

APPROVED MINUTES

April 13, 2015

The regular meeting of the Town Board was held April 13, 2015 at 7:30 pm at the Grand Gorge Civic Center. PRESENT: Dpty. Supervisor Edward Raeder, Councilmen Gene Cronk, Allen Hinkley and Carol Murray, Highway Supt. Stephen Schuman, Assessor Robert Breglio, Town Attorney Kevin Young and 39 residents. ABSENT: Supervisor Thomas S. Hynes due to a medical emergency.

On motion of Gene Cronk second by Allen Hinkley the Minutes of the March 2, 2015 meeting were approved.

AYES-4 Cronk, Hinkley, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

Margaret Ellsworth of the M-ARK Project, Inc. stated 17 properties have been serviced by the CDBG (HUD) program funds to date. One application requires the house to be raised 2 feet due to being in a flood zone and requested the cap of \$23,500 be raised to \$30,000 to accommodate that need. Ellsworth also stated that a Consolidated Funding application will be available in May/June if the Town has any projects for parks, recreation or park buildings to let her know.

RESOLUTION #37-CDBG CAP INCREASE

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

“WHEREAS, on December 26, 2012 the Town of Roxbury was awarded a NYS Community Development Block Grant (NYS CDBG); and

WHEREAS, the cost cap for work is \$23,500 per property; and

WHEREAS, one application requires the house to be raised 2 feet due to being in a flood area thus increasing the cost of work to approximately \$30,000; and

WHEREAS, NYS CDBG has approved said increase in cap, provided the Town of Roxbury agrees;

NOW, THEREFORE BE IT RESOLVED, the Town Board approves the increase in cost cap from \$23,500 to \$30,000 for the CDBG application requiring the house to be raised.”

AYES-4 Hinkley, Cronk, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

Stephen Schuman reported the CHIPS funds are expected to be the same amount as 2014 with an additional \$6,600 in extreme weather funds, discussed water issues at the north end of Lake St. causing high water and basement water impacting residents in that area, discussed a possible solution in doing work behind the stone wall, Attorney Young will set a meeting with Catskill Watershed Corp. (CWC) to see about remediation through a stormwater retrofit program.

Discussion took place on damage to the Civic Center kitchen ceiling and dining room ceiling panels due to snow buildup on the flat roof and leaking through. Dave Martin shoveled the snow off and reported the roof drains are higher than the roof and suggested looking into building a slanted metal roof over the flat roof. Damage has also been done to the ballfield where someone has spun around with a car. The Town Constable is looking into the matter. Discussion also took place on the request of the Grand Gorge Community Action Group to use the extra classroom in the Civic Center to store two file cabinets. The room is also used by the Town Historian and Town Court.

On motion of Gene Cronk second by Allen Hinkley the Town Board approved the Grand Gorge

Community Action Group to store two filing cabinets in the extra classroom.
AYES-4 Cronk, Hinkley, Murray, Raeder
NAYS-0
ABSENT-1 Hynes

Discussion took place on the many frozen water service lines this winter. The Town received bills from Charles Serrie and Mieczyslaw Ruszczyk in the amount of \$756.00 each for costs they incurred to have their frozen water service lines thawed and requested reimbursement from the Town. Mr. Serrie also stated being charged prevailing wage by the contractor who told him the Town would reimburse him and he also requested customers be sent notices informing them that there is a potential of service lines freezing due to the cold and to let water run. Attorney Young stated the Town cannot legally pay the bills due to the terms of the water law and it was also explained a private owner cannot be charged prevailing wage by a contractor because only municipalities pay prevailing wage. Concerns were raised by owners regarding responsibility of frozen water lines under the road, to look into funding to replace water mains to make them deeper and put money into an escrow account for future repairs. A letter was received from Philip Hulbert requesting owners be credited for high readings due to letting water run to prevent freezing. Attorney Young will look into funding that might be available from the State on funding main replacements. All other matters will be discussed further at the May meeting.

Assessor Robert Breglio submitted a written monthly report to the Town Board but also was present and stated the re-val impact notices went out in March and he has met with approximately 180 owners to discuss their specific information, meetings by appointment will continue through April 20, stated 22% stayed the same assessment, 42% decreased in assessment and 36% increased in assessment, the Tentative Tax Roll will be available May 1st and Grievance Day is May 28th.

Attorney Young discussed the Grievance process. Elizabeth Estelle and Walter Srebnick read prepared statements stating concerns with the re-val figures. Joseph Albano, Joyce Devivo, Stanley Thorington, Ralph Della Cava, Gus Polli, Richard Davis expressed concerns with community viability, government transparency, keeping owners more informed on issues, impacts on farms, owners being able to afford the taxes, future property sales and issues with comparables used by Assessor. In response to the concerns raised, Assessor Breglio stated that he advertised and held two informational meetings on the status of the re-val in both Grand Gorge & Roxbury, during a re-val he must change everyone at the same time and not impose spot changes, he has conducted the re-val per the NYS standards and in cooperation with a representative of NYS Real Property Tax Services and discussed the different exemptions available for eligible owners that may help lower tax bill amounts. Councilman Hinkley stated being concerned at first with re-val but sees the need to go to 100% valuation and requested owners meet with the Assessor to discuss their property and if not satisfied can go to grievance. Attorney Young also suggested contacting the local legislators to ask for their assistance in getting exemption formulas changed (i.e.: ag exemptions, etc) to help with lowering taxes. Joe Albano thought Mr. Breglio was doing a good job but expressed concerns with tax rates.

