

## APPROVED MINUTES

December 8, 2014

The regular meeting of the Town Board was held December 8, 2014 at 7:30 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Gene Cronk, Edward Raeder, Allen Hinkley and Carol Murray, Highway Supt. Stephen Schuman, Assessor Robert Breglio, Building Inspector William Walcutt, Attorney Kevin Young and 7 residents.

The Minutes of the November 6, 2014 meeting were approved on motion of Gene Cronk second by Carol Murray.

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

NAYS – 0

Assessor Robert Breglio gave a written report to the Town Board and reported the description reports are being replied to well, the model for values is almost complete, the County will run the sheets for the Town, he is still having access problems with the County site, discussed the process leading up to mailing of impact letters and grievance day, hopes to get reimbursement from the State for re-val costs and has 3-4 people interested in serving as additional Board of Assessment Review members in 2015 for grievance day due to the re-val.

Highway Supt. Stephen Schuman reported he has equipment repairs, has been having problems with the water in the building, employees are requesting the payroll ending day be changed from Monday to Friday and stated he has not received any parts for the damaged roller yet. The Town Board directed the Hwy. Supt. to have a water company come look at the water problem and gather prices for the Town Board and it was stated a payroll end day change would have to be changed in the Highway Contract.

Parks Clerk Carolynn Faraci reported high school students help decorate Kirkside Park for the holidays as part of their community for school and stated she already has 19 reservations for park use in 2015. Mrs. Faraci also discussed two matters found by the Town auditors, specifically regarding equipment purchases where, depending on how the equipment is being paid for, outright or bond, determines what fund the cost is reported in and requested the 2013 budget transfers and amendments be amended to reflect the correct fund reporting on a piece of highway equipment purchased. The second matter regarding stormwater projects funded through Catskill Watershed Corp. (CWC) when the check is written out in the name of the Town and the contractor. Even though the check is not deposited into Town accounts, but rather signed over to the contractor, it must still be reported in Town books. Appropriate changes will be made.

### RESOLUTION #64 – AMEND 2013 BUDGET TRANSFERS & AMENDMENTS

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

“RESOLVED, the Town Board approves amending the 2013 Budget Transfers and Amendments to reflect the following:

**BUDGET TRANSFERS**

**GENERAL**

TO		FROM	
A 1010.1	0.16	1110.1	6352.35
1330.2	179.99	1110.2	500.00
1410.4	696.00	1110.4	10100.57
1450.4	4665.91	1220.1	0.60
1620.2	893.70	1220.4	748.11
3120.4	7786.89	1320.4	3494.96
3310.4	839.46	1330.1	0.48
7110.4	17430.81	1330.4	786.60
8020.4	3120.20	1340.1	0.48
8160.4	5685.52	1355.1	4344.03
9010.8	5530.80	1355.2	3669.93
	<u>46829.44</u>	1355.4	14261.04
		1410.1	0.52
		1410.2	280.00
		1420.4	2289.77
			<u>46829.44</u>

**HIGHWAY**

TO		FROM	
DA 5130.2	215887.73	3501	16979.74
9010.8	8296.20	5110.1	6816.28
	<u>224183.93</u>	5110.4	117233.81
		5120.4	24464.02
		5130.4	12787.77
		5140.4	3940.00
		5142.4	29339.83
		9030.8	1631.83
		9055.8	200.00
		9060.8	10790.31
		9720.7	0.34
			<u>224183.93</u>

**AMENDED  
HIGHWAY**

TO		FROM	
DA 5130.2	887.73	5110.1	6816.28
9010.8	8296.20	5110.4	2367.65
	<u>9183.93</u>		<u>9183.93</u>

**GRAND GORGE  
WATER**

TO FROM

SW 8189.4	101.00	2140	2504.46
8340.4	4441.33	8310.4	1644.22
8389.4	<u>893.07</u>	8320.4	929.21
	5435.40	8330.4	196.93
		9030.8	3.08
		9710.7	<u>157.50</u>
			5435.40

<b>DENVER WATER</b>	TO		FROM	
	SW 8330.4	1637.17	8310.4	1468.24
	8389.4	<u>2262.21</u>	8320.4	894.16
		3899.38	8340.4	<u>1536.98</u>
				3899.38

<b>ROXBURY SEWER</b>	TO		FROM	
	SS 8130.2	217.90	8110.4	15530.30
	8130.4	14265.91		
	8189.4	<u>1046.49</u>		
		15530.30		

<b>DENVER SEWER</b>	TO		FROM	
	SS 8110.4	1712.67	8130.4	13446.64
	8130.4	14146.25	8189.4	<u>2592.26</u>
	8189.4	<u>179.98</u>		16038.90
		16038.90		

