

APPROVED MINUTES

December 12, 2016

A Public Hearing and regular meeting of the Town Board were held December 12, 2016 at 7:15 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder and Allen Hinkley, Highway Supt. Neil German, Building Inspector William Walcutt, Assessor Clerk Stephanie Seminara, Attorney Kevin Young and 6 residents. Absent: Councilwoman Carol Murray (arrived late).

The Public Hearing was called to order at 7:15 pm. The notice was read calling for the meeting to receive comments on proposed Local Law #2 of 2016 entitled "A Local Law Prohibiting the Posting of Signs on the Veterans Memorial Located at the Corner of State Route 30 and County Route 41". No comments were heard in favor of or against the proposed law.

The Hearing closed at 7:19 pm.

Councilwoman Murray arrived at 7:25 pm.

The regular meeting was called to order at 7:30 pm.

The Minutes of the November 10th regular meeting and the November 21st Special Meeting were approved on motion of Gene Cronk second by Allen Hinkley.

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

NAYS-0

Highway Supt. Neil German reported crews have been busy plowing, doing maintenance, truck repairs and cutting brush when weather permits, the old gas tank has been placed on the Auction's International site, removed part of the old highway building to make roof repairs and the new highway employee is working out well.

Greg Henderson and Joseph Massa were present to express their concerns with a proposed sign to be erected near their Stratton Falls property in memory of a teenager who perished at the falls in the 1970's and requested the Town Board not allow the sign to be erected. Liability and insurance coverage are factors. They stated having spoken with the family on several occasions to try to work out a compromise on size options and feel the sign the family would like to put up would reflect negatively on their property where they are in the process of refurbishing the house as a resort. The family has requested to erect the sign through Delaware County DPW but the Town would have to request it through the County on the family's behalf. Councilman Hinkley was against allowing the sign to be erected because it is against the wishes of the property owner and feels the Town Board shouldn't be infringing on that. Attorney Young discussed different options the Town Board could take.

Michael Harrington of Lamont Engineers, PC was present to discuss the proposed water project, funding and requirements for bonding up to \$1M for 30 years. A public hearing would have to be held before a bond resolution could be approved by the Town Board and the bond resolution must be in place before any work can begin. Attorney Young discussed the bonding and SEQR process. Discussion also took place on bonds if grant funding is denied. It has been agreed the work on the Pressure Reducing Valve (PRV) is a priority and options were discussed to have General Fund loan money to Denver water and have it paid back in one year. The Town Board directed Mr. Harrington to wait on doing anymore on the tank telemetry until spring. No action was taken on awarding the bid for the PRV building.

Mr. Harrington thinks the Town should expect to get a hardship letter on the Grand Gorge/Roxbury Water project in February that would mean a water grant may not be needed.

A written report was distributed to the Town Board from the Assessor. Assessor Clerk Stephanie Seminara had nothing further to report.

Building Inspector William Walcutt reported having been to court on the Dugan Hill matter, Christopher Doyle had begun cleaning out some of the cars on his property but has halted now due to health issues, the old hardware building owned by David Merwin has been condemned due to fire code issues and he has inspected an apartment house owned by Rosa Siltanen per the request of the Roxbury Fire Chief. He also stated NYCDEP is okay with the \$60,000 building permit fee for work to be done on the Grand Gorge Sewer Plant upgrades for electrical, HVAC and plumbing. The Town Board questioned the fee of \$60,000 and inspection responsibility. Mr. Walcutt stated the fee was per the fee schedule and figured as 1% of the total cost of the work. Councilman Cronk disagreed that the Building Inspector could do the inspection of the boilers because he is not certified. Supervisor Hynes also requested the Building Inspector submit a name for Deputy Building Inspector for Town Board approval as specified in his contract to fill in when he's on vacation.

A letter was received from Dennis & Jackie Slater requesting the Town place a 30 mph speed sign on Hubbell Corners Rd. due to the high rate of speeds. No action taken.

A letter was received from the Catskill Mountain Quilters Hall of Fame expressing sincere apologies for hanging their Quilt Show banner at the Veteran's Memorial site in the square.

