

## DRAFT MINUTES

July 10, 2023

A Public Hearing and regular meeting of the Town Board was held July 10, 2023 at 6:00 pm at the Town Hall and via Zoom. Present were: Supervisor Allen Hinkley, Councilmen Edward Raeder, Kenneth Davie, Michael Hynes and Deanna Osborn, Highway Supt. William Sprague, Assessor Clerk Stephanie Seminara and 81 residents. Present on Zoom: Attorney's Kevin Young and Lindsay Dodd, Water Operator Christopher Mattice and 8 others.

Public Hearing #1, scheduled to be held at 6:00 pm. to hear comments on the Town of Roxbury's community development needs and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year was canceled due to the newspaper notice being missed for publication.

Public Hearing #2 was called to order at 6:18 to give residents time to sign-in for the hearing. The notice calling for the Public Hearing was read stating the purpose of the Hearing was to hear comments on a proposed Local Law Designating Town Highways for Travel by ATV's. Residents were given 2 minutes each to address the Town Board with their comments.

NOT FOR OR AGAINST LAW: Diane Munro was not for or against the proposed law but requested the Town Board hold off on any decision until the Comprehensive Plan is updated.

OPPOSED TO LAW Patrick Clark, Roger Barchitta, Joe Ruffa, Mike Martin, Mike Feldman, Robin Factor, Jenny Rosenzweig, Judith Maguire, Michel Dion, Tony Rogan, Doug McLaurine, Tim LaFontaine, Jeff Marino and Kathleen Eckett. Opposition to the law included the following reasons: concerns with having to pay for other fees/strain on Fire Dept. police, etc. felt ATV's do not need to be on the Town roads, concerns with safety, no licenses required, not knowing the rules of the road, curfew on time, overloading police, liability, damage to roads with use, concerns with children, impact on Town, law has less regulations than other Towns, riders not knowing the roads, costs for additional signage, dangers due to narrow roads and 2-way traffic already, stats found from other States, increase in traffic causing disruption, possibly allow for riding on road shoulders, speeds, already have off-road trails that can be used, insurance on ATV's and hold any decision until the Comprehensive Plan is adopted.

IN FAVOR OF LAW: Rob VanEtten, Lori Owen, Jim Bouton Jr., Nick Agoglia, Haley Walcutt, Tristan Mulder, Laszlo Vajtay and Scott Evangelista. Favor of the law included the following reasons: riders respect equipment use and private property, safe responsible riders, use would only be to transport rider from one area to another as a trailer is now needed, riders will not be speeding, riders will be using the sides of the road to get to the trails, requires the same regulations as other vehicles, unsafe practices are only due to each operator, other riders will self-regulate riders, the Law would be regulations on riding and therefore make for more safe riders, revenue to Town, riders will be made to be more responsible and are like tractors that are currently allowed to be on the roads with certain requirements.

Chris Ciazza, ATV Club Member, stated being in favor of the Law and added, he feels there should be a speed limit in the Law, this type of equipment would not damage the road, liability is on the owner of the equipment per NYS Law, the State Assembly is currently looking into a trail system for ATV's and road use and read an excerpt of some of the proposed Law and answered questions.

OTHER: Rob Young questioned how the Law would benefit the Town and had concerns with enforcement. Karen Hinkley questioned the Vehicle & Traffic Laws in place. Frank Lippman had concerns with trespassing on private lands and enforcement. Abby Wendell questioned when the Town Board would be making a decision on the Law and recommended dropping the time frame. Julius Giella had concerns with registration and license plates needed. Walter Srebnik requested to hold off decision for the Comprehensive Plan update so can be done safely.

A letter was received from Velga Kundzins opposing the proposed Law due to fatality rates in ATV accidents, inadequate law enforcement resources, noise concern, for-profit status of 607 Riders, LLC,

cost to taxpayers and ATV Experts' Position on ATV's on public roadways.

A letter was received from Judith Maguire for links to records and screen shots regarding ATV accident statistics for Town Board review.

Supervisor Hinkley stated the Town Board represents all residents no matter if full-time home owner or second home owner.

The Public Hearing closed at 7:25 pm.

The regular meeting was called to order at 7:35 pm with the Pledge of Allegiance. There were 27 people that remained from the Public Hearing and the eight residents on Zoom.

On motion of Kenneth Davie second by Deanna Osborn the Town Board approved the Minutes of the June 12, 2023 meeting.

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

NAYS-0

A written report was received from Michael Harrington regarding the status of the Water and Sewer Projects:

#### Denver Water Project

\*EFC has agreed to allow the Town to close-out the project once the remaining balance is less than \$10,000. The remaining balance is expected to be about \$6,800 after final payments to contractors. This balance will be credited to the Town on the next principal payment (March 2024). This effectively allows the use of the funds for anything related to the water system and without any other approvals from DOH or EFC.

