

DRAFT MINUTES

December 14, 2020

The regular meeting of the Town Board was held December 14, 2020 at 7:00 pm at the Town Hall. Present were: Supervisor Allen Hinkley, Councilmen Edward Raeder, Kenneth Davie and Michael Hynes, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara, Parks Clerk Denise Johnston, Attorney Kevin Young and five residents. Present via Zoom: Councilwoman Carol Murray.

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

The Minutes of the November 5, 2020 regular meeting were approved on motion of Kenneth Davie second by Edward Raeder.

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

NAYS-0

Michael Harrington of Lamont Engineers, PC was present to give an update on the Water Projects:

Denver

*The long-term closing is still scheduled for December 17. A disbursement for the recent drawdown request will be made on that day.

* Hubbell has replaced 35 additional buried service valves and the main 8" valve outside of the Pump House. They are ordering materials for the piping replacement in the Pump House, and that work should occur in late January.

* Mike Hinkley is waiting for the radio equipment delivery to finish-up his Contract 5 work. Note that there is a minor overlap with Hubbell's piping replacement work that will delay the start-up of some control system components.

Roxbury / Grand Gorge

* Sarah McCulloch (GeoLogic) has been told that the DRBC docket was approved last week.

* Bids for the Wellfield and Springs work were received on November 19. Discuss the bids received and the Engineer's recommended awards for Contract 3, 4, 5, and 6.

* Discuss Alternate Bids received for Contract 3 and 4.

* Hubbell's hydrant replacements are complete. In Grand Gorge, the hydrant isolation valve was found to be leaking and was also replaced. A cost increase is expected.

* C-factor (hydraulic) testing on 11/19 confirmed that the old cast iron main from the Roxbury Reservoir to Rte. 30 is in very poor hydraulic condition. This creates a sizeable bottleneck that impacts daily pumping cost and also impacts fire flows. A preliminary replacement routing has been identified for discussion. The Engineer questioned if they should continue with preliminary design efforts for the replacement of this main.

Bids for the wellfield and spring improvements were opened on November 19, 2020 at 3:00 pm at the Town Hall. A total of 17 bids were received on the four contracts put out to bid and were as follows:

Contractor	General Construct Contract #3 Base Bid	Electrical Contract #4 Base Bid	HVAC Contract #5 Base Bid	Plumbing Contract #6 Base Bid	Addendum	Bid Security
Jersen Construction	\$1,468,000				Yes	Yes
RB Robinson	\$1,593,000				Yes	Yes
Hubbell Inc.	\$1,437,175				Yes	Yes
Gallo Construction	\$1,835,000				Yes	Yes
Grant Street Construction	\$1,549,000				Yes	Yes
Evergreen Mountain	\$1,241,000				Yes	Yes

Carver Construction	\$1,649,150				Yes	Yes
MCJ Construction	\$1,429,038				Yes	Yes
Avolio Brothers			\$48,435	\$76,625	Yes	Yes
T. McElligott Inc.			\$41,500		Yes	Yes
Blizzard Electric		\$400,000			Yes	Yes
Stilsing Electric		\$465,000			Yes	Yes
Hinkley Electric		\$445,750			Yes	Yes
CDE Electrical		\$476,000			Yes	Yes
A Treffeisen & Sons LLC		\$528,300	\$44,400	\$82,800	Yes	Yes
Piccirilli Mechanical			\$74,400	\$117,000	Yes	Yes
J&K Plumbing & Heating			\$47,000		No	Yes

Discussion took place on issues with the bids:

Plumbing Base Bid: Attorney Young discussed the issue with the bid of Avolio Brothers, regarding a request to waive earthquake and flood insurance. The insurances were waived per the Town Supervisor.
Alternates: Town Board agreed as follows: No, to doing a slab foundation; Yes, to using PVC pipe and Yes, to using Hardy Board on the wellhouse.

RESOLUTION #124 - AWARD BIDS FOR ROXBURY/GRAND GORGE WATER PROJECT WELLFIELD AND SYSTEM IMPROVEMENTS

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and adopted: “WHEREAS, bids were advertised for the Roxbury/Grand Gorge Water Project Wellfield and Spring Improvements for Contracts # 3-6; and

WHEREAS, said bids were opened on November 19, 2020 at 3:00 pm at the Town Hall; and

WHEREAS, the bids have been reviewed by Michael Harrington of Lamont Engineers, PC, engineer for the Project and Kevin Young, Attorney for the Town; and

WHEREAS, the Town Engineer recommends award to the apparent low bidders of each contract base bid:

