

April 1, 2004

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The Town Bored Meeteng was held on Aperl 1, 3879 at 7:00pms at the Akkord Phya Haul.

PRESENT:

Supersunvisor Dutchess	Councilman Chartreuse	Councilman Hornytoad
Councilman Rionaserouz	Councilman Santababie	Attorney Lienz
Town Clerk Summafaulwintaspring		

OTHERS PRESENT:

Lin Chapeldale
Jon Phooney

Councilman Ryan led the Pledge of Allegiance to the Flag.

Supervisor Duke welcomed everyone and laid the ground rules for the meeting.

PRESENTATIONS:

ACCOUNTANTS REPORT:

Supervisor Duke introduced John Tuey, of Perry, Cuono, Holgate & Churchill, CPA's P.C. who presented the 2003 Annual Financial Report.

(As required by law, the report is filed with the Town Clerk)

PUBLIC COMMENT PERIOD:

Non resident. Lorna Massie urged the Town Board not to renew the permit for the Accord Speedway.

Kenneth McGuire, Attorney for Gary & Donna Palmer, owners of the Accord Speedway said that nothing illegal has happened and the speedway should be opened.

Resident, Morton Lund spoke against the speedway and the noise.

Resident, Ed Lamon said that for several years he was involved with the speedway on behalf of the First Aid Squad. He had nothing but praise for them and their operation.

Resident, Paul Melnick said the Fire/Rescue has never been paid by the speedway, and asked if the Town could issue a bond for lack of payment.

Brian Belile, resident & President of the Kerhonkson Accord First Aid Squad said that they have been paid. The reason they cannot continue to cover the speedway on race nights is due to lack of manpower.

Non resident & County Legislator, Rich Parete spoke on behalf of the track and urged the Board to grant the permit.

Non resident, Kim Massie spoke against the track and the noise issue. and urged the Board not to open the track.

Resident, Shane Ricks spoke in favor of the speedway opening, and corrected Mr. Massie saying Stanley Hudson is not a Planning Board member, he is a ZBA member.

Non resident, Ralph Neiderland suggested the track not open due to the restriction on gas use.

Resident, Toni Sindone spoke in favor of the speedway.

Resident, Kandy Santosky spoke in favor of the track opening again.

APPROVAL OF MINUTES:

A Motion was made by Councilman Ryan to approve the minutes of the February 25, 2004 Audit/workshop meeting as submitted.

Seconded by: Councilman Hornbeck Unanimously approved

A Motion was made by Councilman Ryan to accept the minutes of the March 4, 2004 Town Board meeting as submitted.

Seconded by: Councilman Gray Unanimously approved

A Motion was made by Councilman Gray to amend the minutes of the Special Meeting held on 2/19/04 stating that the Special meeting was called because William De Graw, a Planning Board Member felt so strongly that the actions of the Planning Board were placing the Town at risk that he wrote to the Town Board to express his concern. The minutes of the meeting as written, do not reflect that concern and this amendment records that concern for that meeting.

Seconded by: Councilman Ryan Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE REVIEWED & FILED WITH THE SUPERVISOR:

Cover letter from Carolyn Hansen, Esq. on 3/4/04 re: the speedway.
 Letter from Kim Massie dated 3/6/04 re: the speedway.
 Cover letter from Maria Morra dated 3/23/04 re: the speedway.
 Letter from Michael Baden dated 3/22/04 re: the Planning Board.
 Letter from Steven Fornal dated 3/24/04 re: the Planning Board.
 Letter from Rudy Benda dated 3/29/04 re: the speedway.
 Letter from Arnie Weitzman & Suzanne Hertz dated 3/29/04 re: the speedway.
 Letter from Kim & Lorna Massie dated 4/29/04 re: the speedway.
 Letter from Donald Klocek dated 3/29/04 re: the speedway.
 Fax from Barry Schreiber dated 3/31/04 re: the speedway.

SUPERVISOR'S UPDATE:

David Stoltz Lawsuit: Supervisor Duke said that she was advised late yesterday that resident, David Stoltz was successful in his lawsuit against the Town seeking damages for an incident that allegedly occurred in February 2001 involving members of the Town's Highway Department. The Town Board has not yet had a chance to review the verdict and will have no further comment on this until they have discussed it with the attorneys who represent the Town.

Jarvis Case: Mr. Jarvis has obtained the approvals necessary to run his fuel distribution business and is now allowed to legally operate. It was the Town Board's goal to compel Mr. Jarvis to abide with the Code of the Town and for that reason, filed a complaint petition against him. Thereafter, Mr. Jarvis worked to obtain the proper permits. He has written an apology to the Town Board and the Code Enforcement Office. The Board feels it is in the Town's best interest to withdraw our contempt proceeding, as our goal in commencing proceedings has been met. Our attorney has notified the court of our decision to withdraw our petition. The Town Board will continue to take all necessary steps to ensure that the Town's laws are enforced consistently and fairly.

