

DRAFT MINUTES

June 8, 2020

The regular monthly meeting of the Town Board was held in person June 8, 2020 at 7:00 pm at the Town Hall and via Zoom. Present: Supervisor Allen Hinkley, Councilmen Edward Raeder, Kenneth Davie and Carol Murray, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara, Attorney Kevin Young, and two residents. Margaret Ellsworth of the Mark Project, Inc. participated in the meeting via Zoom.

The meeting was called to order with the Pledge of Allegiance.

Supervisor Hinkley welcomed everyone back from being away due to Covid-19. Masks were worn and the meeting room was arranged so social distancing was observed.

RESOLUTION#64-APPOINT MICHAEL HYNES AS COUNCILMAN

On motion of Kenneth Davie second by Carol Murray the following resolution was offered and adopted:

“WHEREAS, a vacancy exists in the position of Councilman for a term through 12/31/23;

BE IT RESOLVED, the Town Board appoints Michael Hynes to fill such vacancy for a term 6/8/2020-12/31/2020; and

BE IT FURTHER RESOLVED, the remainder of the term shall be determined by electors of the Town at the November 3, 2020 General Election.”

AYES-4 Davie, Murray, Raeder, Hinkley

NAYS-0

Councilman Hynes took the Oath of Office and Official Undertaking.

Michael Harrington of Lamont Engineers gave an update report for the Water Projects:

Denver

*Hubbell (Contract #6) expects to begin water main replacement in Cluster 5 next week. Supervisor Hinkley wants to make sure Roxbury Run Village Association and residents want this work to be done now while so many owners are there. Mike will check with the Association.

*Hinkley Electric (Contract #5) is expected to get started again this week. The new control panel should arrive soon and work is expected to be completed in the next 2 months.

Roxbury/Grand Gorge

*Delaware River Basin Commission will need payment for a required application. A separate drawdown request can be placed for this amount.

*Two proposals have been received for the RFP on Leak Detection. Work would be completed this summer.

*PW-2 Well House may require a pre-demolition materials survey be completed. This will be discussed with the Building Inspector before anything is done.

*Lamont Engineers requested the Board to approve Amendment #2 to their agreement. The work involved was discussed and 2018 rates will apply.

Water project costs to date were distributed to the Town Board.

RESOLUTION #65-DELAWARE RIVER BASIN COMMISSION APPLICATION

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

“WHEREAS, the Town of Roxbury is required to file a Water Allocation Application with the Delaware River Basin Commission (DRBC) for the Roxbury/Grand Gorge Water Project; and

WHEREAS, said application fee is \$9,321.40;

NOW, THEREFORE BE IT RESOLVED, the Town Board approves the submittal of a Water Allocation Application and fee in the amount of \$9,321.40 to Delaware River Basin Commission for the Roxbury/Grand Gorge Water Project.”

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

NAYS-0

A Request for Proposals was sent to six companies for the Roxbury/Grand Gorge Water Project Leak Detection Survey and were opened on May 28, 2020. A total of two proposals were received and were as follows:

Name	MBE	WBE	Total Fee	Notes
New York Leak Detection Inc.	No	No	\$6,600*	Plus \$3,300 for Roxbury to GG pipeline. NYLD is a well-known company in the area
American Leak Detection	No	No	\$3,900*	Plus \$2,600 for Roxbury to GG pipeline. ALD is a newcomer to the area

*Total fee includes leak detection surveys of both the Roxbury and Grand Gorge distribution systems.

RESOLUTION #66-LEAK DETECTION SURVEY

On motion of Carol Murray second by Kenneth Davie the following resolution was offered and adopted: “WHEREAS, a Leak Detection Survey is required to be conducted for the Roxbury/Grand Gorge Water Project; and

WHEREAS, a Request for Proposals was sent to several companies for proposals to complete the work; NOW, THEREFORE BE IT RESOLVED, the Town Board accepts the proposal of American Leak Detection in the amount of \$3,900 to complete a Leak Detection Survey for the Roxbury/Grand Gorge Water Project.”