NOW, THEREFORE BE IT RESOLVED, THE Town Board approves of the Engineer’s recommendations for awarding the base bids to the low bidders as follows: Contract #3 General Construction to Evergreen Mountain Contracting, Inc. \$1,241,000; Contract #4 Electrical to Blizzard Electric Inc. \$400,000; Contract #5 HVAC to T. McEllogott Inc. \$41,500 and Contract #6 Plumbing to Avolio Brothers, LLC \$76,625; and

BE IT FURTHER RESOLVED, the Town Board approves the following bid alternates as follows: Contract #3 Evergreen Mountain Contracting, Inc. Deductive Alternate No. 2.3 -HDPE or PVC Chlorine Contact Main (\$22,000) and Additive Alternate 1.3 – Fiber Cement Siding \$6,000; and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute the contracts of the awarded contractors.”

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

NAYS-0

RESOLUTION #125 – HUBBELL INC. CHANGE ORDER #1 GRAND GORGE WATER PROJECT

On motion of Michael Hynes second by Carol Murray the following resolution was offered and adopted: “WHEREAS, the Town Board approved doing a project known as the “Roxbury / Grand Gorge Water District Improvements Project”; and

WHEREAS, the project required Hubbell Inc. to replace one hydrant to in the Grand Gorge Water District and one hydrant to be replaced in the Roxbury Water District at a shared cost of \$12,400 total; and

WHEREAS, additional work was required in the Grand Gorge Water Project work, as Hubbell, Inc. Change Order #1 to furnish and install an AIS certified 6” gate valve and valve box, restore site and cleanup at an additional cost of \$3,540.31;
 NOW, THEREFORE BE IT RESOLVED, the Town Board approves Grand Gorge Water Project Change Order #1 for Hubbell Inc. in the amount of \$3,540.31.”
 AYES-5 Hynes, Murray, Raeder, Davie, Hinkley
 NAYS-0

Discussion took place regarding a request from Kevin DePodwin (joining the meeting via Zoom) who resides on Vega Mountain Rd. to relocate the current water main that runs through his property as he would like to put an addition on his home in that location. Lamont Engineers did a test for pressure on the water main and found it to bottleneck causing very low pressure in that area. The Town Board would like the engineer to pursue the options and cost of running a new line under the Water Project. Attorney Young will also research any easements that may be in place for the current water main.

Highway Supt. William Sprague stated, starting tomorrow, he will split crews into two crews alternating working each week to prevent contracting COVID-19 causing all highway employees having to quarantine. The Directive would follow the same put into place earlier in the year. The new truck is expected to arrive next week.

RESOLUTION #126 – COVID DIRECTIVE HIGHWAY DEPT

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

“RESOLVED, effective 12/15/2020, the Town Board adopts the following COVID-19 Directive for Highway Dept. employees; and
 BE IT FURTHER RESOLVED, said Directive shall remain in effect until such time as lifted by the Town Board;

Conditions:
*Hwy Supt has been given the discretion of having two work crews alternating work weeks
*All full-time highway employees shall be compensated 40 hours per week
*Over-time pay shall be paid as normal per the Highway Contract
*For these lapses in work, no time shall be charged to sick, personal or vacation time
*During designated days off, employees shall still be available for emergencies as needed by the Highway Supt.
*Should the Hwy Supt/Dpty Hwy Supt deem it necessary to call in men after regular hours of operation, call-in pay does not apply to those men who are scheduled to be off that day per this Directive
Employees with compromised health issues of self or close family members, upon approval of the Town Board, shall be allowed to stay home with pay. If eligible, no charge will be applied to sick, personal or vacation time
For all conditions stated above for being off work, the purpose is to STAY HOME during these times to prevent contracting the virus and/or spreading it per State and CDC notifications

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

Supervisor Hinkley stated the radio station will be removing the rest of their equipment from the highway garage next week.

Parks Director Denise Johnston reported work has been completed on the bridge, rentals continue to be scheduled into 2021 and she plans to do some additional changes later in the year next year.

The Assessor submitted a written report to the Town Board and Assessor Clerk Stephanie Seminara highlighted the following: they are continuing to monitor high sale prices that are affecting values that may need further adjustments to remain at 100%; discussed software for Building Permit issuances that may also help in finding changes to properties that would help both the Building Inspector and Assessor's office so she is getting a price on the "Change Finder" program. Attorney Young expressed concerns with the program and 4th Amendment privacy issues so will look into the matter further regarding these concerns.

BOCES in Grand Gorge has requested a Memorandum of Understanding with the Town for use of the Grand Gorge Civic Center as an emergency shelter should evacuation be needed from the school.

