

A Public Hearing and regular meeting of the Town Board were held February 14, 2011 at 7:00 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Edward Raeder, Allen Hinkley and Stephen Walker, Highway Supt. Stephen Schuman, Building Inspector William Walcutt, Young & Sommer Atty. Allison Phillips and 2 residents. Absent: Councilman Gene Cronk (illness) and Assessor Kimberly Cammer.

The Public Hearing was called to order at 7:00 pm . The notice was read calling for the hearing for the purpose of amending the Historic District Law. No comments were heard in favor of or against the proposed law changes.

The hearing closed at 7:03 pm.

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

On motion of Edward Raeder second by Allen Hinkley the minutes of the January 3, 2011 meeting were approved.

AYES – 4 Raeder, Hinkley, Walker, Hynes

NAYS- 0

ABSENT – 1 Cronk

Supervisor Hynes asked that a moment be taken in memory of two previous elected officials who recently passed away; Louise Frevert, Town Clerk and Martha Ciaravino, Tax Collector. Condolences are sent to the families.

Christopher Slonaker, Mang Insurance and Karen Buckley, NYMIR (New York Municipal Insurance Reciprocal) were present to discuss the company and its proposal for renewal of the Town's blanket insurance policy for the next year. The Town has had Selective Insurance for the past several years, however, the NYMIR quote has come in approximately \$9,000 less for the same coverage.

On motion of Allen Hinkley second by Edward Raeder the Town Board approves the proposal of NYMIR (New York Municipal Insurance Reciprocal) for Town insurance coverage in the amount of \$70,192 including annual capitalization fees for the period 2/16/11-2/15/12.

AYES – 4 Hinkley, Raeder, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Stephen Walker second by Edward Raeder the Town Board approved the agreement with NYMIR (New York Municipal Insurance Reciprocal) for insurance coverage for the period 2/16/11-2/15/12.

AYES – 4 Walker, Raeder, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

Highway Supt. Stephen Schuman stated that the new backhoe has arrived, the repaired truck with engine trouble is back in service, requested purchasing a portable welder at approximately \$3,400 (will get written quotes) and has used many overtime hours for snow removal.

Discussion took place on the abandonment of Tyler Rd. and Ray Cottone Rd.

RESOLUTION # 9 – ABANDON TYLER RD. & RAY COTTONE RD.

On motion of Stephen Walker second by Edward Raeder the following resolution was offered and adopted:

“WHEREAS, the Town of Roxbury Highway Superintendent has brought before the Town Board a Certificate of Abandonment for two former Highways in the Town of Roxbury;

WHEREAS, the Town of Roxbury Highway Superintendent has certified that such Highways have not been used for six (6) years or more;

WHEREAS, the Town of Roxbury Highway Superintendent has executed the Certificate of Abandonment all in accordance with New York State Highway Law Section 205.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby consents to the filing of such Certificate of Abandonment with the Roxbury Town Clerk's Office in accordance with New York State Highway Law Section 205 and each member of the Town Board will provide his written consent on the Certificate of Abandonment to such filing.”

AYES – 4 Walker, Raeder, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

Building Inspector, William Walcutt reported that his office has been trying to serve papers to Gerard Scelzo regarding the junkyard license violation, has responded to the Plattkill attorneys regarding no work/violations on a property in the Maplewood Estates subdivision near there and also stated having served several owners that have building violations.

Discussion took place on the written Building Inspector duties requirements.

On motion of Edward Raeder second by Stephen Walker the Town Board approved a written description of duties for the position of Building Inspector/CEO.

AYES – 4 Raeder, Walker, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

Discussion took place on an illegal water hookup in the Grand Gorge Water District that froze, busted and drained the storage tank. The water supply has been shut off and the tank is filling up. Costs for the leak will be looked into.

Discussion took place on Roxbury water issues. Councilmen Hinkley and Walker would like to see the springs re-worked so that they can be used again as much higher electric charges have incurred since having to pump from the wells. The matter will be looked into,

A letter was received from the Delaware County Historical Assoc. thanking the Town for its annual support of \$500.

The Town accountants have begun the Town's Financial Report for 2010 to be submitted to the State Comptroller's Office. It was stated the report is coming along well largely due to the new accounting software implemented in 2010. The Town's annual audit will be completed later in the summer.

On motion of Allen Hinkley second by Stephen Walker the Town Board approved the Town Clerk's Monthly Report for January 2011 in the amount of \$631.25 (Town Clerk \$101.25 and Building Permits \$530.00)

AYES – 4 Hinkley, Walker, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Edward Raeder second by Stephen Walker the Town Board approved the Supervisor's Report through 1/31/11.

AYES – 4 Raeder, Walker, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Edward Raeder second by Allen Hinkley the Town Board directed the Town Clerk to advertise for sealed bids for highway fuels to be opened March 14, 2011 at 2:00 pm at the Town Hall.

AYES – 4 Raeder, Hinkley, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Stephen Walker second by Allen Hinkley the Town Board directed the Town Clerk to advertise for sealed bids for highway material hauling to be opened March 14, 2011 at 2:15 pm at the Town Hall.

