284 of the Highway Law, the Town Board
agrees that money’s levied and collected in the Town for the repair and improvements of highways,
and received from the State for State Aid for the repair and improvement of highways, shall be
expended as follows:

1. General Repairs – the sum of \$502,000 shall be set aside to be expended for primary work and
general repairs upon 96 miles of Town highways, including sluices, culverts and bridges
having a span of less than five feet and boardwalks or renewals thereof
2. Permanent Improvements – sums shall be set aside to be expended for the permanent
improvement of Town Highways in the amount of \$522,000 for the following roads: Bobby
Hull Rd., Cartwright Rd., Charles Dent Rd., Charles Morse Rd., Cold Spring Rd., Creamery
Rd., Ferris Hill Rd., Frank Cottone Rd., Hall Rd., Henry Williams Rd., MacMore Rd., Murray
Rd., Nativo Court, Old River Rd., Scott Greene Rd., VanDyke Rd., Upper Meeker Hollow
Rd., Cal Grant Rd., George Lawrence Rd., and Slauson’s Trailer Park Rd.”

AYES-5 Davie, Hynes, Osborn, Ciaravino, Hinkley
NAYS-0

A letter was received from Corbin Bouton, voluntarily relinquishing his position as Highway Dept.
Mechanic through the payroll ending March 18, 2024 and to remain on as Heavy Equipment Operator
(HEO) after that date.

RESOLUTION #30-BOUTON CHANGE OF HIGHWAY POSITION

On motion of Michael Hynes second by Lisa Ciaravino the following resolution was offered and
adopted:

“WHEREAS, Corbin Bouton, Highway Dept. Mechanic has submitted a letter to the Town Board
voluntarily relinquishing his position of Mechanic at a rate of pay of \$25.90/hr; and
WHEREAS, Corbin Bouton desires to remain on the Highway Dept. as Heavy Equipment Operator at
a Rate of pay of \$24.83/hr; and
WHEREAS, said change would be effective 3/19/24; and
WHEREAS, the Highway Supt. and President of the Roxbury Highway Worker’s Association have
agreed and approve said change in position;
NOW, THEREFORE, BE IT RESOLVED THE Town Board accepts the voluntary relinquishment of
Corbin Bouton in the position of Highway Mechanic at a rate of pay \$25.90/hr (including longevity
pay) effective 3/19/24; and
BE IT FURTHER RESOLVED, the Town Board retains Corbin Bouton in the position of Heavy
Equipment Operator at a rate of pay \$24.83/hr,(including longevity pay) retroactive to 3/19/24.”

AYES-5 Hynes, Ciaravino, Davie, Osborn, Hinkley
NAYS-0

RESOLUTION #31-SHULTIS & DAVIS CHANGE OF HIGHWAY POSITION

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and

adopted:

“WHEREAS, the position of Highway Mechanic has become vacant with Corbin Bouton voluntarily changing to Heavy Equipment Operator effective 3/19/24; and
WHEREAS, Christopher Shultis is currently Mechanic Helper at a rate of pay of \$24.86/hr; and
WHEREAS, Richard Davis is currently Heavy Equipment Operator at a rate of pay of \$22.58/hr; and
WHEREAS, the Highway Supt. desires the promotion of Christopher Shultis to Mechanic and the promotion of Rochard Davis to Mechanic Helper;
NOW, THEREFORE BE IT RESOLVED, The Town Board accepts the promotion of Christopher Shultis to Mechanic at a rate of pay of \$25.65/hr and Richard Davis to Mechanic Helper at a rate of pay of \$23.86/hr effective 3/19/24.”

AYES-5 Davie, Hynes, Osborn, Ciaravino, Hinkley

NAYS-0

RESOLUTION #32 – DENVER SEWER DISTRICT WASTEWATER SYSTEM IMPROVEMENTS PROJECT - SEQOR NEGATIVE DECLARATION

On motion of Kenneth Davie second by Deanna Osborn the following resolution was offered and adopted:

“WHEREAS, the Town Board of the Town of Roxbury is undertaking a project called the Denver Sewer District Wastewater System Improvements Project (hereinafter referred to as ‘the Project’) that will include replacement and/or rehabilitation of wastewater treatment plant components at the existing site. The work at the wastewater treatment plant will also include miscellaneous site improvements needed to improve the efficiency of facility operations. The project scope also includes spot repairs within the wastewater collection system to reduce infiltration and inflow, and

WHEREAS, the Town is applying to the New York State Environmental Facilities Corporation Clean Water State Revolving Fund (CWSRF) for project funding, and may apply to other funding agencies, and
WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has an obligation to fund the operation and maintenance of certain facilities at the Denver Sewer District wastewater treatment plant, and this obligation will be an important part of the overall project funding.

WHEREAS, the Town Board of the Town of Roxbury has designated itself as Lead Agency pursuant to the State Environmental Quality Review Act in the environmental review of the Project; and

WHEREAS the Town Board of the Town of Roxbury has prepared an Environmental Assessment Form and has provided copies of this document to the involved and interested agencies for the Project; and

WHEREAS, the probable environmental impacts of the Denver Sewer District Wastewater System Improvements Project have been carefully considered by the Town Board;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ROXBURY AS FOLLOWS:

1. The Town Board of the Town of Roxbury adopts the findings and conclusions relating to the probable environmental impacts contained in the attached Environmental Assessment Form and files the Negative Declaration in accordance with the applicable provisions of the law; and
2. The Town Board of the Town of Roxbury authorizes the Supervisor to take such further steps as might be necessary to the discharge of the Town Board’s responsibility as Lead Agency for this action.”

