

DRAFT MINUTES

March 11, 2024

A Public Hearing and regular monthly meeting of the Town Board was held March 11, 2024 at 6:00 pm at the Town Hall and via Zoom. Present were: Supervisor Allen Hinkley, Councilmen Kenneth Davie, Michael Hynes and Deanna Osborn, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara and 17 people in the audience. Present on Zoom: Water Operator Chris Mattice, Attorney Kristin Pratt and 8 others. A vacancy exists in one Council seat.

The Public Hearing was called to order at 6:00 pm to hear comments on the MTC Franchise Renewal agreement that will be for 15 years. Cambria Tallman of MTC explained the agreement. Renate Rennie questioned the rate increase notice just received. It was stated rates have increased due to increased programming costs.

John Gangloff requested MTC fix getting the ION Channel.

No comments were heard in favor of or against the renewal.

The Public Hearing closed at 6:05 pm.

The regular meeting was called to order at 6:06 pm with the Pledge of Allegiance.

On motion of Kenneth Davie second by Michael Hynes the Town Board approved the Minutes of the February 12, 2024 Public Hearing and Regular Meeting.

AYES-4 Davie, Hynes, Osborn, Hinkley

NAYS-0

VACANT-1

Renate Rennie questioned whether MTC pays the Town a franchise fee. Cambria Tallman of MTC responded it does not, but if it did, the cost would be passed on to the customers.

RESOLUTION #20 - RESOLUTION AUTHORIZING THE RENEWAL OF THE TOWN OF ROXBURY'S CABLE TELEVISION FRANCHISE AGREEMENT WITH HEART OF THE CATSKILLS COMMUNICATIONS, INC. (D/B/A "MTC CABLE") AFTER PUBLIC HEARING

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

“WHEREAS, Heart of the Catskills Communications, Inc. d/b/a MTC Cable, has submitted an application to the Town of Roxbury (the “Town”) for renewal of its Cable Television Franchise Agreement with the Town pursuant to the Federal Cable Communications Policy Act of 1984; and

WHEREAS, on March 11, 2024 at 6:00PM, the Town Board held a duly noticed public hearing at the Roxbury Town Hall, 56 Hillcrest Dr., Roxbury, NY in which all interested persons were heard, to consider the request by MTC Cable for renewal of its Cable Television Franchise Agreement with the Town of Roxbury. The proposed Franchise Renewal Agreement and supporting documentation were placed in the Town Clerk’s office and made available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

- (1) The notice of public hearing was published and posted as required by law;
- (2) The public hearing was held pursuant to the requirements of the New York State Department of Public Service;
- (3) Approval of the MTC Franchise Renewal Agreement is a Type II action under the State Environmental Quality Review Act (6 NYCRR §617.5(c)(26), (c)(32)), and therefore does not require review under the Act;
- (4) The Town Board has considered the past performance of MTC Cable under the existing Franchise Agreement as well as the financial, legal and technical ability of the applicant and finds it to be satisfactory;
- (5) Following the public hearing and such further opportunities for review, negotiation, and

other actions as the Town deemed necessary and as required by law, the Town Board has determined that MTC Cable's plans for continuing the operation of a franchise are adequate and feasible to reasonably meet the cable-related community needs and interests, taking into account the cost of meeting such needs and interests;

- (6) It is in the public interest to accept MTC Cable's request for renewal of the Franchise Agreement with the Town of Roxbury for a term of 15 years; and
- (7) The Town Board authorizes the Town Supervisor to execute said Franchise Renewal Agreement on behalf of the Town of Roxbury, together with any other documents necessary to effectuate the Franchise Renewal Agreement."

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

AYES-4 Hynes, Davie, Osborn, Hinkley

NAYS-0

VACANT-1

RESOLUTION #21 – APPOINTMENT OF CIARAVINO TO VACANT COUNCIL SEAT

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

"WHEREAS, a vacancy exists as Councilman due to the death of Edward Raeder who's term of office was 1/1/24-12/31/27; and

WHEREAS, said appointed term shall be through 12/31/24; and

WHEREAS, the remaining three years of the unexpired term shall be voted on by the electors of the Town at the November 5, 2024 General Election;

NOW, THEREFORE BE IT RESOLVED, the Town Board appoints Lisa Ciaravino to fill the vacancy as Councilwoman with said term 3/11/23-12/31/24; and

BE IT FURTHER RESOLVED, rate of pay shall be the remainder of the \$5,885.63/year salary and benefits as eligible in the Employee Handbook."