\*To this end, we have requested final pay applications from Hinkley (about \$6,700 for Ct. 5) and Hubbell (\$1,000 for Ct. 6), along with their respective closeout paperwork by 7/15. The intention is to have these final pay applications approved at your August meeting. Thereafter, we will draw down the funds later in August, prior to EFC's September 9 deadline. That will be the final drawdown, and the Denver water project will be closed out.

#### Roxbury and Grand Gorge Water Project

\*There are no pay applications for consideration at this time.

\*Tweedie is scheduled to start on Contract 8A (Roxbury Hydrants and Valves) on July 17. There will be a walk-through of the work area this week, or possibly first-thing on 7/17. DOT will be part of the walk-through to review permit requirements.

\*A few loose ends still remain to be addressed by all wellfield contracts prior to getting both PW-3 and the Springs source on line. These issues should be resolved this month as we have requested a site meeting with all parties (likely next week). Roxbury PW-1 and PW-2 rehabilitation work to follow. Grand Gorge controls start-up to follow.

\*Wellfield site clean-up has been discussed with Evergreen.

\*Ct. 9 design work (Vega Mtn. Rd) has resumed; we expect to submit to DOH later this month.

#### Denver Wastewater Study

\*EFC is working on developing the grant agreement between the Town and EFC. Once approved, funds will be able to be drawn down (presumably as they are incurred).

\*However, the engineering scope/contract has already been approved by EFC. As a result, we plan to get started on the technical work later this month.

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

Margaret Ellsworth, present on Zoom, stated the Comprehensive Plan is critical as being a road map of the future. A public meeting will be held at Kirkside Park on August 18<sup>th</sup> to start discussion. She requested a temporary moratorium on development until the Comp Plan committee can do their job and update the Plan and cited laws for the types of item where a moratorium can be requested/granted.

She also requested Councilman Michael Hynes be appointed to act as liaison between the Comp Plan committee and the Town Board. Attorney Young stated the Comp Plan is not a Law and moratoriums put undo issues on property owners and further protects against major development, etc.

On motion of Deanna Osborn second by Edward Raeder the Town Board appointed Councilman Michael Hynes as liaison between the Comprehensive Plan and the Town Board.

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

NAYS-0

Supervisor Hinkley stated the Town Board will need more information on what is required for a moratorium to be adopted.

#### RESOLUTION #34 – RE-SCHEDULE PUBLIC HEARING CDBG

On motion of Deanna Osborn second by Edward Raeder the following resolution was offered and adopted:

WHEREAS, the Town Board had scheduled a Public Hearing to be held July 10, 2023 at 6:00 pm at the Town Hall to hear public comments on the Town of Roxbury’s community development needs and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year; and

WHEREAS, the notice for the Public Hearing was missed being published by the Town’s legal newspaper;

BE IT RESOLVED, the Town of Roxbury Town Board re-schedules a Public Hearing for July 24, 2023 at 4:00 pm at the Roxbury Town Hall for the purpose of hearing public comments on the Town of Roxbury’s community development needs and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year; and

BE IT FURTHER RESOLVED, the Town Board schedules a Special meeting for July 24, 2023 immediately following the Public Hearing to hear any other business that may come before the Town Board.”

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

NAYS-0

Water Operator, Chris Mattice, submitted a written monthly report for Water and Sewer and added: 1) a Roxbury hydrant walkthrough will be held this week; 2) Roxbury Sewer pump is working well and 3) a Denver Sewer walk thru will be next week.

Attorney Young discussed a letter being sent by the Town in opposition of NYCDEP’s proposed land acquisition of 123+/- acres on Redkill Rd. He also discussed the NYCDEP Land Acquisition program, requested adopting a resolution opposing continuation of purchases as proposed and further requested the Town Board allow Delaware County to be Lead Agency for SEQRA purposes. Main issues for opposition include restrictions being placed on City owned lands and the City spending more money in other Towns outside of Delaware County.

#### RESOLUTION #35-RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROXBURY IN OPPOSITION TO THE CONTINUATION OF THE NYC LAND ACQUISITION PROGRAM AS PROPOSED

On motion of Deanna Osborn second by Kenneth Davie the following resolution was offered and adopted:

“WHEREAS, in April 2023, the Town Board was notified of New York City’s (“NYC”) contract to purchase a 123 acre lot within the Town as part of its Land Acquisition Program (“LAP”); and

WHEREAS, the purpose of the NYC’s Core Land Acquisition Program is to make future development (and thus community sustainability) within the Town more difficult/expensive/unavailable (otherwise known as “damage avoided” benefits); and

WHEREAS, in the 25 years since the LAP was initiated, NYC (and/or its agents) have purchased in fee and/or conservation easements by NYC over 3,000 acres within the Town of Roxbury. Listed

below, for the period 2010 through June, 2022, the top five towns listed in order of acres acquired NYC were:

