

APPROVED MINUTES

May 9, 2016

The regular meeting of the Town Board was held May 9, 2016 at 7:30 pm at the Town Hall. Present: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Highway Supt. Neil German, Attorney Kevin Young & 7 residents.

The Minutes of the April 11, 2016 regular meeting were approved on motion of Gene Cronk second by Allen Hinkley.

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

NAYS-0

Robert Allison and Rick Woitd were present to discuss the revised flood study maps for the hamlet of Grand Gorge under the GEIS Project that were modified after the March Public Information meeting and further elevation studies. Issues discussed include restricted water flow at the bridge on State Hwy. 30 due to the water line in the stream, approving and filing the study map with FEMA, flood insurance rates and mitigation measures for the trailer park and the water line in the stream. The Town Board must decide whether or not they will approve the flood study maps to be turned into FEMA. The Board would like to discuss the matters presented with Nicole Franzese of the Delaware County Planning Dept. before making a decision on the flood study map.

Carol O'Beirne was present to discuss the East Branch Delaware River Recreation Access Plan. Binders were distributed to the Town Board at the April meeting for review and feedback. The plan reflects recreational concepts specific to each town & village in Delaware County that includes water use, trails, fishing, etc. Municipalities would be able to obtain funding for projects and help is available for creating an information kiosk. Four projects are currently planned throughout Delaware County under the program. A Stewardship Program is also underway for each community using their own people. The program also welcomes community feedback.

Highway Supt. Neil German reported crews are cleaning ditches and patching holes and added they have finished Carr George Rd. Discussion took place regarding the sand pile and Item 4 pile running into the nearby stream. A block wall will be built to prevent further run off. The Hwy. Supt. was approved to purchase blocks for the retaining wall at \$62/block. The Hwy. Supt. and Councilman Hinkley have also met with ZS Security for installing cameras at the highway garage and a quote has been received for same in the amount of \$6,334.86.

RESOLUTION #38 –APPROVE CAMERAS FOR HIGHWAY GARAGE

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

“RESOLVED, the Town Board approves the quote of ZS Security to install eight (8) cameras and necessary apparatus at the highway garage in the amount of \$6,334.86.”

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

NAYS-0

Assessor Robert Breglio submitted a written report to the Town Board for April 2016. Assessor Clerk, Stephanie Seminara was present to discuss some of the items reporting the Town should be receiving State reimbursement soon for the re-valuation in the amount of \$12,000 +/-, STAR changes for new applicants this year will be that approved applicants will have to apply to State Taxation & Finance under the “STAR Check” program, where if approved as eligible, they would have to pay the full school tax bill and then receive reimbursement from the State for the STAR amount which will also be reportable on the owners income tax. There will be no changes for existing Basic or Enhanced STAR owners or existing Basic STAR owners that upgrade to the Enhanced STAR due to age.

Parks Clerk, Carolynn Faraci reported getting two quotes for repair of the glass in 21 window sashes broken out in the Kirkside Park dollhouse building and are as follows: Tri-County Glass \$100/sash and Ace Glass \$36/sash, renovations in the north barn for the Community Kitchen is expected to begin next year, several more plaques have been ordered for Roxbury Historic District homes that will be paid with owner and grant funds and will be installed by Gary Faraci at no cost to the owner, 30 cedar planters are expected to be distributed on Main Street Roxbury under a community sponsorship program with additional funds being sought through Go Fund Me and stated one of the park bridges is expected to be replaced in late summer.

Supv. Hynes reported Roxbury Water PW-1 has experienced a decrease in pumping capacity from 180 gpm to 130 gpm. Titan Drilling has replaced a broken pipe and will also replace the pump.

A letter was received from Dennis Slater requesting to hook up one of the trailers in his trailer park to the Grand Gorge Water District line in Hubbell Corners due to rising Dept. of Health testing costs. Mr. Slater stated he would like to hook up all five trailers in that section but the water charges (ad valorem and usage charges) would be \$3,000/year. He is planning to subdivide his park to break off the one trailer for water. All trailers in the park are hooked to municipal sewer.

