

## APPROVED MINUTES

October 12, 2015

A Public Hearing and regular meeting of the Town Board were held October 12, 2015 at 7:15 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Highway Supt. Stephen Schuman, Attorney Kevin Young and 7 residents.

The Public Hearing on proposed Local Law #3-2015 was called to order at 7:15 pm. The notice calling for the hearing was read. Attorney Kevin Young explained the proposed law that would rescind Local Law #3-2014 thereby insuring the qualified taxpayers of the Town would receive their rebates from New York State because the Town stayed within the tax cap during fiscal year 2015 and to override the tax levy limit for fiscal year 2016. Rebate checks would be minimal and 2016 Tentative Budget figures are under the Tax Cap amount. With no comments being heard from the public in favor of or against the proposed law the hearing closed at 7:19 pm.

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

The Minutes of the September meeting were approved on motion of Gene Cronk second by Edward Raeder.

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

NAYS-0

Highway Supt. Stephen Schuman reported crews are cleaning ditches and repairing shoulders, getting dirt roads ready for winter, salt deliveries have begun, one truck is down for repairs, took refrigerators at the Transfer Station to Walton and stated there are a few trees that need to be taken down. A recent Fire Inspection also suggested building a dike around used oil storage containers in case of leaks. The matter will be looked into. It was also reported that the lifts need inspection and men must be trained.

Parks Clerk, Carolynn Faraci reported the last event has been held in the park so bathrooms have been winterized and building locked, bookings continue into 2016, the summer Youth Program is expected again for next year and the highway department plans to fix the park road shortly.

Mrs. Faraci also discussed the recent report by the State on fiscal stress in municipalities. Stress levels are determined by a point system, a total of 29 for Towns, and the percentage of that total based on financial status. 25% of total points initiate the level of stress. Averages are at 12%, but Roxbury received a very good rating of 6% and is therefore not in financial stress.

Tire Day was held October 10<sup>th</sup> and brought in many tires.

Mike Jonker of LVDV Operations, Inc. reported the following:

\*Grand Gorge Water- a leak was found at Park Lane Trailer Park and will be repaired. A possible leak by Beauty Kreations was looked into by Rural Water but nothing was found. There was no chlorine found in the water in the basement in the most recent testing and neighbors stated they frequently have water. The Water Operator will keep an eye on the matter.

\*Roxbury Water-the Town has been trying to obtain approval from NYS Dept. of Health (NYSDOH) to bring the springs into operation again after having been shut down due to being under the influence of surface water. In July 2015 required testing for one year began. The process was discussed and NYSDOH will determine from reports if the springs can once again be used.

Use of them would lower pumping costs but could possibly also require additional chemicals.

\*Denver Water-no problems but conditions of some water lines will be looked into due to age.

\*Denver Sewer-problems have been encountered with the micro filters and have been repaired.

Concerns were raised and discussed pertaining to the age of the system and upgrades needed in the near future. Attorney Young discussed a program that would pick up some costs but homeowners would also have to pay more. Therefore, he suggests starting to think about the needed repairs now while the District shares costs with NYCDEP. Kevin Young will also speak to DEP regarding capital replacement.

Jonker also stated LVDV Operations, Inc. will be closing their office on Main Street. They plan to use the Roxbury Sewer pump station office for computer and internet connection. Options were discussed and possibly the internet connection could be paid all or in part by DEP.

Building Inspector, William Walcutt had a written monthly report for the Town Board but also reported the Short Run Road matter has been cleaned up to his satisfaction and the Dugan Hill matter is still in poor condition. Issues were also raised regarding 2<sup>nd</sup> story egress issues with the Merwin apartment house in Grand Gorge. There are other apartment houses having the same conditions and it was determined that rope ladders from windows may be acceptable.

Discussion took place on the letter received from Patricia Davis requesting status of the Zoll property that was issued a Condemned Structure notice in 2013. The building was recently auctioned and purchased by a bank. Building Inspector Walcutt stated he recently inspected the property and found the outside of the structure and property to now be in acceptable condition as the lawn has been mowed and the damage to the front porch has been cleaned up.