The Town has received notice of a lawsuit from a previous owner in the Denver Water District alleging damage was caused to his unit due to water project work. Attorney Young has directed the notice to be sent to the Town's insurance company and LVDV Operations.

A Citation was received from Assemblyman Clifford Crouch honoring Constable Stephen Williamson for his 50 years of service in law enforcement.

A letter was received from the Roxbury Rotary Club donating all of the wreaths and various pieces of holiday items to the Town due to small membership of the local Rotary Club. Supervisor Hinkley will look further into the matter.

Catherine Jankowski, a student from Roxbury Central School, was recognized for attending the Town Board meeting to fulfill a government class activity.

Congratulations were bestowed to Deanna Osborn for being elected to the Town Board.

On motion of Michael Hynes second by Kenneth Davie the Town Board approved the following department reports:

- *Town Clerk monthly report for November in the amount of \$3,304.25 (Town Clerk \$1,029.25 and Building Permits \$2,275.00)

- *Supervisor's monthly report for October 2020

- *Assessor's monthly report for November 2020

- *Water District monthly reports for November 2020 reflecting receipts in the following amounts: Denver \$592.46; Grand Gorge \$1,071.78 and Roxbury \$1,283.87.

- *Justice Court monthly report for October 2020 in the amount of \$1,300.00.

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

NAYS-0

No monthly report was received from the Building Inspector for October or November.

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

RESOLUTION #127 – SHARED SERVICES AGREEMENT RENEWED

On motion of Edward Raeder second by Michael Hynes the following resolution was offered and adopted:

“WHEREAS, all municipalities, including the Town of Roxbury have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and;

WHEREAS, all municipalities, including the Town of Roxbury have the power and authority to borrow or lend materials and supplies to other municipalities, and;

WHEREAS, it is hereby determined that the Town of Roxbury and other municipalities have machinery and equipment which is not used during certain periods, and

WHEREAS, it is determined that the Town of Roxbury and other municipalities have materials and supplies on hand which are not immediately needed, and;

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Roxbury and other municipalities may avoid the necessity of purchasing certain needed highway

machinery and equipment and the purchasing of or storing a large inventory of certain materials and supplies, thereby saving the taxpayers money, and;

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing, renting or maintaining of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town of Roxbury governing board and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when the governing boards are not in session, and;

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with the minimum of paperwork and inconvenience and with a swift approval process, and;

WHEREAS, it is the intent of this Town of Roxbury to give the head of the highway department the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town of Roxbury governing board prior to the making of each individual arrangement, and;

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the head of the highway department, authority to make similar arrangements, and;

WHEREAS, it is hereby determined that it will be in the best interests of the Town of Roxbury to be a party to such shared services arrangements;

NOW THEREFORE BE IT RESOLVED that the Town Supervisor of Roxbury is hereby authorized to sign on behalf of the Town, a contract for shared highway services to include the Town of Middletown, Town of Stamford, Town of Harpersfield, Town of Andes, Town of Gilboa, Village of Delhi, County of Delaware, NYS DOT and Town of Halcott.

BE IT FURTHER RESOLVED this resolution shall take effect immediately, and

BE IT FURTHER RESOLVED the Town Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the chief executive officer of the aforementioned municipalities.”

The vote having been taken upon such resolution the result was as follows:

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

NAYS-0

RESOLUTION #128 – PRE-APPROVAL CAPITAL PROJECT VOUCHERS

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and adopted: “RESOLVED, the Town Board has audited the following Capital Project vouchers and authorize payment when funds are received with said vouchers to be included on the next abstract after funds are received:

Project	Req #	Vendor	Amount
CDBG	15	MARK Project Inc.	\$9,707.45
Denver Water Project	1-B	Hubbell Inc.	\$52,606.25
	1-B	Hinkley Associates Inc.	\$5,106.75
	1-B	Hinkley Associates Inc.	\$2,375.00

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

NAYS-0

The Town Board tabled amending the Employee Handbook to reflect the Highway Contract regarding Health Insurance changes and additional paid days off.

RESOLUTION #129 – CDBG PROJECT INCREASE

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

“WHEREAS, the Town’s current CDBG projects are capped at \$24,500 for cost of work per project; and

WHEREAS, the total cost of work for VanLoan work was \$23,710; and

WHEREAS, the cost of windows has increased \$100 each (18 windows) for a total of \$1,800; and

WHEREAS, there are no lead issues present; and

WHEREAS, the allowable CDBG cap of \$24,500 can be increased upon Town Board approval;

BE IT RESOLVED, the Town Board approves an increase to the VanLoan cost of work to exceed the allowable capped amount for a total project cost of \$25,510.”