RESOLUTION #39- RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROXBURY
CONSENTING TO ALLOW ONE TRAILER LOT IN THE D & J TRAILER COURT TO
CONNECT TO THE GRAND GORGE WATER DISTRICT

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

“WHEREAS, the Town of Roxbury adopted its existing “Water Use Law” (“WUL”) in November of 2012; and

WHEREAS, the Town Board has received a request for permission for one trailer lot in the D&J Trailer Court (the “Trailer Park”), known as Lot # 1 (“Lot #1), to Connect to the Town’s Grand Gorge Water District; and

WHEREAS, according to the Town of Roxbury’s WUL the Trailer Park could connect Lot #1 to the water main pursuant to a contract with the Water District; and

WHEREAS, the Trailer Park will be responsible for all costs associated with the water connection including the cost of installing a lateral, a pressure reducing valve, and any other equipment required for the connection; and

WHEREAS, the Trailer Park would be responsible for obtaining any and all permits required for the installation of the lateral; and

WHEREAS, the Trailer Park will have to comply with the Town’s WUL and will have to reimburse the Town for all out-of-pocket expenses associated with the requested water connection; and

WHEREAS, the Trailer Park will be charged by the Water District with the current water rate structure for system; and

THEREFORE, NOW BE IT RESOLVED THAT:

1. The Town Board of the Town of Roxbury has evaluated the request of D&J Trailer Court to connect to the Town of Roxbury’s Grand Gorge Water District and hereby gives its consent to the Trailer Park to make the requested connection for Lot No. 1; and
2. The Town Board requires that the Trailer Park make no connection until Lot #1 is subdivided from the other lots as a separate tax parcel; and
3. The Owner complies with all applicable laws and rules relating to the water system connection.”

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

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

NAYS-0

Dennis Slater also reported, as part of an Eagle Scout project, 27 of the fire hydrants have been

painted and the remaining 27 are to be painted very soon.

Richard Davis of the Grand Gorge Community Action Group reported the group has decided to postpone the Grand Gorge Festival until next year. Davis also presented the Town Board with storage building plans and a site location map for a proposed 18' X 26' building that they would like to house beside the Grand Gorge Civic Center propane tanks. They would apply for grant funding to purchase the building. The Town Board will review the plans but stated no objections with the proposed location.

Joseph Resch of the Grand Gorge Business Alliance showed the new logo for their group.

Attorney Kevin Young discussed the grant application for Roxbury & Grand Gorge Water Districts and possibly purchasing property that would allow for a new well and an expanded area of protection around the two current pump houses on the lands owned by Michael Hinkley. The property would need to be subdivided and an appraisal would also be needed. Further discussion took place on the process.

RESOLUTION #40- RESOLUTION OF THE ROXBURY TOWN BOARD AUTHORIZING TOWN ATTORNEY TO ARRANGE FOR AN APPRAISAL OF REAL PROPERTY

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

“WHEREAS, the Town Board for the Town of Roxbury adopted Local Law No. 1 of 2010 entitled “Water Supply Law” governing the operation of the Roxbury and Grand Gorge Water Districts; and

WHEREAS, certain real property located at 54400 State Hwy 30, Roxbury, NY (the “Property”) may need to be acquired for protecting and securing the Roxbury Water Supply; and

WHEREAS, the Town Board has determined that an appraisal of the Property is needed to determine the value of the lands; and

THEREFORE, NOW BE IT RESOLVED THAT:

The Town Board of the Town of Roxbury authorizes YOUNG/SOMMER, LLC, Town Attorney, to proceed with ordering an appraisal of the Property.”

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

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

NAYS-0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Town Clerk’s monthly report for April 2016 in the amount of \$2,564.68 (Town Clerk \$514.68 and Building Permits \$2,050.00)

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

NAYS-0

On motion of Carol Murray second by Edward Raeder the Town Board approved the Supervisor’s monthly report for March 2016.

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

NAYS-0

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

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

NAYS-0

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

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

NAYS-0

On motion of Edward Raeder second by Carol Murray the Town Board approved the Water Receipts monthly report for April 2016 in the following amounts: Denver Water \$3,023.80; Grand Gorge \$3,649.15 and Roxbury \$5,302.23.