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

NAYS-0

RESOLUTION #67-LAMONT ENGINEERS CONTRACT AMENDMENT #2

On motion of Kenneth Davie second by Carol Murray the following resolution was offered and adopted: “WHEREAS, Lamont Engineers, PC has been retained by the Town of Roxbury for engineering services for the Roxbury/Grand Gorge Water Project; and

WHEREAS, said engineering costs were budgeted at \$526,300; and

WHEREAS, on March 14, 2016 the Town Board approved an agreement with Lamont Engineers, PC for project development services in the amount of \$7,500; and

WHEREAS, on November 9, 2017 the Town of Roxbury approved an agreement with Lamont Engineers, PC for Design Phase Services in the amount of \$24,700; and

WHEREAS, on September 10, 2018 the Town of Roxbury approved Amendment #1-Design Phase Services with Lamont Engineers, PC in the amount of an additional \$100,000; and

WHEREAS, Lamont Engineers, PC is requesting Amendment #2-Design Phase Services for Wellfield Design, Bidding and Construction phase services in the amount of \$150,300;

NOW, THEREFORE BE IT RESOLVED, the Town Board, Town of Roxbury approves Lamont Engineers, PC Amendment #2-Wellfield Design, Bidding and Construction Phase Services in the amount of \$150,300; and

FURTHER RESOLVED, the Town Supervisor is authorized to execute Amendment #2 on behalf of the Town.”

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

NAYS-0

An Annual Operation & Maintenance Report for the Denver Sewer system was compiled by Milan Jackson of Lamont Engineers, PC and was distributed to the Town Board. Attorney Young discussed the background on the plant, which was built in the seventies and was later one of the first plants to be upgraded by NYCDEP with microfiltration equipment that is now old technology compared with today’s equipment. The Town Board has the option to either 1) upgrade only the microfiltration equipment at approximately \$800K and NYCDEP would pay 100% of the cost or 2) upgrade the entire plant at approximately \$3.8M where NYCDEP would only be responsible for some costs, that could be negotiated, and the other would fall on the homeowners. Some grant funding is still available for projects such as this and Margaret Ellsworth offered her assistance with same. Attorney Young suggests only considering doing the microfiltration now as owners will already have debt service for the water upgrades. More information will be looked into from NYCDEP and the State before a decision is made.

The Assessor submitted a written report to the Town Board. Assessor Clerk, Stephanie Seminara, reported the remote open hours and Grievance Day went well via Zoom. A total of 34 applications were processed with only 5 needing to be heard on Grievance Day and 1 adjourned hearing.

Highway Supt. William Sprague reported crews are prepping roads for stone & oil, the new truck should be here by winter, crews are back to full hours, Jeff Haskin is retiring in July so it was requested to hire a new person as soon as possible and the highway mechanic is repairing the Transfer Station loader. The Town Board was also made aware of the continuing problem with Johnson Hollow Rd. sinking in two spots. Previous costs estimates were at \$187,000. Sprague has contacted Grayden Dutcher of Delaware County Soil & Water for updated costs. Margaret Ellsworth offered to look into some funding for the project.

The Town Board thanked the Highway Dept. for their help in removing the old fuel oil tank at the Town Hall.

Attorney Young discussed the Town having two escrow funds that were set up years ago as part of separate subdivisions done by Catskill Country Estates (Tom Briggs) and Denver Peaks Subdivision. The issue is what can be done with these funds being the roads in the subdivisions were never taken over by the Town. The matter will be looked into further.

The FEMA work extension for Johnson Road expires 10/1/20. The Highway Supt. and Town Board need to decide if the work will be bid out or completed by the Highway Dept. The Hwy. Supt. will contact our FEMA rep to see what specific work is required to be done.

Margaret Ellsworth of the MARK Project, Inc. reported the following:

- *CDBG – total of 15 applications, 3 completed, 1 almost done, 10 more under contract and one has a scope of work that is over the amount allowed so the MARK Project, Inc. is trying to partner with Western Catskills Community Revitalization Council to get the work done

- *Park Kitchen requires inspection from the Town Building Inspector and NYS Dept. of Health before it can open for public use

- *Pavilion rentals – reported the rental calendar for July and requested restrooms to be opened and picnic tables to be used outside.

- * Keys for the Park will now be kept in a lockbox at the park

- *Forward NY loan funds are now available for those businesses that did not get the pay grants on the first round

- *Wants to keep the Parks Clerk application period open through June 15

- *WiFi can be used by the public at the park

- *Welcomed Michael Hynes as Councilman

Attorney Young gave a handout to the Town Board and discussed the use of parks and pavilions per requirements per Covid-19 requirements and guidelines and further added the Town must adhere to the State guidelines and must implement a plan and enforce it or it creates a liability issue for the Town. This includes the restrooms. Supv. Hinkley requested putting signs up at the Park. The question of whether the Park will be closed and reimbursements given for July was discussed where the Supervisor wants to wait until July 6th to see what changes come from the State for use. Ellsworth added the pavilion was never to be charged rental and should be open to the public at all times.

