

May 13, 2013

The regular meeting of the Town Board was held May 13, 2013 at 7:30 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Hwy. Supt. Stephen Schuman, Attorney Kevin Young and 11 residents. Absent: Bldg Inspector William Walcutt.

The Minutes of the April 8, 2013 regular meeting were approved on motion of Gene Cronk second by Carol Murray.

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

NAYS – 0

Peg Ellsworth discussed status of current grant projects stated the M-ARK Project still has some grant rehab funds available for owner occupied homes and rental units, requested Town Board support for the Enderlin Building grant application, the barn work has been completed and requested painting and grading work also be allowed on the barns.

RESOLUTION #27 – SUPPORT FOR ENDERLIN BUILDING APPLICATION

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

“WHEREAS, the Enderlin Building is an integral historic building located in the Historic District of the hamlet of Roxbury;

NOW, THEREFORE BE IT RESOLVED, the Town Board Town of Roxbury supports the application and project of Lewis Wendell, owner of the Enderlin Building, to the Southern Tier Regional Economic Development Council’s Downtown Revitalization program.”

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

NAYS – 0

Discussion took place on additional work needed at the Kirkside Park barns. Now that the construction/renovation work has been completed, it needs painting and grading work. It was agreed to obtain three estimates for the painting.

RESOLUTION #28 – ACCEPT BEAVERDAM PROPOSAL FOR BARNs

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

“RESOLVED, the Town Board approves the proposal of Beaverdam Builders for grading work *and bathroom door replacement* at the Kirkside Park barns in the amount of \$4,900.” (*amended 6/10/13*)

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

NAYS – 0

Hwy. Supt. Stephen Schuman gave a report stating the CAT Roller online high bid came in at \$19,700, discussed replacing the 21 outside garage lights with more efficient ones, the new truck is at the dealer getting extras installed, and they have cleaned and sealed the floor at the garage.

RESOLUTION #29 – SELL 1991 CAT ROLLOER

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

“RESOLVED, the Town Board approves the sale of the 1991 CAT Roller to Alban Tractor Co., Inc. in the amount of \$19,700.”

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

NAYS – 0

Adam Yagelski of Nan Stolzenberg’s office was present to discuss the process for adopting the updated Comprehensive Plan including the notice of determination of non-significance.

RESOLUTION #30 - COMP PLAN LEAD AGENCY

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

“WHEREAS, the Town Board has developed an updated profile and inventory and toolbox of recommendations of resources to be included as an Plan of the Town of Roxbury Comprehensive Plan; and

WHEREAS, the Town Board requested the Planning Board to complete a draft of this plan which has been submitted to the Town Board; and

WHEREAS, the Planning Board and the Town Board have both held a public hearing as required by Town Law 272-a; and

WHEREAS, the proposed action has been determined to be a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies prior to adoption of the plan; and

WHEREAS, the Delaware County Planning Board is required to review and approve the updated plan pursuant to the applicable standards of New York State General Municipal Law 239-m but this approval is considered an advisory opinion under SEQR and the agency is not considered to be eligible for lead agency status in this action; and

WHEREAS, the Delaware County Planning Board has commented on the Comprehensive Plan Update and indicted that approval of it would not have county-wide impacts.

WHEREAS, there are no other agencies upon which to solicit for a coordinated review as per SEQRA 6 NYCRR Part 617.

NOW THEREFORE BE IT RESOLVED, pursuant to the applicable standards of SEQR 6 NYCRR Part 617, the Town of Roxbury Town Board concludes that it is the appropriate agency to serve as, and declares itself lead agency for the environmental review of the proposed Type I action; and

BE IT FURTHER RESOLVED that the Town of Roxbury Town Board hereby authorizes development and circulation of a copy of the EAF pursuant to the requirements set forth in SEQR 6 NYCRR Part 617.”