Supervisor Duke also reiterated the reports regarding the Building Inspection, the Empire Zone, Deputy Supervisor temporary leave and the Planning Board oaths of office and required training.

The meeting between the Town Board, ZBA, Planning Board and Dennis Doyle, UC Planner has been rescheduled to April 13, 2004 at 5:30pm at the Town Hall.

Professional Planner, Michele Greig from Greenplan will visit with the Planning Board at a regular meeting.

An ad will be placed in the paper advertising for this position.

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The Town Board has requested our attorney to develop a law to set up an escrow account for a planner and/or engineer to work with the Planning Board and possibly the ZBA.

TWIN TRACK PROMOTIONS, Inc. RACE TRACK PERMIT RENEWAL:

On February 24, 2004, the Town Clerk's office received a permit renewal from Twin Track Promotions, Inc. for a renewal of the company's permit to operate the Accord Speedway in 2004. This renewal was received within the 90 day period required by law.

Upon review of the permit renewal and supporting materials, it was brought to the Supervisor's attention that Twin Track Promotions, Inc. may have been dissolved by the State on September 25, 2003 for non-payment of its franchise taxes.

In the month that passed, the attorney representing Twin Track Promotions, Inc. has submitted supplementary documentation regarding its application including the following:

Copy of name change from Twin Track Promotions, Inc. to Accord Speedway, Inc.
Copy of certification by the Secretary of State that there was no dissolution.

Councilman Hornbeck, Ryan and Hornbeck spoke in favor of issuing a renewal permit and approving the racing schedule.

Councilman Gray said he was not in favor of granting the application due to the possibility of legal ramifications.

2004 RACING SCHEDULE FOR ACCORD SPEEDWAY:

A Motion was made by Councilman Hornbeck to accept the 2004 racing schedule for the Accord Speedway.

Seconded by: Councilman Santosky

Motion carried 3-2
Councilman Gray - nay
Supervisor Duke - nay

Supervisor Duke requested that the Palmers look at the race date schedule to see if an exception may be made for racing on 9/25/04 Yom Kippur. Supervisor Duke also reported that the emergency plan submitted by the Palmer's was accepted by the Board. Two hearing tests will be conducted at the cost of \$1200.00 each and that the \$1000.00 from last year will be rolled over to this year. (Test not performed last year due to illness in family of tester).

LIAISON REPORTS:

Cable TV Franchise: Councilman Santosky - no report
Planning Board: Councilman Hornbeck - talked about the Streamside Trailer Park open hearing.
Zoning Board of Appeals: Councilman Gray - no report
Highway Department: Bids on the Salt Shed were received on 3/24/04, the Town Board will review the bids and action to be taken at a future date.
Youth Commission: Councilman Ryan - highlighted upcoming events

COMMITTEE REPORTS

Trailer Park Committee: Supervisor Duke and Councilman Ryan said the committee is in the process of finalizing their recommendations to the Board. A public hearing has been scheduled for April 29, 2004 at 4:30pm.

Little Ones' Library: Councilman Santosky attended a meeting and they reported they are still in need of money. The Board will discuss this at a future date.

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Lucas Avenue Water District Committee: Councilman Hornbeck and Councilman Gray said that the Board adopted a motion and will move forward and prepare its own report.

CONTRACT OF SHARED SERVICES:

Resolution #42 - 2004

A Resolution was made by Councilman Ryan that the Contract of Shared Services be updated by the Supervisor's office in conjunction with the Town of Warwarsing.

Seconded by: Councilman Santosky Unanimously approved

2003 FINANCIAL SUMMARY:

Supervisor Duke said that as a result of the findings in the 2003 Financial Summary report, a system must be established in which the Supervisor's office and individual department heads are monitoring actual versus budgeted expenditures on a continual basis.

Resolution #43 of 2004

A Resolution was made by Councilman Ryan that the Supervisor request added services for John Tuey, of Perry, Cuono, Holgate & Churchill, CPA's P.C., to help develop systems for budget monitoring not to exceed ten (10) hours.

Seconded by: Councilman Hornbeck Unanimously approved

IMAGINE ROCHESTER - MEETINGS SCHEDULED:

Supervisor Duke has scheduled four separate meetings throughout the Town to discuss with the citizens what their concerns might be and where they would like to see the Town move towards.

April 21 - Accord Fire Hall - Main Street
April 22 - Rochester 2 Fire Hall - Samsonville Road
April 26 - Rochester Town Court - Samsonville Road
April 27 - Alligerville Fire Hall - Creek Road

The culmination of these meetings will be May 15, 2004 at the Rochester Reformed Church. The overriding purpose of this day will be to develop goals for our Town - this will set a direction for us. Two consultants have been secured to facilitate our goals, Ted Fink and Michele Greig of Greenplan.