<b>BUDGET AMENDMENTS</b>	DR	CR
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<b>GRAND GORGE WATER</b>	Appropriation	SW 960		
	Miscellaneous			
	Contractual		380.20	
	Serial Bond		1890.00	
	Estimated Revenues	SW 510		
	Fund Balance			<u>2270.20</u>
			<u>2270.20</u>	2270.20

AYES – 5 Hinkley, Raeder, Cronk, Murray, Hynes  
 NAYS – 0

Discussion took place on a change to the Employee Handbook that was adopted by the Town Board earlier this year pertaining to Section 704 Pay Period and Check Distribution. Before the adopted changes, the handbook reflected three payroll types and reflected two distribution times.

RESOLUTION #65 – AMEND EMPLOYEE HANDBOOK SECTION 704 PAY PERIOD AND CHECK DISTRIBUTION

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

“WHEREAS, the Town Board, Town of Roxbury adopted an Employee Handbook (“Handbook”) on October 13, 2003; and

WHEREAS, the Handbook Section 704 Pay Period and Check Distribution stated “ Payroll Period – Normally, Highway Department employees are paid on a bi-weekly basis. Other employees or Elected Officials are paid on either a bi-monthly or monthly basis, as established by the Town Board”; and

WHEREAS, Handbook Section 704 stated “Payday – Under normal circumstances, paychecks for Highway Department employees will be issued on a Thursday. Paychecks for employees paid on a bi-monthly basis will be issued on the 15<sup>th</sup> and last day of each month. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday”; and

WHEREAS, the Town Board adopted an amended Handbook on January 6, 2014; and

WHEREAS, the amended Handbook Section 704 Pay Period and Check Distribution stated “Payroll Period – Employees will be paid on a bi-weekly basis”; and

WHEREAS, the amended Handbook Section 704 stated “ Payday – Paychecks for employees will be issued on a Thursday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.”

NOW, THEREFORE BE IT RESOLVED, the Town Board approves amendment of the current Employee Handbook Section 704 Pay Period and Check Distribution Payroll to state the Payroll Period and Payday wording aforementioned in the original Employee Handbook adopted October 13, 2003.”

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

NAYS – 0

Building Inspector William Walcutt prepared a written report for the Town Board.

George Boyle addressed the Town Board to appeal the decision of the Roxbury Historic Preservation Commission (RHPC) regarding his application for his buildings located at 53655 State Hwy. 30, Roxbury to include upgrading windows, doors and entrance steps to make into living quarters. Due to the RHPC denying his application, the Building Inspector could not issue his building permit for the same work. The Town Board and attorney had a lengthy discussion regarding the matter referencing the Local Law, specifically noting the building is not historical and is located behind other buildings so it’s not very visible from the street thus causing it not to come under review by the Historic Commission. Building Inspector William Walcutt stated the only issue he has is with energy code compliance but stated a Certificate of Occupancy would not be issued unless those requirements were satisfied.

#### RESOLUTION #66 – BOYLE APPEAL

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

“RESOLVED, pertaining to the appeal from George Boyle on the decision of the Historic Preservation Commission, the Town Board renders a final decision as set forth below:

#### Appeal Determination

Application: George Boyle Application for a certificate of compatibility

Application Date: October 30, 2014

Physical address the property: 53655 State Hwy. 30, Roxbury, NY 12474

Date of Meeting: November 28, 2014

Exhibit A: Application and Record

Decision appealed from: Denial of Certificate of Compatibility for the following stated reasons:

1. The general design, character and appropriateness of what was a temporary classroom trailer for the school is not compatible with the surrounding properties and the historic district.

2. The proposed building is not compatible with surrounding properties including the proportion of the front façade and the rhythm of the spacing of properties on the streets, including setbacks.

Nature of Modifications: Alteration of steps, windows and doors for energy and safety improvements to the façade of an existing structure that is not visible from the street.

Scope of Jurisdiction: No person shall carry out any . . . structural modification of a building . . . within an historic district without first obtaining a Certificate of Compatibility from the Historic Preservation Commission.

Excluded from Jurisdiction: Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair or alteration of any exterior architectural feature of a landmark or property within a historic district.

Approval Criteria:

(B) The Commission's decision shall be based on the following principles:

(i) properties which contribute to the character of the historic district shall be retained;

(ii) new construction shall be compatible with the district in which it is located.

