

DRAFT MINUTES

March 8, 2021

The regular meeting of the Town Board was held March 8, 2021 at 7:00 pm at the Town Hall. The meeting was held in-person and by Zoom (Audio & Video on Town Website) because of limited seating at the Town Hall due to covid social distancing requirements. Present: Supervisor Allen Hinkley, Councilmen Edward Raeder, Michael Hynes and Deanna Osborn, Assessor Clerk Stephanie Seminara, Parks Director Denise Johnston, Attorney Kevin Young and five residents. Present via Zoom: Councilman Kenneth Davie, Highway Supt. William Sprague, Assessor Robert Breglio and 41+/- residents per the list received of attendees.

Margaret Ellsworth of the MARK Project, Inc. requested the February 8 minutes be changed to clarify permits for use of the Kirkside Park kitchen.

On motion of Deanna Osborn second by Edward Raeder the Town Board changed the February 8, 2021 minutes from "For the new kitchen use, permits will not be required through NYS ag & Markets. The public use will be a free permit" to "For the new kitchen use, no permit is required from Ag & Markets for the Town of Roxbury. Users of the kitchen will be required to obtain a permit from Ag & Markets but it is a no fee permit application." The Minutes of the February 8, 2021 regular meeting and the February 10, 2021 Special meeting were then approved by the Town Board.

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

NAYS-0

Kristina Zill discussed a program where the Town would be eligible for \$5,000 through NYSERDA by completing the following steps: 1) conduct a community solar campaign; 2) complete benchmarking for town owned buildings and 3) adopt the Unified Solar Permit. The community solar campaign would require getting a minimum of 10 residents to sign up for community solar and would need a scoping document and project manager. Attorney Young expressed concerns with wind & solar programs being pushed by the State as it places a burden on upstate New York residents.

Councilwoman Deanna Osborn reported the Short-Term Rental (STR) Committee had their first meeting where they heard objectives for the proposed regulations. The goal is not to prohibit STR's but to adopt a local law that will be beneficial to community and property safety through accountability. The committee drafted some items for the proposed local law. Attorney Young discussed the requirements for the local law and the procedure for adoption.

Lucia Strutt expressed concerns with STR owners not getting enough info from the committee meetings.

Jason expressed concerns with trespassing issues and concerns with other proposed restrictions being for people who are not from here.

Robin Factor questioned if the regulations will only be for STR's or long-term rentals as well.

Esther deJong questioned how many complaints have been brought to the Town Board regarding STR's and feels complaints for noise, garbage, trespassing, etc. should not only apply to STR's.

Tim questioned how safety items would be developed.

All questions were discussed and answered. Supervisor Hinkley requested everyone be patient while the Committee looks into this matter and added there will be time for public input.

Jenny Rosenzweig, Directive of the Roxbury Arts Group (RAG) was present to discuss the back ground on the agency, which is community oriented, discussed the many types of events offered to the public, partnerships with other agencies and their 501c3 status. RAG is requesting use of the park and facilities this summer for 3-4 performances. She is currently underway contacting artists for these events so has no definite use dates at this time. Councilmen Michael Hynes and Deanna Osborn, who are on the Parks Committee, will be speak with Rosenzweig and report back to the Town Board with more specific information.

Sealed bids for the Park North Barn Roof were opened February 26, 2021 at 3:00 pm at the Town Hall. A total of four bids were received and were as follows:

| Vendor | Lower Roof | Lower Roof Plywood | Upper Roof | Upper Roof Plywood | Worker Comp | Insur Cert | Lead Cert | Non-Collus |
|---------------------|------------|--------------------|------------|--------------------|-------------|------------|-----------|------------|
| Girogi Contracting | 33,500 | 6,300 | 28,500 | 5,800 | N | N | N | Y |
| Frank Cyrwus Inc. | 25,000 | 8,750 | 24,000 | 8,750 | Y | Y | N | Y |
| Titan Roofing Inc. | 27,000 | 18,000 | 27,000 | 18,000 | Y | Y | Y | Y |
| JCA Industries, LLC | 11,500 | 9,500 | 12,500 | 8,500 | N | N | N | Y |

Margaret Ellsworth reported the following regarding the Park:

Regarding the north barn roof bid, MARK Project, Inc. inspector, Fred Beemer, had estimated the job to be \$40,000-\$45,000. It was noted only the high bidder supplied all of the other four items requested being Worker's Comp, Insurance Certificate, Lead Certificate and Certificate of Non-Collusion. Attorney Young will speak with Ellsworth regarding the bids. The Town will also be receiving a check from Transition Catskills in the amount of \$8,000 and Delaware County from the Occupancy Tax fund in the amount of \$22,000. These will go towards the barn roof.