Discussion took place on the letter received by the Building Inspector from NYCDEP regarding proposed rehab to the Shandaken Tunnel Intake Chamber. The Town Board would like to be kept informed of the work so the Building Inspector will request a copy of the plans per Supervisor Hynes' request and it will be determined if a building permit is needed.

The Building Inspector also discussed the large amount of open building permits that have not been closed out. He requested Attorney Young to draft a letter to be sent to open permit holders. The attorney will draft a letter.

Charles & Cherie Serrie expressed concerns with a neighbor's outdoor woodstove that blows smoke into and against their home and stated they have reported the matter to NYSDEC as well. The woodstove was installed by a previous owner in 2008. The owner of the woodstove was present and options were discussed on how to resolve the problem. Attorney Young will contact DEC and speak to an engineer about the matter and report back to the owner who was told that he could continue to use the woodstove.

It was stated the Assessor's office has filed the paperwork with the State for reimbursement funds for completing the re-valuation. It now appears the reimbursement may be less than the \$5.00/parcel that had been anticipated.

No action was taken on the Police Policy.

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Town Clerk's monthly report for September 2015 in the amount of \$3,283.41 (Town Clerk \$2,803.41 and Building Permits \$480.00).

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 August 2015.

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

NAYS-0

On motion of Gene Cronk second by Carol Murray the Town Board approved the Justice Court monthly report for August 2015 in the amount of \$3,093.00.

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

NAYS-0

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the Assessor's monthly report for September 2015.

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

NAYS-0

On motion of Carol Murray second by Edward Raeder the Town Board approved the Building Inspector's monthly report for September 2015.

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

NAYS-0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the monthly report of Water District receipts for September 2015 in the following amounts: Denver \$425.48; Grand Gorge \$383.02 and Roxbury \$128.72.

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

NAYS-0

On motion of Edward Raeder second by Carol Murray the Town Board approved the CDBG (HUD) monthly report for September 2015 reflecting a balance of \$0. (final \$32,546.00 requested but not received yet)

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

NAYS-0

Sealed bids for fuel oil were advertised and opened on October 9, 2015 at 2:00 pm at the Town Hall. A total of three (3) bids were received and were as follows per gallon:

Vendor	<b>Fluctuating Price</b> Base Price +	Firm Differential =	Total	<b>Fixed Price</b>
Main Bros. Oil Co	1.5088	.17	\$1.6788	\$1.9230
Mirabito Energy Products	1.5400	.1698	\$1.7098	\$2.0228
Bottini Fuel	1.544	.15	\$1.694	\$1.89

RESOLUTION #77 – AWARD FUEL OIL BID

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

“RESOLVED, the Town Board awards the fuel oil bid to Bottini Fuel at a low bidder fixed price of \$1.89/gallon; and

BE IT FURTHER RESOLVED deliveries shall begin November 1, 2015.”

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

NAYS-0

RESOLUTION #78- In the Matter of the Adoption of Local Law No. 3 of 2015 entitled “Local Law Rescinding Local Law No. 3 of 2014 that Authorized the Town to Override the Tax Levy Limit in fiscal year 2015 and Authorizing the Town to Override the Tax Levy Limit in Fiscal Year 2016 as established in General Municipal Law §3-c”

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

“WHEREAS, in accordance with New York State General Municipal Law Local Law No. 3 of 2014 is hereby rescinded thereby insuring that the qualifying taxpayers of the Town of Roxbury receive their rebates from New York State since the Town stayed within the tax cap during fiscal

year 2015; and

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 Town Board adopted a resolution on September 14, 2015 scheduling a public hearing on the proposed Law for October 12, 2015; and

WHEREAS, the public hearing on the proposed Local Law was held on October 12, 2015 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 No. 3 of 2014 is hereby rescinded and the Town hereby adopts this Local Law to Override the Tax Levy Limit Established in Municipal Law §3-c, being Local Law No. 3 of 2015, 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, Cronk, Raeder, Murray, Hynes