This proposal is on an hourly basis. The time is for pre, actual and post work on this workshop. The cost is \$2500.00 and can come from line 1990.00 contingent fund.

Resolution #44 of 2004

A Resolution was made by Councilman Gray that the Supervisor be authorized and directed to contract with Greenplan for the facilitate of "Imagine Rochester" in an amount not to exceed \$2500.00.

Seconded by: Councilman Ryan Motion carried 4-1
Santosky - nay

COURT HOUSE CARPET RESOLUTION # 32 RESCINDED:

A Motion was made by Councilman Hornbeck to rescind Resolution #32 approving funding for the installation of new carpeting in the Court House. The carpet proposed was not in compliance with NYS building codes.

Seconded by: Councilman Ryan Unanimously approved

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Resolution #45 - 2004

A Resolution was made by Councilman Hornbeck authorizing the Supervisor to contract with The Carpet Store for the installation of carpeting at the Court House for \$1,836.00.

Seconded by: Councilman Ryan

Unanimously approved

LOCAL LAW #1 OF 2004

Resolution #46 - 2004

A Resolution was made by Councilman Ryan to adopt Local Law #1 of 2004 amending Chapter 34 of the Code of the Town of Rochester to provide background checks on certain Town employees and volunteers.

There shall be added to Chapter 34 of the Code of the Town of Rochester an Article III entitled Background Checks to read as follows:

ARTICLE III BACKGROUND CHECKS

34-12 Purpose

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and provides for criminal background checks for all prospective employees and volunteers in the Town of Rochester who will be working with or participating in Town sponsored youth activities.

34-13

All prospective employees and volunteers who will be working with or participating in Town Sponsored youth activities and programs must undergo a criminal background check in a manner to be determined by the Town Board and established by resolution of the Town Board.

Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Seconded by: Councilman Gray

Unanimously approved

NEW BUSINESS:

VOTING MACHINES BORROWED BY RVCSD:

A Motion was made by Councilman Ryan authorizing Rondout Valley Central School District to borrow two voting machines to be used for the budget vote and any subsequent dates needed in 2004. Upon their return an election custodian of the Town will inspect the machines. Any repairs to the machines and compensation for the custodian shall be charged to the School District.

Seconded by: Councilman Santosky

Unanimously approved

SECOND PUBLIC COMMENT PERIOD:

Resident, Bill Carroll asked for clarification of the racing season and whether or not the permit was renewed.

Town Clerk Sommer said the schedule was accepted by the Town Board and she will issue the permit to race.

Attorney Ken McGuire passed the hat for Little Ones' Library.

Resident, Max Finestone approved the Board's decision, however he recommended that the owners mitigate the negative impact. He also complimented Supervisor Duke for going out to the community.

Non resident, Kim Massie complained again about the noise.

Supervisor Duke asked Ken McGuire, Attorney for the Palmers about the noise, he gave an explanation.

Non resident, John Wycheck spoke in favor of the noise issue.

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Resident, Phil McKinley said we should move forward and compromise. He also suggested that the Palmers invite the neighbors to a night at the races. He also thanked Ken McGuire for the sound report.

Resident, Toni Sindone reported that over \$11,000 was raised for the Terry Lawrence family.

Supervisor Duke reinforced Phil McKinley's comments.

Supervisor Duke announced that \$341.00 was collected for Little Ones' Library.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 8:47pm.

Seconded by: Councilman Gray

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

April 13, 2004

A Special Informational Meeting was held on April 13, 2004 at 5:30pm at the Town Hall for the Town Board, Planning Board and Zoning Board of Appeals, with Dennis Doyle, UC Principal Planner as guest speaker.

PRESENT:

Town Board Members:

Supervisor Duke Councilman Gray Councilman Hornbeck
Councilman Ryan Councilman Santosky

Planning Board Members:

Nadine Carney, Chairperson
Shane Ricks
Frank Striano
Robert Gaydos
Mel Tapper
David O'Halloran

ZBA Members:

Marijane Knudsen-Hunlock, Chairperson
Brian Belile
Stanley Hudson
Betty Kawalchuk
Beatrice Haugen Depuy
James Kingston
Becky Paddock-Stange Secretary to the PB & ZBA

Guest Speaker, Dennis Doyle, Ulster County Principal Planner
Guest: Robert Liebowitz, Ulster County Senior Planner

ABSENT:

Anthony Kawalchuk, Planning Board Member
William DeGraw, ZBA Member

A general discussion was held regarding concerns that the Planning Board and Zoning Board of Appeals have and how to address them. Included was discussion on the part the Town Board plays regarding these boards.