AYES – 4 Walker, Hinkley, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

RESOLUTION #10 – GIGP WATER PROJECT CERTIFICATE OF SUBSTANTIAL COMPLETION

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

“WHEREAS, Ramsco, Inc., Cowan Excavation, LLC, Hinkley Associates Inc. and Lamont Engineers were previously retained by the Town Board to provide services in connection with the Green Innovative Grant Program Project (“GIGP”); and

WHEREAS, all services in connection with the GIGP have been substantially completed

NOW THEREFORE BE IT RESOLVED THAT:

The Town Board authorizes Lamont Engineers to issue Certificates of Substantial Completion to Ramsco, Inc., Cowan Excavation, LLC and Hinkley Associates Inc. for their work performed in connection with the GIGP.”

AYES – 4 Raeder, Hinkley, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

RESOLUTION #11 – GIGP CHANGE ORDERS

On motion of Stephen Walker second by Allen Hinkley the following resolution was offered and adopted:

“WHEREAS, Ramsco, Inc., Cowan Excavation, LLC, Hinkley Associates Inc. and Lamont Engineers were previously retained by the Town Board to provide services in connection with the Green Innovative Grant Program Project; and

WHEREAS, Lamont Engineers has prepared and submitted Change Order No. 5.1 for Ramsco, Inc. modifying the bid quantity of 10,000 LF of wire to 8,820 LF of wire decreasing the previously modified contract price of \$115,792.63 to \$115,646.90 and increasing the number of days to

achieve substantial completion from 366 to 395 days; and

WHEREAS, Lamont Engineers has prepared and submitted Change Order No. 5.2 for Cowan Excavation, LLC increasing the number of days to achieve substantial completion from 366 to 395 days due to additional time required to complete minor changes and verification that equipment is working properly; and

WHEREAS, Lamont Engineers has prepared and submitted Change Order No. 5.3 for Hinkley Associates Inc .increasing the number of days to achieve substantial completion from 275 to 395 due to additional time required to complete minor changes and verification that equipment is working properly; and

WHEREAS, the Town Board has considered the modifications identified in Change Order Numbers 5.1, 5.2 and 5.3; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of Roxbury approves Change Order No. 5.1 submitted by Lamont Engineers on behalf of Ramsco, Inc. for a decrease of \$145.73 to a previously modified contract price of \$115,792.63 and an increase in the number of days to achieve substantial completion; and
2. Pursuant to Change Order No. 5.1, the final contract price is now \$115,646.90; and the substantial completion date is now 395 days from the date of contract acceptance; and
3. The Town Board of the Town of Roxbury approves Change Order No. 5.2 submitted by Lamont Engineers on behalf of Cowan Excavation, LLC for an increase in the number of days to achieve substantial completion; and
4. Pursuant to Change Order 5.2, the substantial completion date is now 395 days from the date of contract acceptance; and
5. The Town Board of the Town of Roxbury approves Change Order no. 5.3 submitted by Lamont Engineers on behalf of Hinkley Associates Inc. for an increase in the number of days to achieve substantial completion; and
6. Pursuant to Change Order 5.3, the substantial completion date is now 395 days from the date of contract acceptance."

AYES – 4 Walker, Hinkley, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

RESOLUTION #12 – LOCAL LAW #1-2011 NEG DEC

On motion of Allen Hinkley second by Stephen Walker the following resolution was offered and adopted:

“Whereas, the Town Board is amending Local Law #1 of 2009, entitled Historic Preservation Law, in order to reduce the term lengths and number of members of the Historic Preservation Commission; and

WHEREAS, the possible environmental impacts of the adoption of the amendment to the Historic Preservation Law have been considered by the Town Board; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the amendment to the Historic Preservation Law for the Town of Roxbury will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Board's responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.”

AYES – 4 Hinkley, Walker, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

RESOLUTION #13 – ADOPT LOCAL LAW #1-2011 TO AMEND HISTORIC PRESERVATION LAW

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

“WHEREAS, the proposed Amendment was presented to the Town Board at least 11 days prior to the Town Board meeting on Feb. 14, 2011;

WHEREAS, the Town Board adopted a resolution on Jan. 3, 2011 scheduling a public hearing on the proposed Amendment for Feb. 14, 2011;

WHEREAS, the public hearing on the proposed Amendment to Local Law #1 of 2009 was held on Feb. 14, 2011 at the Town Hall;

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Amendment to Local Law #1 of 2009;

WHEREAS, the proposed Amendment to Local Law #1 of 2009 was on file for inspection sat the Town Clerk's office prior to the hearing and during the public review process; and

WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandated of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for the proposed Amendment to Local Law #1 of 2009; and

WHEREAS, the Town Board has duly considered the contents of the EAF for the Amendment to Local Law #1 of 2009 and completed Parts 2 and 3 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them for the proposed Amendment to Local Law #1 of 2009; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA for the proposed

Amendment to Local Law #1 of 2009 thereby complying with the mandates of the State Environmental Quality Review Act;

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 the proposed Amendment to Local Law #1 of 2009 entitled "Historic Preservation Law", attached hereto and made a part hereof, is hereby adopted as Town of Roxbury Local Law No. 1 of the year 2011; and

IT IS FURTHER RESOLVED, 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 stated Local Law."