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

NAYS-0

On motion of Carol Murray second by Gene Cronk the Town Board approved the Justice Court's monthly report for March 2016 in the amount of \$2,356.00 and April 2016 in the amount of \$1,721.00.

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

NAYS-0

The February 2016 Justice Court invoice has not yet been received from the State.

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the Tax Collector's monthly report for April 2016.

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

NAYS-0

RESOLUTION #41- RESOLUTION FOR PUBLIC HEARING ON THE ADOPTION OF A LOCAL LAW FOR FLOOD DAMAGE PREVENTION

"WHEREAS, the Town Board of the Town of Roxbury, New York (the "Town") deems it advisable to maintain its eligibility to participate in the National Flood Insurance Program ("NFIP");

WHEREAS, new Flood Insurance Study and Flood Insurance Rate Maps establishing 100 year base flood elevations for the Town have been completed by the Federal Emergency Management Agency ("FEMA");

WHEREAS, to maintain eligibility in the NFIP it is necessary for the Town to adopt the new Flood Insurance Study and Flood Insurance Rate Maps into its floodplain management regulations;

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") has also instructed the Town Board to update its Flood Plain Local Law to conform to the current rules and regulations required by FEMA; and

WHEREAS, the Town Board deems it advisable to adopt a local law that repeals and supersedes Local law No. 1 of the year 2012 of the Town of Roxbury entitled "Flood Damage Prevention Local Law" to adopt the new maps and to incorporate the current FEMA regulations regarding flood plain management.

NOW, THEREFORE, BE IT RESOLVED, that said Town Board shall meet at the 53690 State Highway 30, Main Street. PO Box 189, Roxbury New York, on June 13, 2016, at 7:15 P.M. to hear all persons interested in the manner of the adoption of the local law, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing in the Catskill Mountain News, the official newspaper of the town, and to post copies of such notice in the manner provided by law."

Town Board Member Carol Murray so moved; Town Board Member Edward Raeder Seconded, and the Town Board voted as follows:

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

NAYS-0

Discussion took place on commercial solar farms and the terms of the County resolution on same. Attorney Young also explained the matter in terms of making them subject to Payment In Lieu Of Tax (PILOT).

RESOLUTION #42-RESOLUTION AUTHORIZING ENTRY INTO HOST COMMUNITY BENEFIT AGREEMENTS AS PAYMENTS IN LIEU OF TAXES FOR COMMERCIAL SOLAR INSTALLATIONS IN THE TOWN OF ROXBURYREAL PROPERTY TAX SERVICES

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

“WHEREAS, the Town of Roxbury, Town Board, wishes to cooperate and partner with the County of Delaware and school districts in creating a unified policy to deal with the taxable status of commercial solar installations; and

WHEREAS, the real estate parcels that contain those solar installations will fall into overlapping taxing districts; and

WHEREAS; New York State Real Property Tax Law Section 487 (9) states that solar, wind and farm waste energy projects are exempt from property taxes for a period of 15 years, but are eligible to contribute to their host community through PILOT agreements; and

WHEREAS, the Town of Roxbury, the County of Delaware and many towns, villages and school districts agree that residential and agricultural solar projects should be tax exempt, but commercial solar projects should pay their fair share of the costs of municipal expenses; and

WHEREAS, residential solar projects are defined as projects located at inhabited dwellings, connected to a single phase grid and no larger than 20 kw in size; and

WHEREAS; agricultural solar projects are defined as projects located on lands which qualifies for exemption under Real Property Tax Law § 483; and

WHEREAS, commercial solar projects are defined as any projects other than those defined above as residential or agricultural; and

THEREFORE, upon approval of this Resolution, it is understood that the Town of Roxbury authorizes that the Host Community Benefit Agreements will be put into place for all new commercial solar installations in the Town. It is further understood that taxing districts will need to adopt similar legislation to authorize the Host Community Benefit Agreements. In addition, it is expected that the Town of Roxbury will be the lead agency in negotiating and ensuring that Host Community Benefit Agreements are in place; and

WHEREAS, the Town, within a sixty (60) day period of the request for a building permit or any other formal notification received from an entity notifying the Town of Roxbury of intent to construct a commercial solar installation, will notify such commercial solar array owners that the Host Community Benefit Agreement (PILOT) is in place in the Town of Roxbury and will notify such other taxing districts as described within this resolution; and

