

UNAPPROVED MINUTES

The regular meeting of the Town Board was held February 11, 2019 at 7:30 pm at the Town Hall. Present were: Supervisor Thomas S. Hynes, Councilmen Edward Raeder, Allen Hinkley, Carol Murray and Kenneth Davie, Hwy. Supt. Neil German, Parks Clerk Carolynn Faraci, Attorney Kevin Young and 5 residents.

The Minutes of the January 2019 Organizational Meeting were approved on motion of Carol Murray second by Allen Hinkley.

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

NAYS-0

Carolynn Faraci, Bookkeeper/Parks Clerk, reported the new cameras have been installed in the park and the older cameras have been updated, the camera company is nice to work with, added the Highway Garage is still waiting to have 2 cameras installed and old ones updated but the camera company doing that one will not respond so she asked Councilman Hinkley to try to contact him, the Annual Financial Report must be filed by March 1 so she is getting the necessary information to the CPA's to do and reported there are still 28 reservations for the park so far this year.

Supervisor Hynes reported new flooring has been installed in the 2nd floor hallway and Parks Dept. office at the Town Hall.

Margaret Ellsworth, Mark Project, reported work continues on the park kitchen which is planned to be completed in May, guidelines for kitchen rental are being worked on and the Town has been awarded a \$433,650 Community Development Block Grant (CDBG) housing rehab grant. The process of the CDBG program was discussed where it was stated a public hearing will be required to be held.

RESOLUTION #18-PUBLIC HEARING CDBG GRANT

On motion of Allen Hinkley second by Ken Davie the following resolution was offered and adopted:
"WHEREAS, the Town of Roxbury has been awarded a NYS Community Development Block Grant (CDBG) in the amount of \$433,650 from the Office of Homes and Community Renewal (OHCR); and WHEREAS, grant funds are to be used for owner occupied housing rehabilitation projects; and WHEREAS, the guidelines for program funds require a Public Hearing to be held after the grant award; NOW, THEREFORE BE IT RESOLVED, the Town Board will hold a Public Hearing on March 11, 2019 at 7:15 pm at the Town Hall regarding the CDBG grant award."

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

NAYS-0

Discussion took place on filling the vacancy on the Catskill Rail Committee. Margaret Ellsworth was asked if she would serve.

Neil German, Hwy. Supt., reported the two new plows have been installed and the new truck delivery is now slated for mid March.

Michael Harrington of Lamont Engineers, PC gave the following Water Project report:

Denver

*Well #1 is now in operation

*Well #6 rehab work has been completed and is ready for flushing and testing as required by Dept. of Health (DOH) who must approve putting the well into service

*The engineer is addressing DOH comments on the Phase 2 Controls design. Discussion ensued and the Town Board agreed to have the additional work put out to bid.

*The engineer has resubmitted their partial MWBE waiver request per input from EFC

*Contract 7 for Well #6 re-construction by Titan has been prepared for Town Board approval. This will eliminate the need for Titan to meet MWBE requirements*Submission of the Distribution System Piping Replacement plans and specs are expected to go to DOH shortly

*Well #5 iron bacteria issue requires a letter/report to DOH requesting approval of the chlorine pellet feeder approach which could possibly be a Change Order to the pending Contract #7

Roxbury/Grand Gorge

*The PW-3 782 hour pump test was terminated after 48 hours due to stream levels and heavy rain affecting results. The test will resume when levels are more conducive to get more accurate readings

*A Change Order was requested for Layne's work to compensate for the additional well development work and terminated pump test.

*PW-3 has been found to fall short of the desired 350 gpm yield coming in at 242 gpm. The engineer will look over the maximum day demand for both Roxbury and Grand Gorge to see if it will be adequate or not. Discussion took place on options if needed to meet the demand. The Town Board does not want another new well drilled so the engineer will look into costs to filter PW-2 to make up any difference.

*A list of corrections is being required by DOH before the treated water can be utilized. The engineer suggests doing the work under a Contract #2. The engineer was directed by the Town Board to contact DOH and let them know what else would be required as they are disgruntled with the slowness of getting the springs back in use.

Attorney Young discussed funding for the aging Denver Sewer Plant. Lamont Engineers has begun to do an in depth study of what is required to be updated there.

