

APPROVED MINUTES

November 6, 2014

Five Public Hearings and the regular meeting of the Town Board were held November 6, 2014 beginning at 6:15 pm. Present were: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Highway Supt. Stephen Schuman, Assessor Robert Breglio, Attorney Kevin Young and 4 residents.

The first Public Hearing was called to order at 6:15 pm for a proposed Local Law to adopt the NYS Basic Maximum Veteran's Alternative Exemption on Qualifying Residential Real Property. The notice calling for the hearing was read. Assessor Robert Breglio explained the proposed law and the need for same. No comments were heard in favor of or against the proposed law.

The hearing closed at 6:22 pm.

The second Public Hearing was called to order at 6:30 pm for a proposed Local Law to Increase Income Limits for Partial Tax Exemption for Persons 65 Years of Age or Older. Five residents were present. The notice calling for the hearing was read. Assessor Robert Breglio explained the proposed law and the need for same. No comments were heard in favor of or against the proposed law.

The hearing closed at 6:33 pm.

The third Public Hearing was called to order at 6:45 pm for a proposed Local Law to Override the Tax Levy Limit Established in Subdivision 5 of the General Municipal Law Section 3-c. Five residents were present. The notice calling for the hearing was read. Attorney Kevin Young explained the law and its need and recommended adopting it even though the 2015 preliminary budget shows figures \$53,000 under the tax cap amount allowed. No comments were heard in favor of or against the proposed law.

The hearing closed at 6:48 pm.

The fourth Public Hearing was called to order at 6:50 pm for a proposed Local Law for the Appointment of Alternate Members to the Town of Roxbury Planning Board. Five residents were present. The notice calling for the hearing was read. Phillip Zorda of the Town Planning Board discussed the need for the law is to have a quorum during the winter months. Attorney Kevin Young explained the proposed law. No comments were heard in favor of or against the proposed law.

The hearing closed at 6:55 pm.

The fifth Public Hearing was called to order at 7:00 pm for comments on the 2015 Preliminary Budget. Five residents were present. The notice calling for the hearing was read. Budget Officer Carolynn Faraci stated the only change is to the Roxbury Sewer budget that has now been approved by NYC DEP and she has incorporated those new values in the budget.

Evelyn Irwin questioned what highway equipment would be purchased to which Hwy. Supt. Schuman responded that a new brush-cutter has been budgeted.

George Tischmacher questioned the total budget increase which the Budget Officer stated as under the 1.56% increase allowed for 2015.

Building Inspector William Walcutt arrived at 7:05 pm

Supervisor Hynes stated the County Budget is currently looking at an increase of 5%.

With no other comments being heard the hearing closed at 7:15 pm.

The regular monthly meeting of the Town Board was called to order at 7:16 pm. Five residents were in attendance.

The Minutes of the October 13th regular meeting and the October 22nd special meeting were approved on motion of Gene Cronk second by Carol Murray.

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

NAYS – 0

Highway Supt. Stephen Schuman stated crews are getting ready for winter, finishing mowing, reported a permit has been received from NYSDEC to close the Rodrigues gravel mine that will start in the spring and stated the roller will be repaired having sustained damage from sliding off the trailer.

Assessor Robert Breglio gave the Town Board a written report for October 2014 and highlighted some items as follows: the inventory portion of the re-val has been completed, letters are expected to be mailed to all property owners this week to confirm or make changes to their current property record card info, a copy of the handouts presented at the two re-val info meetings was given to the Board, the info meetings were attended only by a few people, he will meet to discuss the use of Town of Middletown sales figures as comps for some Roxbury property assessments, impact notices showing the new assessed value will be mailed in April, stated he is slowly getting more access to the assessment computer system from the County and stated the County will be entering our pictures on the system.

RESOLUTION #57- In the Matter of the Adoption of Local Law No. 1 of 2014 entitled “Local Law to Adopt the New York State Basic Maximum Veteran’s Alternative Exemption on Qualifying Residential Real Property”

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

“WHEREAS, in accordance with the authority granted by Title 2, Section 458-a of the Real Property Tax Law of the State of New York allowing municipalities to adopt a law incorporating New York State’s Basic Maximum Veteran’s Alternative Exemption; and
WHEREAS, the proposed Law was presented to the Town Board at least 11 days prior to the Town Board meeting on October 22, 2014 and
WHEREAS, the Town Board adopted a resolution on October 22, 2014 scheduling a public hearing on the proposed Law for November 6, 2014; and
WHEREAS, the public hearing on the proposed Local Law was held on November 6, 2014 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:
Local Law No. 3 of 2003 is hereby repealed and replaced with Local Law No. 1 of 2014 being hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law; and
BE IT FURTHER RESOLVED that all provisions of Title 2, Section 458-a of the Real Property Tax Law shall apply in the administration and interpretation of this resolution and such exemption shall not be granted unless the applicant qualified thereunder.”