AYES – 4 Hinkley, Raeder, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

RESOLUTION #14 – AMEND HISTORIC PRESERVATION COMMISSION TERMS OF OFFICE

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

"WHEREAS, Section 2(A) of Local Law No. 1 for the Year 2011 provides for the Historic Preservation Commission to have five (5) members;

WHEREAS, Section 2(B) of Local Law No. 1 for the Year 2011 provides that members shall serve for a term of three (3) years, except that Member Seat 1 and 2 shall expire on December 31, 2011 and then renew in three year (3) increments; Member Seat 3 shall expire on December 31, 2012 and then renew in three (3) year increments; and Member Seats 4 and 5 shall expire on December 31, 2013 and then renew in three (3) year increments;

WHEREAS, the Town Board finds it necessary to change the terms for certain current Members of the Historic Preservation Commission to accord with Section 2(B) of Local Law No. 1 of the Year 2011;

NOW THEREFORE BE IT RESOLVED,

1. Pursuant to Section 2(B) of Local Law No. 1 for the Year 2011, the current term of Historic Preservation Commission Member Robert Cucinotta (Member Seat 1) will expire on December 31, 2011;
2. Pursuant to Section 2(B) of Local Law No. 1 for the Year 2011, the current term of Historic Preservation Commission Member Karina Walker (Member Seat 2) will expire on December 31, 2011;
3. Pursuant to Section 2(B) of Local Law No. 1 for the Year 2011, the current term of Historic Preservation Commission Member Matthew Walker (Member Seat 3) will expire on December 31, 2012;
4. Pursuant to Section 2(B) of Local Law No. 1 for the Year 2011, the current term of Historic Preservation Commission Member Douglas Kadow (Member Seat 4) will expire on December 31, 2013;
5. Pursuant to Section 2(B) of Local Law No. 1 for the Year 2011, the current term of Historic Preservation Commission Member William Allison (Member Seat 5) will expire on December 31, 2013"

AYES – 4 Raeder, Hinkley, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Edward Raeder second by Stephen Walker the Town Board re-appointed Daniel Sullivan as Health Officer for the term 2/14/11-12/31/11.

AYES – 4 Raeder, Walker, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Allen Hinkley second by Stephen Walker the Town Board states no objections and approves the application of Shepard Hills Golf Assoc. for a liquor license at the Shepard Hills Golf Club.

AYES – Hinkley, Walker, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Allen Hinkley second by Edward Raeder the Town Board, for the year 2011, approves transfers as needed each month from General Fund to Capital Projects to pay the costs of the following CWC funded projects: GEIS, Lake St. Land Acquisition, Lake St. Design, Lake St. Construction, Montgomery Hollow Stream work and DEP Land Acquisition Consultation. Said funds shall be reimbursed to General fund upon receipt of payment from CWC.

AYES – Hinkley, Raeder, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Allen Hinkley second by Stephen Walker the Town Board approved the transfer from General Fund to Capital Projects in the amount of \$11,977.96 for Radio costs on Abstract #2. Said funds shall be reimbursed by grant funds.

AYES – 4 Hinkley, Walker, Raeder, Hynes

NAYS – 0
ABSENT – 1 Cronk

On motion of Stephen Walker second by Edward Raeder the Town Board approved the destruction of certain Town records per SARA MU-1 schedules.

AYES – 4 Walker, Raeder, Hinkley, Hynes

NAYS – 0

ABSENT – 1 Cronk

Supv. Hynes stated that the engineer is waiting to hear back from NYC DEP on the plans for the Lake St. stormwater project.

Due to some water sample results showing elevated lead amounts, Dept. of Health has required that all customers be notified as well as notices being advertised in the newspaper and on the radio station. This was all done on 2/1/11.

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the transfer of \$59,260.94 from Highway Fund savings to the Highway Equipment Reserve fund.

AYES – Raeder, Hinkley, Walker, Hynes

NAYS – 0

ABSENT – 1 Cronk

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

General #17-80	\$59,187.39	Capital Projects:	
Highway #7-44	\$276,693.97	GIGP #5-8	\$2,045.45
Roxbury Water #4-16	\$3,650.71	Lake St Design#9-10	\$5,611.58
Grand Gorge Water #4-15	\$3,143.19	Lake St Land Acq #11	\$539.46
Denver Water #1-10	\$3,334.07	DEP Land Acq Consult. #12	\$57.50
Roxbury Sewer #3-13	\$11,905.69	GEIS #13	\$19.50
Denver Sewer #2-15	\$25,341.54	Kirkside Park Programs #14	\$839.60
Special Lights #2-4	\$4,415.75	Radio Station #15	\$11,977.96

AYES – 4 Hinkley, Walker, Raeder, Hynes

NAYS – 0

ABSENT – 1 Cronk

On motion of Allen Hinkley second by Edward Raeder the meeting adjourned at 8:50 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Thomas S. Hynes, Supervisor
Edward Raeder, Councilman
Allen Hinkley, Councilman
Stephen Walker, Councilman