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Roxbury:

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

NAYS – 0

RESOLUTION #31 – COMP PLAN SEQRA NEG DEC

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

“WHEREAS, the Town Board conducted a study of the Town of Roxbury that included a full inventory of physical, natural and cultural resources; and

WHEREAS, the Town Board desires to include this profile and inventory, together with a set of maps and a set of recommendations on how the Town can protect these resources as an integral part of the updated Town of Roxbury Comprehensive Plan; and

WHEREAS, the profile and inventory is comprehensive in nature, and defines, identifies, and describes the many environmental, physical and cultural resources in the Town of Roxbury; and

WHEREAS, the profile and inventory augments and supports information in the previously adopted Town of Roxbury Comprehensive Plan; and

WHEREAS, the Town Board has submitted the updated Comprehensive Plan to the Delaware County Planning Board as required by NYS General Municipal Law 239-m and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption; and

WHEREAS, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and

WHEREAS, the Town Board, after consideration of the Full Environmental Assessment Form Part I and Part II finds that

Inclusion of the Profile and Inventory, including new recommendations on how to protect those resources will benefit and assist Roxbury in reaching its goals of maintaining open space, protecting rural landscapes, promoting agriculture, and preserving natural resources and the environment as outlined in the previously adopted Comprehensive Plan.

The Plan recognizes natural features and sensitive environmental areas that need protection in the future such as but not limited to streams, stream corridors, wetlands, floodplains, historic resources, wildlife habitats, and important cultural resources.

The Plan makes recommendations on ways the Town can maintain its environment, which is a primary goal for the community.

The Plan was developed using detailed analysis via a GIS to locate, identify, and understand environmental conditions such as but not limited to streams, stream corridors, wetlands, floodplains, historic resources, wildlife habitats, and important cultural resources.

The Plan provides the information needed to aid the Town in making policy decisions in the future that will benefit the environment.

The Town finds that adoption of the Comprehensive Plan update will enhance environmental protection, rather than detract from it.

NOW THEREFORE BE IT RESOLVED, that the Town of Roxbury Town Board hereby declares that adoption of the Town of Roxbury Comprehensive Plan update described herein, will not have any significant negative environmental impacts; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of a negative declaration (attached hereto), according to SEQRA, 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Environmental Assessment Form.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Roxbury.”

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

NAYS – 0

RESOLUTION #32 – COMP PLAN ADOPTION

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

“WHEREAS, a Comprehensive Plan is a statutorily recognized instrument under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

WHEREAS, a properly crafted comprehensive plan assists with the protection of the health, safety and general welfare of the citizens of the Town; and

WHEREAS, the Town of Roxbury Town Board identified that additional information was needed to inventory and profile environmental, physical, cultural, and historical resources in Town in order to properly plan growth and development, protect the environment and enhance the health, safety and welfare of the community and residents; and

WHEREAS, the Town of Roxbury retained the services of a professional planning consultant to assist with and prepare such information to be included as an Plan of the previously adopted Comprehensive Plan; and

WHEREAS, the Town of Roxbury conducted a thorough analysis and inventory of these resources, including development of a comprehensive database of mapped resources via a Geographic Information System; and

WHEREAS, two public hearings were held as per Town Law §272-a; and

WHEREAS, the Town Board has reviewed the draft update to the Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Roxbury has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 1 and 2 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA thereby complying with the mandates of the State Environmental Quality Review Act; and

WHEREAS, the Town Board has completed requirements of NYS General Municipal Law 239-m by forwarding a copy of the draft update to the Delaware County Planning Department and waiting 30 days for their response;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF ROXBURY, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Roxbury hereby determines that the Town of Roxbury updated Comprehensive Plan along with its attachments and appendices, attached hereto and made a part hereof, is hereby adopted as the Comprehensive Plan of the Town of Roxbury, and THAT THE Town Board shall file a final copy of the Town of Roxbury Updated Comprehensive Plan with the Town of Roxbury Town Clerk and with the Delaware County Planning Department as required in Town Law 272-a.”

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

NAYS – 0

Supv. Hynes reported that he and Councilman Gene Cronk met with Lamont Engineers recently to discuss trying to get NYS Health Dept. approval to re-open the Roxbury springs.

Bids on the Lake St. Drainage Stormwater Project were advertised and opened on April 26, 2013 at 3:00 pm at the Town Hall. A total of three (3) bids were received and are as follows:

Contractor	Base Bid	Alternate A	Alternate B	Alternate C
Hubbell Inc.	1,324,000	(50,000)	(60,000)	(280,000)
Tweedie Construction	1,170,430	(254,898)	(55,395)	0
Evergreen Mtn Contract	1,285,000	0	0	0

No award was made at this time as the engineer and attorney are reviewing the bids. The low bidder will be requested to confirm their statement of qualifications. To do so, a special meeting will be held at which time an award will be made on the project.

Atty. Young stated that he met with the judge regarding the truck lawsuit. The judge has turned the case over to a local attorney to act as a mediator and decide the outcome.