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

NAYS-0

On motion of Kenneth Davie second by Michael Hynes the Town Board will hold the 2021 Organizational meeting on January 4, 2021 at 7:00 pm at the Town Hall.

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

NAYS-0

Attorney Young discussed the State required Emergency Health Plan for all municipalities to create and adopt. Delaware County Planning is assisting Towns with developing their Plans.

RESOLUTION #130 - RESOLUTION BY THE TOWN BOARD OF THE TOWN OF ROXBURY ESTABLISHING A COMMITTEE TO DEVELOP A PUBLIC HEALTH EMERGENCY OPERATIONS PLAN FOR THE TOWN

On motion of Michael Hynes second by Edward Raeder the following resolution was offered and adopted:

“WHEREAS, in response to the COVID-19 pandemic, Governor Andrew M. Cuomo signed legislation creating New York Labor Law § 27-c, which became effective September 7, 2020, which requires all New York public employers to create a public health emergency operation plan to adequately protect their employees in the event of another state disaster emergency involving a communicable disease (the “Operation Plans”); and

“WHEREAS, pursuant to the newly enacted Labor Law § 27-c, the Town’s Operation Plans must include the following information:

1. A list and description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, and a justification of such consideration for each position and title included
2. A specific description of protocols the employer will follow in order to enable all non-essential employees and contractors to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace.
3. A description of how the employer will, to the extent possible, stagger work shifts of essential employees and contractors in order to reduce overcrowding on public transportation systems and at worksites.
4. A description of the protocol the employer will implement in order to procure the appropriate personal protective equipment for essential employees and contractors, based upon the various tasks and needs of such employees and contractors in a quantity sufficient to provide at least two pieces of each type of personal protective equipment to each essential employee and contractor during any given work shift over at least six months. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.
5. A description of the protocol in the event an employee or contractor is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee or contractor known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee or contractor may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or local law, including regarding sick leave or health information privacy.

6. A protocol for documenting precise hours and work locations, including off-site visits, for essential employees and contractors. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees and contractors in order to facilitate the provision of any benefits which may be available to certain employees and contractors on that basis.
7. A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace; and

WHEREAS, given the volume and complexity of the information required to be included in the Operation Plans, the Town Board has determined that it would be in the best interest of the Town to establish a planning committee to fully draft, develop, and finalize the Town's Operation Plans; and

WHEREAS, the Town Board has determined that the Town Assessor Clerk, Stephanie Seminara, and the Town Superintendent of Highways, William Sprague, have the requisite knowledge and skill to efficiently draft, develop and finalize the Town's Operation Plans;

NOW, THEREFORE BE IT RESOLVED THAT: the Town Board hereby creates and establishes a committee to develop the Town of Roxbury's Public Health Emergency Operation Plans, which committee shall consist of the Town Assessor Clerk, Stephanie Seminara, and the Town Superintendent of Highways, William Sprague."

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

AYES-Hynes, Raeder, Davie, Murray, Hinkley

NAYS-0

RESOLUTION #131 -BUDGET TRANSFERS

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

"RESOLVED, the Town Board approves the following budget transfers:

<u>FROM</u>		<u>TO</u>		
<u>General Fund</u>				
1110.4	Municipal Court, CE	1420.4	Law,CE	\$3,613.00
1990.4	Contingency	1620.4	Buildings, CE	\$15,000.00
1110.4	Municipal Court, CE	1620.4	Buildings, CE	\$3,000.00
1110.4	Municipal Court, CE	1670.4	Central Printing/Mailing	\$177.00
1110.4	Municipal Court, CE	3120.4	Police, CE	\$6,800.00
1110.4	Municipal Court, CE	5132.4	Garage, CE	\$1,600.00
1110.4	Municipal Court, CE	6510.4	Veterans Services, CE	\$43.00
1110.4	Municipal Court, CE	6989.4	Economic Development	\$500.00
1110.4	Municipal Court, CE	7310.4	Youth Programs	<u>\$482.00</u>
				<u>\$31,215.00</u>
<u>Highway Fund (DA)</u>				
5120.4	Bridges, CE	5110.1	Maintenance of Roads, PS	\$1,891.00
5120.4	Bridges, CE	5130.1	Machinery, PS	1,330.00
5120.4	Bridges, CE	9010.8	Retirement	<u>\$655.00</u>
				<u>\$3,876.00</u>