On motion of Kenneth Davie second by Carol Murray the Town Board authorizes the Town Supervisor to determine when the Park restrooms and pavilion can be opened pending Phase 3 opening status from the State and the guidelines associated with same which must be adhered to which includes capacity and social distancing.

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

NAYS-0

No action was taken on building permit fee changes. The Town Board is waiting to hear back from the Building Inspector.

Discussion took place on having the June 17th Planning Board meeting held in person at the Town Hall. Attorney Young stated a regular meeting can be held but no public hearings are allowed yet.

A water leak near the intersection of State Hwy 23 & 30 in Grand Gorge was repaired and was found to be on the water service line that went to the old bank building that used to be on the corner.

The fuel oil tank at the Town Hall has been removed and a monitoring well was installed today. Costs will be put through insurance. The sewer and water service lines were damaged during the digging and have been repaired.

A schedule of work, as a result of the Local Flood Analysis report, was distributed to the Town Board and the County will look into funding starting with work on Kirkside Park lands.

Toilet issues at in the men's room at the Civic Center have been repaired.

A thank you note was received from the Grand Gorge Sr. Social Club for the \$500 given per the 2020 budget.

An email was received from Karen Hinkley of Grand Gorge expressing concerns with the junk cars around her property. She has spoken to the Building Inspector about it several times to see what could be done. The matter was discussed as it pertained to used car sales and property encroachment issues. The Town Attorney and Building Inspector will look into the matter further.

On motion of Edward Raeder second by Carol Murray the following department reports were approved:

- *Town Clerk monthly report for May 2020 in the amount of \$1,852.00 (Town Clerk \$262.00 and Building Permits \$1,590.00)

- *Supervisor's monthly report for March & April 2020

- *Assessor's monthly report for May 2020

- *Water District monthly report for May 2020 showing receipts in the following amounts: Denver \$891.16; Grand Gorge \$794.36 and Roxbury \$577.65.

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

NAYS-0

No monthly reports were received from the Building Inspector or Justice Court.

No action was taken on filling the vacancy on the Planning Board.

RESOLUTION #68-APPOINT WRIGHT AS HEALTH OFFICER

On motion of Kenneth Davie second by Carol Murray the following resolution was offered and adopted:

“WHEREAS, there exists a vacancy exists in the office of Health Officer;

BE IT RESOLVED, the Town Board appoints Rose Wright as Health Officer for the term 6/8/2020 – 12/31/2020; and

FURTHER RESOLVED, the position is part-time and rate of pay is \$701.89/year.

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

NAYS-0

RESOLUTION #69-HIRE GUILLE FOR TRANSFER STATION

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

“RESOLVED, the Town Board hires Richard Guile as a fill-in for Manager and Laborer at the Transfer Station as needed retro-active to June 6, 2020 with rates of pay per title worked; and

BE IT FURTHER RESOLVED, the position is part-time and any benefits shall be in accordance with the Town Employee Handbook.”

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

NAYS-0

RESOLUTION #70-APPOINT RAEDER TO SWAC

On motion of Carol Murray second by Kenneth Davie the following resolution was offered and adopted:
“WHEREAS, a vacancy exists as representation of the Town on the Schoharie Watershed Advisory Committee;

NOW, THEREFORE BE IT RESOLVED, the Town Board appoints Edward Raeder to represent the Town on the Schoharie Watershed Advisory Committee effective immediately.”

AYES-4 Murray, Davie, Hynes, Hinkley

NAYS-0

ABSTAIN-1 Raeder

RESOLUTION #71-STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

On motion of Carol Murray second by Michael Hynes the following resolution was offered and adopted:
“BE IT RESOLVED, that the Town of Roxbury, 3XXX5, hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security #	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Sprague, William	xxxx	xxxxxxxx	Highway Supt.	01/20-12/23	8	24.99		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Town Clerk	01/20-12/23	8	23.23		Semi-mthly	
Hinkley, Allen	xxxx	xxxxxxxx	Supervisor	01/20-12/21	8		X	Semi-mthly	
Appointed Officials:									
Pickett, Diane	xxxx	xxxxxxxx	Registrar of Vital Stats	01/20-12/23	8	.05		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Denver Water Clerk	01/20-12/20	8	.17		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Roxbury Water Clerk	01/20-12/20	8	.28		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Grand Gorge Water Clk	01/20-12/20	8	.36		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Denver Sewer Clerk	01/20-12/20	8	.10		Semi-mthly	
Pickett, Diane	xxxx	xxxxxxxx	Roxbury Sewer Clerk	01/20-12/20	8	.10		Semi-mthly	
Tom Tompkins	xxxx	xxxxxxxx	Building Inspector	01/20-12/20	8	3.09 Recert		Semi-mthly	

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

NAYS-0

Attorney Young discussed the need to update the current policy on cyber- attacks and breach of security per passage of a new law by the State of New York.