No action was taken on the Police Policy.

On motion of Allen Hinkley second by Carol Murray the Town Board approved the Town Clerk monthly report for March 2015 in the amount of \$969.50 (Town Clerk \$494.50 and Building Permits \$475.00)
AYES-4 Hinkley, Murray, Cronk, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Supervisor's monthly report for February 2015.

AYES-4 Hinkley, Cronk, Murray, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Carol Murray second by Allen Hinkley the Town Board approved the Justice Court monthly report for March 2015 in the amount of \$4,418.00 (State \$2,710.00, County \$5.00 and Town \$1,703.00).

AYES-4 Murray, Hinkley, Cronk, Raeder
NAYS-0
ABSENT-1 Hynes

As soon as an invoice is received from the State requesting Justice Court fees for January and February 2015 a report will be given to the Town Board for approval.

On motion of Gene Cronk second by Allen Hinkley the Town Board approved the Assessor monthly report for March 2015.

AYES-4 Cronk, Hinkley, Murray, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Carol Murray second by Allen Hinkley the Town Board approved the CDBG (HUD) Fund monthly report for March 2015 showing a balance of \$111,603.50.

AYES-4 Murray, Hinkley, Cronk, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Building Inspector monthly report for March 2015.

AYES-4 Hinkley, Cronk, Murray, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Carol Murray second by Gene Cronk the Town Board approved the Tax Collector monthly report for March 2015 showing 100% of the Town taxes have been collected and paid to the Town and 45.8% of the County taxes have been collected and paid to the County.

AYES-4 Murray, Cronk, Hinkley, Raeder
NAYS-0
ABSENT-1 Hynes

On motion of Carol Murray second by Allen Hinkley the Town Board approved the Water District monthly report of receipts for March 2015 in the following amounts: Denver Water \$195.15; Grand Gorge \$328.85 and Roxbury \$419.28.

AYES-4 Murray, Hinkley, Cronk, Raeder
NAYS-0
ABSENT-1 Hynes

Attorney Young discussed the water/sewer easement with NYCDEP in relation to the Grand Gorge water and Roxbury sewer projects completed a few years ago. The document will replace the existing Land Use Permit with a permanent easement to allow access for maintenance, repairs & replacement of the sewer and water lines that cross two properties.

RESOLUTION #38- RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROXBURY CONSENTING AND ACCEPTING THE TERMS AND CONDITIONS OF THE

NYCDEP EASEMENT FOR TOWN SEWER MAIN TO CROSS CITY PROPERTY AND REPLACEMENT OF REVOCABLE LICENSE

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

“WHEREAS, the Town of Roxbury (“Town”) would like to obtain an easement over property owned by the City of New York and where the Town sewer main crosses said property; and WHEREAS, the DEP provided a draft easement to the Town Board for its review; and WHEREAS, the proposed easement shall serve to replace an existing revocable license issued by the City of New York and its year-to-year renewal term; and WHEREAS, the Town Board Members and the Town’s Attorney have reviewed the proposed easement by the DEP; and WHEREAS, the Town Board finds that adoption of the proposed easement is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the proposed easement submitted by DEP; and

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

AYES-4 Cronk, Hinkley, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

RESOLUTION #39-AGREEMENT FOR THE PAYMENT OF MUNICIPAL ENGINEERING AND LEGAL EXPENSES BY MASSESON HOLDINGS, LLC AS APPLICANT

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

“WHEREAS, Masserson Holdings, LLC has submitted an application to the Town of Roxbury Planning Board (“Planning Board”) for site plan approval for the project known as The Roxbury at Stratton Falls, which involves the renovation of an existing residence into a 7 bedroom guest house, conversion of an existing garage to manager’s quarters, the construction of eight 2 bedroom cottages (3 duplex, and 2 single standing cottages), the addition of a pool, hot tub, spa, deck, cabana building, parking, nature trails and pedestrian bridge to be served by new on-site subsurface treatment systems and private well, on a 7.43 acre parcel located in the Town of Roxbury; and WHEREAS, pursuant to Section 1.04 of the Town of Roxbury Site Plan Law, the Planning Board has the authority to hire a professional consultant and/or engineer to assist it in the review of an application at the Applicant’s expense; and

WHEREAS, the Planning Board determined it needs the assistance of a land use attorney to assist it in the review of this application; and

WHEREAS Applicant has offered and the Town as accepted the Applicant’s offer to reimburse the Town for its out-of-pocket expenses in reviewing and processing the application; and

WHEREAS, the Town has retained or will be retaining special legal counsel and/or an outside engineering firm to assist it in the review of these applications. Both of those firms will be billing the Town on a time and material basis for such services; and

WHEREAS, the Planning Board is the Lead Agency for the SEQRA review of the project.

