

APPROVED MINUTES

November 8, 2012

The Public Hearings and regular meeting of the Town Board were held November 8, 2012 beginning at 6:45 pm at the Town Hall. Present: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Highway Supt. Stephen Schuman, Building Inspector William Walcutt, Attorney Kevin Young and 9 residents.

The first Public Hearing was called to order at 6:45 pm. The notice of public hearing was read for comments on a proposed local law to over-ride the 2% tax cap. Supervisor Hynes stated budget figures show the tax levy will not exceed the 2% tax cap and therefore the Town Board will not be adopting a local law to over-ride the cap but will still hear comments from the public.

Rosina Montana questioned why the Town Board holds the public hearing each year when it is not needed. Atty. Young discussed the tax cap law and stated that the Town Board will hold a public hearing each year just in case it is needed.

With all comments being heard the hearing closed at 7:00 pm.

The second Public Hearing was called to order at 7:01 pm. The notice of public hearing was read for comments on the 2013 Preliminary Budget. 10 residents were present.

Budget Officer Carolynn Faraci stated that per a clerical error, the Roxbury and Grand Gorge Water Districts Revenue line item #2142.6 Unmetered Sales should be item #2140.6 Metered Sales. The amounts remain the same.

Supv. Hynes stated that per the budget workshop the small highway truck has been removed and the larger truck is expected to be taken out as well as it will probably be bonded for in 2013 thus decreasing the highway budget further.

Patricia Adams questioned General Fund lines including a decrease in the auditor line, the increase in the cemetery line, Assessor line change and no real increase in health insurance costs. Response: the Town bid out for auditors and the low bidder was a substantial amount less than recent costs, the Town will probably have to help support the cemetery at the north end of Town if they fall short on funds as is currently a problem of many cemeteries, the Assessor last year was salaried and this year is contractual, and because the new Assessor is contractual he is not on Town insurance.

Edward Dalski questioned the Constable equipment line, an increase in the Justice revenue line, and requested the Board consider capping the highway benefits. Response: the Constable is requesting \$5,000 for a computer in the car as paper will soon be obsolete, and the Justices are receipting more fines. Councilman Cronk spoke against the purchase of the Constable car computer.

Evelyn Irwin questioned the cemetery line increase and new highway equipment. Response: Atty. Young explained the law on cemetery fund use. Hwy. Supt. discussed the equipment purchases.

With all comments being heard the hearing closed at 7:35 pm.

The regular meeting was called to order at 7:36 pm.

On motion of Carol Murray second by Gene Cronk the Minutes of the October meetings were approved.

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

NAYS - 0

Hwy. Supt. Stephen Schuman gave a status report of highway dept. work, truck repairs, getting ready for winter and waiting to have the lights changed at the garage to more efficient ones.

Edward Dalski requested the highway dept. cut downed trees into shorter lengths should residents want to take some to use. Schuman stated that several people already do take the wood and crews don't have the time to cut into smaller pieces.

Rosina Montana questioned if the Town Board is pushing the utility companies to take down more trees. Supv. Hynes responded that some trees are expected to be taken down on Main Street by NYS Dept. of Transportation but it is up to the utility to decide if they will take down any trees by there lines.

Building Inspector William Walcutt stated that building permits are picking up.

Discussion took place on possibly logging off more trees on Roxbury spring lands. Randall Kelly has looked at the property and suggests doing a forest management plan. The matter will be looked into further.

Supv. Hynes has contacted Hubbell Corner Sewer District residents to encourage them to hookup to the sewer line. No new registrations have been received.

Supv. Hynes stated the Town Board met with the Planning Board to discuss the draft Comp Plan. The adoption process will commence again in 2013.

Peg Ellsworth is out of Town. No report on Parks/Grants was received.

Atty. Young discussed the decision of the Judge stating that the truck lawsuit will have to go to trial. Young would like to request more information from the court.

RESOLUTION # 51 - TRUCK LAWSUIT

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

"WHEREAS, the Town of Roxbury ("Town") by its Attorney, YOUNG/SOMMER, LLC filed a Summons and Complaint against Cummins Inc. on April 15, 2012 in connection with denied coverage under a warranty on the Town's 2005 International Truck containing a Cummins Inc. Engine on purchased on April 24, 2004; and

WHEREAS, the Town Board would like to proceed with this litigation.