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

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

NAYS – 0

RESOLUTION #58- In the Matter of the Adoption of Local Law No. 2 of 2014 entitled “Local Law to Increase Income Limits for Partial Tax Exemption for Persons 65 Years of Age or Older”

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

“WHEREAS, in accordance with the authority granted by Section 467 of the Real Property Tax Law of the State of New York allowing municipalities to adopt a Local Law that sets out income limits for partial tax exemption for persons 65 years of age or older; and
WHEREAS, the proposed Law was presented to the Town Board at least 11 days prior to the Town Board meeting on October 22, 2014 and

WHEREAS, the Town Board adopted a resolution on October 22, 2014 scheduling a public hearing on the proposed Law for November 6, 2014; and
WHEREAS, the public hearing on the proposed Local Law was held on November 6, 2014 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:

All previous resolutions in regard to "TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER" are hereby rescinded and the Town of Roxbury Local Law to Increase Income Limits for Partial Tax Exemption for Persons 65 Years of Age or Older being Local Law No. 2 of 2014 is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law; and

BE IT FURTHER RESOLVED that the tax exemption for real property owned by husband and wife, one of whom is sixty-five years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age; and

BE IT FURTHER RESOLVED that all provisions of Section 467 of the Real Property Tax Law shall apply in the administration and interpretation of this resolution and such exemption shall not be granted unless the applicant qualified thereunder."

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

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

NAYS – 0

Phillip Zorda of the Town Planning Board stated having no business to discuss.

Discussion took place on alternate members for the Planning Board and appointing a Secretary for the Planning Board.

RESOLUTION #59 – APPOINT PLANNING BOARD SECRETARY

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

"RESOLVED, the Town Board appoints Jill Ribich as Planning Board secretary effective immediately with said term expiring 12/31/14."

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

NAYS – 0

Supv. Hynes stated the Roxbury water service line to the Stonebridge property has been replaced and David Cowan will look into the condition of the Roxbury springs as the Town Board would like to look into putting them back online.

Building Inspector William Walcutt gave the Town Board a monthly report for October 2014, stated he has forwarded the Mountainside Creamery building permit for additional tanks to the County building permit office for review and to run by NYS Dept. of Transportation (NYSDOT) regarding sight distance concerns on State Hwy 30, Mountainside Creamery has completed their sewer plant, he requested taking the next steps on the violation order imposed on the Lilly property in Roxbury and suggested the Town highway dept. could take down the buildings. Attorney Kevin Young will look into the Lilly violation matter and will discuss at the next meeting.

Supv. Hynes stated the property located at 36780 State Hwy 23 in Grand Gorge and the property located at 85 Lake St. in Roxbury are slated for auction under foreclosure.

A letter was received from the Town Health Inspector Daniel Sullivan regarding his findings from his inspection of the property located at 2105 Dugan Hill Rd. No action was taken by the Town

Board.

Parks ClerkCarolynn Faraci reported the park restrooms have been winterized and all buildings have been locked, bookings continue into 2015 and building rental fees will change effective 2015.

A letter was received from ElisabethWeidmann regarding a low water pressure problem at her residence in Grand Gorge. The matter was discussed by the Town Board and the recommendation was that, since the house has a long service line from the main, she may need to install a pump to increase the pressure.

On motion of Edward Raeder second by Carol Murray the Town Board approved the Town Clerk's monthly report for October 2014 in the amount of \$4,202.92 (Town Clerk \$1,307.92 and Building Permits \$2,895.00).

AYES – 5 Raeder, Murray, Cronk Hinkley, Hynes

NAYS – 0

On motion of Allen Hinkley second by Carol Murray the Town Board approved the Supervisor's monthly report for September 2014.

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

NAYS-0

On motion of Gene Cronk second by Edward Raeder the Town Board approved the Assessor's monthly report for October 2014.

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

NAYS – 0

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the Justice Court monthly report for September 2014 in the amount of \$2,574.00.

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

NAYS – 0

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the HUD Program funds monthly report for October 2014 showing a balance of &183,646.00.

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

NAYS – 0

On motion of Gene Cronk second by Carol Murray the Town Board approved the Building Inspector monthly report for October 2014.

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

NAYS -0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Water District monthly receipts report for October 2014 in the following amounts: Denver Water \$4,318.31; Grand Gorge Water \$3,888.76 and Roxbury Water \$4,120.83.

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

NAYS – 0

Condolences will be sent to the family of Phillip Lenihan who recently passed away and who was a member of the Historic Preservation Commission. No action was taken on filling the two vacancies on the Commission.