The Town Board discussed the roof bids.

RESOLUTION #31-AWARD PARK NORTH BARN ROOF BID

On motion of Michael Hynes second by Deanna Osborn the following resolution was offered and adopted:

“RESOLVED, the Town Board awards the bid for the north barn roof to the low bidder, JCA Industries, LLC in the amount of \$42,000; and

BE IT FURTHER RESOLVED, said award to JCA Industries, LLC is contingent upon review of the bids by the Town Attorney.”

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

NAYS-0

Highway Supt. William Sprague reported he still has two trucks down for repairs, the salt shed is 80% full and crews are ready for snow melt.

Assessor, Robert Breglio submitted a written monthly report and also stated his office has completed and submitted the first re-valuations on residences, however, a second round needs to be completed and sent back to the State for review as the EQ Rate is still below 100%.

Councilman Edward Raeder stated the Civic Center windows still need to be caulked as they are in bad shape. The matter will be looked into.

Supervisor Hinkley stated the Board is moving forward with the Midrox purchase. A Bond Anticipation Note (BAN) will be obtained and Good Neighbor funds are expected to be used for renovations and then reimbursed by turning the amount used into a permanent bond. A quote has been received from a contractor for the renovations and will be sent to the Town Board for review. Attorney Young stated a resolution would be required regarding the closing and discussed the process.

It was stated grant funds will be looked into for sidewalk improvements in the hamlet of Roxbury due to complaints filed because owners don't shovel them and it's dangerous for people who walk.

The Town Attorney will be sending a letter to Rosa Siltanen regarding her water leak.

Discussion took place on the Roxbury Rotary club donating all their holiday items, used in Roxbury, to the Town as they can no longer do it. Councilman Raeder feels if the Town Board is going to take on putting up the holiday items in Roxbury then they should also do the same for Grand Gorge where the Grand Gorge Community Action Group (GGCAG) has done it each year. Councilman Raeder also feels

if funds are going to be looked into for sidewalk repairs in Roxbury the same should be done for Grand Gorge sidewalks. The matter will be looked into further. Joseph Resch of the GGCAG stated the holiday items also require annual maintenance to make sure they're working properly.

NYS DEC has sent a Violation Letter to GreenDel Sanitation owners as a result of their inspection of the facility. It was noted the rat situation is a NYSDEC matter to enforce and not the Town's.

Michael Harrington submitted a written report on the water projects as follows:

Denver

*Hinkley Electric has made good progress on Contract 5 and is nearly ready for startup but the overlap with Hubbell's piping replacement work will likely delay the startup

*Due to shipping delays on some of the pipe fittings, Hubbell's work on the piping replacement in the pump house will not occur until late March or early April

Roxbury/Grand Gorge

*Contractors are working on their material and product submittals for engineer review

*Evergreen and Blizzard are working on their MWBE Utilization Plans and/or Waiver Requests. The other two contracts are exempt from MWBE requirements

*Work of Contracts #3-6 will largely follow the Contract #3 (Evergreen) schedule. Evergreen has indicated a possible on-site start between April 1 and April 15. DEP requires a site meeting prior to any ground disturbance and engineers are working to get that meeting scheduled

*The engineer will work with the Town Attorney and Town Supervisor to outline procurement options for the new propane tanks for the Well Control building. The two 1000 gallon tanks are currently scheduled to be purchased directly by the Town.

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

Christopher Mattice, Water/Sewer Operator, was present via Zoom and reported the sewer line in Cluster 1 of Roxbury Run Village will have to be dug up as there are problems in the line. He also stated work has begun on the Annual Water Quality Reports for the three water districts for the years 2019 and 2020.

Attorney Young discussed the work required for the proposed Denver Sewer Upgrade. Microfiltration upgrade costs will be covered by NYCDEP. The Town is waiting to hear back from DEP regarding the matter. The rest of the plant also needs updating and discussion took place on options for funding. No action taken.

