

## APPROVED MINUTES

The regular meeting of the Town Board was held October 8, 2012 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, Building Inspector William Walcutt, Attorney Kevin Young and 7 residents.

On motion of Allen Hinkley second by Carol Murray the Minutes of the September meeting were approved.

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

NAYS - 0

Stephen Schuman, Hwy. Supt. stated crews are in the process of cleaning ditches and culverts and getting ready for winter.

A report of FEMA funds was distributed to the Town Board. Almost all funds have been received.

Atty. Kevin Young discussed the proposed water rates for Grand Gorge and Roxbury Water Districts. A Public Hearing must be held and metered billing is expected to go into effect on January 1, 2013. The proposed rates include a \$7.00 per month charge for 0-4000 gallons and \$1.75 for every 100 gallons thereafter. Quarterly billing is expected.

### RESOLUTION #43 - PUBLIC HEARING ON WATER RATES

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

"WHEREAS, the Town Board of the Town of Roxbury, New York (the "Town"), deems it necessary to amend Local Law No. 1 of 2012 entitled "Water Supply Law", effective January 1, 2013. The amendments establish a revised method and rates for water supply billing based upon quarterly meter readings, set service charges for the disconnection and re-connection of water supplies/meters and assign responsibility to the property owner for the repair/replacement of any meter that fails due to the actions of such property owner.

NOW, THEREFORE, BE IT RESOLVED, that said Town Board shall meet at the Town Hall, 53690 State Highway 30, Roxbury, New York, on October 22, 2012, at 6:45 P.M., to hear all persons interested in the matter of the adoption of amendments to Local Law No. 1 of 2010, and be it FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing in the Catskill Mountain News the official newspaper of the Town, and to post copies of such notice in the manner provided by law."

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

NAYS - 0

A reminder was given that the regular monthly meeting for November will be held November 8, 2012 at 7:30 pm at the Town Hall.

Copies of the 2013 Tentative Budget were distributed to the Town Board for review

### RESOLUTION #44 - BUDGET WORKSHOP 2013 BUDGET

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

"RESOLVED, the Town Board, Town of Roxbury, will hold a Special Meeting on October 22, 2012 at 7:00 pm at the Town Hall for the purpose of conducting a Budget Workshop on the 2013 Tentative Budget and to discuss any other business that may come before the Board."

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

NAYS - 0

RESOLUTION #45 - PUBLIC HEARING 2013 PRELIMINARY BUDGET

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

"RESOLVED, the Roxbury Town Board will hold a Public Hearing on the 2013 Preliminary Budget on November 8, 2012 at 7:00 pm at the Town Hall to hear all persons on the budget. Copies of the Preliminary Budget will be available at the Town Hall after the Budget Workshop on the Tentative Budget."

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

NAYS - 0

In an effort to finalize the Hubbell Corners Sewer project, the Town will try to get owners to agree to let the Town help in getting contractors to install lateral lines and get a two party check for payment instead of the owner paying for the installation and waiting for reimbursement.

David Riordan, Director of the Catskill Revitalization Corp. was present to update the Town Board on their intentions for the ice house building that is now housing their railroad car. They intend to refurbish the rail car but currently have no funds at this time. They are currently leasing the building from the Town and requests to either purchase the building or enter into a long term lease on the building as they would like to restore the building for a dairy museum. The Town Board requested formal written notification of their intentions before making a decision.

William Walcutt, Building Inspector/CEO reported that a building permit was issued to the Creamery, clean up continues at the Ernst property in Grand Gorge, he has found some new construction but states that there are not many new building permits coming in. A written report was distributed to the Town Board. Mr. Walcutt also reported helping NYCDEP with excessive water infiltration issues in the Grand Gorge sewer system.

A written report of the Assessor for September 2012 was given to the Town Board. The Assessor is continuing data collection and is still trying to get access to RPS to do our own reporting. Access to RPS is expected in 2013.

Atty. Kevin Young discussed the TLAP (Tax Litigation Avoidance Program) agreement with CWC for tax consulting on NYC DEP reservoir lands. The Town's Attorney, Robert Beebe is in the final stages of developing the template to be used and expects to have it completed by the end of the current agreement that is in place with CWC. The two attorney's will work together to see that the template will be completed by year end and all work completed.

No decision has been received on the truck case.

On motion of Allen Hinkley second by Edward Raeder the Town Board approved the Town Clerk report for September 2012 in the amount of \$5,067.86. (Town Clerk \$3,487.86 and Building Permits \$1,580.00)

AYES - Hinkley, Raeder, Cronk, Murray, Hynes

NAYS - 0

On motion of Edward Raeder second by Gene Cronk the Town Board approved the Supervisor's monthly report for August 2012.

AYES - Raeder, Cronk, Hinkley, Murray, Hynes

NAYS - 0

On motion of Carol Murray second by Gene Cronk the Town Board approved the Assessor Report for the month of September.

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

NAYS - 0

On motion of Allen Hinkley second by Edward Raeder the Town Board approved the Monthly Justice Court report for July 2012 in the amount of \$4,400.00.

AYES - Hinkley, Raeder, Cronk, Murray, Hynes

NAYS - 0

On motion of Allen Hinkley second by Edward Raeder the Town Board approved the Monthly Justice Court report for August 2012 in the amount of \$4,385.00.

AYES - Hinkley, Raeder, Cronk, Murray, Hynes

NAYS - 0

RESOLUTION #46 - MODIFICATION NO. 13 TO THE CONSULTING AGREEMENT DATED MARCH 1998 BETWEEN LAMONT ENGINEERS, PC AND THE TOWN OF ROXBURY

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

"WHEREAS, the Consulting Agreement between the Town of Roxbury and Lamont Engineers, PC dated March, 1998 was modified on July 12, 2009 to include the Construction Phase Services for this phase of the project; and

WHEREAS, at that time, the not-to-exceed contract amount was changed to \$323,002.00; and

WHEREAS, the Consulting Agreement between the Town of Roxbury and Lamont Engineers, PC was modified on September 13, 2010 to include Final Construction Phase Engineering services pertaining to completion of Punch List items, post-collection system construction follow-ups with Property Owners and project close-out coordination and documentation with NYCDEP; and

WHEREAS, at that time the not-to-exceed contract amount was changed to \$338,002.00; and

WHEREAS, it has become necessary to provide additional Construction Administration and Observation for lateral installation assistance and Hurricane Irene damage not covered by FEMA;

NOW, THEREFORE BE IT RESOLVED THAT: the Town Board authorizes the not-to-exceed amount to be increased from \$338,002.00 to \$339,472.14 to cover the additional construction administration and observation for lateral installation assistance and Hurricane Irene damage not covered by FEMA."

AYES - Murray, Hinkley, Raeder, Cronk, Hynes

NAYS - 0

Sealed bids for fuel oil were advertised and opened on October 5, 2012 at 2:00 pm at the Town Hall. A total of three (3) bids were received and were as follows:

Vendor	Fluct. Base Price + Firm Differential = Total Fluctuat. Price	Fixed Price
Main Care Energy	3.4230 + .19 = 3.6130	3.5940
Mirabito Energy	3.2700 + .1975 = 3.4675	3.5321
Bottini Fuel	3.458 + .11 = 3.568	3.459

On motion of Gene Cronk second by Edward Raeder the Town Board awarded the bid to Bottini Fuel at a fixed price of \$3.459/gallon.

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

NAYS - 0

Atty. Young discussed 2% tax cap issues where a public hearing is required to over-ride the 2% cap.

The State suggests scheduling and holding a hearing even if an over-ride is not expected just in case something unexpected should happen to affect the budget right before adoption.

**RESOLUTION #47 - PUBLIC HEARING 2% TAX CAP**

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

**"WHEREAS**, on June 24, 2011 the New York State Legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the "General Municipal Law §3-c";

**WHEREAS**, General Municipal Law §3-c expressly authorizes local governments to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the "Roxbury Town Board") ;

**WHEREAS**, the Town's Attorney has prepared a proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c; and

**WHEREAS**, the Town Board has reviewed and modified the proposed Local Law to Override the Tax Levy Limit Established in General Municipal law §3-c; and

**NOW, THEREFORE, BE IT RESOLVED** that the proposed law is ready for consideration by the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Board shall will hold a public hearing for consideration of the Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c on November 8, 2012 at 6:45 pm at the Town Hall; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to publish notice of said hearing in the Catskill Mountain News, and to post copies of such notice in the manner provided by law."

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

NAYS - 0

Lead notices have been mailed to all Roxbury Water District customers as provided by NYS Dept. of Health guidelines.

Metered water billing notices have been mailed to Roxbury and Grand Gorge water customers along with unpaid water and current customer account balances.

**RESOLUTION #48 - RETIREMENT REPORTING**

On motion of Carol Murray 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 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, and

**BE IT FURTHER RESOLVED** the Town Board withholds reporting on the Building Inspector until an accurate accounting of time is agreed upon by the Town Board.

**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	Allen Hinkley	8	1/1/10-12/31/13	N	1.5

AYES - 4 Murray, Raeder, Cronk, Hynes

NAYS - 0

RECUSED- 1 Hinkley

RESOLUTION #49 - JUSTICE COURT AUDIT

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

"RESOLVED, the Town Board, Town of Roxbury acknowledges that pursuant to Section 2019-a of the Uniform Justice Court Act the records of the Town Justice Court for the year 2011 have been audited by the firm of Sickler, Torchia, Allen & Churchill, CPA, PC; and BE IT FURTHER RESOLVED that said audit shall be filed with the State of New York Unified Court System."

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

NAYS - 0

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

General #467-517	\$32,285.24	Denver Water #69-74	\$1,661.73
Highway #248-272	\$48,598.76	Roxbury Sewer #69-75	\$6,406.69
Roxbury Water #74-82	\$2,160.54	Denver Sewer #96-107	\$13,043.72
Grand Gorge Water #80-91	\$2,954.90	Special Lights #14-15	\$2,083.62

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

NAYS - 0

Voter Registration days will be held at the Town Hall October 10th at 5:00 pm - 8:30 pm and October 13th at 1:00 pm - 9:00 pm.

On motion of Gene Cronk second by Edward Reader the meeting adjourned at 8:40 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  
Carol Murray, Councilman