Rich Davis of the Grand Gorge Community Action Group (GGCAG) has measured the swing heights at the Civic Center playground and found they are 15 inches too high. He has checked into pricing at \$3.50/foot. Councilman Raeder will check the prices at Stamford Farmers Co-Op to see if cheaper. Mr. Davis volunteered to hang new chains when received. The GGCAG community Christmas party will be held at the Civic Center on Dec. 17th 2-4:30 pm. Mr. Davis expressed concerns with the cafeteria lock at the Civic Center. Supervisor Hynes stated he will contact Stinson Lock to make repairs.

On motion of Gene Cronk second by Edward Raeder the Town Board approved the Town Clerk's monthly report for November 2016 in the amount of \$2,507.97 (Town Clerk \$1,572.97 and Building Permits \$935.00)

AYES-5 Cronk, Raeder, Hinkley, Murray, Hynes
NAYS-0

On motion of Carol Murray second by Allen Hinkley the Town Board approved the Supervisor's monthly report for October 2016.

AYES-5 Murray, Hinkley, Cronk, Raeder, Hynes
NAYS-0

On motion of Gene Cronk second by Edward Raeder the Town Board approved the Assessor's monthly report for November 2016.

AYES-5 Cronk, Raeder, Hinkley, Murray, Hynes
NAYS-0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Building Inspector's monthly report for November 2016.

AYES-5 Hinkley, Cronk, Raeder, Murray, Hynes
NAYS-0

On motion of Allen Hinkley second by Carol Murray the Town Board approved the water receipts monthly report for November 2016 in the following amounts: Denver \$604.34; Grand Gorge \$290.73 and Roxbury \$512.82.

AYES-5 Hinkley, Cronk, Raeder, Murray, Hynes
NAYS-0

On motion of Edward Raeder second by Gene Cronk the Town Board approved the Justice Court monthly report for September 2016 in the amount of \$5,782.50 and October 2016 in the amount of \$3,034.00.

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

NAYS-0

RESOLUTION #90-SCHEDULE SPECIAL YEAR END MEETING

On motion of Gene Cronk second by Allen Hinkley the following resolution was offered and adopted: “RESOLVED, the Town Board will hold a Special Meeting on December 28, 2016 at 4:00 pm at the Town Hall for the purpose of concluding all business for the year 2016”.

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

NAYS-0

RESOLUTION #91-SCHEDULE 2017 ORGANIZATIONAL MEETING

On motion of Allen Hinkley second by Edward Raeder the following resolution was offered and adopted: “RESOLVED, the Town Board will hold the annual Organizational Meeting on January 3, 2017 at 7:30 pm at the Town Hall”.

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

NAYS-0

RESOLUTION #92-REVISE EMPLOYEE HANDBOOK SECTION 807 INSURANCE BUYOUT PAYMENTS

On motion of Allen Hinkley second by Gene Cronk the following resolution was offered and adopted: “WHEREAS, the Town Board of the Town of Roxbury adopted an Employee Handbook on October 13, 2003; and

WHEREAS, the Town Board has revised certain sections of the Employee Handbook on October 25, 2004, January 6, 2014 and December 8, 2014; and

WHEREAS, Section 807 Medical/Dental Insurance Buy-Out states “Method and Form of Payment – Payment of the buy-out will be made in monthly increments, to be included in the first paycheck of each month.” and

WHEREAS, the Roxbury Highway Worker’s Contract allows for payment of the buy-out to be made in the first two paychecks of each month; and

WHEREAS, the Town Board would like uniformity of buy-out payments to all employees on the buy-out;

NOW, THEREFORE BE IT RESOLVED, the Town Board revises Employee Handbook Section 807 Medical /Dental Insurance Buy-Out to read as follows: “Method and Form of Payment – Payment of the buy-out will be made in monthly increments, to be included in the first two paychecks of each month.”

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

NAYS-0

Discussion took place on the proposed Local Law #2 of 2016 that would prohibit posting of signs at the Veterans Memorial site located at the corner of State Route 30 and County Route 41.

RESOLUTION #93-RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF ROXBURY

In the Matter of the Adoption of Local Law No. 2 of 2016 entitled “A Local Law Prohibiting the Posting of Signs on the Veterans Memorial Site Located at the Corner of State Route 30 and County Route 41”.

