

The regular monthly meeting of the Town Board was held March 14, 2011 at 7:30 pm at the Town Hall. Present: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Stephen Walker, Assessor Kimberly Cammer, Building Inspector William Walcutt, Attorney Kevin Young and 6 residents. Absent: Highway Supt. Stephen Schuman due to illness.

On motion of Allen Hinkley second by Stephen Walker the Minutes of the February 14, 2011 meeting were accepted.

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

NAYS - 0

Peg Ellsworth updated the Board on status of grant work, stated that she will be meeting with the planner on the Comp Plan work, requested a resolution for support of the application for Main St. Phase 2 work and requested \$20,000 of Good Neighbor Funds to get the architect started on the barn renovation project.

#### RESOLUTION #15 - SUPPORT MAIN ST. PHASE 2 APPLICATION

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

"BE IT RESOLVED that the Town Board at its March 14, 2011 regularly scheduled meeting, voted unanimously to support a NY Main Street Main Street application to be submitted to the NYS Home and Community Renewal by the MARK Project Inc (MARK). MARK will serve as the lead agency in this project and will serve as project administrator should this project receive funding."

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

NAYS - 0

On motion of Edward Raeder second by Allen Hinkley the Town Board approved the use of Good Neighbor Funds (GNF) in the amount of \$20,000 for architect fees for the Kirkside Park barn renovation project. Approval is contingent upon approval of NYCDEP for the use of the funds. Said funds shall be reimbursed to GNF upon receipt of grant monies.

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

NAYS - 0

Assessor Kimberly Cammer discussed several issues that included completing a 911 database, attending classes for credits, Basic STAR changes and procedures, inventory control for data collection info, re-evaluation process and quotes, and several other items presented to the Board on a handout. The Board agreed to meet with one of the companies recommended by the Assessor to discuss a re-evaluation.

#### RESOLUTION #16 - APPROVE WAC EASEMENTS ON TAX ROLL

On motion of Gene Cronk second by Edward Raeder the following Resolution was offered and approved:

**"WHEREAS**, the New York City Department of Environmental Protection ("NYCDEP") is continuing to implement a land acquisition program in the watershed of the New York City water supply ("Watershed") as part of a comprehensive watershed protection program intended to protect the City's water supply; and

**WHEREAS**, as part of the land acquisition program, the NYCDEP will continue to provide funding to the Watershed Agricultural Council for the purpose of acquiring Watershed Agricultural Easements; and

**WHEREAS**, pursuant to the Draft Water Supply Permit #0-9999-00051/00001 issued by the New York State Department of Environmental Conservation ("NYSDEC"), New York State is amending Article 5, Title 4-A of the Real Property Tax Law ("RPTL") to subject Watershed Agricultural Easements acquired on or after January 1, 2011 to taxation for all purposes; and

**WHEREAS**, in order to implement the above-mentioned the tax assessment on Watershed Agricultural Easements prior to the adoption by the State Legislature of the amendment to Article 5, Title 4-A of RPTL, the Town of Roxbury must enter into an Agreement with the NYCDEP that allows the Town to modify the procedure by which taxes are assessed on Watershed Agricultural Easements acquired on or after January 1, 2011 but prior to the date on which the proposed amendments to Article 5, Title 4-A of the RPTL are passed into law; and

**WHEREAS**, it is understood that taxes on any Watershed Agricultural Easements that closed prior to January 1, 2011 shall continue to be assessed and paid in accordance with Article 5, Title 4-A of the RPTL as amended;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board authorizes the Town Supervisor to execute the Agreement with the NYCDEP governing payments in place of real property taxes for Watershed Agricultural Easements acquired by the Watershed Agricultural Council which closed on

or after January 1, 2011."

**WHEREUPON**, the Resolution was put to a vote and the following result recorded:

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

NAYS - 0

William Walcutt, Building Inspector, stated that he has served Gerard Scelzo with an appearance ticket for his junkyard where attorney Young will also be present on the court date, stated that 10 new building permits have been issued to date and he has attended a conference on the new code going into effect Jan. 2012.