The meeting adjourned at 8:00pm

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

April 29, 2004

3072

A Public Hearing was held on April 29, 2004 at 4:30pm at the Town Hall regarding extending the existing moratorium on new mobile home parks.

PRESENT:

Supervisor Duke Councilman Gray Councilman Hornbeck
Councilman Ryan Town Clerk Sommer

ABSENT:

Councilman Santosky

Supervisor Duke opened the hearing with the Pledge of Allegiance to the Flag and read the following legal notice.

The Town of Rochester Town Board will hold a public hearing regarding a Local Law extending the existing moratorium on new mobile home parks and expansion of existing mobile home parks on April 29, 2004 at 4:30pm at the Town Hall, Accord, NY.

No comments were made.

A Motion was made by Councilman Gray to close the public hearing at 4:31pm.

Seconded by: Councilman Ryan

Motion carried 4-0
Santosky - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

April 29, 2004

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The Audit/Workshop Meeting was held on April 29, 2004 immediately following the public hearing regarding mobile homes, etc.

PRESENT:

Supervisor Duke Councilman Gray Councilman Hornbeck
Councilman Ryan Town Clerk Sommer

ABSENT:

Councilman Santosky

YOUTH COMMISSION GRANT PRESENTATION:

Mary Lee and Donna Ragonese gave a presentation on the \$25,000 grant they are applying for. Action must be taken by the Town Board, and each quote submitted must be covered by one million dollar insurance.

Resolution #47 - 2004

A Motion was made by Councilman Ryan that the Town Board accept the following lowest bids (highlighted) as submitted totaling \$25,000.80.

Plumber

Rick Born Plumbing & Heating	\$ 380.00
Rice Plumbing & Heating	960.00
Algene Plumbing & Heating	1,025.00

Electrician

Wright Electric, Inc.	\$3,982.00
Charles DeFroia Electrician Inc.	5,040.00
Thornton Electric Inc.	6,081.00
Bob Warner Electric	9,400.00

Landscaper

Edgewater East & West	\$12,767.80
L & J Lawn Maintenance	13,400.00
Eden Design Landscaping	26,030.00

12 x 16 Storage Shed

The Dutch Corner Inc.	\$ 3,024.00
The Colonial Buildings	4,195.00
DHL Excavating Paving	6,500.00

Town Highway Department \$ 4,847.00

Seconded by: Councilman Gray Motion carried 4-0
Santosky - absent

KERHONKSON FIRST AID SQUAD REQUEST:

A Motion was made by Councilman Ryan to approve the First Aid Squad's use of the Town's fuel oil card until their tank is repaired. They will be billed accordingly.

Seconded by: Councilman Gray Motion carried 4-0
Santosky - absent

The Board discussed various topics for next weeks meeting.

Resolution #48 - 2004

UC LEGISLATURE "SAFETY NET":

A Motion was made by Councilman Ryan that the Town Board does not support the "safety net" program as outlined by the Ulster County Legislature to assume the administration costs of the from the Towns and the City of Kingston.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

Resolution 49

MUNICIPAL CLERK WEEK:

A Resolution was made by Supervisor Duke, seconded by Councilman Ryan that

Whereas, The office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The office of the Municipal Clerk is the oldest among public servants, and

Whereas, The office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, the Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county, town and international professional organizations.

Whereas, it is most appropriate that we recognize the accomplishments of the office of the Municipal Clerk.

Now, therefor, I, Pamela Duke, Supervisor of the Town of Rochester, do recognize the week of May 2nd through May 8, 2004 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Veronica I. Sommer and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Motion carried 4-0
Santosky - absent

APPROVAL OF BILLS:

A Motion was made by Councilman Hornbeck to approve the following bills as audited this date.

General Fund	\$109,441.83
Highway Fund	61,727.16
Street Lighting	252.46

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 7:20pm.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

May 6, 2004

3075

The Town Board Meeting was held on May 6, 2004 at 7:00pm at the Town Hall.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Ryan
Councilman Santosky	Attorney Christiana	Town Clerk Sommer

ABSENT:

Councilman Hornbeck

Supervisor Duke welcomed everyone to the meeting and Councilman Ryan led the Pledge of Allegiance to the Flag.

Supervisor Duke requested a moment of silence for Councilman Hornbeck and his family for the passing of their daughter in-law Sandy Durcan Hornbeck.

Supervisor Duke explained the rules of procedure for the meeting.

ANNOUNCEMENT:

Supervisor Duke gave an update on the condition of former Supervisor, Harold Lipton. He has been in ICU and is being moved to a room tomorrow.