(C) In applying the principle of compatibility, the Commission shall consider the following factors:

(iii) visual compatibility with surrounding properties, including proportion of the property's front façade, proportion and arrangement of windows and other openings within the façade, roof shape, and the rhythm of spacing of properties on streets, including setback; and

Decision of the Town Board: Overruled the Commission's decision as inconsistent with the Historic Preservation Law for the following reasons:

1. The proposed alterations to the existing structure would not be visible from the road.

2. The existing structure has no historic value.

3. The proposed alterations to the existing structure would improve its overall appearance and thus improve its overall compatibility with the surrounding buildings.

4. The issue before the Board is not whether the existing structure is compatible, but whether the proposed structural modifications to the building façade are compatible.

5. The purpose of the law was to protect the historic streetscape while not discouraging or in any way deterring property owners from improving and maintaining their property. The Town Board considers this proposed project to be an improvement to the property that has no impact on the historic streetscape."

AYES – Cronk, Hinkley, Raeder, Murray, Hynes

NAYS – 0

Due to the foregoing decision of the Town Board regarding the appeal of George Boyle, the Town Board also directed the Building Inspector to issue the Building Permit submitted by Mr. Boyle.

Further discussion took place on the Historic Commission guidelines where RHPC Secretary Carolynn Faraci requested clarification on review of applications, quorum requirements and requested the Town Attorney attend one of the RHPC meetings.

Supv. Hynes stated Cowan Excavating is finishing work on the Roxbury springs in hopes of receiving approval from NYS Dept. of Health to begin using them again.

Martin Menne expressed ongoing concerns with his water usage due to having to run the water in the cold months to prevent freezing of the water service line that runs under State Hwy 30 and requested remediation of his water charges for same. The Town Board discussed changing out the meter to see if it was registering usage incorrectly and possibly crediting customer's water accounts that have a similar situation. The Town Board will have the Water Operator check the meter but no other decisions were made.

Per Town Board approval, Attorney Kevin Young researched and discussed the procedures for

demolition of unsafe structures giving information that encompasses both State and Town laws. Specific to the Caroline Lilly property on State Hwy 30, Roxbury, Supervisor Hynes will contact Delaware County DPW to come inspect the buildings and submit a plan and estimate of cost for the demolition.

Attorney Young discussed the retainer agreement from Robert Beebe to cover the work necessary to conclude the sewer collection lines litigation with NYCDEP. The Board agreed to stay with Robert Beebe under the condition that he completes the matter at a not to exceed cost of \$5,000. Payment is conditioned on the completion of the matter in a timely manner. The overall settlement should include a valuation methodology using replacement cost new less depreciation.

RESOLUTION #67 – ATTORNEY BEEBE RETAINER FOR NYCDEP SEWER LINE LITIGATION

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

“RESOLVED, the Town Board, Town of Roxbury accepts the Retainer Agreement of Robert L. Beebe, Esq. for legal services to cover work necessary to conclude the NYCDEP collection lines litigation and values at a not to exceed cost of \$5,000; and

BE IT FURTHER RESOLVED, acceptance is contingent upon the following: All work must be completed by January 31, 2015 and no payment shall be made until work is completed.”

AYES – Cronk, Raeder, Hinkley, Murray, Hynes

NAYS – 0

Attorney Young stated the truck lawsuit will be heard in court on April 3, 2015.

A letter was received from Amy and Robert Cronk requesting approval to hook up their tire shop on State Hwy. 23, Grand Gorge, to the NYCDEP sewer line.

RESOLUTION #68 – REQUEST CRONK HOOKUP TO NYCDEP SEWER

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

“WHEREAS, the Town Board has received a request from Robert and Amy Cronk to connect their property, located at 35487 State Hwy. 23, Grand Gorge, to the NYCDEP sewer system;

NOW, THEREFORE BE IT RESOLVED, the Town of Roxbury will submit a request to NYCDEP on behalf of the Cronk’s to obtain approval to connect to the sewer system.”

AYES – 4 Raeder, Murray, Hinkley, Hynes

NAYS – 0

ABSTAIN – 1 Cronk (owner is son)

On motion of Carol Murray second by Allen Hinkley the Town Board approved the Town Clerk monthly report for November 2014 in the amount of \$2,330.41 (Town Clerk \$1,960.41 and Building Permits \$370.00)

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

NAYS – 0

On motion of Edward Raeder second by Carol Murray the Town Board approved the Supervisor’s monthly report for the October 2014.

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

NAYS – 0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Assessor monthly report for November 2014.

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

NAYS – 0

On motion of Carol Murray second by Edward Raeder the Town Board approved the Justice Court

monthly report for October 2014 in the amount of \$3,999.00.