Discussion took place on a possible music festival at Stone Tavern Farm again this year. The Building Inspector will give the owners a copy of the Town ordinance governing such activities and stress that they come to discuss the matter with the Board.

Supv. Hynes stated the water leak on Crest Dr. has been repaired, the leak at the Grand Gorge trailer park will be repaired this week and Mike Jonker of Lamont Eng. will be present at the April meeting to discuss water issues.

Hwy. Supt. Stephen Schuman had left word that damage from last weeks flooding was minimal and is not sure if damage around the County will justify any disaster declaration from FEMA. The Board discussed the two trucks with broken box frames due to safety issues. Councilman Cronk feels that they can be fixed. The Highway Committee will look into the matter and report back.

A letter was received from WIOX Radio giving an update on status of the station now having been on the air for six months.

A card of thanks was received from the Grand Gorge Sr. Social Club for the \$500 given as budgeted in the 2011 Town Budget.

A letter was received from MTC Cable as notice of an increase in rates.

On motion of Allen Hinkley second by Stephen Walker the Town Board approved the Town Clerk monthly report for February 2011 in the amount of \$688.00. (Town Clerk \$178.00 and Building Permits \$510.00).

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

NAYS - 0

On motion of Edward Raeder second by Gene Cronk the Town Board approved the Supervisor's monthly report for February 2011.

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

NAYS - 0

Sealed bids for highway fuels were opened on March 14, 2011 at 2:00 pm at the Town Hall. A total of two bids were received and were as follows:

Vendor Name	Diesel Fluct	Diesel Fixed	Winter Fluct	Winter Fixed	Gas Fluct.
Main Care Energy	3.213+.23 = 3.443		3.527 + .23 = 3.757		2.844+.32=3.164
Mirabito Energy	3.194+.2161=3.4101	3.5123	3.36+.2671=3.6271	3.7688	2.866+.316=3.182

On motion of Gene Cronk second by Stephen Walker the bid was awarded as follows: Mirabito Energy Diesel @\$3.5123/gal fixed, Mirabito Energy Winter Blend @ \$3.7688/gal fixed and Mirabito Energy Gas @ \$.3160/gal markup fluctuating.

AYES - 5 Cronk Walker, Raeder, Hinkley, Hynes

NAYS - 0

Sealed bids for highway material hauling were opened on March 14, 2011 at 2:15 pm at the Town Hall. A total of 6 bids were received and were as follows on a per ton basis:

Vendor	Sand Davenport	Sand Oneonta	Stone &Item4 Schoharie	Stone &Item 4 Middleburgh	Stone &Item 4 Ashland	Item 4 Lexington
Schulz Trucking	6.90	7.30	7.20	7.10	6.90	6.90
Carver Sand/Gravel				6.95		
Cobleskill Stone			6.75			4.75
Seward Sand/Gravel	8.15	8.70	11.40			8.15
TC Briggs Contract.	6.15	7.18	6.44	6.48	4.98	4.98
Goff Construction	6.00	7.15	7.40	7.20	3.80	4.00

On motion of Gene Cronk second by Allen Hinkley the bids were awarded as follows: Davenport Sand- Goff Construction \$6.00 & TC Briggs Contracting \$6.15; Oneonta Sand - Goff Construction \$7.15 & TC Briggs Contracting \$7.18; Schoharie Stone & Item 4 - TC Briggs Contracting \$6.44 & Cobleskill Stone \$6.75; Middleburgh Stone & Item 4 - TC Briggs Contracting \$6.48 & Carver Sand \$6.95; Ashland Stone & Item 4 - Goff Construction \$3.80 & TC Briggs Contracting \$4.98; Lexington Item 4 - Goff Construction \$4.00 & Cobleskill Stone \$4.75.

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

NAYS - 0

A letter was received from Delaware County requesting that flags be lowered at half staff in memory of the death of the last WWI survivor.