THEREFORE, NOW BE IT RESOLVED THAT: The Town Board of the Town of Roxbury authorizes YOUNG/SOMMER, LLC, Town's Attorney to proceed with discovery in the litigation identified herein."

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

NAYS - 0

No additional funds were received from FEMA in October on the 2011 flood.

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

A letter was received from Roxbury Library thanking the Highway Dept. for the work done on the parking lot.

Evelyn Irwin questioned the historical district areas. The matter was discussed.

Edward Dalski questioned the re-val project. It was stated that it is on schedule.

On motion of Allen Hinkley second by Carol Murray the Town Clerk's monthly report for October 2012 was approved in the amount of \$2,986.61 (Town Clerk \$1,236.61 and Building Permits \$1,750.00)

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

NAYS - 0

On motion of Edward Raeder second by Gene Cronk the Supervisor's monthly report for September 2012 was approved.

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

NAYS - 0

On motion of Allen Hinkley second by Gene Cronk the Assessor's monthly report for October 2012 was approved.

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

NAYS - 0

On motion of Carol Murray second by Edward Raeder the Justice Court monthly report for September 2012 was approved.

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

NAYS - 0

No monthly report was received from the Building Inspector.

RESOLUTION #52 - UNPAID WATER TO BE PLACED ON TAX BILLS

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

"WHEREAS, on October 5, 2012 notices were sent to Roxbury and Grand Gorge water customers for unpaid water through August 31, 2012; and

WHEREAS, on October 5, 2012 notices were sent to Denver Water customers for unpaid water through June 30, 2012; and

WHEREAS, unpaid water amounts were to be paid and received by the Water Clerk on or before November 1, 2012 or be placed on the January 2013 tax bill;

NOW, THEREFORE BE IT RESOLVED THE Town Board authorizes the following amounts to be placed on the January 2013 tax bills for collection: Denver Water District \$307.00, Grand Gorge Water District \$7,556.60 and Roxbury Water District \$5,104.72."

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

NAYS - 0

Discussion took place on the proposed local law to amend the Roxbury and Grand Gorge Water Supply Law to allow for metered water sales.

RESOLUTION #53 - NEG DEC ON WATER SUPPLY LAW

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

"WHEREAS, the Town of Roxbury adopted Local Law No. 1 of 2010 entitled "Water Supply Law" to eliminate, to the extent practical, any leakage or water loss from either Grand Gorge Water District and Roxbury Water District; and

WHEREAS, Local Law No. 1 of 2010 provided for the installation of meters that allowed the Town to monitor water usage and to set Water District rates to charge for water use;

and

WHEREAS, the Town Board deems it necessary to amend Local law No. 1 of 2010 in order to: (a) revise the Town's method and rates for water supply billing which will now be based upon quarterly water meter readings; (b) to set service charges for the disconnection and re-connection of water supplies/meters; and (c) to assign responsibility to the property owner for the repair/replacement of any meter that fails due to the actions of such property owner; and
WHEREAS, the potential environmental impacts of the adoption of the proposed amendments to Local Law No. 1 of 2010 have been considered by the Town Board; and
NOW THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the proposed amendments to Local Law No. 1 of 2010 entitled "Water Supply Law" will not have significant adverse impacts on the environment."
AYES - 5 Raeder, Cronk, Hinkley, Murray, Hynes
NAYS - 0

RESOLUTION #54 - ADOPT LOCAL LAW #3-2012 WATER SUPPLY LAW

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

"WHEREAS, the Town Board for the Town of Roxbury adopted Local Law No. 1 of 2010 entitled "Water Supply Law" governing the operation of the Roxbury and Grand Gorge Water Districts; and
WHEREAS, the Town Board has determined that certain changes in Local Law No. 1 of 2010 were necessary or convenient to its implementation; and
WHEREAS, the proposed amendments to the Water Supply Law were presented to the Town Board at least 11 days prior to the Town Board meeting on October 8, 2012; and
WHEREAS, the Town Board adopted a resolution on October 8, 2012 scheduling a public hearing on the proposed amendments to the Water Supply Law for October 22, 2012; and
WHEREAS, the public hearing on the proposed amendments to the Water Supply Law was held on October 22, 2012 at the Town Hall; and
WHEREAS, the Town Board reviewed and considered all public comments received on the proposed amendments to the Water Supply Law; and
WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates for the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for the proposed amendments to the Water Supply Law; and
WHEREAS, the Town Board has duly considered the contents of the EAF for the proposed Water Supply Law 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 Local Water Supply Law; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA for the proposed amendments to the Water Supply Law thereby complying with the mandates of the State Environmental Quality Review Act; and