Attorney Young discussed the American Rescue Plan where the Town is expected to be eligible for \$252,000 due to Covid-19 costs. Certain criteria is required to obtain the funds.

A letter was received from MTC stating their rates will increase April 1.

A thank you was received from the Roxbury Senior Club for the \$500 given to them as budgeted for 2021.

A letter was received from Velga Kudzins regarding not-for-profits and concerns with the proposed use/fee for Kirkside Park by the Roxbury Arts Group. No discussion.

A letter was received from David Gula and Shelby Disbrow, on State Hwy 30, Grand Gorge, requesting approval from the Town Board to connect to the Grand Gorge Water line that runs through their property.

RESOLUTION #32-GULA GRAND GORGE WATER CONNECTION

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

“WHEREAS, in 2003, a project was done by the Town Board to run a water line from the Roxbury Water District to supply water to the Grand Gorge Water District, and

WHEREAS, said water line runs through the lands of David Gula and Shelby Disbrow (“Owners”), located at 60090 State Hwy 30, Grand Gorge, and a stub had been installed for future water connection;

and

WHEREAS, the Owners have now submitted a request to connect to the Grand Gorge Water line;
NOW, THEREFORE BE IT RESOLVED, the Town Board approves David Gula and Shelby Disbrow to connect to the Grand Gorge Water line; and

BE IT FURTHER RESOLVED, said connection shall be at the Owner's expense other than the District shall supply the water meter; and

FURTHER RESOLVED, the Owner's shall be required to sign a Water Connection Agreement and other appropriate documents, that shall be filed with the County Clerk, before the connection can occur."

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

NAYS-0

A letter was received from Mina Teslaru expressing concerns with the speed of vehicles on Lower Meeker Hollow Road and requested a reduced speed zone of 30 mph to the County Hwy 41 intersection.

A letter was received from Robert and Mary Ledwith of Roxbury Run Village (Denver Sewer District) expressing concerns with the noise from the sewer plant. The matter will be looked into.

On motion of Deanna Osborn second by Edward Raeder the Town Board approved Department reports as follows:

- *Town Clerk monthly report for February 2021 in the amount of \$2,202.00 (Town Clerk \$102.00 and Building Permits \$2,100.00)

- *Supervisor's monthly report for January 2021

- *Assessor's monthly report for February 2021

- *Water District monthly report for February 2021 reflecting the following receipts: Denver \$1,252.54; Grand Gorge \$1,527.95 and Roxbury \$952.20

- *Justice Court monthly report for November 2020 in the amount of \$1,132.00 and January 2021 in the amount of \$418.00

- *Tax Collector monthly report for February 2021

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

NAYS-0

No monthly reports have been received from the Building Inspector for October – December 2020 and January-February 2021.

No action was taken on filling the Planning Board vacancy.

RESOLUTION #33-REAPPOINT MATHIS RHPC

On motion of Michael Hynes second by Deanna Osborn the following resolution was offered and adopted:

"WHEREAS, the term of Michael Mathis on the Roxbury Historic Preservation Commission (RHPC) expired 12/31/20; and

WHEREAS, the Town Board re-appointed Mr. Mathis to the RHPC on 1/4/21 for a three year term; and

WHEREAS, Mr. Mathis did not take the Oath of Office within 30 days of the appointment;

BE IT RESOLVED, the Town Board re-appoints Michael Mathis to the RHPC with a three year term 3/8/21-12/31/23."

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

NAYS-0

RESOLUTION #34-SUPPORT SMALL BUSINESS

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

"WHEREAS, small business owners play a vital role in stimulating economic growth and creating jobs; and

WHEREAS, small business owners actively contribute to our community through donations of time, money, and products; and

WHEREAS, small business owners pay local property taxes and collect sales taxes that bolster village/town/county revenue available for roads and other services; and

WHEREAS, small business owners create a unique community identity which attracts new residents and encourages increased private investment; and

WHEREAS, in 2020, many small business owners have weathered an unprecedented economic storm due to huge revenue declines and government mandates; and

WHEREAS, our small business owners continue to innovate, adapt, and pivot to survive, grow, and serve customers.

NOW, BE IT RESOLVED that this Board pauses in its deliberations to offer a simple "THANK YOU" to our local small business owners; and

BE IT FURTHER RESOLVED that this Board appreciates the vision, the hard work, and resilience of small business owners in this community and throughout Delaware County.”

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

NAYS-0

No action was taken to specify a project for a donation to the Catskill Recreation Center.

Sealed bids for Highway Diesel Fuel were opened March 5, 2021 at 2:00 pm at the Town Hall. A total of three bids were received and were as follows per gallon:

| Vendor | Diesel Fluctuating | Diesel Fixed | Winter Blend Fluctuating | Winter Blend Fixed | Non-Collus |
|------------------|-----------------------|--------------|--------------------------|--------------------|------------|
| Main Care Energy | 2.0046+.1800 = 2.1846 | 2.3144 | 2.1001+.1800=2.2801 | 2.3993 | Y |
| Mirabito Energy | 2.0046+.1775 = 2.1821 | 2.2234 | 2.1002+.1775 =2.2777 | 2.4234 | Y |
| Bottini Fuel | 2.0046+.1590 = 2.1636 | 2.17 | 2.1001+.1590= 2.2591 | 2.499 | Y |

On motion of Deanna Osborn second by Michael Hynes the bid was awarded to Bottini Fuel for Diesel fixed at \$2.17 and Bottini Fuel for Winter Blend Diesel fixed at \$2.499.

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

NAYS-0

Sealed bids for Highway Material Hauling were opened March 5, 2021 at 2:15 pm at the Town Hall. A total of five bids were received and were as follows:

| Vendor | Sand Davenport | Sand Oneonta | Stone & Item 4 Schoharie | Stone & Item 4 Middleburgh | Stone & Item 4 Ashland | Item 4 Lexington | Non-Coll | Ins Cert |
|------------------------|----------------|--------------|--------------------------|----------------------------|------------------------|------------------|----------|----------|
| Schulz's Trucking | 8.00 | 9.00 | 8.00 | 8.00 | 7.50 | 7.50 | Y | Y |
| Carver Sand & Gravel | | | | 7.80 | 7.00 | | Y | Y |
| Cobleskill Stone Prod. | | | 8.25 | | | | Y | Y |
| Seward Sand & Gravel | 9.00 | 11.25 | | | | | Y | Y |
| DG Construction | 8.50 | 9.50 | 8.50 | 8.50 | 8.50 | 8.50 | Y | Y |

On motion of Deanna Osborn second by Edward Raeder the bids for each material were awarded to all bidders per the Highway Supt's request due to having problems getting haulers as needed.

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

NAYS-0

RESOLUTION #35 TITLE: ADOPTION OF THE TOWN OF ROXBURY CONTINUATION OF OPERATIONS PLAN SPECIFIC TO A PUBLIC HEALTH EMERGENCY INVOLVING A COMMUNICABLE DISEASE

On motion of Michael Hynes second by Deanna Osborn the following resolution was offered and adopted:

“WHEREAS, the spread of the Novel Coronavirus (COVID-19) pandemic has caused a public health emergency throughout the United States and indeed the world; and

WHEREAS, said pandemic has resulted in a number of changes to operations of local governments as a result of previously unforeseen conditions and impacts; and
WHEREAS, amendments to the NYS Labor Law Education Law require all public employers to be prepared for a public health emergency involving a communicable disease by requiring the drafting and publication of a Continuation of Operations Plan for use during such an emergency; and
WHEREAS, The Town of Roxbury has prepared a Continuation of Operations Plan and has afforded all applicable duly recognized or certified representatives of the Town of Roxbury employees an opportunity to comment and provide input on the Plan and the actions in the Plan; and
NOW THEREFORE, BE IT RESOLVED that the Town of Roxbury hereby adopts the above referenced Continuation of Operations Plan, effective immediately; and
BE IT FURTHER RESOLVED that the finalized plan be published in conspicuous locations within the Town as well as on the municipal website and employee handbook.”
AYES-5 Hynes, Osborn, Raeder, Davie, Hinkley
NAYS-0

On motion of Edward Raeder second by Michael Hynes the Town Board approval renewal of the junkyard permit to Marty Built, LLC located at 565 Charcoal Road, with said permit to expire 3/31/22.
AYES-5 Raeder, Hynes, Davie, Osborn, Hinkley
NAYS-0