Edward Dalski thanked the highway dept. for a good job done on the roads and ditches this winter.

Attorney Kevin Young discussed the hamlet designation review process and issues regarding NYC DEP land acquisition. A public hearing must be held and letters will be sent to all property owners affected. Costs will be paid by CWC from DEP Land Acquisition consultation funds.

#### RESOLUTION #17 - SCHEDULE PUBLIC HEARING ON HAMLET DESIGNATION

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

"WHEREAS, in December 24, 2010, the New York State Department of Environmental Conservation ("DEC") issued a Water Supply Permit to the New York City Department of Environmental Protection ("DEP") which authorizes DEP (and/or its agents) to purchase land in fee and to purchase conservation easements within the New York City Watershed West-of-Hudson River subject to certain restrictions with a duration of 10 years (with a one five year renewal for a total duration of 15 years). A copy of the Water Supply Permit (Permit No. 0-9999-00051/00001) is available at <http://www/dec/ny/gov/permits/70361.html>.

WHEREAS, under Special Condition 1 of the permit, DEP's acquisition of land in fee and conservation easements under this permit is limited to a cap of 105,043 acres;

WHEREAS, there is no time limit on the City's Land Acquisition Program (i.e., the Land Acquisition Program can be renewed in 15 years for an additional period of 15 years and renewal thereafter);

WHEREAS, as a willing buyer offering to pay fair market value with no mortgage contingency or real estate commission, DEP's Land Acquisition Program has been very successful in purchasing land and conservation easements throughout the watershed;

WHEREAS, there is a concern that the City's Land Acquisition Program will continue until there is no remaining developable land for purchase;

WHEREAS, DEP is not allowed to purchase land or conservation easements outside of its City boundaries for water quality protection without obtaining approval from DEC under Article 15, Title 5 of the New York State Environmental Conservation Law;

WHEREAS, the Water Supply Permit issued by DEC limits the type of land eligible for City purchases such that there must be a significant water quality benefit to the purchase and the program must not have a significant adverse impact on the community's ability to survive and prosper;

WHEREAS, in the Water Supply Permit, DEC has sought to balance the need for future generations to have access to developable land by restricting from land eligible for acquisition, certain parcels, which from an environmental, social and economic perspective, should be preserved for future residential or commercial development (e.g., access to sewer or other utility infrastructure, road frontage, flat lands, in the hamlet, proximity to the hamlet, dry soils suitable for septic system);

WHEREAS, Special Conditions 7, 8 and 9 of the Water Supply Permit restricts eligibility for land acquisition to land that (i) has certain surface water features and/or steep slopes, (ii) are greater than 10 acres and (iii) are vacant. Subject to certain exemptions, parcels that do not meet that criteria are ineligible for acquisition;

WHEREAS, once the City purchases the land and/or the conservation easement, the land becomes forever limited as open space and prohibited from residential and/or commercial development by future generations;

WHEREAS, in order to protect the land that is most amendable for development, Special Condition 10 of the Water Supply Permit identifies two types of areas where the City may not purchase in fee or conservation easements: The 1997 Designated Hamlet Areas and the 2010 Designated Hamlet Areas;

WHEREAS, Special Condition 2 of the Water Supply Permit provides as follows:

The City's LAP, the City's Watershed Regulations, and the other programs and conditions contained in the Watershed MOA, when implemented in conjunction with one another, are intended to protect water quality while

allowing existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the Watershed communities. The City's land acquisition goals recognize the importance of ensuring that the availability of developable land in the Watershed will remain sufficient to accommodate projected growth without adverse effects on water quality and without substantially changing future population patterns in the Watershed communities.