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

NAYS – 0

On motion of Carol Murray second by Allen Hinkley the Town Board approved the HUD Program monthly report for November 2014 reflecting a balance of \$130,796.00.

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

NAYS – 0

On motion of Allen Hinkley second by Gene Cronk the Town Board approved the Building Inspector monthly report for November 2014.

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

NAYS – 0

On motion of Edward Raeder second by Carol Murray the Town Board approved the Water Receipts monthly reports for November 2014 in the following amounts: Denver \$204.50; Grand Gorge \$716.74 and Roxbury \$792.01.

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

NAYS – 0

No action was taken on filling the vacancy on the Historic Preservation Commission for a term expiring 12/31/15.

RESOLUTION #69 – APPOINT ELLSWORTH TO HISTORIC PRESERVATION COMMISSION

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

“RESOLVED, the Town Board appointed Margaret Ellsworth to the Historic Preservation Commission to fill the unexpired term of Phillip Lenihan; and

BE IT FURTHER RESOLVED, such appointment is effective immediately and will expire December 31, 2016.”

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

NAYS – 0

RESOLUTION #70 - In the Matter of the Adoption of Local Law No. 2 of 2014 entitled “Local Law to Increase Income Limits for Partial Tax Exemption for Persons 65 Years of Age or Older”

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

“WHEREAS, in accordance with the authority granted by Section 467 of the Real Property Tax Law of the State of New York allowing municipalities to adopt a Local Law that sets out income limits for partial tax exemption for persons 65 years of age or older; and

WHEREAS, the proposed Law was adopted on November 6, 2014 as Local Law No. 2 of 2014 and submitted to the Department of State on November 10, 2014; and

WHEREAS, the first line of Section 2 of the income schedule identifies the Income \$15,000 Or below; and

WHEREAS, subsequent to the submission of the Law to the Department of State it was determined that there was a typographical error located in Section 2 on the second line of the income schedule in which the Income was identified as Income more than \$15,100 But less than \$16,100; and WHEREAS, the income schedule has been corrected to identify the second line income as Income more than \$15,000 But less than \$16,100, thereby including, rather than inadvertently deleting those with incomes between \$15,001 and \$15,099.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ROXBURY, DELAWARE COUNTY, NEW YORK: The Town Board hereby authorizes the Town Clerk to resubmit the corrected version of Local Law No. 2 entitled A Local Law to Increase Income Limits for Partial Tax Exemption for Persons 65 years of Age or Older.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

AYES – 5 Hinkley, Cronk, Raeder, Murray, Hynes  
NAYS – 0

On motion of Edward Raeder second by Carol Murray the Town Board scheduled a Year End meeting to be held December 29, 2014 at 4:00 pm at the Town Hall to conclude all business for the year 2014.

AYES – 5 Raeder, Murray, Cronk, Hinkley, Hynes  
NAYS – 0

The Organizational meeting of the Town Board will be held January 2, 2015 at 7:30 pm at the Town Hall.

RESOLUTION #71 – RESOLUTION TO GO INTO EXECUTIVE SESSION TO NEGOTIATE THE TERMS OF THE ROXBURY HIGHWAY ASSOCIATION COLLECTIVE BARGAINING CONTRACT

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

“RESOLVED, the Town Board agrees to enter into Executive Session at 9:03 pm to discuss the terms of the Roxbury Highway Workers Association (RHWA) 2015/2016 collective bargaining contract and the 2015 Building Inspector contract.”

AYES – 5 Hinkley, Murray, Cronk, Raeder, Hynes  
NAYS – 0

Present in Executive Session were: Supervisor Thomas S. Hynes, Councilmen Allen Hinkley, Carol Murray, Edward Raeder and Gene Cronk, and Attorney Kevin Young.

The Town Board and Attorney came out of Executive Session at 9:22 pm and on motion of Gene Cronk second by Carol Murray returned to the regular meeting. It was stated that no decision was made on the Roxbury Highway Workers Association (RHWA) contract and Attorney Kevin Young will prepare a draft Building Inspector contract.

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

General #561-603	\$119,802.21	Roxbury Sewer #81-87	\$6,762.43
Highway #302-327	\$142,453.08	Denver Sewer #124-130	\$10,954.87
Roxbury Water #78-87	\$5,351.70	Special Lights #18-19	\$3,836.71
Grand Gorge Water #86-91	\$2,336.56	Capital Projects:	
Denver Water #76-82	\$1,989.56	HUD Program #32-33	\$52,850.00

AYES – 5 Cronk, Hinkley, Raeder, Murray, Hynes  
NAYS – 0

On motion of Edward Raeder second by Gene Cronk the meeting adjourned at 9:30 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, Councilwoman