NOW THEREFORE BE IT RESOLVED, in consideration of the mutual promises of the agreement, the Town Board approves of the terms and conditions of the Agreement and authorize the Deputy Supervisor to execute the Agreement on behalf of the Town.”

AYES -4

NAYS – 0

ABSENT – 1 Hynes

RESOLUTION #40-APPROVE MASSESON HOLDINGS, LLC ESCROW ACCOUNT

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

“WHEREAS, on April 13, 2015, the Town Board, Town of Roxbury, approved an agreement for

the payment of municipal engineering and legal expense by Masserson Holdings, LLC; and WHEREAS, said agreement requires the funds to be held in escrow by the Town of Roxbury to pay said costs; and

WHEREAS, the initial amount of the escrow funds to be deposited with the Town of Roxbury is \$2,000.00;

NOW, THEREFORE, BE IT RESOLVED the Town Board, Town of Roxbury, authorizes the opening of an escrow account entitled "Stratton Falls Site Plan Escrow" in the amount of \$2,000.00."

AYES-4 Hinkley, Murray, Cronk, Raeder

NAYS-0

ABSENT-1 Hynes

On motion of Carol Murray second by Gene Cronk the Town Board approves renewal of the junkyard license for Marty Built, LLC, located at 565 Charcoal Road. Said license shall expire April 1, 2016.

AYES-4 Murray, Cronk, Hinkley, Raeder

NAYS-0

ABSENT-1 Hynes

Attorney Kevin Young discussed Local Law #1-2015 allowing for the appointment of additional Board of Assessment Review members and the subsequent notice advertising for interested persons. The current members of the Board of Assessment Review feel that they do not need additional members for Grievance this year.

RESOLUTION #41-WITHDRAW NOTICE FOR ADDITIONAL BOARD OF ASSESSMENT REVIEW MEMBERS

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

"RESOLVED, the Town Board withdraws the notice seeking additional BAR members and none will be appointed at this time."

AYES-4 Cronk, Hinkley, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

Discussion took place on the More family having a parade down Main St. Roxbury during their reunion held every five years, this year being held on August 8th. A permit would be required from NYS Dept. of Transportation (NYSDOT) as it will stop traffic.

On motion of Allen Hinkley second by Gene Cronk the Town Board authorized the Town Clerk to submit a permit to NYS Dept. of Transportation (NYSDOT) under the Town for the More parade to be held August 8, 2015.

AYES-4 Hinkley, Cronk, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

Discussion took place on the Lilly property. The Building Inspector has sent a letter to the owners requesting access to the property to further assess the interior of the buildings.

Councilman Cronk requested any future repairs to the Constable vehicle, except for routine maintenance items, should require a description of work and estimated cost of work be presented to the Town Board for approval before any work is completed. The matter was discussed by the Board.

On motion of Gene Cronk second by Allen Hinkley, the Town Attorney was directed to write a letter to the Town Constable notifying him of the new requirements for repairs to the police

vehicle.

AYES-4 Cronk, Hinkley, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

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

General #117-177	\$51,557.71	Denver Water #16-27	\$10,416.80
Highway #52-89	\$76,097.64	Roxbury Sewer #17-25	\$30,438.18
Roxbury Water #16-26	\$6,234.94	Denver Sewer #20-34	\$26,986.19
Grand Gorge Water #18-32	\$15,713.30	Special Lights #2-3	\$4,484.93

AYES-4 Murray, Hinkley, Cronk, Raeder

NAYS-0

ABSENT-1 Hynes

Discussion took place on the water account of Miles Kohler where the meter was reading backwards on the March read and reading correctly forward on the April read. The owners stated having no plumbing issues where the meter would have been removed and replaced. The owners have requested being credited for excess water used with the meter reading backwards and then forward and also requested that the meter be replaced.

On motion of Gene Cronk second by Allen Hinkley the Town Board approved the replacement of the meter in the residence of Miles Kohler but withheld a decision on crediting the account until May's meeting.

AYES-4 Cronk, Hinkley, Murray, Raeder

NAYS-0

ABSENT-1 Hynes

Michael Sheehan addressed the Town Board with concerns he has with several issues including Masserson Holdings LLC being able to take down the apartment building that was in the Historic District to erect the new motel, concerns with Margaret Ellsworth being on the Historic Preservation Commission again, Masserson Holdings LLC site plan review application for the Stratton Falls Project, and stated he would like to see more emphasis put into rebuilding Reed's Hotel (Lilly Property). The Town Board will review the information presented.

On motion of Carol Murray second by Allen Hinkley the meeting adjourned at 10:02 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Edward Raeder, Deputy Supervisor
Gene Cronk, Councilman
Allen Hinkley, Councilman
Carol Murray, Councilwoman