RESOLUTION #72- RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF ROXBURY ADOPTING AMENDED LOCAL PRIVACY NOTIFICATION POLICY

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted:
“WHEREAS, the New York State Information Security Breach and Notification Act took place on December 7, 2005; and

WHEREAS, the statute required a local policy be enacted no later than April 6, 2006;

WHEREAS, the Town of Roxbury adopted its policy on March 6, 2006, and readopted in the years 2013-current year; and

WHEREAS, on July 25, 2019, Governor Cuomo signed the Stop Hacks and Improve Electronic Data Security Act (SHIELD Act) into law expanding the information covered by New York's breach notification and the standard for determining whether a breach occurred from evidence that data was acquired to evidence that it was accessed. Changes went into effect on October 23, 2019;

THEREFORE, BE IT RESOLVED the Town of Roxbury hereby readopts Section 208 of the State Technology Law requiring local governments to notify the owners of information on the Town's computer system of a breach of the system's security as amended by the SHIELD Act; and

BE IT FURTHER RESOLVED the Town of Roxbury resolves to follow the procedures set forth for the

notification pursuant to Section 208 of the State Technology Law as amended by the SHIELD Act.”
 WHEREUPON, the Resolution was put to a vote and recorded as follows:
 AYES-5 Hynes, Davie, Raeder, Murray, Hinkley
 NAYS-0

RESOLUTION #73-LIFT COVID 19 DIRECTIVE

On motion of Edward Raeder second by Carol Murray the following resolution was offered and adopted:
 “RESOLVED, the Town Board lifts the Covid-19 Directive effective June 1, 2020 for Phase 2 opening for all remaining employees, however, while the Justice Court can work at the Court, they shall still be under direction from the State for commencement of in-person cases; and
 BE IT FURTHER RESOLVED, the Directive shall be lifted for the School Crossing Guard effective Friday June 12, 2020.”

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

Discussion took place for paying 2nd year networking fees up front for the Car Charging station. The Board decided against it. Further discussion was to charge people using the station and would be done by credit card. These fees would help pay for the annual networking fee charges to the Town.

The new Transfer Station permits have arrived and discussion took place on fees and requirements for obtaining one. Supv. Hinkley also stated things have improved at the Transfer Station.

On motion of Kenneth Davie second by Carol Murray the Town Board agreed to the following for the new Green Transfer Station permits: 1) will be effective 8/1/2020; 2) fee \$2.00; 3) proof of residency/ rental required; 4) vehicle registration required; 5) purchases of current Blue permits since June 1st shall receive a Green permit free of charge.

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

Discussion took place on the Community Solar proposal. The Town Board felt the accounts that could currently be on the program was not a great savings. The Board can decide to join the program at a later date if more accounts can be used.

On motion of Michael Hynes second by Kenneth Davie the Minutes of the May 11, 2020 regular meeting were approved.

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

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

General Fund #210-254	\$41,938.49	Special Lights #8	\$2,176.47
Highway Fund #110-123	\$31,458.39	Capital Projects:	
Roxbury Water #45-52	\$2,499.30	Grand Gorge Water Project #28	\$4,660.70
Grand Gorge Water #43-48	\$1,634.65	Roxbury Water Project #29	\$4,660.70
Denver Water #40-45	\$1,669.77	Park Kitchen #30	\$3,024.54
Roxbury Sewer #42-54	\$46,365.93	CDBG Program #31	\$6,973.47
Denver Sewer #46-51	\$12,281.51		

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

The Town Clerk stated the 2020 committees, set up at the Organizational Meeting, had Thomas Hynes on Water and Personnel. Since Michael Hynes has just been appointed Councilman, the Town Board decided

it would be better to not have him on the Personnel Committee and chose to switch some positions as follows: Personnel from Hynes & Davie to Raeder & Davie and Kirkside Park from Murray & Raeder to Murray & Hynes. The Town Clerk requested a resolution for the change. Carol Murray made the motion, there was no second on the motion because Councilman Davie stated it was only a Supervisor's appointment.

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

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
Allen Hinkley, Supervisor
Edward Raeder, Councilman
Kenneth Davie, Councilman
Carol Murray, Councilwoman
Michael Hynes, Councilman