NAYS-0

Sealed bids for replacing the generator at the highway garage were advertised and opened on October 8, 2015 at 3:00 pm at the Town Hall. A total of six (6) bids were received and were as follows:

Contractor	Contract #1	Deduct Alternates	
	Base Bid	DA1.1	DA1.2
A.. Treffeisen	\$73,700.00	\$500.00	\$2,200.00
Blanding Electric	\$87,180.00	\$500.00	\$2,000.00
Blizzard Electric	\$73,400.00	\$500.00	\$4,000.00
Harold R. Clune, Inc.	\$83,100.00	No Change	\$4,100.00
Hinkley Electric	\$62,975.00	\$650.00	\$4,635.00
Stilsing Electric	\$58,000.00	\$500.00	\$500.00

#### RESOLUTION #79 – AWARD GENERATOR BID

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

“RESOLVED, the Town Board awards the base bid for the highway garage generator to the low bidder, Stilsing Electric, in the amount of \$58,000.00 and did not award either of the Deduct Alternates.

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

NAYS-0

The Town Board has been given a copy of the 2016 Tentative Budget.

#### RESOLUTION #80-SCHEDULE 2016 TENTATIVE BUDGET WORKSHOP

On motion of Gene Cronk second by Carol Murray the following resolution was offered and adopted:

“RESOLVED, the Town Board will hold a Special Meeting on October 26, 2015 at 7:00 pm at the Town Hall to conduct a Budget Workshop on the 2016 Tentative Budget and to discuss any other business that may come before the Town Board.”

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

RESOLUTION #81-SCHEDULE PUBLIC HEARING ON 2016 PRELIMINARY BUDGET

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

“RESOLVED, once changes to the 2016 Tentative Budget are approved at the Budget Workshop, the Town Board will advertise and hold a Public Hearing for the 2016 Preliminary Budget on November 5, 2015 at 7:00 pm at the Town Hall; and

BE IT FURTHER RESOLVED, copies of the 2016 Preliminary Budget will be available for Public Inspection after the October 26, 2015 Budget Workshop and at the Public Hearing.”

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

On motion of Gene Cronk second by Allen Hinkley the Town Board approved the health and dental insurance renewals with Excellus BlueCross BlueShield and MVP respectively.

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

A request was submitted to NYC DEP to use some Good Neighbor Funds for the costs in replacing the highway garage generator and the associated engineering costs. DEP has approved the use of funds for that purpose.

RESOLUTION #82-TRANSFER FROM GOOD NEIGHBOR FUNDS

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

“RESOLVED, the Town Board approves the transfer of \$7,299.51 from Good Neighbor Funds to General Fund to cover engineering costs for preparing the specifications and associated documents for replacing the generator at the highway garage.”

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

No action was taken on revising the Grand Gorge and Roxbury Water District bylaws.

A Dog Control Officer inspection by the State has received a satisfactory rating.

Attorney Kevin Young concerns raised with the odors emanating from the Mountainside Creamery sewage plant and what is being done to control it. Issues arise when removing the sludge and when the sludge is spread on fields.

It was stated the November regular meeting of the Town Board would be held Thursday November 5, 2015 at 7:30 pm or immediately following the Public Hearing, whichever is later.

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

General #440-479	\$30,647.31	Roxbury Sewer #65-70	\$6,484.32
Highway #205-221	\$35,197.93	Denver Sewer #88-96	\$12,377.80
Roxbury Water #71-79	\$4,381.83	Special Lights #13-14	\$2,236.62
Grand Gorge Water #78-87	\$5,080.95	Capital Projects:	
Denver Water #66-70	\$2,017.60	CDBG (HUD) Program #5-6	\$32,546.00

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

On motion of Carol Murray second by Edward Raeder the meeting adjourned at 8:56 pm.

THIS IS A TRUE COPY

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