WHEREAS, the determination whether the 1997 Designated Hamlet Area and the 2010 Designated Hamlet Area is needed to ensure the availability of developable land to accommodate anticipated necessary growth within the community is in the nature of a local land use determination to be made by the Town Board;

WHEREAS, attached as **Exhibit A** is a listing of tax parcels within the proposed 2010 Designated Hamlet Area - the Town Board may delete parcels from the proposed area;

WHEREAS, attached as **Exhibit B** is a map showing the 1997 Designated Hamlet area;

WHEREAS, the Water Supply Permit allows the local municipality to determine the boundaries of the two Designated Hamlet Areas and to determine whether both designated areas should be preserved for future generations (rather than eligible for purchase by the City);

WHEREAS, under Section 18-39(a)(3) of the New York City Watershed Rules and Regulations, the parcels within the 1997 Designated Hamlet Area and the 2010 Designated Hamlet Area are allowed to construct impervious surfaces within 100 feet of a water course subject to an individual stormwater permit from DEP;

WHEREAS, the Town has or will send written notice to all property owners (based upon the current assessment roll) within the 1997 Designated Hamlet Area and the 2010 Designated Hamlet Area notifying them of the opportunity to provide written comment and to provide testimony at a public hearing on the Town's selection of the boundaries of both Designated Hamlet Areas and whether such areas are eligible (or ineligible) for City Land Acquisition;

NOW THEREFORE BE IT RESOLVED,

1. The Town will conduct a public hearing on May 4, 2011 at the following location at 7:00 PM to solicit public comment as set forth above. Town Hall 53690 State Hwy. 30, Roxbury, NY.
2. The Town Board instructs the Town Clerk (or her designee) to notify all property owners (based on the most recent assessment roll) within the 1997 Designated Hamlet Area and the 2010 Designated Hamlet Area by letter of the opportunity to submit comments and appear at a hearing regarding the above.
3. Public comments may be submitted in writing or at the hearing. All written public comment must be received by close of business (4:30pm) on May 4, 2011."

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

NAYS - 0

A reminder was given that the April 11<sup>th</sup> meeting will be held at the Grand Gorge Civic Center at 7:30 pm.

On motion of Allen Hinkley second by Gene Cronk the Town Board and Attorney Kevin Young went into Executive Session at 9:07 pm to discuss a contract issue and a litigation issue.

The Board returned to the regular meeting at 9:26 pm.

It was stated that no action was taken on the contract issue. Regarding the litigation issue, the Town Board directed Attorney Young to commence litigation against Cummins Diesel adding that attorney fees to do so shall be for expenses only.

The Town Clerk discussed days worked reporting issues for some salaried employees in the retirement system. The matter will be decided on at the next meeting.

On motion of Edward Raeder second by Allen Hinkley the Town Board had no objections to the liquor license renewal (farm winery) of Russell Betz on Charcoal Rd.

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

NAYS - 0

On motion of Stephen Walker second by Edward Raeder the Town Board had no objection to the Junkyard License renewal of Martin Hagerott dba Marty Built on Charcoal Rd.

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

NAYS - 0

On motion of Edward Raeder second by Allen Hinkley the Town Board approved a transfer of \$19,399.31 from General Fund to Capital Projects for Radio costs on Abstract #3-2011. Such

funds shall be reimbursed upon receipt of grant funds.

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

NAYS - 0

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

General #81-124	\$32,927.56	Capital Projects:	
Highway #45-70	\$54,371.71	GIGP Water Proj #16-17	\$1,330.25
Roxbury Water #17-28	\$4,688.37	Grand Gorge Sewer Study #18	\$3,820.00
Grand Gorge Water #16-27	\$8,036.47	GEIS/Comp Plan #19	\$682.50
Denver Water #11-19	\$1,695.87	Lake St Land Acq. #20	\$48.00
Roxbury Sewer #14-26	\$22,436.89	DEP Land Acq. Consult. #21	\$370.00
Denver Sewer #16-24	\$12,832.12	Radio Station #22	\$19,399.31
Special Lights #5-6	\$2,184.98		

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

NAYS - 0

On motion of Allen Hinkley second by Gene Cronk the meeting adjourned at 9:40 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  
Stephen Walker, Councilman