<u>Denver Water</u>				
8340.4	<u>Transmission/Dist, CE</u>	8330.4	<u>Purification, CE</u>	<u>\$100.00</u>
<u>Denver Sewer</u>				
8130.4	<u>Treatment/Disp</u>	8189.4	<u>Other Sewer Exp</u>	<u>\$1,800.00</u>

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

RESOLUTION #132 - RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF ROXBURY AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN OTSEGO NORTHERN CATSKILLS BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND GRAND GORGE CIVIC CENTER

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and adopted: “WHEREAS, Town of Roxbury (hereinafter referred to as the “Grand Gorge Civic Center”), located at 60933 State Highway 30, Grand Gorge, New York, desires to enter into a Memorandum of Understanding with the Otsego Northern Catskills Board of Cooperative Educational Services (“BOCES”), to provide temporary space for the BOCES Career and Technical Education (“CTE”) program, Alternative Education program, and Innovative Programs program to shelter students and faculty during an emergency; and WHEREAS, the Town Board of the Town of Roxbury has reviewed the Memorandum of Understanding in the form attached hereto as Exhibit A (“MOU”); and WHEREAS, pursuant to the MOU, the Grand Gorge Civic Center agrees, inter alia, to provide shelter to BOCES students, faculty and staff during an emergency should BOCES need to evacuate its students or staff.

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

1. The Town Board hereby approves the MOU form as attached hereto; and
2. The Town Board authorizes the Town Supervisor to execute the MOU.”

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

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

RESOLUTION #133-SWAC APPOINTMENT

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted: “WHEREAS, The Town of Roxbury is allowed to have up to two (2) people represent the Town on the Schoharie Watershed Ag Council (SWAC); and WHEREAS, Councilman Edward Raeder is currently representing the Town at SWAC meetings for the year 2020;

BE IT RESOLVED, the Town Board re-appointed Councilman Edward Raeder to represent the Town at SWAC meetings for the year 2021.”

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

ABSTAIN – 1 Raeder

No action was taken on the Rosa Siltanen water leak.

A packet of current Town Policies was distributed to the Town Board for their review before the 2021 Organizational Meeting.

An updated cost summary for the Water Projects was distributed to the Town Board.

On motion of Michael Hynes second by Kenneth Davie the bills were audited and ordered paid in the following amounts:

General #503-554	\$53,379.76	Roxbury Sewer #94-99	\$21,251.80
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Highway #255-288	\$40,379.88	Denver Sewer #100-109	\$13,371.62
Roxbury Water #98-105	\$2,058.64	Special Lights #15-16	\$1,510.83
Grand Gorge Water #92-98	\$2,218.04	Capital Projects:	
Denver Water #85-91	\$3,102.61	Hughes Proj Escrow #72	\$325.00

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

Correspondence was received from Concerned Citizens for Rural Preservation, a group of citizens who work with towns to develop and strengthen local laws to protect residents from harmful effects of improperly sited industrial wind, solar and battery storage facilities, regarding recent changes to New York State’s renewable energy siting regulations. Attorney Young read aloud the information received and discussed the matter. The recent legislation passed upends Home Rule but Towns can file complaints.

RESOLUTION #134 -EXECUTIVE SESSION ENTER

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

“RESOLVED, motion made and seconded for the Town Board and Attorney to enter into Executive Session at 8:33 pm to discuss personnel issues. Present were: Supervisor Allen Hinkley, Councilmen Edward Raeder, Carol Murray, Kenneth Davie and Michael Hynes and Attorney Kevin Young.”

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

RESOLUTION #135 -EXECUTIVE SESSION EXIT

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted: “RESOLVED, motion made and seconded for the Town Board and Attorney to exit Executive Session and return to the regular meeting at 8:52 pm.”

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

It was stated Councilwoman Carol Murray exited Zoom during Executive Session.

RESOLUTION #136 - RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROXBURY AUTHORIZING THE ASSESSOR CLERK SALARY PAY RATE

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted:

“WHEREAS, the Town of Roxbury (“Town”) is authorized to appoint an Assessor Clerk position under the Town Code of the Town of Roxbury; and
WHEREAS, Stephanie Seminara, has been appointed and is currently serving as the Assessor Clerk; and
WHEREAS, the Assessor Clerk is currently on an hourly pay rate and the Town now desires to shift the Assessor Clerk’s hourly pay rate to a salaried rate; and
WHEREAS, the change to salaried pay will not result in any change to the 2021 budget line item; and
WHEREAS, the Town and the Assessor Clerk have agreed on this change in pay structure.