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

“WHEREAS, the Town of Roxbury maintains a Veterans Memorial Site located at the corner of State Route 30 and County Route 41; and

WHEREAS, in order to preserve and enhance the aesthetics of property located in the

Town the Town Board determined the necessity of the adoption of a local law to prohibit the posting of signs at the Veterans Memorial Site in order to prohibit the desecration of a Public Monument due to posting of signs on said property; and

WHEREAS, the proposed Law was presented to the Town Board at least 11 days prior to the Special Town Board Meeting on November 21, 2016; and

WHEREAS, the Town Board adopted a resolution on November 21, 2016 scheduling a public hearing on the proposed Law for December 12, 2016; and

WHEREAS, the public hearing on the proposed Local Law was held on December 12, 2016 at the Town Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed

Law; and

WHEREAS, the proposed Law was on file for inspection at the Clerk’s office prior the hearing and during the public review process; and

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

The Town of Roxbury Local Law entitled “A Local Law Prohibiting the Posting of Signs at the Veterans Memorial Site Located at the Corner of State Route 30 and County Route 41”, being Local Law No. 2 of 2016 is hereby adopted; and

IT IS FURTHER RESOLVED, that the Town Clerk is hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law.”

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

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

NAYS-0

Discussion took place on bonding for the Denver Water District improvements.

RESOLUTION #94- In the Matter of the Increase and Improvement of the Facilities of the Denver Water District in the Town of Roxbury, Delaware County, New York at an Estimated Maximum Cost of \$1,000,000
On motion of Carol Murray second by Gene Cronk the Town Board adopted the following Order:

In the Matter of the Increase and Improvement of the Facilities of the Denver Water District in the Town of Roxbury, Delaware County, New York at an Estimated Maximum Cost of \$1,000,000	ORDER CALLING PUBLIC HEARING
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WHEREAS, the Town Board of the Town of Roxbury, Delaware County, New York, has duly caused Lamont Engineers, engineers duly licensed in the State of New York, to prepare a Preliminary Engineering Report, dated August 31, 2016, constituting a map, plan and an estimate of cost, pursuant to Section 202-b of the Town Law (the “Report”), relating to the increase and improvement of the facilities of the Town’s Denver Water District, consisting of various capital improvements to the facilities of the Denver Water District, including wellfield electrical improvements, pumping and treatment improvements, controls system improvements, pressure reducing valve vault replacement, water main and service replacements, hydrant and valve replacements, storage tank rehabilitation, emergency generators, and various building and site improvements all as more fully described in the Report, which Report is on file in the office of the Town Clerk where it is available for public inspection during normal business hours; and

WHEREAS, the Denver Water District is entirely contained within the Town; and

WHEREAS, the maximum amount proposed to be expended for said increase and improvement is \$1,000,000, which amount shall be allocated and charged as the cost of various capital improvements to the facilities of the Denver Water District, and shall be borne by the Denver Water District; and

WHEREAS, the capital project heretofore described, based on information supplied to the Town Board, has been determined by the Town Board to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on the question of such increase and

improvement of the facilities of the Denver Water District in the manner described above, and to hear all persons interested in the subject thereof, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Roxbury, Delaware County, New York, as follows:

Section 1. A public hearing will be held at the Roxbury Town Hall, in Roxbury, New York, in said Town, on January 3, 2017, at 7:15 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Town's Denver Water District, consisting of various capital improvements to the facilities of the Denver Water District, including wellfield electrical improvements, pumping and treatment improvements, controls system improvements, pressure reducing valve vault replacement, water main and service replacements, hydrant and valve replacements, storage tank rehabilitation, emergency generators, and various building and site improvements, in the Town of Roxbury, Delaware County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The aforesaid hearing shall be noticed as follows:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Roxbury, Delaware County, New York, will meet at the Roxbury Town Hall, in Roxbury, New York, in said Town, on January 3, 2017 at 7:15 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Town's Denver Water District, consisting of various capital improvements to the facilities of the Denver Water District, including wellfield electrical improvements, pumping and treatment improvements, controls system improvements, pressure reducing valve vault replacement, water main and service replacements, hydrant and valve replacements, storage tank rehabilitation, emergency generators, and various building and site improvements, in the Town of Roxbury, Delaware County, New York, all as more fully described in the August 31, 2016 Preliminary Engineering Report of Lamont Engineers, Cobleskill, New York, and including incidental expenses in connection therewith, at an estimated maximum cost of \$1,000,000.