AYES-4 Osborn, Davie, Hynes, Hinkley

NAYS-0

ABSTAIN -1 Ciaravino

The Oath of Office and Undertaking as Councilwoman was taken by Lisa Ciaravino.

Margaret Ellsworth reported the Town has been awarded the \$10M Downtown Revitalization Initiative (DRI) grant and discussed the process where she and the Town Supervisor will be chairing the committee who will be appointed by the State. 12-14 are expected to be chosen.

Attorney Kevin Young and one other person arrived at 6:13 pm.

A Public Information Meeting will be held on March 18, 2024 at 5:00 pm at the Town Hall to further discuss the DRI grant and answer questions. Interested persons can submit their name for consideration to be on the committee via roxburydri.com and it is expected there will be equal representation from Grand Gorge & Roxbury. A huge thanks was extended to Ellsworth and volunteers who put the application together on behalf of the Town.

One person arrived at 6:30 pm.

Assessor Robert Breglio submitted a written monthly report:

Revaluation Update: 1) finalization of assessments and tax rate information for the required assessment disclosure notice; 2) assessment disclosure notices printed and mailed late February by Delaware County Real Property; 3) the office is prepared to meet with property owners and share the comparable sales used in determining the preliminary assessment; 4) to date, they have had four open hours meeting dates and have met with approximately 45 property owners; and 5) the Assessor Clerk attended the Roxbury Sr. Club to discuss the Aged Exemption and the coming assessment disclosure notices.

Exemption Processing: 1) Firefighter and ambulance worker exemption has 45 members of both companies; 2) Agricultural exemption has seen several ownership changes processed with one exemption added; and 3) Forestry exemption (480A) has seen several ownership changes.

Senior Exemption: thanks were extended to Roxbury School for passing the Town's new income table. Combined with the new definition of computing income, 29 new seniors will receive the Aged Exemption along with the 26 seniors already eligible.

Assessor Breglio and Clerk Seminara stated appointments to discuss assessments can be done either in person or by phone and added the impact notices did not take into account the new Aged Exemption incomes.

John Gangloff questions what recourse owners have if still not happy with the assessment. It was stated they can submit an application for Grievance to go before the Board of Assessment Review and discussed the process for submitting proof for the owners claim.

Judith Maguire asked if the Assessor will show the comps used for the assessment with the response being yes.

Christopher Cooke, President of the Roxbury Run Village Association, questioned comps within the townhouse complex.

Councilman Hynes questioned how often the re-val is usually done with the response being 4-5 years.

Michael Harrington of Lamont Engineers submitted a written report for updates on the water and sewer projects:

Roxbury and Grand Gorge Water Project

* The Birdsall (Ct. 9 -- Vega Mtn. Rd. water main) pre-construction meeting was held this morning. Birdsall would like to start work as early as March 18.

* The final pieces of the Ct. 9 DOT Permit application are being assembled this week. This is being done as a joint permit with Birdsall and Town, as is customary.

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

* A second start-up of the new wellfield generator is scheduled for March 25. The initial start-up was attempted last fall, but failed due to some under-sized piping that had to be corrected by Ct. 6 (Avolio).

* I had an initial discussion with Bond Counsel on the potential overall project budget increase (to access the additional grant funds) and the revised apportionment of costs between the districts. More will be done on this in June.

Denver Wastewater Study and Grant Application

* The Town will become SEQR Lead Agency on 3/15/24. Thereafter, the SEQR evaluation can be conducted. We will work with Young Sommer on this and expect that SEQR can be concluded at the April 8 meeting.

* We also expect to have a project budget with proposed user costs established by the April 8 meeting so that a public hearing can be scheduled. This will begin the cost increase authorization process that must be completed for the grant application.

* A special meeting will be required later in April for the public hearing to authorize additional Sewer District costs. The regular May and June meetings would be used to adopt the cost increase and adopt a Bond Resolution, but a special meeting may also be required in late May in order to allow the process to meet statutory timelines. Bond Counsel has been contacted and will be consulted as the process rolls forward.

* 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 3 months.

Roxbury Force Main Easement Access Maintenance

* The bidding documents for three (3) new culverts and related work are 95% complete. We expect to advertise in the Mountain Eagle on Friday 3/15 and to receive bids on 4/18.

Harrington added that road closures will be needed on Vega Mountain road to complete some of the water project work. Signs will be posted.

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

Water Operator, Chris Mattice, reported the following:

Roxbury/Grand Gorge Water Systems: 1) he attended the Roxbury/Grand Gorge pre-construction meeting for the Vega Mountain work; 2) the antennas have been received for the new water meters; and 3) generator start-up on the new PW3 building is expected at the end of the month.