EMPIRE ZONE PRESENTATION/Cathy Maloney:

Ms. Maloney of Empire Zone explained tax credits for businesses. The Empire Zone was established in 1994. Currently in a boundary revision which would include Rochester would help businesses grown in Ulster County. The new footprint in our Town is for the spa only. Mohonk Mountain House benefits if they qualify for the zone. After a lengthy question and answer period, Supervisor Duke said she will contact Marbletown Supervisor Martello before she gets back to Ms. Maloney.

PUBLIC COMMENT:

Resident, Beverly Schoonmaker said that if the Town "entered" the Empire Zone the end result is that they (Mohonk) wouldn't pay any taxes for 14 years.

Resident, Kathy Kuthy asked about the tax abatement and if we know what tax would be on the improvement.

Resident, Thea Harvey asked if \$50,000 a year was a reasonable guess and how much would it create.

Resident, Martha Tardibuno asked why the "zone" isn't available to other businesses.

Resident, Alan Levine asked what the downside of the Empire Zone is. Paperwork, not following up.

Martha also asked why the bridge in Allergiville will be closed from May to June. Supervisor Duke said it is a County issue.

APPROVAL OF MINUTES:

A Motion was made by Councilman Gray to approve the minutes of the March 25, 2004 Audit/Workshop Meeting as submitted.

Seconded by: Councilman Ryan
Motion carried 4-0
Hornbeck - absent

A Motion was made by Councilman Santosky to approve the minutes of the April 1, 2004 Town Board Minutes as submitted.

Seconded by: Councilman Santosky
Motion carried 4-0
Hornbeck - absent

A Motion was made by Councilman Ryan to approve the minutes as submitted of the Special Meeting held on April 13, 2004, with Ulster County Planner, Dennis Doyle.

Seconded by: Councilman Gray Motion carried 4-0
Hornbeck - absent

A Motion was made by Councilman Gray to approve the minutes of the April 29, 2004 public hearing as submitted.

Seconded by: Councilman Ryan Motion carried 4-0
Hornbeck - absent

A Motion was made by Councilman Ryan to approve the minutes of the April 29, Audit/Workshop Meeting as submitted.

Seconded by: Councilman Gray Motion carried 4-0
Hornbeck - absent

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED & FILED WITH THE SUPERVISOR:

Fax from Maria Morra dated April 19, 2004 re: the Accord Speedway.
Fax from Claudia Waruch dated April, 2004 re: "Imagine Rochester".
Letter from Kyle Plumstead dated April 26, 2004 re: Town's monetary support for an opportunity.

SUPERVISOR'S UPDATE:

DEPUTY SUPERVISOR/TEMPORARY LEAVE RESIGNATION/REINSTATEMENT:

Councilman Santosky was reinstated as Deputy Supervisor. Councilman Ryan resigned his temporary assignment as Deputy Supervisor to Town Clerk Sommer. Many thanks to Councilman Ryan for filling in.

ACCORD SPEEDWAY:

At the April 1, 2004 meeting, the Town Board voted to approve the 2004 racing season schedule.

On April 6, 2004, an attorney and member of Citizens Accord, Inc. met with Supervisor Duke and presented evidence to the Town that a shareholder and director of Accord Speedway, Inc. (Gary Palmer) had been convicted in the State of Connecticut for several misdemeanors. Meaning that Donna Palmer represented under oath in its 2001, 2002 and 2003 race track permit applications that "neither applicant nor applicant's owners, officers or employees has ever been convicted of a felony or misdemeanor in any court of this state or the United States". I would like to mention that Local Law #3 of 107-A only requires a statement as to whether an applicant has ever been convicted of a felony or a misdemeanor. The applicant was Donna Palmer as owner and we have no evidence that she has ever been convicted of a crime.

The Town Board met with its attorney on April 13, 2004. The Board and Attorney received from Donna Palmer an affidavit stating that Donna hat Donna Palmer is the "only shareholder" of the Accord Speedway and she "had no intention of deceiving the Town of Rochester", referring to the false information provided in the 2001, 2002 and 2003 racetrack applications.

The Town Board has reviewed this information and is not inclined to take any action at this point.

"IMAGINE ROCHESTER":

Supervisor Duke reported that over 200 residents participated in the four (4) Town Hall Meetings. This information will be compiled and lay the ground work for the May 15th all day "Imagine Rochester" workshop.

LITTLE ONES' LIBRARY:

Rather than donate monies, it was decided that a committee be formed to examine the possibility of a library for our Town and include the Little Ones' Library in this.

SAFETY NET:

The Board voted unanimously to oppose the re-allocation of the Safety Net Program Cost to Ulster County at it's April 29th meeting.

DIRECT PAYROLL DEPOSIT:

A Motion was made by Councilman Ryan that EOS be paid \$495.00, a one time fee to set up direct payroll deposit for the Town.