FURTHERMORE, all commercial solar panel arrays will be subject to Host Community Benefit Agreements (PILOT) to be put into place by the Town of Roxbury and the proceeds of which will be shared by each taxing district on a pro-rated amount (50% town, 25% county, 25% school); and

WHEREAS, all residential and agricultural solar installations would remain as tax exempt for the 15-year period unless the law changes regarding tax-exempt status. This Resolution only applies to commercial installations; and

WHEREAS, under Section 487 (9) of the Real Property Tax Law, the Host Community Benefit Agreement must not exceed the amount of taxes that the entity would have paid on the new array if there were not tax exemption (For example, if a \$100,000 solar farm is built on a \$5,000 plot of land, the agreement cannot exceed what property taxes would have been on a \$105,000 assessed value); and

WHEREAS, it is understood agreements made pursuant to this resolution shall be for 15 years and that the revenue will be divided among the taxing districts as described above.

NOW, THEREFORE, BE IT RESOLVED that the Town of Roxbury Town Board is in agreement with this multi-jurisdictional cooperation agreement.”

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

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

NAYS-0

RESOLUTION #43-STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

On motion of Edward Raeder second by Carol Murray the following resolution was offered and adopted:

“BE IT RESOLVED, that the Town of Roxbury hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day	Name	Tier 1	Current Term	Record of Activities Result
Elected Officials					
Highway Supt	8	Neil German		1/1/16-12/31/19	25.89
TownClerk/Water & Sewer Clerk & Registrar	8	Diane Pickett		1/1/16-12/31/19	22.28
Appointed Officials					
Constable	8	Stephen Williamson	X	1/1/16-12/31/116	N/A Tier 1

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

On motion of Carol Murray second by Allen Hinkley the Town Board approved submission of a non-utility application to NYS DOT for the July 2, 2016 Annual Sidewalk Festival which will be covered by Town insurance.

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

Attorney Young discussed the issues that Grand Gorge Tire has had in trying to hook up their building to the NYCDEP sewer extension. When sewer extension was being built DEP didn't hook up that property due to unknown soil issues having been a auto repair garage at one time but installed a stub to the property. The owner at that time was okay with no hook up but now the new owner wants the hookup. Unfortunately, the stub is two feet too high so a grinder pump would have to be installed. Under the extension agreement, the Town feels the hook up should be at the expense of DEP and not the owner. The Town is waiting for a response in writing from DEP.

A card has been received from Cub Scouts Pack 41 Roxbury, NY thanking the Town Board for having allowed the use of the Grand Gorge Civic Center for the pinewood derby they held this year.

Supv. Hynes stated the vehicle being looked into for the Constable is not available until June 1st.

A report from the Health Inspector was submitted to the Town Board regarding the results of his inspection on 210 Ridge Rd.

The NYS Public Service Commission has scheduled meetings for public input on the Clean Energy Standard Program.

RESOLUTION #44- RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL ISSUE

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

“RESOLVED, the Town Board agreed to enter into Executive Session at 9:45 pm to discuss a personnel issue. Present were: Supervisor Thomas S. Hynes, Councilmen Allen Hinkley, Edward Raeder, Gene Cronk and Carol Murray and Attorney Kevin Young.”

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

On motion of Gene Cronk second by Allen Hinkley the Town Board and Town Attorney returned to the Regular Meeting at 10:04 pm.

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

NAYS-0

Supervisor Hynes stated no decisions were made as a result of Executive Session.

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

General #177-225	\$32,329.39	Roxbury Sewer #28-35	\$7,877.75
Highway #92-116	\$73,456.99	Denver Sewer #33-40	\$12,835.37
Roxbury Water #27-33	\$2,752.51	Special Lights #7	\$2,082.38
Grand Gorge Water #29-35	\$6,848.17	Capital Projects:	
Denver Water #28-33	\$6,170.69	GEIS Program #10-11	\$6,639.50

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

NAYS-0

On motion of Gene Cronk second by Edward Raeder the meeting adjourned at 10:08 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