Acres Acquired By Town

Town	Acres Acquired	% of EIS Proj.			
1. Andes	7,865	102%			
2. Walton	4,971				
3. Delhi	4,570	116%			
4. Middletown	3,218	65%			
5. Roxbury	3,151				

WHEREAS, during the same period (between 2010 to June, 2022), two thirds of the acreage acquired under the existing LAP (between 2010 to June, 2022) were in Delaware County (43,778 acres spending over \$109,000,000). According to the 2020 Census, during the period 2010 to 2019, Delaware County lost 7.8% of its population. By focusing its purchases on Delaware County, the NYC was able to get approximately double the acreage per dollar compared to the other counties:

Delaware	43778	109,044,832	2490.86	67%	
Greene	14817	70,091,350	4730.47	23%	190%
Sullivan	1409	5,917,206	4199.58	2%	169%
Ulster	4051	19,806,307	4889.24	6%	196%
Schoharie	<u>1707</u>	3,643,129	2134.23	3%	

Total 65762 1

WHEREAS, the lower price per acres is due, in part, to the fact that Delaware County is one of the poorest counties in the state -- the median family income in Delaware County is only 70% and 41% of the State and NYC Metro Area Median Family Income, respectively:

Median Household and Per Capita Income for Delaware, Greene, Schoharie, Sullivan, and Ulster County

County	Median Household Income	Per Capita
Delaware County	\$ 52,757.00	\$ 30,547.00
Greene	\$ 61,328.00	\$ 33,894.00
Schoharie	\$ 64,220.0	\$ 33,957.00
Sullivan	\$ 60,433.00	\$ 33,037.00
Ulster	\$ 71,040.00	\$ 38,966.00
New York State	\$ 75,157.00	\$ 43,208.00
<u>NYC Metro Area</u>	<u>\$ 127,100.00</u>	<u>\$ 78,089.00</u>

Income data taken from 2021 US Census

WHEREAS, on May 30, 2023, NYC submitted to NYS Department of Health (“DOH”) for approval of “NYC 2023-2033 Long Term Land Acquisition Plan dated May, 2023” (“LTLAP”). In that plan, NYC proposed to continue its LAP for the 2023-2033 focusing on the Town of Roxbury and other Delaware County communities; and

WHEREAS, all of the land purchased in fee by NYC under LAP is subject to a conservation easement issued to New York State which precludes in perpetuity the town and its residents access to the natural

resources or other access (such as road access, utility access, snow mobile) – sequestering the land from the community; and

WHEREAS, as a condition of the continuation of the LAP past December 31, 2025, the DOH has required NYC to fund a study of the long-term viability of the West of Hudson Watershed Communities (“Viability Study”) so that the Watershed protection programs can be adapted to facilitate community vitality and economic sustainability. Catskill Watershed Corporation (“CWC”) has agreed to oversee the preparation of the study.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Town Board consents to Delaware County serving as lead agency under the SEQRA for the NYC Water Supply Permit (“WSP”) Application dated June, 2022 seeking authorization to acquire 39,869 acres during the period January 1, 2026 through December 31, 2035 and other related actions/agreements.
2. The Town Board authorizes the Supervisor to issue a letter on behalf of the Town Board in opposition to the NYC continuing its purchase of land under the core land acquisition program within the Town of Roxbury until such time as the NYC Water Supply Permit (“WSP”) for the period January 1, 2026 through December 31, 2035 is issued and the Viability Study is completed.

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

Supervisor Hinkley	AYE
Board Member Davie	AYE
Board Member Hynes	ABSTAIN
Board Member Osborn	AYE
Board Member Raeder	AYE

On motion of Edward Raeder second by Deanna Osborn the Town Board authorizes a letter be sent to NYCDEP from the Town of Roxbury Town Board stating the Town Board’s opposition to their purchase of 123.20 +/- acres of land on Redkill Rd., Local Consultation/Project Number 3562.

AYES-4 Raeder, Osborn, Davie, Hinkley

NAYS-0

ABSTAIN-1 Hynes

Supervisor Hinkley stated more changes are needed to the cell tower lease with Verizon to place a cell tower at the Denver Water tank.

Councilman Raeder expressed concerns with the Grand Gorge Sr. apartments requiring a dumpster for their garbage that they have been putting in a room in the building. Supervisor Hinkley and Raeder will contact Western Catskills Community Revitalization Corp. (WCCRC) to discuss the matter/responsibility as the Sr. Dining Center in the Town’s portion of the building has also been putting their garbage in that same room until picked up. There is also an issue with the lean-to on the back of the building that WCCRC wants to tear down.

Highway Supt. William Sprague reported the following: 1) crews are paving and doing stone/oil on roads; 2) he thanked residents who have given their thanks to the highway dept. in the past; 3) has had to change roads and road materials for CHIPS due to finding out issues at Highway school and 4) still needs to install 4 electronic speed signs.

