

June 13, 2011

The regular meeting of the Town Board was held June 13, 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 and 10 residents. ABSENT: Hwy. Supt. Stephen Schuman, Attorney Kevin Young, Building Inspector William Walcutt.

On motion of Gene Cronk second by Allen Hinkley the Minutes of the May meetings were approved.

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

NAYS - 0

Supv. Hynes reported on behalf of the Hwy. Supt. that crews are continuing to work on roads, requested a letter stating that he was authorized to purchase a used sander from the Town of Hamden at a cost of \$1,500 and that there are no other major issues to report. The Town Board agreed that a letter will be sent to the Town of Hamden regarding the purchase of the used sander.

Assessor Kimberly Cammer stated that a Tentative EQ rate of 30% has been received, discussed a STAR cap, stated that there were 31 complaints received for Grievance Day, she has begun data verification and has had to purchase a new camera and computer with budgeted funds.

Peg Ellsworth was absent but a written report regarding Kirkside Park and grants was distributed to the Board members. Councilman Walker discussed Kirkside Barn renovation issues. will be repaired this week.

Nicole Franzese and Duncan Martin of the Delaware County Planning Dept. were present to discuss the background on the hamlet designation, the proposed amendments and their recommendation to Towns that properties identified under the 1997 designation cannot be removed with this amendment due to interpretation of the agreement where they find only new properties identified in the proposed amended designation area can be omitted before maps are approved by the Town Board. Lengthy discussion took place on the issues. The Board agreed that the Wilson property, a new property, would be omitted. Councilman Walker expressed concerns with bureaucracy issues specifically causing the Town to have to make the decision of what properties to include.

#### RESOLUTION #21 - APPROVE AMENDED HAMLET DESIGNATION MAP

On motion of Allen Hinkley 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, 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 a certain size 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 Areas and the 2011 Designated 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 Area and the 2011 Designated 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 2011 Designated Area as amended by the Town Board after the public hearing;

WHEREAS, attached as **Exhibit B** is a map showing the 1997 Designated Area and the 2011 Designated Area as amended by the Town Board after the public hearing;

WHEREAS, the Water Supply Permit allows the local municipality to determine the boundaries of the two Designated Areas and to determine whether parcels in both designated areas should be 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 Area and the 2011 Designated 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 notified all property owners (based upon the current assessment roll and/or amended as needed to assure the most complete roll of landowners were notified) within the 1997 Designated Area and the 2011 Designated 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 the designated areas and whether such areas are eligible (or ineligible) for City Land Acquisition;

WHEREAS, that the Town Board has complied with the terms set forth under Special Condition 10 of the December 24, 2010 Water Supply permit;

WHEREAS, the Town Board must determine whether to adopt the parcels identified in Exhibit A and noted on Exhibit B as its 1997 Designated Area and 2011 Designated Area;

NOW THEREFORE BE IT RESOLVED,

1. The Town Board adopts as the 2011 Designated Area the parcels identified in Exhibit A and noted in purple on Exhibit B.
2. The Town Board adopts as the 1997 Designated Area the parcels noted in grey on Exhibit B, including but not limited to, the village extension areas of Fleischmanns and Margaretville, and the hamlet areas of Arkville, New Kingston, Kellys Corners, Halcottsville, Clovesville, and Dunraven.
3. The Town Board reserves any and all rights under Special Conditions 7, 8, 9 and 10 to make new determinations in 2016 and 2021."