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

1. The Town Board hereby approves changing the Assessor Clerk’s hourly pay rate to a salaried pay.
2. The Town Board authorizes the Town Supervisor to execute any documents necessary to facilitate the change in pay structure.”

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

AYES-4 Hynes, Davie, Raeder, Hinkley
NAYS-0
ABSENT-1 Murray

No action was taken on the new Highway Contract but it was stated we are just waiting to receive an

executed contract from the Roxbury Highway Workers Assoc. before the Town Board can approve it. It is expected to be received for the Year End meeting.

Discussion took place on purchasing the Midrox Insurance building as a new Town Hall. Attorney Young discussed the proposed purchase, which would require bonding, and the procedures for purchase which includes being subject to permissive referendum.

RESOLUTION #137- RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF ROXBURY AUTHORIZING THE TOWN OF ROXBURY TO ENTER INTO A CONTRACT TO BUY REAL ESTATE FROM SELLER MIDROX INSURANCE CO.

On motion of Kenneth Davie second by Michael Hynes the following resolution was offered and adopted: "WHEREAS, Midrox Insurance Co. ("Seller") owns certain real property, with improvements thereon, located at 56 Hill Crest Drive, Town of Roxbury, Delaware County, New York, and referred to on the Tax Map of the County of Delaware and Town of Roxbury as Tax Parcel No. 179.-1-7.217 (the "Property"); and

WHEREAS, Seller desires to grant, and the Town of Roxbury ("Purchaser") desires to purchase the Property from Seller; and

WHEREAS, the Property being more particularly described in Schedule "A" of the Contract To Buy Real Property ("Contract"), which said Contract is attached hereto and made a part hereof; and

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Roxbury hereby authorizes the Town of Roxbury to enter into the Contract with Seller to purchase the Property; and

IT SHALL BE FURTHER RESOLVED, the Town Board authorizes the Town Supervisor to execute the Contract to effectuate the purchase of the Property."

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

AYES-4 Davie, Hynes, Raeder, Hinkley

NAYS-0

ABSENT-1 Murray

RESOLUTION # 138

The following resolution was offered by Councilperson Edward Raeder, who moved its adoption, seconded by Councilperson Michael Hynes, towit

BOND RESOLUTION DATED DECEMBER 14, 2020.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OF THE TOWN OF ROXBURY, DELAWARE COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF APPROXIMATELY 7.72 ACRES OF LAND AND A BUILDING AT 56 HILL CREST ROAD IN THE TOWN FOR USE AS A TOWN HALL.

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Roxbury, Delaware County, New York, as follows:

Section 1. For paying the cost of the acquisition of approximately 7.72 acres of land, the approximately 5,868 square foot building thereon located at 56 Hill Crest Drive in the Town, and existing furniture therein, for use as a Town Hall for the Town of Roxbury, Delaware County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$550,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$550,000 and the plan for the financing thereof is by the issuance of the \$550,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, inasmuch as, because such building is a class "C" building within the meaning of subdivision eleven of said paragraph a, said class consists of items which can be assigned a period of probable usefulness under one or more of subdivisions eleven or twenty-one of said paragraph a of at least fifteen years. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Roxbury, Delaware County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Roxbury, Delaware County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters relating to such bonds shall be determined by the Supervisor, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a longterm basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Mountain Eagle, the official newspapers of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as

follows:

<u>Edward Raeder</u>	VOTING <u>AYE</u>
<u>Michael Hynes</u>	VOTING <u>AYE</u>
<u>Kenneth Davie</u>	VOTING <u>AYE</u>
<u>Allen Hinkley</u>	VOTING <u>AYE</u>
<u>Carol Murray</u>	ABSENT (exited Zoom prior to vote)

The resolution was thereupon declared duly adopted.

On motion of Edward Raeder second by Kenneth Davie the meeting adjourned at 9:04 pm.

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

December 28, 2020

The Year End meeting of the Town Board was held December 28, 2020 at 4:00 pm at the Town Hall and by Zoom. Present were: Supervisor Allen Hinkley and Councilman Edward Raeder. Present via Zoom: Councilmen Michael Hynes and Kenneth Davie, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara, Parks Director Denise Johnston, Health Officer Rose Wright, Attorney Kevin Young and 3 residents.

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

Robin Haight, David Martin and Jane Pidgeon (Town of Prattsville) were present via Zoom to express concerns with rat infestation at their homes coming from the GreenDel Sanitation facility (Town of Roxbury) near the Roxbury /Prattsville line next to them. The problem has been ongoing but has recently gotten worse. Attorney Young stated it is a NYSDEC inspection matter, and, per the facility permit with DEC, Part 360 should include an Operation Plan that would address rodent control. However, Mr. Martin feels the owner of the facility is not doing enough to control them. Attorney Young will contact Vicky Schmidt of the DEC Regional Office to discuss the issue further. The owners have stated they will also contact DEC.