Denver Sewer System: issues with the microfiltration equipment have been resolved.

Michael Martin discussed the damage to the back door of the Civic Center that has since been repaired. He also expressed concerns with the door being in bad shape prior to the damage and requested a new door be installed. Supervisor Hinkley stated DRI grant funds could possibly cover the needed repairs at the facility.

Letters were received as follows:

*Jeffrey Marino & Kathleen Sweeney – concerns with a possible dirt bike track going in on a Dugan Hill property that is for sale

*Victor Taret and Natalia Kory - concerns with a possible dirt bike track going in on a Dugan Hill property that is for sale

*Roxbury Library – note of thanks for funds from the Town

*Judith Maguire – requested storing items at the Town Hall

*Adirondack-Appalachian Regional Medical Services Council – notice of public hearing regarding ambulance service for the Towns of Stamford, Kortright and Harpersfield

*MTC – notice of rate increase effective 4/1/24

*Michael Martin – Civic Center back door damage

*Lisa Ciaravino – submitting name for vacant Councilman seat

Discussion took place on old business from September 2023 when Andrew Williams had expressed concerns with the intersection of State Highway 30, County Highway 41 and Vega Mountain Rd. Supervisor Hinkley has spoken with NYSDOT to look into further.

Robin Factor expressed concerns with parking at the grocery store at the intersection of State Hwy 30 and County Highway 41 and possibly not allowing perpendicular parking there and also requested an update on submission of a Pro-Housing Designation for the Town. Supervisor Hinkley responded the parking issue requires NYSDOT approval and the request for Pro-Housing Designation has been submitted but no response has been received yet.

Judith Maguire questioned storing four bins of items at the Town Hall per her letter. Supervisor Hinkley responded there is a space issue and also raised concerns with other community groups wanting to store things as well. He suggested they could possibly be stored at the Kirkside Barns or by getting a rental unit.

Lorcan Otway reported his purchase of the old Hitching Post Restaurant for a folklore museum has fallen through and someone else will be purchasing it.

Renate Rennie questioned the additional \$12,500 ARPA funds for the Library needing paid invoices before they can get the money. Supervisor Hinkley explained, the ARPA fund requires proof of costs incurred by the requester before funds can be released and added he has spoken with Margaret Ellsworth regarding the matter as the Library work is under the Main Street grant program.

On motion of Deanna Osborn second by Michael Hynes the Town Board approved the following department reports:

*Town Clerk monthly report for February 2024 in the amount of \$1,997.25 (Town Clerk \$347.25 and Building Permits \$1,650.00)

*Supervisor's monthly report for January 2023

- *Assessor’s monthly report for February 2024
- *Water District monthly report for February 2024 reflecting receipts in the following amounts: Denver \$530.72; Grand Gorge \$457.34 and Roxbury \$1,159.83
- *Justice Court monthly report for January 2024 in the amount of \$1,173 (State \$377.00 and Town \$796.00)
- *Parks Dept. monthly report for February 2024
- *Tax Collector monthly report for February 2024
- *Code Enforcement Officer monthly report for February 2024

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

The Tax Collector appoints Stacey Walker as Deputy Tax Collector for a term 3/1/24-12/31/24.

On motion of Deanna Osborn second by Michael Hynes the Town Board approved the Fair Housing Officer’s designation of Councilwoman Deanna Osborn as Acting Fair Housing Officer during periods when the Fair Housing Officer is unable to act.

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

No action was taken on hiring a Court Clerk. Supervisor Hinkley still needs to speak with Sandra Rockwell regarding a rate of pay for her to fill in until a regular Court Clerk is appointed.

On motion of Deanna Osborn second by Michael Hynes the Town Board approved Michael Martin as overseer of the Civic Center rentals at a rate of pay of \$15.00/hr. and benefits as eligible in the Employee Handbook.

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

RESOLUTION #22 – KRATOCHVIL AGREEMENT

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

“RESOLVED, the Town Board approves of entering into an Agreement with Christopher and Lila Kratochvil in which the Town agrees pay the Kratochvil’s the sum of \$500 per month for the period of March 1, 2024 through August 31, 2024 as reimbursement for health insurance premiums incurred by Lila Kratochvil, the spouse of a retiree of the Highway Workers’ Association; and

BE IT FURTHER RESOLVED, the Town Board further authorizes the Town Supervisor to sign the Agreement and any necessary minor amendments thereto.”