RESOLUTION #60- In the Matter of the Adoption of Local Law No. 3 of 2014 entitled "Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c"

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

"WHEREAS, in accordance with subdivision 5 of General Municipal Law §3-c of the State of New

York which provides municipalities with the express authorization to override the tax levy limit established in General Municipal Law §3-c by passing a Local Law approved by a vote of at least sixty percent (60%) of the Town Board; and

WHEREAS, the proposed Law was presented to the Town Board at least 11 days prior to the Town Board meeting on October 13, 2014 and

WHEREAS, the Town Board adopted a resolution on October 13, 2014 scheduling a public hearing on the proposed Law for November 6, 2014; and

WHEREAS, the public hearing on the proposed Local Law was held on November 6, 2014 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 to Override the Tax Levy Limit Established in Municipal Law §3-c, being Local Law No. 3 of 2014, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

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

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

NAYS – 0

RESOLUTION #61- In the Matter of the Adoption of Local Law No. 4 of 2014 entitled "Appointment of Alternate Members to the Town of Roxbury Planning Board"

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

"WHEREAS, the Town Board has reviewed and considered the proposed Local Law No. 4 of 2014;

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on October 13, 2014;

WHEREAS, the Town Board adopted a resolution on October 13, 2014 scheduling a public hearing on the proposed Local Law No. 4 of 2014;

WHEREAS, the public hearing was properly noticed in the Town's official newspaper on October 22, 2014;

WHEREAS, the public hearing on the proposed Local Law was held on November 6, 2014 at the Town Hall;

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

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

WHEREAS, the proposed Local Law serves to strengthen and protect the Town's public safety, health and welfare;

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

THAT THE Town Board of the Town of Roxbury hereby determines that proposed Local Law No. 4 of 2014, attached hereto and made a part hereof, is hereby adopted as a Local Law entitled "Appointment of Alternate Members to the Town of Roxbury Planning Board"; and

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are 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 Cronk, Raeder, Hinkley, Murray, Hynes

NAYS – 0

Discussion took place on the 2015 Preliminary budget. Per the public hearing, the only change to the budget was to amend Roxbury Sewer budget lines to reflect the NYC DEP approved budget in

the amount of \$195,350.00.

RESOLUTION #62-ADOPT 2015 TOWN BUDGET

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

“RESOLVED, the Town Board approves amending the 2015 preliminary budget to reflect the line item changes in the Roxbury Sewer District per the NYCDEP approved Roxbury Sewer Budget of \$195,350.00; and

BE IT FURTHER RESOLVED THE Town Board adopts the 2015 Town Budget as amended.”

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

NAYS – 0

No action was taken on renewing the Roxbury Highway Workers Association contract. Said contract expires December 31, 2014.

RESOLUTION #63-UNPAID WATER AMOUNTS TO TAXES

On motion of Allen Hinkley second by Carol Murray the following resolution was offered and adopted:

“WHEREAS, pursuant to Subdivision 3 of Section 198 of the Town Law of the State of New York, all unpaid water rental balances due and owing for the period ending September 30, 2014 must be paid on or before November 1, 2014; and

WHEREAS, if the balance is not paid by November 1, 2014 the amount of same will be added to the taxes levied for the year 2015 and collected with such tax; and

WHEREAS, all water customers having a balance due as of September 30, 2014 were notified of said section of law in the October 1, 2014 water billing;

NOW, THEREFORE BE IT RESOLVED, the Town Board approves the following unpaid water amounts be added to the January 2015 Town/County tax bills and collected with such tax in the following amounts: Denver Water District \$1,737.04; Grand Gorge Water District \$7,814.17 and Roxbury Water District \$5,148.22.”

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

NAYS – 0

On motion of Gene Cronk second by Allen Hinkley the Town Board approved the following equipment destruction:

<u>Description</u>	<u>Model #</u>	<u>Serial #</u>	<u>Reason</u>
Metal desk	Justice Court		Falling apart

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

NAYS – 0

On motion of Carol Murray second by Edward Raeder the Town Board approved the following records destruction:

<u>SARA #</u>	<u>Description of Record</u>	<u>Dates</u>	<u>SARA Yrs.</u>
1.595a	Copy of Tax Collector late notice mailed	2007	6 years
1.602a	Real Property Transfer Report (EA5217 Form)	2007	6 yrs - duplicate filed in Assessor Office
4.409a	Bank/mortgage co. request for tax information	2007	6 months
1.595a	Receiver's stub	2007	6 years
4.849	Change of address copies	2007	Keep as needed-original in Assessor's Office
2.596	Delinquent Tax Report	2007	6 years
10.10b	Communication to/from County/taxpayer re:taxes	2007	6 years

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

NAYS – 0

No action was taken on appointing additional members to the Board of Assessment Review.

A reminder was given that the Building Inspector contract expires December 31, 2014.

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

General #504-560	\$33,808.20	Roxbury Sewer #72-80	\$10,425.60
Highway #273-301	\$55,437.01	Denver Sewer #115-123	\$16,942.75
Roxbury Water #74-77	\$2,598.86	Special Lights #17	\$16.01
Grand Gorge Water #80-85	\$3,588.41	Other:	
Denver Water #70-75	\$2,576.56	Lake St Construction	\$6,241.54

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

NAYS – 0

Supv. Hynes stated General Election Day had a 50.4% turnout of voters.

On motion of Edward Raeder second by Carol Murray the meeting closed at 7:58 pm.

THIS IS A TRUE COPY

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