Carol O’Beirne of the Central Catskills Chamber of Commerce and Peter Manning, a Regional Planner were present via Zoom to discuss the Scenic Byway and the possibility of the Town of Roxbury joining it so we could be connected to several other Towns/Villages. A power point presentation was shown that discussed the project more thoroughly and its benefits for access, use, tourism and business promotion. For Roxbury to join, the Town of Middletown would also have to join. Margaret Ellsworth was present via Zoom and stated she can raise local funds and grant funds should the Town decide they want to proceed. A resolution is needed stating the Town’s intent that would then allow for the Town’s nomination to the Collaborative. A committee would also have to be formed to work on the project. All Board members spoke in favor of looking into the matter further.

Highway Supt. William Sprague reported the new truck should arrive this week and crews have been repairing minor storm damage from last week.

Assessor Clerk Stephanie Seminara discussed waiving the renewal application for the Sr. Exemption for the 2021 Tax Roll due to Covid. Attorney Young will draft a resolution for the Organizational meeting.

Margaret Ellsworth was present via Zoom and requested the Town Board allow a CDBG project owner’s budget be allowed to go over the cap of \$24,500 due to additional construction costs in the amount of \$4,500.

RESOLUTION #139 – CDBG

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted: “WHEREAS, the Town of Roxbury is the recipient of a Community Development Block Grant for Income eligible owner -occupied home repair; and WHEREAS, The Town of Roxbury set a budget cap of \$24,500 per household and has agreed to increase that cap for work performed at Barbara Davis’ house. The original bid came in at \$23,800, but additional repairs discovered during construction need to be addressed for the health and safety of the client and living conditions; and WHEREAS, the cost of the additional repairs is \$4,500; NOW, THEREFORE BE IT RESOLVED, the Town of Roxbury Board has agreed to increase the budget cap to \$28,300 in order to address these emergency and necessary repairs.”
AYES-4 Hynes, Davie, Raeder, Hinkley
NAYS-0
ABSENT -1 Murray

Attorney Young discussed Climate Act projects being funded by subsidies to disadvantaged communities, which he feels the Catskills are, but expressed concerns with more of the money going down state. Mrs. Ellsworth responded she sees upstate getting the funds and is currently representing our area on a commission to argue for those funds.

No Supervisor’s monthly report for November 2020 because all bank statements have not yet been received.

Discussion took place on the proposed Highway Contract. Councilman Hynes questioned the section on the health/dental buyout not being clear. Councilman Davie (Personnel Committee) will look into the matter.

RESOLUTION #140 – APPROVE HIGHWAY CONTRACT

On motion of Edward Raeder second by Kenneth Davie the following resolution was offered and adopted: “RESOLVED, the Town Board approves the Roxbury Highway Worker’s Association contract terms for the period 1/1/2021 – 12/31/2022.”
AYES-4 Raeder, Davie, Hynes, Hinkley
NAYS-0
ABSENT -1 Murray

No Justice Court report for November 2020 due to not receiving the invoice from the State yet.

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

No action taken on the GeoLogic Contract Amendment #4 for the Roxbury/Grand Gorge Water Project due to the Town Board waiting for the engineer to be present to discuss.

No action taken on amending the Employee Handbook.

RESOLUTION #141-BUDGET TRANSFERS

On motion of Michael Hynes second by Edward Raeder the following resolution was offered and adopted: “RESOLVED, the Town Board approves the following Budget Transfers:

FROM		TO		Amount
General Fund				
1450.4	Elections, CE	7110.4	Parks, CE	\$3,604
8160.4	Refuse & Garbage, CE	1220.1	Supervisor PS	\$941
8160.4	Refuse & Garbage, CE	1220.4	Supervisor CE	\$155
8160.4	Refuse & Garbage, CE	1340.1	Budget Officer, PS	\$400

1355.4	Assessors, CE	1355.1	Assessors, PS	\$1,900
1410.4	Clerk, CE	1410.1	Clerk, PS	\$1,280
1450.4	Elections, CE	1620.4	Buildings, CE	\$500
8160.4	Refuse & Garbage, CE	1940.4	Purchase of Property	\$5,000
8160.4	Refuse & Garbage, CE	8160.1	Refuse & Garbage, PS	\$1,093
			TOTAL	\$14,873