The aforesaid project has been determined by the Town Board to be a "Type II" Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Section 3. The Town Clerk is hereby authorized and directed to cause a copy of this Notice of Public Hearing to be published once in the *Catskill Mountain News*, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town Clerk, such publication and posting to be made not less than ten days, nor more than twenty days, before the date designated for the hearing, and shall constitute the notice required to be given under Section 202-b of the Town Law.

Section 4. This order shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Carol Murray, Councilwoman</u>	VOTING	<u>AYE</u>
<u>Gene Cronk, Councilman</u>	VOTING	<u>AYE</u>
<u>Edward Raeder, Councilman</u>	VOTING	<u>AYE</u>
<u>Allen Hinkley, Councilman</u>	VOTING	<u>AYE</u>
<u>Thomas S. Hynes, Supervisor</u>	VOTING	<u>AYE</u>

RESOLUTION #95-DENVER WATER PROJECT SEQR TYPE II ACTION

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

“WHEREAS, the Town Board of the Town of Roxbury has determined the necessity of a project named Denver Water District Water System Improvements Project to repair and replace critical water system infrastructure of the Denver Water District; and

WHEREAS, said Denver Water District Water System Improvements Project is subject to the requirements of the New York State Environmental Quality Review Act (6 NYCRR Part 617) and regulations enacted pursuant thereto; and

WHEREAS, the Town Board has carefully considered the likely environmental impacts of the Denver Water District Water System Improvements Project;

THEREFORE BE IT RESOLVED by the Town Board of the Town of Roxbury that the Denver Water District Water System Improvements is a Type II Action pursuant to SEQR and no further environmental review is required”.

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

NAYS-0

RESOLUTION #96-COMMUNITY KITCHEN GRANT #C1000672

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

“WHEREAS, the Town of Roxbury Town Board acknowledges receipt of grant #C1000672 from the NYS Department of State; and

WHEREAS, these funds will be issued for the purposes of developing a Community Kitchen in Kirkside Park; and

WHEREAS, the Town of Roxbury Town Board also appoints the MARK Project, Inc. to administer the grant and conduct project oversight;

NOW, THEREFORE BE IT RESOLVED the Town of Roxbury Town Board authorizes the Town Supervisor, Thomas S. Hynes to serve as the signatory on any and all grant related documents.”

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

NAYS-0

RESOLUTION #97-ADOPT LIMITED ENGLISH PROFICIENCY PLAN (LEP)

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

“WHEREAS, organizations receiving Federal financial assistance for projects are required to adopt a Limited English Proficiency (LEP Plan; and

WHEREAS, the LEP Plan will direct Town employees who need to assist residents with limited English skills requiring Town of Roxbury services; and

WHEREAS, the Town of Roxbury receives Federal financial assistance for projects as needed (ie: loans from USDA-Rural Development, etc.);

NOW, THEREFORE BE IT RESOLVED, the Town Board, Town of Roxbury adopts a Limited English Proficiency (LEP) Plan that will assist residents with limited English skills, on a case to case basis, in obtaining services from the municipality.”

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

NAYS-0

It was reported Judge Gockel will be the only Judge for the period of January – April.

The Town Board received word that Jill Ribich has resigned as Planning Board alternate/Secretary effective 12/8/16. The Town Board will await a recommendation from the Planning Board for appointment.

The Town Board discussed the roof repairs needed on the old Highway garage. The Highway Dept. has removed much of the damaged area. A quote was received from Douglas Cronk to make the necessary repairs in the amount of \$2,300 for labor and materials.

RESOLUTION #98-ACCEPT QUOTE FOR GARAGE REPAIRS

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

“RESOLVED, the Town Board accepts the quote of Douglas Cronk, in the amount of \$2,300 for repairs needed at the old highway garage.”

AYES-4 Hinkley, Raeder, Murray, Hynes

NAYS-0

ABSTAIN-1 Cronk (relative to contractor)

Attorney Kevin Young distributed and discussed the report on NYC DEP land purchases showing where more land has been purchased in Delaware County than elsewhere due to lower land prices and also discussed a moratorium on DEP land purchases. DEP is expected to do another study on the impact of the sales on each community and will not solicit purchasing land in some communities.