WHEREUPON, the Resolution was put to a vote and recorded as follows:

AYES-5 Davie, Osborn, Hynes, Ciaravino, Hinkley

NAYS-0

The Town Board received information from NYSEG to convert 20 Roxbury Run Street lights to LED lights at a cost of \$3,230 which would save \$175 per year in lighting costs. The Town Board declined the offer as not being cost effective.

No action was taken on appointing a new Justice Court Clerk. Judge Stein would like to conduct an interview first.

RESOLUTION #33-RE-HIRE ROCKWELL INTERIM COURT CLERK

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted: “RESOLVED, the Town Board re-hired Sandra Rockwell as interim part-time Justice Clerk retroactive to 1/17/24 at a rate of pay of \$25.00/hr until such time as a regular part-time Justice Clerk is appointed by the Town Board or until the new Clerk is trained on the system.”

AYES-5 Hynes, Davie, Osborn, Ciaravino, Hinkley

NAYS-0

No action taken on quotes received for internet services for the Denver Sewer Plant.

No action taken on appointing a person to represent the Town on the Schoharie Watershed Advisory Council (SWAC).

No action taken on changing the Town Board Committee appointments.

Amended 30-day notifications were received from Giri Roxbury LLC for 48 County Hwy 41, to add the basement as the floors of the building that the establishment is located on, and for 2289 County Hwy 41, to add the third floor as the floors of the building that the establishment is located on.

On motion of Kenneth Davie second by Michael Hynes the Town Board had no objections to the changes of Giri Roxbury, LLC’s amended notice of application to the NYS Liquor Authority for the buildings located at 48 County Hwy 41 and 2289 County Hwy 41 and further waives the 30-day hold on issuance of the liquor license.

AYES-5 Davie, Hynes, Osborn, Ciaravino, Hinkley

NAYS-0

RESOLUTION #34-PRE-APPROVAL BILLS

On motion of Deanna Osborn second by Lisa Ciaravino the following resolution was offered and adopted:

“RESOLVED, the Town Board has audited the following vouchers and invoices and approves payment to the vendor prior to the next Town Board meeting, should funds be received from the funding source, with said vouchers to be included on the next abstract of bills after payment:

Project	Req #	Vendor	Amount
Roxbury Water Project	35	Birdsall Excavation	\$117,707.37
Grand Gorge Water Project	35	Birdsall Excavation	\$117,707.38

AYES-5 Osborn, Ciaravino, Davie, Hynes, Hinkley

NAYS-0

On motion of Lisa Ciaravino second by Deanna Osborn the Town Board approved an amended Code Enforcement Officer (CEO) Agreement to provide verbiage whereby funding would be available by the Town for annual required training by the CEO and is contingent upon agreement of terms by the CEO.

AYES-5 Ciaravino, Osborn, Davie, Hynes, Hinkley

NAYS-0

Attorney Kristin Pratt discussed the matter of the Grand Gorge Methodist Church. The church has been closed for a few years but is also part of a group of other local churches. The property includes the church, parsonage and cemetery. The cemetery, which the Church will keep title to, is expected to be subdivided from the other buildings so the property can be sold. The Town has been mowing the cemetery for the past several years and, per the Attorney’s opinion, can continue to do so if the Town agrees but the Church will be responsible for any other maintenance on the cemetery.

On motion of Lisa Ciaravino second by Michael Hynes the Town Board agreed to continue to have the

Grand Gorge Methodist Church cemetery mowed until further notice from the Church who continues to work on the legal process of subdividing the land.
AYES-5 Ciaravino, Hynes, Davie, Osborn, Hinkley
NAYS-0

No action was taken on allowing neon art in the Park.

Attorney Kristin Pratt discussed her findings on the question of building permit fee exemption for churches, not-for-profits, etc. (Tax Roll Section 8 Wholly Exempt Properties) She is still waiting to hear back from the Dept. of State but recommends fees need to be charged.

RESOLUTION #35-BUILDING FEES FOR SECTION 8 PROPERTIES

On motion of Deanna Osborn second by Kenneth Davie the following resolution was offered and adopted:

“WHEREAS, in the past, Tax Roll Section 8, wholly exempt properties, have not been charged building permit fees; and

WHEREAS, the Town Attorney has researched the law on the matter of whether Tax Roll Section 8, wholly exempt properties, are exempt from building permit fees;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ROXBURY, effective immediately, Tax Roll Section 8 properties, wholly exempt properties, will not be exempt from building permit fees, unless, and until something is found in the Law stating otherwise.”

AYES-5 Osborn, Davie, Hynes, Ciaravino, Hinkley
NAYS-0

No action was taken on changing the building permit fees.

A copy of the Good Neighbor Funds was distributed to the Town Board.

A list of employees who have not yet taken the mandatory annual training for Harassment & Discrimination and Violence Prevention was distributed to the Town Board.

On motion of Lisa Ciaravino second by Michael Hynes the bills were audited and ordered paid in the following amounts:

General #112-163	\$49,207.29	Denver Water #18-23	\$7,138.20
Highway #80-109	\$74,843.23	Roxbury Sewer #17-22	\$19,219.47
Roxbury Water #27-32	\$10,293.89	Denver Sewer #25-35	\$32,819.89
Grand Gorge Water #27-33	\$8,782.83	Special Lights #5	\$1,757.91

AYES-5 Ciaravino, Hynes, Davie, Osborn, Hinkley
NAYS-0

A reminder was given the Highway Contract expires 12/31/24.

ARPA Funds received: \$236,306.98 Current balance: \$52,061.25

On motion of Deanna Osborn second by Lisa Ciaravino the meeting adjourned at 7:32 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Allen Hinkley, Supervisor
Kenneth Davie, Councilman

Michael Hynes, Councilman
Deanna Osborn, Councilwoman
Lisa Ciaravino, Councilwoman