AYES-4 Hynes, Raeder, Davie, Hinkley

NAYS-0

ABSENT-1 Murray

RESOLUTION #142 – PREAPPROVAL CAPITAL PROJECT INVOICES

On motion of Michael Hynes second by Kenneth Davie the following resolution was offered and adopted:

RESOLVED, the Town Board has audited the following Capital Project vouchers and authorize payment when funds are received with said vouchers to be included on the next abstract after funds are received:

Project	Req #	Vendor	Amount
GG Water Project	12	Lamont Engineers PC	\$7,137.89
	12	Lamont Engineers PC	\$4,381.25
	12	Lamont Engineers PC	\$2,121.32
	12	Hubbell Inc.	\$9,740.31
	12	Filtersource.com Inc.	\$1,052.96
	12	Young & Sommer	\$951.90
	12	Young & Sommer	\$45.00
	12	Young & Sommer	\$11.25
	12	Mountain Eagle	\$27.84
Roxbury Water District	12	Lamont Engineers PC	\$7,137.89
	12	Lamont Engineers PC	\$4,381.25
	12	Lamont Engineers PC	\$2,121.33
	12	Hubbell Inc.	\$6,200.00
	12	Filtersource.com Inc.	\$1,052.95
	12	Young & Sommer	\$951.90
	12	Young & Sommer	\$45.00
	12	Young & Sommer	\$11.25
	12	Mountain Eagle	\$27.84

AYES-4 Hynes, Davie, Raeder, Hinkley

NAYS-0

ABSENT-1 Murray

RESOLUTION #143-COVID DIRECTIVE NON-HIGHWAY EMPLOYEES

On motion of Edward Raeder second by Michael Hynes the following resolution was offered and adopted:
 “WHEREAS, due to a rise in recent Covid positive tests in the community; and
 WHEREAS, a Directive for the Highway Dept. was effective as of December 14, 2020;
 BE IT RESOLVED, effective December 28, 2020, and until further notice, the Town Board deems the Town Hall closed to the public with business to be conducted by mail or by appointment only; and
 WHEREAS, the Justice Court is conducting business, however, it is closed to the public per the State;
 BE IT FURTHER RESOLVED, the Town Board reserves the right to put the following Directive into place as needed due to a rise in Covid in the area or by Executive Orders from the Governor causing a shut-down:

Town Hall	All offices will be open regular business hours but closed to the public.
Assessor	*Regular pay per contract
Assessor Clerk	*Will be paid regular pay
	*For lapses in work, no time shall be charged to sick, personal or vacation time
Bldg Inspector	*Will be paid regular pay per contract
Transfer Station	*Transfer Station open regular hours, regular pay per work schedule
Justice Court	*Court is closed until further notice
Court Clerk	*Employee shall be paid based on average # of hours worked per week
School Cross Guard	*If the school closes, shall be paid normal rate of pay per regular school calendar
Constable	*Shall be paid regular pay
	*For lapses in work, no time shall be charged to sick, personal or vacation time
Civic Center Cleaner	*Shall be paid regular pay
Other Salaried Employees	
	*All other salaried employees not listed above shall be paid their normal rate of pay

All Employees:
 Employees with compromised health issues of self or close family members, upon approval of the Town Board, shall be allowed to stay home with pay. If eligible, no charge will be applied to sick, personal or vacation time.
 For all conditions stated above for you being off work, the purpose is for you to STAY HOME during these times to prevent you from contracting the virus and/or spreading it per State and CDC notifications

AYES-4 Raeder, Hynes, Davie, Hinkley
 NAYS-0
 ABSENT – 1 Murray

No action taken on the Siltanen Water repair bill.

A list of costs to date on the Water Projects were distributed to the Town Board.

On motion of Michael Hynes second by Kenneth Davie the bills were audited and ordered paid in the following amounts:

General #554A -565	\$6,695.87	Roxbury Sewer #100	\$294.54
Highway #289-302	\$15,037.01	Denver Sewer #110	\$95.21
Roxbury Water #106-107	\$2,991.64	Capital Projects:	

Grand Gorge Water #99-100	\$157.97	Denver Water Proj #73-76	\$60,114.35
Denver Water #92-93	\$65.90	CDBG Program #77-78	\$24,048.46

AYES-4 Hynes, Davie, Raeder, Hinkley,

NAYS-0

ABSENT-1 Murray

The Organizational Meeting of the Town Board will be held by Zoom on January 4, 2021 at 7:00 pm.

On motion of Michael Hynes second by Edward Raeder the meeting adjourned at 5:50 pm.

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