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

Bids for Highway Diesel were advertised and opened on March 8, 2024 at 2:00 pm at the Town Hall. A total of two bids were received and were as follows on a per gallon basis:

Vendor	Diesel Fluctuating	Diesel Fixed	Winter Blend Fluctuating	Winter Blend Fixed	Cert Non-Coll
Main Care Energy	2.8304+.2690=\$3.0994	No Bid	3.0395+.2690=\$3.3085	No Bid	Yes
Mirabito Energy	2.8304+.2925=\$3.1229	No Bid	3.0919+.2925=\$3.3844	No Bid	Yes

On motion of Michael Hynes second by Deanna Osborn the Town Board awarded the bids to Main Care Energy as low bidder as follows: Diesel Fluctuating price \$3.0994/gallon and Winter Blend Diesel fluctuating price \$3.3085/gallon.

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

Bids for Highway Material Hauling were advertised and opened on March 8, 2024 at 2:15 pm at the Town Hall. A total of four bids were received and were as follows on a per ton basis:

Vendor	Sand Davenport	Sand Oneonta	Stone/Item 4 Schoharie	Stone/Item 4 Middleburgh	Stone/Item 4 Ashland	Item 4 Lexington	Non-Coll	Insur.
Carver Sand & Gravel				\$9.50	\$8.75		Yes	Yes
Cobleskill Stone			\$9.00				Yes	Yes
Seward Sand & Gravel	\$14.00	\$16.60					Yes	Yes
Gerster Trucking	\$9.25	\$11.00	\$9.75	\$9.75	\$9.00	\$9.00	Yes	Yes

On motion of Deanna Osborn second by Michael Hynes the Town Board awarded the bids to all bidders at their respective bid price for all materials.

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

NAYS-0

On motion of Deanna Osborn second by Michael Hynes, the Town Board authorizes advertising for sealed bids for Roxbury Force Main mowing to be opened on April 18, 2024 at 2:00 pm at the Town Hall.

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

NAYS-0

On motion of Kenneth Davie second by Michael Hynes the Town Board approved the Junkyard License renewal of Martin Hagerott, dba Marty Built, Inc. and located at 556 Charcoal Rd., having no objections to its issuance with said license to expire on 3/31/25.

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

NAYS-0

RESOLUTION #23 - TOWN OF ROXBURY RESOLUTION AMENDING FAIR HOUSING POLICY

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

“WHEREAS, the Town Board for the Town of Roxbury adopted a Fair Housing Policy on February 12, 2024 during the regular Town Board meeting; and

WHEREAS, the Fair Housing Policy includes a provision which requires distribution of the Fair Housing Pamphlet by mailing a copy of same with each annual Town/County real property tax bill to Town taxpayers; and

WHEREAS, the Town Board has determined that mailing a copy of the Fair Housing Pamphlet with each annual Town/County real property tax bill to Town taxpayers is not feasible, given that that annual real property tax bills are mailed by Delaware County; and

WHEREAS, the Town Board has determined that the Fair Housing Policy is comprehensive and provides thorough public education on the Town’s Fair Housing Policy and therefore annual mailing of the Fair Housing Pamphlet to Town taxpayers is unnecessary; and

NOW THEREFORE BE IT RESOLVED that the Town of Roxbury Fair Housing Policy be amended to remove the provision that requires annual mailing of the Fair Housing Pamphlet with Town/County real property tax bills to Town taxpayers.”

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

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

NAYS-0

No action was taken to appoint someone to act as a representative for the Town on the Schoharie Watershed Advisory Committee (SWAC).

No action was taken to revise the Town Board Committees.

On motion of Kenneth Davie second by Michael Hynes the Town Board authorized the Town Supervisor to execute not-for-profit agreements with the Catskill Recreation Center in the amount of

\$2,500 and the Coalition of Watershed Towns in the amount of \$1,500.

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

NAYS-0

On motion of Kenneth Davie second by Deanna Osborn the Town Board authorized the Town Supervisor to execute the Water and Sewer Emergency Services Repair Contracts with Bubach Excavating having received all the required paperwork.

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

NAYS-0

No action was taken on a request to allow a neon art display in Kirkside Park.

No action was taken on whether or not Tax Roll section 8 properties (not-for-profits, churches, etc) should be charged building permit fees. The Attorney is looking into the matter.

On motion of Kenneth Davie second by Michael Hynes the Town Board approves Danyelle Gockel to use the Grand Gorge Civic Center gym for preK-2nd grade basketball and further to be covered by Town insurance for injuries as applicable.