On motion of Michael Hynes second by Deanna Osborn the Town Board approved sponsoring the Memorial Day Parades for the year 2021 with Town insurance and submittal of a permit application to NYS Dept. of Transportation.
AYES-5 Hynes, Osborn, Raeder, Davie, Hinkley
NAYS-0

RESOLUTION #36-MIDROX BUILDING PURCHASE PROCEED TO CLOSING

On motion of Edward Raeder second by Michael Hynes, the following resolution was offered and adopted:
“RESOLVED, the Town Board authorizes the Town Supervisor to proceed with the purchase of the Midrox building as a new Town Hall; and
BE IT FURTHER RESOLVED, the Town Board authorizes the Town Supervisor to execute the required documents necessary to close on the purchase.”
AYES-5 Raeder, Hynes, Davie, Osborn, Hinkley
NAYS-0

RESOLUTION #37-USE GOOD NEIGHBOR FUNDS FOR NEW TOWN HALL RENOVATIONS

On motion of Deanna Osborn second by Edward Raeder the following resolution was offered and adopted:
“RESOLVED, the Town Board approves using Good Neighbor Funds as needed for costs incurred to renovate the new Town Hall with said funds to be reimbursed when funds are received from bond proceeds.
AYES-5 Osborn, Raeder, Davie, Hynes, Hinkley
NAYS-0

On motion of Michael Hynes second by Deanna Osborn the Town Board added Esther DeJong to the Short-Term Rental Committee.
AYES-5 Hynes, Osborn, Raeder, Davie, Hinkley
NAYS-0

RESOLUTION #38 – OCCUPANCY TAX RECIPIENT CONTRACT

On motion of Edward Raeder second by Michael Hynes the following resolution was offered and adopted:
“WHEREAS, Delaware County has entered into an administrative agreement with the Local Development Corporation for the purposes of the execution and administration of contracts pertaining to the disbursement of occupancy tax funds, as well as the initial funding of such contracts; and
WHEREAS, the Town of Roxbury has been awarded \$22,000 of Occupancy Tax Funds for rehabilitation

of the North Barn at Kirkside Park;
 NOW, THEREFORE BE IT RESOLVED, the Town Board agrees to the mutual covenants contained in the Occupancy Tax Recipient Contract; and
 BE IT FURTHER RESOLVED, the Town Board authorizes the Town Supervisor to execute the Contract.”

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

On motion of Kenneth Davie second by Deanna Osborn the Town Board decided to table any action on the Community Solar Campaign until the April 2021 Town Board meeting.

AYES-Davie, Osborn, Raeder, Hynes, Hinkley
 NAYS-0

The matter of adopting the Unified Solar Permit was also tabled.

RESOLUTION #39-PREAPPROVAL BILLS

On motion of Deanna Osborn second by Michael Hynes the following resolution was offered and adopted:

“RESOLVED, the Town Board has audited the following bills and approves payment when funds are received from the funding sources with said bills to be entered on the next abstract after funds are received:

| Project | Req # | Vendor | Amount |
|----------------------|-------|--------------------------|-------------|
| Denver Water Project | 2-B | Hinkley Associates Inc. | \$31,727.48 |
| | 2-B | Hinkley Associates, Inc. | \$3,063.75 |
| | 2-B | Young & Sommer | \$427.50 |
| | 2-B | Young & Sommer | \$292.50 |
| | 2-B | Young & Sommer | \$180.00 |
| | 2-B | Young & Sommer | \$77.00 |

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

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

| | | | |
|--------------------------|--------------|--------------------------|-------------|
| General #75-120 | \$74,987.43 | Roxbury Sewer #14-21 | \$63,191.22 |
| Highway #31-59 | \$103,945.55 | Denver Sewer #17-26 | \$14,037.03 |
| Roxbury Water #14-20 | \$3,569.37 | Special Lights #4 | \$231.32 |
| Grand Gorge Water #15-21 | \$3,468.18 | Capital Projects: | |
| Denver Water #11-18 | \$22,694.87 | Hughes Energy Escrow #27 | \$735.00 |

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

On motion of Deanna Osborn second by Michael Hynes the meeting adjourned at 9:22 pm.

THIS IS A TRUE COPY

Diane Pickett, Town Clerk
 Allen Hinkley, Supervisor

Edward Raeder, Councilman
Kenneth Davie, Councilman
Michael Hynes, Councilman
Deanna Osborn, Councilwoman