RESOLUTION #99-RESOLUTION BY THE TOWN BOARD OF THE TOWN OF ROXBURY REQUESTING THAT THE NYCDEP EXTEND ITS LAND ACQUISITION MORATORIUM TO INCLUDE THE TOWN OF ROXBURY

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

“WHEREAS, the New York City Department of Environmental Protection (“NYCDEP”) has implemented a Land Acquisition Program (“LAP”) in the watershed of the New York City water supply as part of a comprehensive watershed protection program intended to protect the City’s water supply by reserving open space and prohibiting residential and/or commercial development by future generations; and

WHEREAS, of the thirty-one (31) towns participating in the LAP, fifteen (15) of those towns are located in the County of Delaware; and

WHEREAS, during the time period from January 1, 2010 to date, 2,698 acres in the Town of Roxbury have been acquired by the NYCDEP; and

WHEREAS, during the period from January 1, 2010 to date, the NYCDEP has acquired 1,667 acres in the Town of Windham located in Greene County and 1,886 acres in the Town of Bovina located in Delaware County; and

WHEREAS, the NYCDEP has instituted a voluntary moratorium on active solicitation of land acquisition in the Towns of Windham and Bovina in order to take time to evaluate the impacts on these communities from the continued land acquisition; and

WHEREAS, Delaware County has requested that NYCDEP consider placing a temporary moratorium on solicitation, as well, in the Towns of Roxbury, Walton and Kortright, all of which are located in Delaware County in order to take time to complete their impact evaluation; and

WHEREAS, it is the desire of the Town Board of the Town of Roxbury that the NYCDEP place a temporary moratorium on the solicitation of land within the Town of Roxbury; and

WHEREAS, a moratorium on solicitation, however, will not preclude the NYCDEP from responding to inquiries from property owners desiring to have their land purchased by the NYCDEP;

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board officially requests that the NYCDEP institute a voluntary moratorium upon its solicitation of land under its Land Acquisition Program within the borders of the Town of Roxbury, County of Delaware, State of New York pending completion of their impact evaluation.”

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

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

NAYS-0

RESOLUTION #100- RESOLUTION BY THE TOWN BOARD OF THE TOWN OF ROXBURY THAT IT WILL NOT SEEK AUTHORIZATION FROM THE COUNTY TO PLACE A PLAQUE ON COUNTY PROPERTY NEAR STRATTON FALLS

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

“WHEREAS, the Town Board of the Town of Roxbury received a letter from Wayne D. Reynolds, P.E., Commissioner of the Delaware County Department of Public Works requesting authorization from the Town to allow Sue Brase to place a plaque on County property; and

WHEREAS, the County is not in favor of placing anymore signs within the County Highway right-of-way other than those required by Federal Manual of Traffic Control Devices for the safety and motoring public; and

WHEREAS, the Town generally is not in favor of placing anymore signs on Town and/or County Roads other than those signs necessary for public safety; and

NOW THEREFORE BE IT RESOLVED THAT The Town Board of the Town of Roxbury will not seek authorization from the County to place a plaque on County property near Stratton Falls.”

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

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

NAYS-0

Nothing has been received from NYCDEP regarding the Grand Gorge Tire Sewer hookup.

Councilman Cronk expressed concerns with the quarterly costs being charged for the Town C&D box at the Transfer Station and feels owners and/or contractors doing large construction projects should be getting their own box to have on site. No decisions were made on how to rectify the situation.

On motion of Gene Cronk second by Allen Hinkley the bills were audited and ordered paid in the following amounts:

General #578-622	\$113,836.37	Denver Water #78-87	\$14,910.65
Highway #252-272	\$115,978.15	Roxbury Sewer #86-93	\$6,748.34
Roxbury Water #94-100	\$3,829.64	Denver Sewer #106-120	\$15,955.20
Grand Gorge Water #96-101	\$4,175.90	Special Lights #18	\$2,087.84

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

NAYS-0

Councilman Hinkley discussed the phone plan of the Constable and requested the plan be upgraded for additional minutes/calls. The matter will be looked into.

On motion of Allen Hinkley second by Carol Murray the meeting adjourned at 9:08 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Thomas S. Hynes, Supervisor
Gene Cronk, Councilman
Edward Raeder, Councilman
Allen Hinkley, Councilman
Carol Murray, Councilwoman