The Highway Supt. also requested that anyone having questions or concerns with any Town road or other matter involving the Highway Dept. please contact him at the office instead of expressing their views on social media.

The Assessor submitted a written monthly report to the Town Board and Assessor Clerk, Stephanie Seminara, added the following: 1) the Final 2023 Tax Roll has been completed and filed in the Office of the Town Clerk; 2) the Assessor will have a call with NYS Office of Real Property Services (ORPS) this week to start discussion of the 2024 re-valuation and 3) a model is expected by August,

will run first set of Comp sales in September/October, the County will run change notices in December and mailings will begin in March. Seminara also discussed the process required by the State for a re-valuation.

Councilman Raeder expressed concerns with water infiltration in the basement of the Town Hall. The matter will be looked into further.

The Building Inspector has been cleared to return to work from medical leave.

The Town Board tabled action on hiring a Fire Inspector and changing the building fees until speaking further with the Building Inspector.

The Personnel Committee will meet with Roxbury Highway Workers Association reps to discuss the matter of buyout and dues.

The Town Attorney will look into possible changes needed to Town Policies due to a CDBG Audit earlier in the year

The Town Attorney will also look into the NYS Dept. of Health Low Income Housing Water Assistance Program and report to the Town Board.

Letters were received from:

- \*Jenny Rosenzweig, Michael Mathis and Richard Cafiero– requesting a temporary moratorium on new development in the Hamlets of Roxbury and Grand Gorge until a new Comp Plan is adopted

- \*Judith Maguire – requesting a temporary moratorium on new policies and projects until a new Comp Plan is adopted

- \*Margaret Ellsworth – requesting a temporary moratorium on any legislation or development until a new Comp Plan is adopted.

Renee Barchitta read a statement regarding the recent raid on the Hempire store in Roxbury who was selling illegal THD products that resulted in a shut down of the store and questioned what the Town could do about not allowing this type of business to re-open. Supervisor Hinkley stated he had spoken with the Sheriff, the Town cannot do anything as it is in the hands of NYS Cannabis Management and must go through the courts. The Town adopted an “opt-out” Local Law and the business owner did not have a license. Discussion took place on checking for licenses by Town.

Judith Maguire stated the Town of Prattsville did a moratorium for researching zoning.

A representative from the Roxbury Library stated they will be requesting more funding from the Town for next year.

On motion of Michael Hynes second by Deanna Osborn the Town Board approved the following Department reports:

- \*Town Clerk monthly report for June 2023 in the amount of \$2,230.25 (Town Clerk \$360.25 and Building Permits \$1,870.00)

- \*Supervisor’s monthly report for May 2023

- \*Assessor’s monthly report for June 2023

- \*Water District monthly report for June 2023

- \*Justice Court monthly report for May and June 2023 in the amount of \$3,576.00 and \$1,842.00 respectfully

- \*Parks Dept. monthly report for July 2023

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

NAYS-0

No reports were received from the Building Inspector or Dog Control Officer.

Appointing a Fair Housing Officer was tabled until speaking with Margaret Ellsworth of the MARK Project Inc.

On motion of Michael Hynes second by Kenneth Davie the Town Board tabled any decision on the proposed ATV Law until after review of Public Hearing comments or other correspondence.  
AYES-5 Hynes, Davie, Raeder, Osborn, Hinkley  
NAYS-0

On motion of Michael Hynes second by Edward Raeder the Town Board acknowledged receipt of a retirement letter from Cheryl Hinkley as Civic Center cleaner effective June 30, 2023.  
AYES-5 Hynes, Raeder, Davie, Osborn, Hinkley  
NAYS-0

No action was taken on hiring a new person to clean the Civic Center or to fill the Highway Dept. vacancy.

The Retirement reporting resolution was tabled until the August meeting.

A list of employees who have not yet taken the mandatory training for Harassment and Discrimination and Violence Prevention was distributed to the Town Board.

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

General #264-318	\$34,715.16	Denver Sewer #62-75	\$17,008.27
Highway #159-177	\$301,102.20	Special Lights #7	\$1,518.66
Roxbury Water #60-68	\$4,390.24	Capital Projects:	
Grand Gorge Water #56-66	\$39,840.67	Comprehensive Plan #13	\$465.01
Denver Water #41-46	\$2,517.03	NYCDEP Land Acquisition #14	\$266.50
Roxbury Sewer #39-46	\$13,882.06		

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

The August 14<sup>th</sup> regular meeting will be held at the Grand Gorge Civic Center at 6:00 pm.

The ARPA Fund balance is \$81,708.48.

On motion of Kenneth Davie second by Deanna Osborn the meeting adjourned at 8:35 pm.

THIS IS A TRUE COPY

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