No changes have been received yet on the Employee Handbook.

On motion of Gene Cronk second by Carol Murray the Town Board approved the Town Clerk's Monthly Report for April 2013 in the amount of \$2,069.56 (Town Clerk \$1,179.56 and Building Permits \$890.00)

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

NAYS – 0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Supervisor's Monthly Report for March 2013.

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

NAYS – 0

On motion of Gene Cronk second by Edward Raeder the Town Board approved the Assessor's Monthly Report for April 2013.

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

NAYS – 0

On motion of Edward Raeder second by Carol Murray the Town Board approved the monthly report of water receipts of Denver, Grand Gorge & Roxbury Water Districts for the month of April 2013.

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

NAYS – 0

On motion of Carol Murray second by Allen Hinkley the Town Board approved the quarterly report of WIOX Radio Station for the 1st quarter 2013.

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

NAYS – 0

A draft Computer Use policy was distributed to the Town Board. The matter was tabled until the Board has reviewed the policy.

The five person HUD review committee appointment has been tabled until one more person is sought.

RESOLUTION #33 – AMEND WATER DISTRICT TURN ON & OFF FEES

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

“WHEREAS, the Town Board adopted a new Water Supply Law for Grand Gorge and Roxbury Water Districts on November 8, 2012; and

WHEREAS, said Water Supply Law was Local Law #3-2012; and

WHEREAS, the fee for disconnection of water and re-connection of water was \$50.00 each;

NOW, THEREFORE BE IT RESOLVED, the Town Board amends the Water Supply Law to reflect a charge of \$25.00 for disconnection of water and a \$25.00 fee for re-connection of water.”

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

NAYS – 0

On motion of Allen Hinkley second by Carol Murray the Town Board had no objection to the application of Creekside Café to the State Liquor Authority for renewal of the liquor license at that location in Grand Gorge.

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

NAYS – 0

On motion of Gene Cronk second by Allen Hinkley, per the Town of Roxbury Reimbursement Policy, the Town Board approved reimbursement for training seminars for the Highway Supt., Town Clerk, Justice Clerk and Bookkeeper.

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

NAYS – 0

The Hubbell Corners sewer project has been completed.

The Town is still expecting final FEMA funds for two large roads that are still under review.

RESOLUTION #34 - ENDORSING BELLEAYRE RESORT

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

WHEREAS, Delaware County is affected by what happens in our region, including the developments on Highmount and Belleayre Mountain; and

WHEREAS, our rural economy is struggling, our residents and local businesses are struggling, and we believe this project has the potential to bring jobs during both the building and operational stages of the entity; and

WHEREAS, The Town of Roxbury has hotels, inns, bed & breakfast inns, restaurants, golf courses, a ski mountain and other facilities that would benefit from additional tourism; and

WHEREAS, we hope that a destination resort will bring new life and visitors to our community;

THEREFORE, BE IT RESOLVED that we, the Town Board of the Town of Roxbury support the project by Crossroads Ventures otherwise known as Belleayre Resort, with the understanding that the developer will design and operate the project in a manner that supports not only Middletown and Shandaken, but also the surrounding communities; and

BE IT FURTHER RESOLVED that the Clerk of the Board shall forward copies of this resolution to the Honorable Governor Andrew M. Cuomo, DEC Commissioner Joe Martens, New York State Senators John Bonacic, Tom Libous and James Seward, New York State Assemblypersons Pete Lopez, Claudia Tenney and Cliff Crouch and Ulster County Executive Mike Hein.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Roxbury:

YEAS – 5 Hinkley, Murray, Cronk, Raeder, Hynes

NAYS – 0

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

General #167-216	\$30,164.01	Special Lights #5-7	\$3,801.18
Highway #82-105	\$46,244.32	Capital Projects:	
Roxbury Water #29-37	\$3,018.06	Hubb Corn Sewer #28-195	\$171,366.44
Grand Gorge Water #29-41	\$11,520.27	HUD Program #196	\$4,000.00
Denver Water #30-39	\$7,336.99	Comp Plan	\$181.63
Roxbury Sewer #35-43	\$7,534.22	Kirk Park Programs #198	\$4,013.40
Denver Sewer #33-46	\$14,552.37		

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

NAYS – 0

On motion of Gene Cronk second by Carol Murray the meeting adjourned at 9:05 pm.

THIS IS A TRUE COPY

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