AYES - 4 Hinkley, Reader, Walker, Hynes

NAYS - 1 Cronk

#### RESOLUTION #22 - PROHIBIT NYCDEP PURCHASES AND CONSERVATION EASEMENTS IN HAMLET DESIGNATION AREAS

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

"WHEREAS, the Town Board passed Resolution No. 21 of 2011 identifying the parcels within the 1997 Designated Area and the 2011 Designated Area;

WHEREAS, the Town Board incorporates and confirms the "Whereas Clauses" for Resolution No. 21 as set forth in full herein;

WHEREAS, the Town Board must determine whether to adopt a resolution precluding acquisition (fee and/or conservation easements) within the 2011 Designated Area and/or the 1997 Designated Area.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby

1. Prohibits any land acquisition (including acquisition of conservation fee) in the 1997

Designated Hamlet Areas and the 2011 Designated Area; except as noted below:

- Hamlet area of Grand Gorge
- Hamlet area of Roxbury
- Hamlet area of Roxbury Run

2. The Town Board reserves any and all rights under Special Conditions 7, 8, 9 and 10 to make new determinations in 2016, 2021 and 2026.

AYES - 4 Hinkley, Raeder, Walker, Hynes

NAYS - 1 Cronk

Duncan Martin discussed having submitted an application to Soil & Water on behalf of the Town for replacement of the bridge on Shepard Lane in the amount of \$150,000. An application is also expected to be submitted for Briggs Road erosion.

Evelyn Irwin expressed concerns with radio issues including using Town funds to pay costs and having to wait for reimbursement and the possibility of future costs fall on the taxpayers if not self sustaining. It was responded that grant reimbursements are received within 1-1 ½ months of submitting the request and that the Town has the option of transferring the license over to a not for profit so is looking into the timeframe to do so.

Montgomery Hollow stream stormwater repairs are expected to resume in a couple of weeks as soon as the stream permit is received from NYS DEC.

A letter was received from the Town of Halcott advising they intend to grant a cable television franchise to Catskills Communication, Inc. d/b/a MTC Cable within a portion of their Town.

On motion of Edward Raeder second by Gene Cronk the Town Board approved the Town Clerk's Monthly Report for May 2011 in the amount of \$2,452.66 (Town Clerk \$632.66 and Building Permits \$1,820.00)

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

NAYS - 0

On motion of Edward Raeder second by Gene Cronk the Town Board approved the Supervisor's Monthly Report for May 2011.

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

NAYS - 0

#### RESOLUTION #23 - NAME PRIVATE ROAD "WILLOW POND ROAD"

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

"WHEREAS, Charles Dent Rd. is a Town owned/maintained road; and

WHEREAS, Charles Dent Road is maintained by the Town of Roxbury for a length of .14 miles from the intersection of Ferris Hill Rd. ; and

WHEREAS, a private section of road extends from the end of Charles Dent Rd. for approximately .43 miles to a dead end at the stream; and

WHEREAS, said private section had been identified by Delaware County Emergency Services as Charles Dent Rd.; and

WHEREAS, Delaware County Emergency Services now requires the private section of road to be renamed; and

WHEREAS, a majority of owners on said private section of road have chosen the name "Willow Pond Rd.";

NOW THEREFORE BE IT RESOLVED, effective immediately, the Town of Roxbury Town Board hereby approves the private section of road to be known as "Willow Pond Rd."

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

NAYS - 0

#### RESOLUTION #24 - FIREWORKS PERMIT APPLICATION REVIEW

On motion of Gene Cronk second by Stephen Walker the following resolution was offered and adopted:

"WHEREAS, New York's Penal Law Article 405, §405(2) states that a town may grant a permit for the display of fireworks; and

WHEREAS, Article 405, §405(1) allows the Town Board to designate an officer as the "permit authority";

NOW, THEREFORE BE IT RESOLVED, effective immediately, the Town Board hereby requires an application for the display of fireworks in the Town of Roxbury; and

BE IT FURTHER RESOLVED the Town Board appoints the Fire Chief of the fire district where the fireworks shall be held as the "permit authority" to review and render a decision on the issuance of any application received by the Town of Roxbury."

AYES - 4 Cronk, Walker, Raeder, Hynes  
 ABSTAIN - 1 Hinkley  
 NAYS - 0

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

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

On motion of Allen Hinkley second by Edward Raeder the Town Board approved the Tax Collector's Report of Taxes Received for the year 2011.