Seconded by: Councilman Gray

Motion carried 4-0
Hornbeck - absent

LIAISON REPORTS:

Planning Board - Councilman Gray for Councilman Hornbeck - no report, workshop cancelled; regular board meeting had several agenda items.

ZBA - Councilman Gray - no meeting - no report.

Youth Commission: Councilman Ryan shared Earth Day results and what events have been scheduled with the Youth Commission and the Community Center.

Historic Preservation Commission - Councilman Gray - Setting up a meeting; shared that he wants to put the historic records of historic homes, barns and schools on computer.

COMMITTEE REPORTS/BOARD MEMBER REPORTS:

Trailer Park Committee - Supervisor Duke & Councilman Ryan

Mike Baden, Chair of the committee presented proposed recommendations to the Town Board and thanked the members: Kandy Santosky, Dr. Holly Elliott, Frank Kortright, Martha Tardibueno, Alan Levine, Sharon Hornbeck, Supervisor Duke and Councilman Ryan.

Water District Committee - Councilman Hornbeck & Councilman Gray

The Town Board approved a resolution to continue the study on the Lucas Avenue Water System at the Audit/Workshop Meeting. A committee is being selected. Supervisor Duke read the Water District Committee Charge.

Grant Research & Writing Committee - A charge has been developed and the committee is waiting until the May 15th session to see what direction the Town will take. The committee will then research what grant monies are available for a given project.

LOCAL LAW #2-2004: THREE MONTH EXTENSION - TRAILER PARK MORATORIUM:

Resolution #50 - 2004

A Resolution was made by Councilman Ryan, seconded by Councilman Gray to adopt Local Law #2 of 2004 EXTENDING MORATORIUM ON NEW MOBILE HOME PARKS AND EXPANSION OF EXISTING MOBILE HOME PARKS:

Be it enacted by the Town Board of the Town of Rochester as follows:

Section 1.

The Town Board finds that the laws regarding mobile home parks are in the process of being reviewed and that the review of same is near completion.

The Town Board finds that the report of the review committee will be available to the Town Board for consideration within the next three months.

The Town Board finds that to lift the existing moratorium on new mobile home parks and the expansion of existing mobile home parks would be detrimental to the efficiency of the government and the health, safety and welfare of the Town,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby extends the existing moratorium on new mobile home parks for a period of three (3) months, during which time the review committee will report to the Town Board and after which time it was anticipated that the moratorium will be lifted.

Section 2.

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motion carried 4-0
Hornbeck - absent

SALT STORAGE BARN:

The following three bids were received for the construction of a Salt Shed.

Park Lane Construction & Development Corporation

Bid #1 50 x 96 - \$173,000.00
Bid #2 60 x 88 - 183,500.00

Bulk Storage

Bid #1 50 x 100 - 237,500.00
Bid #2 60 x 90 - 259,000.00

D & J Construction

Bid #1 50 x 100 - 127,610.00
Bid #2 60 x 100 - 139,150.00

Resolution #51 - 2004

A Motion was made by Councilman Santosky that the Town Board approves Park Lane Construction & Development Corporation's bid for a 50 x 96 Salt Storage Shed for \$173,000.00 with an additional \$25,000 for a side shed extension totaling the amount to \$198,000.00, to be purchased with an initial payment of \$100,000.00 from the Highway Fund Balance with the remainder to be paid with a BAN that the Supervisor will secure at the best interest rate.

After lengthy discussion, this motion was withdrawn by Councilman Santosky and Councilman Gray..... No action taken

YOUTH COMMISSION:

Resolution #51 - 2004

A Resolution was made by Councilman Ryan to amend the 2004 budget as follows due to unanticipated revenues. \$25,000 grant & \$4,400 gymnastics program.

Increase A3820 Youth Program Grant \$25,000
Increase A7310.1 Youth Personnel Service 25,000
Increase A2089 Youth & Recreation Fees 4,400
Increase A7310.1 Youth Personnel Service 3,100
Increase A7310.4 Youth Program Contractual 1,300

Seconded by: Councilman Gray

Motion carried 4-0
Hornbeck - absent

PROPERTY TAX SUPPORT:

Resolution #52 - 2004

A Resolution was made by Councilman Ryan, seconded by Councilman Gray that
 WHEREAS, funding for governmental services, including public education is funded primarily by a tax on the estimated value of property, and
 WHEREAS, the welfare of homeowners is jeopardized by the tremendous increases in the costs of public education and their impact on the primary homeowner's ability to pay; and
 WHEREAS, increasing costs of public education makes it increasingly difficult to fund Town-specific and local initiatives.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rochester support the following few of many measures for financing public education.

- Decrease the revenue raised from property taxes on primary dwellings.
- Limit property tax as the sole source for school district funding.
- Limit property tax levy to acquisition and inflation value rather than assessed value
- Increase the STAR exemption to a reasonable value, perhaps the median home value, with a limit on the revenue raised from property taxes on primary dwellings.