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

1. That Local No. 1 of 2010 is hereby, repealed and
2. That the new Town of Roxbury "Water Supply Law", being Local Law No. 3 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

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

NAYS - 0

A liquor license renewal notice was received from the Public Lounge located at 2318 County Hwy 41.

On motion of Gene Cronk second by Edward Raeder the Town Board stated having no objection to the renewal of the Liquor License at the Public Lounge and further authorized to waive the 30 day hold on said renewal.

AYES - Cronk, Raeder, Hinkley, Murray, Hynes

NAYS - 0

The 2013-2014 Roxbury Highway Worker's Association contract was distributed to the Town Board for review.

Supv. Hynes stated again that the 2% tax cap over-ride local law would not be needed. Discussion took place on the following items in the 2013 Preliminary Budget:

1) General #3120.2 - \$5,000 Computer for the Constable car. Councilman Cronk is against the purchase while Councilman Hinkley feels that it is needed.

2) Highway #5130.2-\$215,000 Dumptruck - agreed to be removed and to bond for in 2013.

Councilman Gene Cronk made a motion to remove the Constable car computer #3120.2 in the amount of \$5,000. The motion did not receive a second.

RESOLUTION #55- ADOPT 2013 TOWN BUDGET

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

"RESOLVED, the Town Board adopts the 2013 Town Budget after removing Highway Fund #5130.2 Dumptruck \$215,000."

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

NAYS - 0

Councilman Cronk requested that the Constable and Highway Supt. salaries be looked into next year as they seem to be out of whack.

The Town Board thanked Carolynn Faraci, Budget Officer for doing a good job on the budget.

Supv. Hynes stated that the electronics box at the Transfer Station will be from a new company.

RESOLUTION #56 - BID NEW HIGHWAY TRUCK

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

"WHEREAS, the Town Board has removed the 2013 Western Star Tandem Dumptruck with plow & sander at a cost of \$215,000 from the 2013 Town Budget; and

WHEREAS, New York State allows local municipalities to piggyback on the bids of other Counties; and

WHEREAS, Oneida County has a bid for a 2013 Western Star Tandem Dumptruck with plow & sander;

NOW THEREFORE BE IT RESOLVED the Town Board authorizes the Highway Supt. to order a 2013 Western Star Tandem Dumptruck with plow and sander under the Oneida County bid; and BE IT FURTHER RESOLVED the Town Board will approve a 5 year bond for \$215,000 for said purchase in 2013.

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

NAYS - 0

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

General #518-579	\$55,716.64	Special Lights #16-17	\$2,136.89
Highway #273-300	\$74,953.06	Capital Projects:	
Roxbury Water #83-91	\$2,650.07	GIGP Water Proj #41	\$289.93
Grand Gorge Water #92-102	\$3,658.76	Lake St Proj #42-43	\$1,985.77
Denver Water #75-82	\$2,087.14	Comp Plan #44	\$755.56
Roxbury Sewer #76-84	\$7,360.35	Kirkside Programs #45	\$1000.28
Denver Sewer #108-119	\$12,854.62		

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

NAYS - 0

On motion of Gene Cronk second by Edward Raeder the Town Board, Atty. Kevin Young and Building Inspector William Walcutt went into Executive Session at 8:22 pm to discuss an enforcement action. All returned to the regular meeting at 8:45 pm on motion of Edward Raeder second by Gene Cronk.

It was stated that no decision has been made as a result of executive session.

On motion of Carol Murray second by Gene Cronk the meeting adjourned at 8:47 pm.

THIS IS A TRUE COPY

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