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

On motion of Stephen Walker second by Allen Hinkley the Town Board approved the transfer of \$1,591.81 from Good Neighbor Fund to Capital Projects for Kirkside Park - Construction costs on Abstract #6. Said funds shall be reimbursed upon receipt of grant funds.

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

On motion of Allen Hinkley second by Stephen Walker the Town Board approved the transfer of \$12,765 from General Fund to Capital Project for Radio costs on Abstract #6. Said funds are to be reimbursed upon receipt of grant funds.

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

**RESOLUTION #25 - HUBBELL CORNERS SEWER REGISTRATION FEE**

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

"RESOLVED, the Town Board will require a \$100 fee for any Hubbell Corners Sewer Lateral Registration Application received on or after October 1, 2011."

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

Supv. Hynes stated that the truck lawsuit is currently in negotiation for settlement.

Discussion took place on the time calendars submitted by employees for the retirement reporting resolution. The Board agreed to an 8 hour standard work day. Discussion took place on the Building Inspector calendar that showed less days than the 10 required by the Town Board.

**RESOLUTION #26 - RETIREMENT TIME REPORTING**

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

BE IT RESOLVED, that the Town of Roxbury hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

**ELECTED OFFICIALS:**

Title	Name	Standard Work Day (Hours/Day)	Term Begins/Ends	Employer Record of Time Worked (Y/N)	Days Per Month (based on record of Activities)
Councilman	Stephen D. Walker	8	1/1/08-12/31/11	N	1
Councilman	Allen Hinkley	8	1/1/10-12/31/13	N	1
Tax Collector	Joan Moore	8	1/1/10-12/31/11	N	6
Justice	Wayne R. Pebler	8	1/1/10-12/31/13	N	6
Justice	Heather Gockel	8	1/1/09-12/31/12	N	2
Supt. of Highways	Stephen A. Schuman	8	1/1/10 - 12/31/11	Y	
Town Clerk	Diane L. Pickett	8	1/1/10-12/31/11	Y	

**APPOINTED OFFICIALS:**

Building Inspector/CEO	William Walcutt	8	1/1/11-12/31/11	N	10
Assessor Clerk	Stephanie Seminara	8	1/1/11-12/31/11	Y	

Registrar/Budget Officer/Water Clerk	Diane L. Pickett	8	1/1/11-12/31/11	Y	
Bookkeeper/Dpty. Town Clerk #1	Carolynn J. Faraci	8	1/1/11-12/31/11	Y	
Custodian	Cheryl Hinkley	8	1/1/11-12/31/11	Y	
Assessor	Kimberly Cammer	8	10/1/07-9/30/13	Y	
School Crossing Guard	Sarah C. Cronk	8	1/1/11-12/31/11	Y	
Parks Clerk	Susan George	8	1/1/11-12/31/11	Y	

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

NAYS - 0

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

General #206-252	\$107,154.48	Special Lights #9-10	\$2,049.64
Highway #130-154	\$106,264.64	Capital Projects:	
Roxbury Water #49-57	\$1,774.79	Radio #40-41	\$12,765.00
Grand Gorge Water #47-54	\$2,448.40	GEIS #42	\$990.67
Denver Water #40-47	\$1,850.28	GG Sewer Study #43	\$6,978.92
Roxbury Sewer #45-56	\$22,002.50	Kirk Park Const #44	\$3,525.00
Denver Sewer #45-58	\$15,542.30	Kirk Park Prog #45-46	\$235.00

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

NAYS - 0

On motion of Edward Raeder second by Allen Hinkley the Town Board and Assessor Kimberly Cammer went into Executive Session at 8:49 pm to discuss personnel issues. Assessor Cammer left Executive Session at 9:10 pm.

On motion of Edward Raeder second by Allen Hinkley the Town Board returned to the regular meeting at 9:24 pm.

It was stated that, per Executive Session, discussion took place on the Assessor moving out of the area. It was also stated that further discussion will be had with the Building Inspector in July.

On motion of Allen Hinkley second by Stephen Walker the meeting adjourned at 9:29 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