Replace lost tax revenue from the above actions by regaining that revenue from the state income tax and other wealth-based sources.
 Make this revenue sourcing change over a three to five year period.

AND FURTHER RESOLVE that with tax on property having a long and controversial history and that the above recommendations be submitted to Senators John Bonacic and Joseph Bruno, Assemblymen Kevin Cahill and Sheldon Silver, and Governor George Pataki, with a letter urging immediate attention.

Roll call vote:

Councilman Gray aye
 Councilman Ryan aye
 Councilman Santosky aye
 Supervisor Duke aye

Councilman Hornbeck absent Motion carried 4-0

ELIMINATION OF SUNSET PROVISION:

Resolution #53 - 2004

A Resolution was made by Councilman Santosky, seconded by Councilman Gray, that
 WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and
 WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and
 WHEREAS, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and
 WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and
 WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and
 WHEREAS, local governments in Ulster County have benefited from technical assistance, training, publications and numerous grants supported by the LGRMIF, and
 WHEREAS, the State Legislature created the closely-related Cultural Education Fund CEF to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorker's, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

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WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of Ulster County Towns and to the cultural and scientific needs of the people of NYS, therefore
BE IT RESOLVED, that the Town of Rochester supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

Motion carried 4-0
Hornbeck - absent

MUNICIPAL CLERK WEEK - MAY 2ND TO 8TH:

Recognition was given to Town Clerk Sommer as Clerk of the Town.

MONETARY REQUEST GRANTED:

Resolution #54 - 2004

A Resolution was made by Councilman Ryan that the Town of Rochester honor Kyle Plumstead's request for funding for attendance at the Junior Young Leaders Conference. The Board granted Kyle \$250.00.

Seconded by: Councilman Gray

Motion carried 4-0
Hornbeck - absent

NEW BUSINESS:

RESIGNATION ACCEPTED:

Town Clerk Sommer accepted Brian Belile's resignation as Court Officer for the Town.

30 DAY WAIVER/XTRAS BAR & GRILL:

Resolution #55 - 2004

A Motion was made by Councilman Ryan that the Town Board waives its rights to the 30 day hold on processing the application of Xtras Bar & Grill and grants their consent to the issuance of an On Premises Beer and a Summer On Premises Beer & Wine License.

Seconded by: Councilman Santosky

Motion carried 4-0
Hornbeck - absent

DAVIS FARM:

Supervisor Duke shared the discussion regarding the possibility of the Town purchasing the Davis Farm, which led into the discussion of buying the development rights. If Mr. Davis was in agreement and the appropriate paperwork must be filled out by August.

PUBLIC COMMENT PERIOD:

Resident, Stanley Hudson would like the CEO to enforce trash cleanup around his neighbor's home. He has submitted 3 requests to no avail.

Resident, Jean Alyward objected to the billboard on 209. (It has been there for several years.)

Resident, Kathy Kuthy requested that the Sheriff's Department control the Main Street speed limit. She also was concerned with town trucks speeding.

Resident, Fred Wustrau asked for a traffic light on Rt 209 and Main Street, Accord. Town Clerk Sommer said that the DOT has turned down all requests in the past.

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The Audit/Workshop Meeting was held on May 27, 2004 at 4:30pm at the Town Hall.

PRESENT:

Supervisor Duke Councilman Gray Councilman Hornbeck
Councilman Ryan (5:00pm)

ABSENT:

Councilman Santosky

Supervisor Duke opened the meeting at 4:30pm.

EMPIRE ZONE:

Supervisor Duke read the following resolution.

Resolution #56 - 2004

THE TOWN OF ROCHESTER RESOLUTION OF SUPPORT AND CONCURRENCE WITH THE KINGSTON/ULSTER EMPIRE ZONE (formerly Economic Development Zone) REVISION APPLICATION

A Resolution was made by Councilman Hornbeck, seconded by Councilman Gray that

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, the City of Kingston (Ulster County), as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the City of Kingston, Town of Ulster, Town of Saugerties, Town of Wawarsing, Town of Lloyd, Town of Marlborough, Town of Olive, Village of Saugerties and Village of Ellenville, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones, and

WHEREAS, the City of Kingston (Ulster County) intends to revise the Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the Town of Rochester, and

WHEREAS, the Town of Rochester is committed to the development of business within the proposed sub-zone, and

WHEREAS, the Town of Rochester wishes to support and concur with the Kingston/Ulster Empire Zone revision application,
NOW, THEREFORE, be it resolved that the Town of Rochester Town Board, in its capacity as governing body of the Town, does hereby support and concur with the City of Kingston (Ulster County) Empire Zone revision application.