RESOLUTION #19-RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROXBURY ACCEPTING AND APPROVING A BID PROPOSAL FOR THE DENVER WATER DISTRICT WATER SYSTEM IMPROVEMENT PROJECT AND AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE PROPOSAL

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

“WHEREAS, the Town Board of the Town of Roxbury (the "Town Board") determined the necessity of a project named The Denver Water District Water System Improvement Project relating to improvement of the distribution/supply facilities of the Denver Water District (the “Denver Water District Project”); and WHEREAS, by resolution dated April 10, 2017, the Town of Roxbury’s Denver Water District (“DWD”) and Lamont Engineers (“Lamont”) entered into a Final Design and Construction Phase Service Contract (the “Contract”) for the Denver Water District Project; and

WHEREAS, the Town has requested Titan Drilling Corp. to submit the attached Contract No. 7 for work to be performed at the Denver Water Well No. 6 associated with the Denver Water District Project (“Project”); and

WHEREAS, the Town Board has reviewed Contract No. 7 submitted by Titan Drilling Corp. and evaluated and confirmed the necessity for the work and the costs associated with Contract No. 7; and

WHEREAS, the anticipated Project cost is \$18,000.00; and

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby accepts and approves the Titan Drilling Corp.’s Contract No. 7 for work to be performed at the Denver Water Well No. 6 associated with the Denver Water District Project; and
2. The Town Supervisor is hereby authorized to execute Contract No. 7.”

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

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

NAYS-0

Joseph Resch requested use of the Civic Center in July for Community Emergency Response Team (CERT) training. Information on the organization was distributed to the Town Board and discussed as being certified members who would assist emergency response crews, such as fire departments, upon their request for help. The Town Board can also have their own CERT Team if they want to where they would be eligible for grants to get needed equipment. Concerns were raised with the County currently having a response team, insurance liability, not having the same in-depth training as firemen and who would oversee the Team. The Town Board will review the material and has requested the CERT Coordinator to attend a meeting to discuss the matter further. The Town Board did authorize the use of the Civic Center for the July training at no cost to the CERT Coordinator but did require a Certificate of

Insurance from them. Mr. Resch will contact them regarding this information.

Councilmen Hinkley and Davie met with Building Inspector Tomi Tompkins to discuss the old open building permit files. They reported the Building Inspector suggests there is no point in collecting later than 10 years back and those files will be taken out of the open files and placed in a separate file to be accessed when a CO Search is done and then the owner would be contacted to close out the file. Mr. Tompkins also suggests a new fee schedule be done so there is no separate application or fee for a Certificate of Occupancy or Certificate of Compliance but rather there would be only one fee for both and also suggests filing building permits by tax map number. Concerns were raised for liability on the Town for not having final work inspected and permits closed out, especially for houses, mobile/modular homes and additions which requires a CO to occupy. Attorney Young felt there would be no Town liability if an owner does not get a CO. Attorney Young will look into the matter of changing the building law and fees for the March meeting.

Supervisor Hynes discussed the State's 2020 budget having removed State Aid for local municipalities. If approved by the Governor, the Town would lose approximately \$13,000.

RESOLUTION #20-RESOLUTION ASKING THAT AIM FUNDING BE RESTORED IN THE NEW YORK STATE 2020 BUDGET

On motion of Carol Murray second by Kenneth Davie the following resolution was offered and adopted: "WHEREAS, "Aid and Incentives for Municipal Funding" ("AIM") is essential to the Towns and Villages that receive such funding; and

WHEREAS, AIM is key state funding that Local Governments have relied on for years; and
WHEREAS, AIM affects not just Local Governments but the communities that they are located in; and
WHEREAS, Governor Cuomo's proposed 2020 budget plan eliminates AIM funding for Local Governments that rely upon AIM funding for less than two percent (2%) of their budgets; and

WHEREAS, it is believed that such a cut will save New York State \$60,000,000 in its budget but it will dramatically impact 1,328 of New York State's 1,465 Towns and Villages; and

WHEREAS, many Local Governments are already struggling financially, especially those in upstate; and
WHEREAS, Local Governments must create and pass budgets that navigate a number of difficult financial stressors that include: New York's Tax Cap, increasing health insurance costs, high contribution rates for the New York Retirement System, prevailing wage, competitive bidding and procurement obligations, Wick's Law, Taylor Law, Worker's Compensation and a dedicated but an often unionized and civil service protected work force; and

WHEREAS, in addressing it's budget and it's Local Levy, Local Governments must face limited avenues for revenue generation, limited economic development in its boundaries, Payments in Lieu of Taxes, an aging population often on limited incomes, a diminishing population, potential business opportunities that are fleeing high taxes and thus leaving New York State and often unpredictable sales tax distribution and/or generation; and

WHEREAS, the loss of AIM is magnified for those Local Governments which already have all or part of their budgets set;

NOW, THEREFORE BE IT RESOLVED, the Town of Roxbury and its Town Board, on behalf of its residents, recognizes the important role of AIM funding in Local Governments; and

BE IT FURTHER RESOLVED, the Town of Roxbury and its Town Board enthusiastically encourages the New York State Governor, the New York State Assembly and the New York State Senate to consider the consequences of the proposed reduction of AIM for Local Governments and demands that such funding be replaced in the Budget; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to Governor Cuomo, Senator Fred Akshar, Senator Jen Metzger, Senator James Seward, Assemblyman Clifford Crouch, Assemblyman Brian Miller, Assemblyman Chris Tague, Upstate New York Towns Association, New York State Association of Towns and New York Conference of Mayors."

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

NAYS-0

On motion of Allen Hinkley second by Edward Raeder the Town Board approved the Town Clerk's

monthly report for January 2019 in the amount of \$859.25 (Town Clerk \$99.25 and Building Permits \$760.00)

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

NAYS-0

On motion of Kenneth Davie second by Edward Raeder the Town Board approved the Supervisor's monthly report for December 2018.

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

NAYS-0

On motion of Carol Murray second by Allen Hinkley the Town Board approved the Assessor's monthly report for January 2019.

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

NAYS-0

On motion of Kenneth Davie second by Allen Hinkley the Town Board approved the Building Inspector's monthly report for January 2019.

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

NAYS-0

On motion of Edward Raeder second by Carol Murray the Town Board approved the Water District monthly reports for January 2019 with receipts in the following amounts: Denver \$2,872.38; Grand Gorge \$3,447.40 and Roxbury \$4,058.47.

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

NAYS-0

On motion of Edward Raeder second by Kenneth Davie the Town Board approved the Justice Court monthly report for December 2018 in the amount of \$5,231.00.

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

NAYS-0

On motion of Allen Hinkley second by Kenneth Davie the Town Board approved the Tax Collector's monthly report for January 2019 where the Town has received all funds for the Town warrant.

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

NAYS-0

RESOLUTION #21-CDBG PROGRAM CHECKING ACCOUNT

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

“WHEREAS, in 2018 the Town of Roxbury submitted an application to NYS Homes & Community Renewal, Housing Trust Fund Corporation for a NYS Community Development Block Grant (NYS CDBG) for housing rehabilitation projects; and

WHEREAS, the Town of Roxbury received notice, dated January 24, 2019, the NYS CDBG application was awarded in the amount of \$433,650; and

WHEREAS, per grant guidelines the funds must be kept in a separate, non-interest bearing bank account to be used for said purposes of the grant;

NOW, THEREFORE BE IT RESOLVED, the Town Board, Town of Roxbury directs the Town Bookkeeper to set up a non-interest bearing checking account with Wayne Bank, to be entitled “2018 CDBG Fund”.

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

NAYS-0

No action was taken on filling the vacancy on the Planning Board with a term through 12/31/19.

RESOLUTION #22-RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF ROXBURY TO APPROVE LAYNE CHRISTENSEN COMPANY CHANGE ORDER NO. 1

On motion of Allen Hinkley second by Kenneth Davie the following resolution was offered and adopted: “WHEREAS, the Town Board of the Town of Roxbury (the "Town Board") determined the necessity of Roxbury and Grand Gorge Waster District Contract No. 1 – Production Well Construction; and WHEREAS, on behalf of Roxbury and Grand Gorge Waster Districts the Town of Roxbury solicited competitive bids for the installation of the production well; WHEREAS, two bids were received and Layne Christensen Company was the lowest bidder; and WHEREAS, by Resolution #75 of the year 2018, the Town Board awarded Contract No. 1 – Production Well Construction (“Contract”) – to Layne Christensen Company (“Layne”); and WHEREAS, Layne has now prepared and submitted Change Order No. 1 modifying the Contract; and WHEREAS, pursuant to Change Order No. 1, there is a modified contract price increase of \$37,215.50 to the original contract price of \$71,750.00; and WHEREAS, the substantial completion date had been changed from December 29, 2018 to April 30, 2019 with an amended final completion date of May 31, 2019; and WHEREAS, the Town Board has considered the modifications identified in Change Order No. 1; and NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of Roxbury hereby approves Change Order No. 1 submitted by Layne for an increase of \$37,215.50 to the original contract price of \$71,750.00; and
2. Pursuant to Change Order No. 1, the final contract price is now \$108,965.50; and
3. The Town Supervisor is hereby authorized to execute Change Order No. 1.”

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

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

NAYS-0

No action was taken on appointing two people to the Schoharie Watershed Advisory Committee to represent the Town. Supervisor Hynes stated he will attend the meetings on behalf of the Town until such time appointments are made.

Discussion took place on appointment of someone to represent the Town on the Catskill Rail Commission due to the resignation of Wheldon Farleigh.

RESOLUTION #23-APPOINT ELLSWORTH TO CATSKILL RAIL COMMISSION

On motion of Allen Hinkley second by Kenneth Davie the following resolution was offered and adopted: “RESOLVED, the Town Board, appoints Margaret Ellsworth to fill the vacancy on the Catskill Rail Commission to represent the Town of Roxbury with said term being 2/11/19 – 12/31/19.”

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

NAYS-0

RESOLUTION #24-ADVERTISE BIDS FOR HIGHWAY FUEL

On motion of Edward Raeder second by Carol Murray the following resolution was offered and adopted: “RESOLVED, the Town Board authorizes the Town Clerk to advertise for sealed bids for Highway Fuel with such bids to be opened on March 8, 2019 at 2:00 pm at the Town Hall.”

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

NAYS-0

RESOLUTION #25-ADVERTISE BIDS FOR HIGHWAY MATERIAL HAULING

On motion of Kenneth Davie second by Edward Raeder the following resolution was offered and adopted:

“RESOLVED, the Town Board authorizes the Town Clerk to advertise for sealed bids for Highway Material Hauling with such bids to be opened on March 8, 2019 at 2:15 pm at the Town Hall.”

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

NAYS-0

RESOLUTION #26-AUTHORIZE PRE-PAYMENT OF WATER PROJECT INVOICES

On motion of Allen Hinkley second by Edward Raeder the following resolution was offered and adopted: “WHEREAS, the Town of Roxbury currently has water projects being funded by NYS Environmental

Facilities Corp. (“NYSEFC”) for the Denver, Grand Gorge and Roxbury Water Districts; and
 WHEREAS, the Town Board had previously authorized borrowing funds from the General Fund to pay for said costs to the contractors; and
 WHEREAS, once payment requests are submitted to NYSEFC for reimbursement and funds are received, they are used to reimburse the General Fund; and
 WHEREAS, when EFC has issues with any cost the amount is deducted from the reimbursement payment; and
 WHEREAS, to prevent future non-reimbursement of funds on invoices already paid to vendors;
 NOW, THEREFORE BE IT RESOLVED, effective immediately, the Town Board will not make payments to Water Project vendors until a reimbursement request is submitted to EFC for the invoices and payment is received from EFC for said costs; and
 BE IT FURTHER RESOLVED, if EFC funds are received after the current monthly abstract has been approved by the Town Board, the Bookkeeper is authorized to pre-pay the vendors and the Town Clerk is authorized to include the invoice on the next abstract of bills to be approved by the Town Board.”
 AYES-5 Hinkley, Raeder, Murray, Davie, Hynes
 NAYS-0

RESOLUTION #27-SPONSOR ROXBURY SUMMER FESTIVAL

On motion of Kenneth Davie second by Carol Murray the following resolution was offered and adopted:
 “RESOLVED, the Town Board agrees to sponsor the Roxbury Summer Festival by submitting necessary permits to NYSEG and NYS Dept. of Transportation (NYSDOT) for the festival, parade and banner that will also be under the Town’s insurance.”
 AYES-5 Davie, Murray, Raeder, Hinkley, Hynes
 NAYS-0

An application has been received for extra help at the Transfer Station. No action taken.

Attorney Young discussed the Sexual Harassment Policy which requires training to be completed by all before October 9, 2019. The County is also looking into training and possibly the Town can get information from them.

Martin Menne requested the Town Board be aware he has been letting his water run a little to prevent freezing during the cold weather.

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

General #20-84	\$158,823.17	Denver Water #2-10	\$3,715.74
Highway #4-33	\$131,749.68	Roxbury Sewer #4-11	\$11,422.44
Roxbury Water #3-11	\$4,675.40	Denver Sewer #2-17	\$34,807.21
Grand Gorge Water #3-12	\$4,220.40	Special Lights #2-3	\$5,780.07

AYES-5 Raeder, Murray, Hinkley, Davie, Hynes
 NAYS-0

On motion of Allen Hinkley second by Kenneth Davie the meeting adjourned at 9:18 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
 Thomas S. Hynes, Supervisor
 Edward Raeder, Councilman
 Allen Hinkley, Councilman

Carol Murray, Councilwoman
Kenneth Davie, Councilman