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

NAYS-0

On motion of Michael Hynes second by Deanna Osborn the Town Board scheduled a Special Meeting for March 18, 2024 at 4:00 pm at the Town Hall for the Town Board to audit the records of the Town Clerk, Tax Collector and Water Clerk for the year 2023.

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

NAYS-0

On motion of Lisa Ciaravino second by Kenneth Davie the Town Board approved the terms of the Agreement for the duties of the Code Enforcement Officer contingent upon no other issues being raised by the Town Attorney.

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

NAYS-0

RESOLUTION #24 – ROXBURY LIBRARY ASSOCIATION ADDITIONAL FUNDS

On motion of Deanna Osborn second by Michael Hynes the following resolution was offered and adopted:

“WHEREAS, the Roxbury Library Association has requested additional funding from the Town Board to go towards needed renovations to the Library in order to become compliant with handicap requirements for restroom facilities and access to the building; and

WHEREAS, the Roxbury Library Association has requested \$12,500 for said renovations;

NOW, THEREFORE BE IT RESOLVED, the Town Board approves additional funds in the amount of \$12,500 for the Roxbury Library Association to be used towards renovations to provide handicap accessibility to the building and restrooms; and

FURTHER RESOLVED, said funds will be released the Roxbury Library Association upon receiving paid invoices for said work; and

FURTHER RESOLVED, the Town Board approves the use of ARPA Funds in the amount of \$12,500.”

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

NAYS-0

The Town Board received an updated list of employees who have not yet taken the annual mandatory training for Harassment & Discrimination and Violence Prevention.

On motion of Kenneth Davie second by Deanna Osborn the bills were audited and ordered paid in the

following amounts:

General #74-111	\$220,753.82	Denver Sewer #15-24	\$25,905.02
Highway #45-79	\$88,743.86	Special Lights #4	\$1,755.37
Roxbury Water #15-26	\$7,210.68	Capital Projects:	
Grand Gorge Water #14-26	\$6,871.44	Denver Sewer Study #9	\$7,758.75
Denver Water #8-17	\$9,981.12	Comprehensive Plan #10	\$2,557.34
Roxbury Sewer #9-16	\$35,029.65	ARPA Funds #11	\$959.98

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

NAYS-0

Reminders: Highway Contract expires 12/31/24
April 8th Town Board Meeting is at the Grand Gorge Civic Center

ARPA Fund: Amount Received: \$236,306.98 Current Balance: \$52,061.25

On motion of Deanna Osborn second by Lisa Ciaravino the meeting adjourned at 7:24 pm.

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Diane Pickett, Town Clerk
 Allen Hinky, Supervisor
 Kenneth Davie, Councilman\
 Michael Hynes, Councilman
 Deanna Osborn, Councilwoman
 Lisa Ciaravino, Councilwoman

March 18, 2024

A Special Meeting was held by the Town of Roxbury Town Board on March 18, 2024 at 4:00 pm at the Town Hall. Present were: Supervisor Allen Hinkley, Councilmen Kenneth Davie, Michael Hynes, Deanna Osborn and Lisa Ciaravino. No one from the public was present.

The meeting was called so the Town Board could audit the financial records of the Town Clerk, Tax Collector and Water Clerk for the year 2023. No significant issues were found.

On motion of Michael Hynes second by Kenneth Davie the meeting adjourned at 5:00 pm.

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Diane Pickett, Town Clerk
 Allen Hinkley, Supervisor
 Kenneth Davie, Councilman
 Michael Hynes, Councilman
 Deanna Osborn, Councilwoman
 Lisa Ciaravino, Councilwoman

A Public Information Meeting was held March 18, 2024 at 5:00 pm at the Town Hall and via Zoom to

discuss the \$10M Downtown Revitalization Initiative (DRI) Grant that was recently awarded to the Town. Present were: Supervisor Allen Hinkley, Councilmen Michael Hynes, Deanna Osborn and Lisa Ciaravino, Margaret Ellsworth and Alice Haroldson from the MARK Project, Inc. and 58 people in the audience. Available on Zoom: 23 people.

Margaret Ellsworth read a prepared statement to give further information for a description of work and how the process will work. Several agencies will be involved including Department of State, Empire State Development, Homes & Community Renewal and NYSERDA. All local committee people must be approved by the State as well as all projects must be evaluated and approved by the State to be eligible. A question and answer period followed.

The meeting closed at 6:10 pm.

Diane Pickett, Town Clerk