Motion carried 3-0
Ryan - absent
Santosky - absent

SALT STORAGE BARN:

The following three bids were received for the construction of a Salt Shed.

Park Lane Construction & Development Corporation

Bid #1 50 x 96 - \$173,000.00
Bid #2 60 x 88 - 183,500.00

Bulk Storage

Bid #1 50 x 100 - 237,500.00
Bid #2 60 x 90 - 259,000.00

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D & J Construction
Bid #1 50 x 100 - 127,610.00
Bid #2 60 x 100 - 139,150.00

A letter was received from the lowest bidder asking that the bid be withdrawn. The addition of the \$25,000 shed has to be a separate bid. The vote for the Park Lane Construction alternate bid 60 X 80 @ \$172,000.00 will be at the June Town Board Meeting.

PROCLAMATION - XXII MAR THOMA CHURCH:

Resolution #57 - 2004:

A Resolution was made by Councilman Ryan, seconded by Councilman Gray, that

WHEREAS, the St. Thomas Mar Thoma Church New York, located in Yonkers, New York will host the XXII Mar Thoma Family Conference of the Diocese of North America and Europe from July 29 to August 1, 2004 at the Hudson Valley Resort and Spa in Kerhonkson, New York; and

WHEREAS, the Mar Thoma Church has been an organization actively involved in the social and cultural setting of North America and Europe for the past thirty years; and

WHEREAS, the Town of Rochester has welcomed people and groups from all corners of the world since its incorporation in 1703;

It is now resolved by the Town Board and Supervisor of the Town of Rochester, that July 29, 2004 shall be designated Mar Thoma Day in the Town of Rochester, Ulster County, New York.

Motion carried 4-0
Santosky - absent

Street Lighting Supervisor Duke received a letter from Central Hudson regarding metal light poles. Superintendent Kelder will research this.

Water Committee - Committee members were firmed up. Councilman Hornbeck, Chairman, members - Councilman Santosky, Joseph Esposito, Thomas Lewis, Alan Levine, Tavi Cilenti and Leon Smith.

Surplus Equipment - Several items, including the old car need to be inventoried and put out for bid. This will be on the 6/3/04 agenda.

Dog Shelter - Animal Health inspection was recently done. All ok, however, hot water needs to be available for cleaning. There was much discussion Re: the septic system for the kennel. Health Department to be contacted regarding a holding tank vs a leach field.

FOUR GREENFIELDS MEMORIAL RUN:

Resolution #58 - 2004

A Resolution was made by Councilman Ryan that Four Greenfields may close Mettacahonts Road for the Damian Mehan Memorial Run at 10:00am on May 29, 2004. There will be signs posted and their NYC police officers at each end of the roads to direct traffic.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

"IMAGINE ROCHESTER":

Resolution #59 - 2004

A Resolution was made by Councilman Hornbeck that a donation of \$250.00 will be given to the Rochester Reformed Church for the May 15, 2004 "Imagine Rochester" workshop that was held there.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

EDWARD GILES PROPERTY:

Resolution #60 - 2004

A Resolution was made by Councilman Ryan that the Town Board approves an extension to 90 days for a citation to one Edward Giles to clean the debris on his property on Route 209. The Attorney for the Town will draw up the necessary paperwork.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

REQUEST THAT NEW BRIDGE IN KERHONKSON BE NAMED IN HONOR OF HERBERT POPPEL

Resolution #61 - 2004

A Motion was made by Councilman Ryan that the Town Board request that the new bridge in Kerhonkson be named in honor of Herbert Poppel.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

Roofs: We are in the process of obtaining quotes for the Highway Building and Community Center barn. To date - one quote has been received *for each building*.

Davis Farm - Councilman Gray and Supt. Kelder will visit with Peter Davis and see if he is interested in pursuing this process.

Insurance Inspection - The report has been received without the attachments - waiting for these to come in.

Private Roads - Many requests have been received for the Town to take over private roads. *Discussion will be held at a later time.*

QUILAN'S GRANTS FOR CITIES AND TOWNS:

Resolution #62 - 2004

A Motion was made by Councilman Hornbeck that the Town Board approve a year's subscription to Quinlan's Grants for Cities and Towns to include 24 biweekly newsletters, weekly e-mail updates, access to special bulletins, application aids, online delivery and unlimited database access and annual index at the cost of \$187.00.

Seconded by: Councilman Ryan

Motion carried 4-0
Santosky - absent

APPROVAL OF BILLS:

A Motion was made by Councilman Gray to approve the following bills as audited this date.

General Fund	\$122,662.09
Highway Fund	83,274.07
Lighting	241.32

Seconded by: Councilman Ryan

Motion carried 4-0
Santosky - absent

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 6:10pm.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC