

February 5, 2004

3043

The Town Board Meeting was held on February 5, 2004 at 7:00pm at the Town Hall.

PLEDGE OF ALLEGIANCE:

Councilman Gray led the Pledge of Allegiance to the Flag.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Hornbeck
Councilman Ryan	Councilman Santosky	Town Clerk Sommer

Supervisor Duke introduced the following Town Officers.
Attorney Christiana
Wayne Kelder, Highway Superintendent
William DeGraw, Planning Board
Stanley Hudson, ZEA
Marijane Knudsen, ZEA

Supervisor Duke opened the Public Comment Period (not to exceed 15 minutes, no individual more than 3 minutes). This is not a time for debate but a time to hear. If any Board member has a question, they may ask. A second Public Comment is scheduled towards the end of the meeting.

Resident, Len Bernardo spoke about the Kingston Ulster Economic Development Zone and shared with the Board how the Town might benefit from being part of this organization.

Resident, Ed Lamont supported what Mr. Bernardo said and felt that this would encourage new business in the Town.

Resident and Fire Commissioner, Fred Wustrau spoke about his concerns that private roads do not have names or numbers listed. This is a major concern for emergency responses. He requested that the Board help enforce this law.

Resident and Planning Board member, William DeGraw presented a letter to the Board and read his concerns regarding questionable practices and procedures of the Planning Board.

Resident, Barbara Fornal supported and praised Mr. DeGraw for his letter.

Resident, Martha Tardibuono also praised Mr. DeGraw for his letter.

Resident, Steven Fornal also supported Mr. DeGraw for his letter. Mr. Fornal said that he has attended many Planning Board meetings and said what Mr. DeGraw said was true. He said he feels that the Planning Board needs a mission and vision in which to work. He encouraged the Town Board to reread this letter several times and take this matter very seriously. Something needs to be done.

Resident, Toni Thompson said she was concerned with the legal liability and law suits toward the Town in reference to Planning Board concerns raised tonight.

APPROVAL OF MINUTES:

A Motion was made by Councilman Gray to approve the minutes of the January 8, 2004 Organizational Meeting as submitted.

Seconded by: Councilman Ryan Unanimously approved

A Motion was made by Councilman Santosky to approve the minutes of the January 8, Town Board Meeting as submitted.

Seconded by: Councilman Gray

Councilman Ryan said that it was brought to his attention that the Town Clerk should not have accepted the Assistant Youth Director's resignation. He said that according to public law, section 31 only elected officials resign to the Town Clerk.

Town Clerk Sommer said that after 23 years she learned something. She has always accepted resignations.

Unanimously approved

A Motion was made by Councilman Ryan to approve the minutes of the January 29, 2004 Audit/Workshop Meeting as submitted.

Seconded by: Councilman Gray Unanimously approved

A Motion was made by Councilman Ryan to approve the minutes of the February 2, 2004 Special Meeting with AMTEK as submitted.

Seconded by: Councilman Gray Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED:

Letter from Nancy April dated 1/22/04 re: the 1/20/04 Planning Board Meeting.

Letter from Elaine Ralston dated 1/28/04 re: the 1/20/04 Planning Board Meeting.

Unsigned letter from resident dated 2/2/04 re: expansion of office hours.

Copies of these letters have been distributed to the Town Board and are available for review by the public.

SUPERVISOR'S UPDATE:

The Town Board discussed a complaint from resident John Martin regarding damage to his property and expenses that allegedly occurred as a result of work performed by the Highway Department in 1998. Hwy. Supt. Kelder will meet with Mr. Martin and report back to the Town Board.

Mr. Kelder shared that he had had a discussion with Mr. Martin and recommended that the Town Board meet with Mr. Martin and himself to discuss the situation and come to a decision. All agreed

At the Town Board Meeting of 1/8/04, the Town Board unanimously authorized and directed the attorney for the Town to initiate contempt proceedings against Anthony and Susan Jarvis for operating a fuel oil business on their Route 209 property in Accord. Attorney Christiana was asked to present an update. Since that meeting, Attorney Christiana prepared and submitted the appropriate documentation. An oral hearing will be held on March 1, 2004.

One of the depository banks authorized by the Town Board at its Organizational Meeting has formally changed its name from the Ellenville National Bank to Provident Municipal Bank, effective January 15, 2004.

Supervisor Duke has been notified by Cornell Cooperative Extension that the 30 day period in which landowners can have agricultural lands included in a certified agricultural district is . For more information Teresa Rusinek can be reached at 845-340-3990.

LIAISON REPORTS:

CABLE TV FRANCHISE: Councilman Santosky

Residents of Upper Whitfield Road have requested cable television/broadband in their neighborhood. On researching the existing contract, we do not believe that any additional free wiring is available from Time Warner. Possible courses of action to be pursued.

In addition, we have researched the "Franchise Fee" that now appears on subscriber bills. This fee is approximately 5% of the total cable bill and has always been included. With the FCC's requirement of full billing disclosure, this fee is now shown separately. The Town will receive approximately \$25,000 this year in annual franchise fees and this income supplements the general operating budget. Other towns set aside a

portion of this franchise fee to expand cable within their respective townships, something we might consider in our Town.

PLANNING BOARD: Councilman Hornbeck

Councilman Hornbeck referred to the Planning Board minutes and the action that was taken by that Board at their last meeting.

ZONING BOARD OF APPEALS: Councilman Gray

The ZBA met in executive session on 1/13/04 with Councilman Gray and Supervisor Duke and had a general discussion on the way the ZBA operates and their perspective of zoning and growth issues in the Town.

YOUTH COMMISSION: Councilman Ryan

Presented number of children participating in the various programs and shared program highlights.

COMMITTEE REPORTS:

Lucas Avenue Water District Committee: (A letter was distributed to the committee members outlining the information that the Town Board should consider prior to taking any further action. As background, a group of homeowners who are connected to a private water supply system would like the Town to acquire and operate the water system from its present owners. The Town does not at present own or operate any water systems and this would set a precedent for a number of other private water systems located within the Town.

Trailer Park Committee: Supervisor Duke took the time to re-explain the purpose of the what and why of this moratorium. The Town Board in November of 2003, put the future establishment of Trailer Parks into a 6 month moratorium. The purpose of the moratorium is a time out - time to gather thoughts and have the opportunity to help clarify a direction that the Town needs to go in, and then decide what is in the best interest of the Town. This committee does not make any decisions on behalf of the Town. The committee is only directed to make recommendations to the Town Board and in this case, that will be May of this year. This is NOT about pre-existing parks and is not about mobile homes on individual lots, nor is it about banning trailer living at all.

This committee has met twice. Six residents and two Board members and invited personnel, the Assessor, Municipal Code Officer and his secretary. Documentation has been gathered and discussed. This is a huge undertaking and it has been difficult to focus on this one topic when it overlaps into so many other areas of concern. On February 4th, through an exercise, the committee identified and focused on areas of concern as to how it relates to the future development of Manufactured Home Parks. Areas that were identified are: taxes, zoning and environment. The committee broke into sub groups to research these areas in depth. Each group will meet prior to the next meeting which is in two weeks and report on their findings.

NEW BUSINESS:

Correction of appointment titles made at Organizational Meeting:

Resolution #25 of 2004

A Resolution was made by Councilman Ryan that all references to "Building Inspector and Code Enforcement Officer" in resolution 21 of 2004 adopted by the Town Board on 1/9/04 be amended to read "Municipal Code Officer, Douglas Dymond and that all references in those resolutions to "Assistant Building Inspector and Assistant Code Enforcement Officer" be amended to read Building Inspector I, Louis Noest as of 1/8/04.

Seconded by: Councilman Gray

Unanimously approved

ADOPTION OF THE TOWN'S EMPLOYEE HANDBOOK:

Members of the Town Board, along with a committee of employees and an outside independent public employee consultant, worked on this handbook for the last year. Supervisor Duke said that this handbook is designed to clarify the policies, programs and benefits available to eligible employees and which is designed to foster a productive, professional environment for Town employees and residents and visitors who have contact with them. The Town Board finalized this manual in a meeting on 2/2/04 and, I believe, is now prepared to adopt the Handbook.

Resolution #26 of 2004:

A Resolution was made by Councilman Ryan that the Town of Rochester shall adopt the Employee Handbook in the format attached and shall require its employees to adhere to the policies contained therein as such may be amended or restated by the Town Board at any time in the future in its sole and absolute discretion (unless superseded by statute). This manual replaces any and all other Employee Handbooks. The policies contained therein shall be communicated to employees and become effective immediately and the attorney for the Town shall be directed to draft any changes that are required in the Code of the Town of Rochester.

Seconded by: Councilman Hornbeck

Discussion: Councilman Gray referred to the insurance provided to retirees, specifically when one turns 65 and Medicare is the primary, and that one needs primary also to cover what Medicare does not. There is an insurance program available called Gap insurance. He asked if this is possible? Supervisor Duke said she talked to Mike Richardson regarding this and it is possible, it depends on what carrier the Town is with at the time and if they offer this option.

Councilman Santosky said he spoke to his doctor yesterday and the doctor strongly recommended that retirees carry insurance along with Medicare.

Unanimously approved

TOWN HALL OFFICES CLOSING EARLY FOR PRIMARY DAY:Resolution #27 of 2004:

A Resolution was made by Councilman Gray that whereas, the Primary Election of March 2, 2004 at the Town Hall and Court House will make it difficult for the Town Clerk's Office, Office of the Assessor, Supervisor and Court House to conduct business as normal, it is hereby

Resolved, that the Office of the Clerk, Assessor, Supervisor and Court House be authorized to close on March 3, 2004 Primary Day from 12:00 noon to 4:00pm and the employees of those office shall receive regular pay as outlined in the Town Employee Handbook. All other Town offices and facilities shall remain open.

Seconded by: Councilman Ryan

Unanimously approved

INTERFUND TRANSFER FOR NEW CAR:Resolution #28 of 2004:

The Town Board at the 1/8/04 meeting authorized the purchase of a new car for the Assessor and other Town employees. This will replace the existing vehicle that is used. Highway Superintendent Kelder has obtained price information for the procurement of this automobile under the State purchasing contract and the price is \$10,394.00. \$5,000 of this expense has already been budgeted.

A Resolution was made by Councilman Hornbeck that the amount of \$5,394 be reimbursed from the contingent line A1990.0 for the purchase of a new vehicle for the Town.

Seconded by: Councilman Gray

Discussion: Councilman Ryan said the Assessor needs a reliable car for the revaluation.

Unanimously approved

SECOND PUBLIC COMMENT PERIOD:

Resident, Martha Tardibuono asked who will be managing the water district? Supervisor Duke said a decision regarding the water district has not been determined at this point.

Attorney Christiana said that before any action is done regarding the water district, public hearing must be scheduled.

Resident, Leonard Bernardo said that if the Town is looking for an insurance company that carries Gap, it is a very dangerous thing for the retirees. He was told that this is not yet a consideration.

Resident, Barbara Fornal suggested ways of how the Town could communicate the necessity of residents posting street signs on private roads.

Town Clerk Sommer said that a notice asking homeowners is printed on all tax bills.

Resident, Michael Baden said he supports Mr. DeGraw's letter. He also suggested that the Town look into hiring a planner.

Supervisor Duke shared the Board's Audit Meeting discussion regarding the possibility of hiring a planner and/or engineer. This will be discussed again in the near future.

Resident, Fred Wustrau reiterated the importance of posting addresses in a visible manner.

Councilman Gray said the Board needs to enforce how the Planning Board functions.

Supervisor Duke said that the ZEA & Planning Board members are appointed by the Town Board, however, once they are appointed they have their own rules and regulations to go by. It is murky as to what we as a Town Board can do regarding the Planning Board and it's procedures.

OTHER MATTERS:

TAX COLLECTOR'S REPORT:

Town Clerk/Tax Collector Sommer reported that to date \$2,818,280.23 has been collected by her office. The total warrant of \$2,124,645.47 has been paid to the Supervisor. The remaining taxes collected will be sent to the Ulster County Treasurer.

ADJOURNMENT:

A Motion was made by Councilman Santosky to adjourn the meeting at 8:15pm.

Seconded by: Councilman Gray

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

February 19, 2004

A Special Meeting was held on February 19, 2004 at 8:30am at the Town Hall regarding letters received re: the Planning Board.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Hornbeck
Councilman Ryan	Councilman Santosky	Town Clerk Sommer

OTHERS PRESENT:

David O'Halloran
Shane Ricks
William DeGraw
Melvin Tapper
Frank Striano

Municipal Code Officer's Secretary, Brenda Striano
ZBA/Planning Board Secretary, Becky Paddock-Stange

Supervisor Duke led the Pledge of Allegiance to the Flag and called the meeting to order. She said that the purpose of this meeting is to discuss the letters she received regarding the Town of Rochester Planning Board. These letters are from residents, interested citizens and a member of the Planning Board. Copies have been provided to the Town Board and are available for public inspection. In addition, Supervisor Duke said she received many telephone calls on the subject and the February 12th Planning Board meeting.

According to Section 271 of New York State Town Law, the Planning Board (and the Zoning Board of Appeals) are autonomous bodies that are expected to operate independently. They are interpretive boards whose purpose is to interpret and apply with limitation laws enacted by the Town Board and other applicable statutory authorities. The principal sections of local law relating to the Planning Board are Chapter 140 of the Code of the Town of Rochester, otherwise known as "The Zoning and Land Use Control Law of the Town of Rochester" and Chapter 125 of the Code of the Town of Rochester. In addition, the Planning Board is required to adhere to the general goals and principals of the Development Plan of the Town of Rochester, adopted January, 1969 in accordance with Section 270-a of New York State Town Law.

The Town Board has the authority to change portions of zoning and subdivision law. If there are sections of law that the Planning Board believes are onerous, that body has the ability to make a recommendation to the Town Board to amend the Town's zoning law.

In addition, the Town Board has the authority to institute or amend minimum training requirements for Planning Board members.

The purpose of this meeting is not to discuss the conduct of any individual member, but rather the Board operating as a whole. Supervisor Duke said she does not intend to permit this meeting to convene into executive session unless the strict standards of Article 7 of the New York State Public Officers Law are met.

Supervisor Duke then asked the Councilman to make comments pertaining to this special meeting.

Councilman Santosky said that the Town Board has no jurisdiction over the Planning Board. He feels the Planning Board is doing a great job. He agreed that we all need to know more about the SEQR process.

Councilman Gray said the former Supervisor was asked to bring a Planner and Engineer on board and it fell on deaf ears. He feels the Planning Board needs the professional help, and that there should be a check list for each applicant.

Supervisor Duke feels the Planning Board needs experts and the TOWN should hire a planner and or engineer or both. She said she received letters from concerned residents, these letters are the perception of the public.

February 19, 2004

3049

Planning Board Member, Bill DeGraw said training is offered by the County and is mandatory. He feels more extensive training should be offered to all Planning Board members.

Councilman Hornbeck referred to a seminar that will be held in Albany regarding the SEQR process. The cost would be over \$1,000 for the entire Planning Board to attend. He feels it is worth the cost.

Supervisor Duke will contact the Ulster County Planning Board to see what seminars are available.

Councilman Hornbeck said he would like the Planning Board and Town Board to meet to work out any changes.

Councilman Santosky said he feels the Planning Board does a good job reviewing the applications and he doesn't want that Board to be too "starch shirt". Supervisor Duke and Councilman Hornbeck agreed.

Supervisor Duke said the Town Board will do whatever they can to help everyone should be treated fairly.

Resident, Len Bernardo said he agreed wholehearted with Councilman Santosky. The Planning Board has been very helpful, however, an Engineer and Planner would help with the certifications but the cost factor should be considered for the applicant. He also feels training is important.

Planning Board Member, David O'Halloran said that the Planning Board needs the training and if the Town Board does not send us - what are you telling us.

He also explained why the Planning Board made the decision regarding the required trees and sizes to be provided by an applicant. He said that the Town has a Planning Board to work with the residents, and we do.

Planning Board Member, Melvin Tapper agreed with David O'Halloran and with the tree issue. He said the growth of the trees will be double the amount of coverage. He said he has no hidden agenda and wants the best for the Town.

Planning Board Member, Shane Ricks said that our law was based on Westchester County and it should be revised. He also said that the Town Board is only hearing one side of the issue (receipt of letters and phone calls) the squeaky wheel gets the grease.

Planning Board Member, Frank Striano said the Planning Board should be kept user friendly. Training is essential. The Town is changing, applications are more complicated and he feels a Planner is a good idea.

Resident, Michael Baden responded to Mr. Ricks comment and said in reality working people live out of our Town. The Planning Board and Town Board need to be here for the taxpayers and we need to have a balance of residential and business.

Mr. Ricks said that businesses in our Town also employ non-residents.

Resident, Steven Fornal said it's the Planning Board's job to interpret the motive and give their opinion.

More discussion ensued by several of the same people.

Supervisor Duke said she feels we can work this problem out and thanked all for their input.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 10:00am.

Councilman Santosky Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

NEW CARPET FOR COURT HOUSE:

Resolution #32 - 2004

A Motion was made by Councilman Hornbeck that new carpet be installed at The Court House for \$1,672.00. This cost includes carpet, padding, installing and removal of old carpet and glue.

Seconded by: Councilman Ryan

Motion carried 4-0
Gray - absent

APPROVAL OF BILLS:

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

Highway Fund Abstract 14	\$ 90.00
Highway Fund Abstract 2	62,647.96
General Fund Abstract 14	1,263.21
General Fund Abstract 2	97,742.04
Street Lighting	254.54

Seconded by: Councilman Ryan

Motion carried 4-0
Gray - absent

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 6:20pm.

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

March 4, 2004

3053

The Town Board Meeting was held on March 4, 2004 at 7:00pm at the Town Hall.

PRESENT:

Supervisor Duke Councilman Gray Councilman Hornbeck
Councilman Ryan Councilman Santosky Attorney Christiana
Deputy Town Clerk Rose

Councilman Santosky led the Pledge of Allegiance to the Flag.

Supervisor Duke announced that Harold Lipton is in the hospital after a seven artery bypass surgery, she gave his home address.

PUBLIC COMMENT:

Resident, Toni Thompson announced that a spaghetti dinner benefit will be held for Terry Lawrence on March 27th at the Fire Hall from 6 to 10pm. Tickets are \$15.00 per person.

Resident, Paul Reisch wanted to know if the race track was going to be discussed.

Resident, Paul Melnick said that previously the Town was looking into a noise ordinance and requested that the Board review this.

APPROVAL OF MINUTES:

A Motion was made by Councilman Ryan to approve the minutes of the February 5, 2004 Town Board Meeting as submitted.

Seconded by: Councilman Gray Unanimously approved

A Motion was made by Councilman Ryan to approve the minutes of the February 19, 2004 Special Meeting re: Planning Board as submitted.

Seconded by: Councilman Gray
Discussion: Councilman Gray was concerned that the minutes did not reflect the essence of concern.

Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED:

1. Letter from Mary Dickas dated 2/20/04 re: Planning Board.
2. Email from Clair Collins dated 2/20/04 re the Planning Board and the RNR Housing subdivision on Sundale Road.
3. Letter from Martha Tardibuono re: fire burning on Sundays.

Copies of these letters have been distributed to Town Councilman and are available for review by the public.

SUPERVISOR'S UPDATE:

1. At the February Audit/Workshop Meeting, the Board discussed and approved Resolution #31 regarding background checks for Town employees and volunteers that work with youth. A public hearing has been scheduled for March 25, at 4:30pm.
2. At the February 5, 2004 Town Board Meeting, the Board adopted Resolution #26 - the Employee Handbook. In doing so and with regards to the Insurance Buyout Provision, the law needs to be changed. At the February Audit/Workshop Meeting, we approved such a resolution and the public hearing is scheduled for March 25, 2004 at 4:30pm.
3. AUD - The Town Board received the Annual Financial Report - a presentation with a summary and management letter will be presented to us at the 4/1/04 Town Board Meeting.

4. Kerhonkson Pool - It came to the supervisor's attention that the Town owed monies to the Town of Wawarsing for pool repairs in 2003. According to the files, the Town agreed to pay half of \$90,000, however, the final bill is \$107,804.25 for which our share is \$53,902.12. Councilman Hornbeck commented that the youth from the Town of Rochester makes the largest percentage of usage. Therefore, I present the following resolution.

KERHONKSON POOL:

Resolution #33 - 2004

A Resolution was made by Councilman Santosky that the expenditure of \$53,902.12 for the Kerhonkson Swimming Pool Project shall be charged against the unexpended fund balance from the calendar year 2003 as the work was completed in 2003.

Seconded by: Councilman Hornbeck Unanimously approved

5. Twin Track Promotions, Inc. Race Track Permit Renewal
The Town has received a permit renewal application package from Twin Track Promotions, Inc. for the operation of the Accord Speedway for 2004. Upon review of the information submitted, it was determined that the application is incomplete. In addition, we discovered from the Secretary of State's office that the company was dissolved in September 2002 by proclamation. We have requested clarification of the company's status in the State of New York as well as further information regarding its application. Therefore, we are unable to consider the application until this information from Twin Tracks is received by the Town. At this time, the Board was presented with a packet of information and later found out it was from Carolyn Hanson, Esq. on behalf of Citizens' Accord, Inc.

6. Street Names and Numbers - At the February Audit/Workshop Meeting, the Board discussed concerns regarding street names and individual house numbers on private roads. Councilman Ryan will do some research and report back to the Board.

7. Town Hall Expansion - At the February Audit/Workshop Meeting, a discussion was held on where we are and where we need to go. It was left that all present would gather whatever information, maps, etc. they had and will continue discussion. A plan needs to be developed and monies need to be secured. Supervisor Duke suggested we develop a Grant Research Writing Committee. Councilman Gray to head up the committee.

8. Liaison Reports - Cable TV Franchise - Councilman Santosky explained the procedures to put cable in place for residents. Supervisor Duke said our contract with the Cable Company is good until 2010.

Planning Board - Councilman Hornbeck gave a brief overview of the last two meetings. He reported that a public hearing for Streamside will be held at the Accord Fire Hall on 3/29/04 at 7:00pm.

Training has been scheduled with Dennis Doyle for 3/22/04 at 5:30pm. Other trainings will also become available.

The possibility of hiring a Planner and/or Engineer is still being researched.

ZBA - Councilman Gray - the ZBA did not meet, no report is available.

Resolution #34 - 2004

A Resolution was made by Councilman Santosky that John Martin be compensated in the amount of \$1,000.00 for damages that may have resulted from work performed by the Town of Rochester Highway Department. This reimbursement shall come from the Highway Account.

Seconded by: Councilman Ryan Unanimously approved

Salt Shed - The Board directed Highway Superintendent Kelder to research the size, type and cost of a salt shed and report back to the Board. A request was made to advertise for bids.

Resolution #35 - 2004

A Motion was made by Councilman Hornbeck authorizing the Deputy Town Clerk to advertise for sealed bids for a salt shed. Bids to be received on or before March 24, 2004 at 11:00am at the Town Clerk's Office, at which time they will be opened and read aloud. Specifications given to Deputy Clerk as required.

Seconded by: Councilman Gray Unanimously approved

Youth Commission - Councilman Ryan shared upcoming events to be held at the Community Center.

9. Committee Reports

Trailer Park Committee - Supervisor Duke & Councilman Ryan
The committee has met twice since our last Town meeting. In gathering information, we invited Dennis Doyle, Ulster County Planner, Wayne Kelder, Highway Superintendent and a Town of Rochester Planning Board Member. At the second meeting goal areas were identified. The next step will be drafting written recommendations.

Lucas Avenue Water District Committee - Councilman Gray & Councilman Ryan
Councilman Gray shared that the information requested from Supervisor Duke was gathered and submitted to the committee members. The committee will meet one more time and will present their recommendations to the Board at the March Audit/Workshop Meeting. The committee will be dissolved at this point.

10. New Business

Presentations
Rondout Valley School District - School Board members, Maureen Sheehan, Tim Wade, Tovi Cilenti and Mike Redmond spoke of the upcoming school budget. They shared a schedule of dates and times for community input into the budgeting process.

County Legislative Update by UC Legislator Theresa Hyatt - she was unable to attend - perhaps next month.

Little Ones Library - Sue Matson explained the Little One's Library and shared that funding was running out. She requested more money from the Town.

ADOPTION OF THE TOWN'S JOB DESCRIPTIONS AND WAGE & SALARY SCALE
Supervisor Duke said that the Town Board and her predecessor, along with a committee of employees, and an outside independent public employee consultant worked for the past two years on a series of employee procedure manuals that included two manuals dated September, 2003:
a. Town of Rochester Job Descriptions, and b. Town of Rochester Wage and salary scale. While these have been in force, the two manuals were not formally adopted by the Town Board.

Resolution #36 - 2004

A Resolution was made by Councilman Ryan that the Town of Rochester shall adopt the Job Descriptions and the Wage and Salary Scale effective September, 2003 in the format attached and shall adhere to policies contained therein, as such may be amended or restated by the Town Board at any time in the future in its sole and absolute discretion (unless superseded by statute). The policies contained therein shall be communicated to employees and become effective immediately and the attorney for the Town shall be directed to draft any changes that are required in the Code of the Town of Rochester.

Seconded by: Councilman Gray Unanimously approved

Development of Performance Appraisal Program - This program is the final phase of the human resource management and labor relations consulting services we have contracted with AMTEK to develop and implement. The last time the Board met with Michael Richardson, he introduced this program that will set up a system for the employees to receive a fair appraisal of their performance of work. Mr. Richardson will work through the entire process with the staff, Department Heads and the Board.

Resolution #37 - 2004

A Resolution was made by Councilman Ryan that the Supervisor shall be authorized and directed to contract with AMTEK to develop an Employee Performance Appraisal Program for employees of the Town of Rochester for a sum not to exceed \$2,000.00.

Seconded by: Councilman Gray Unanimously approved

11. Second Public Comment Period

Resident, Toni Thompson asked is there was a legislator here. No.

Resident, John Martin runs an adult men's basketball group and they are in need of insurance. He requested that they be included in the Youth Commission Insurance. He needs a Certificate of Insurance. Is this possible for this age?

Resident, Tom Lewis spoke on behalf of the Lucas Avenue Water System. Any questions - please call him.

Non Resident, Kim Massie spoke about the speedway and insurance with TTP, noise from the track and suggested mufflers be re-looked at as well as the LEQ.

Resident, Paul Melnick complained about the noise level at the track.

Resident, Paul Reisch said he has to leave his house to avoid traffic and noise - the noise starts at 4:00pm to midnight. When it comes time to vote, any member of the Town Board close to the track should recluse themselves.

Non resident, Laura Massie said the racetrack is not fixable. Donna Palmer committed perjury and can't renew a permit.

Resident, Toni Thompson spoke in favor of the track.

Resident, Charles VanLear said he has to leave on race nights, there is constant noise during the day and the track doesn't bring business into the Town.

Resident, Toni Thompson asked if anyone knew the status of the Ellenville Hospital.

Highway Superintendent Kelder presented a packet to the Board with information for the Town Hall expansion. This was information requested by the Board.

EXECUTIVE SESSION:

A Motion was made by Councilman Ryan that the Board enter into executive session at 8:50pm with the Town Attorney regarding pending litigation concerning Jarvis.

Seconded by: Councilman Gray Unanimously approved

A Motion was made by Councilman Santosky to reconvene the meeting at 9:55pm, with the Supervisor reporting no action was taken, nor monies expended.

Seconded by: Councilman Hornbeck Unanimously approved

March 4, 2004

3057

ADJOURNMENT:

A Motion was made by Councilman Santosky to adjourn the meeting at 9:56pm.

Seconded by: Councilman Hornbeck

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

March 25, 2004

3060

The Audit/Workshop Meeting was held on March 25, 2004 at 5:25pm at the Town Hall, following two scheduled public hearings.

PRESENT:

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

SUPERVISOR'S UPDATE:

SALT SHED BIDS:

Three bids were submitted for a Salt Shed Storage Barn. The following bids were submitted to the Town Clerk on 3/24/04.

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

The Town Board will review the bids and take action at a later meeting.

Building Inspection:

On March 9th, Supervisor Duke walked through Town buildings with an inspector from our insurance carrier. We are waiting for his report to determine if any remedial action is necessary.

Empire Zone:

Sharon Hornbeck, Assessor for the Town explained to those present what the Empire Zone is and how this group and the Town of Rochester relate to the building of the new spa at Mohonk. Some of the land is in our jurisdiction and it appears that the Town will be assessed a yearly fee of \$2,500.00. Cathy Malone, from the Empire Zone will make a presentation to the Town Board in the near future.

Commercial Property Valuation:

Assessor Hornbeck gave an explanation regarding a proposal for Commercial Property Valuation for the Town of Rochester - 2005 update project. Sharon reviewed what she had proposed at a prior Board meeting regarding a payment schedule for Michael Dunham's services for this process. Supervisor Duke received Board approval to sign the payment statement.

Youth Commission Presentation:

Mary Lee and Toni Sindone presented a landscape plan for the Community Center utilizing a \$25,000.00 grant they received. The Attorney for the Town mentioned that any bids they obtained must be reviewed by the Town Board before any decisions are made. It was also recommended that the Youth Commission discuss any building concerns, ie. storage shed with Doug Dymond.

Insurance Requirements For Basketball League:

All Town Board members received a letter from our insurance agent guiding us into an appropriate agreement with John Martin and his adult basketball league. This will be discussed at a later meeting.

LUCAS AVENUE WATER COMMITTEE:

Councilman Hornbeck, Chairman of the Lucas Avenue Water Committee reported that the committee has been meeting since November. He thanked the members of the ad hoc water committee for doing an excellent job in discharging and completing its responsibilities.

Resolution #39 - 2004

A Resolution was made by Councilman Hornbeck that the Lucas Avenue Water Committee, having studied the proposal, recommends that the Town Board of Rochester move forward and prepare its own report.

Seconded by: Councilman Ryan

Discussion: Supervisor Duke also thanked the committee.
Unanimously approved

Temporary Leave for Deputy Supervisor:

Councilman Santosky resigned his position as Deputy Supervisor for the month of April because both he and Supervisor Duke will be out of Town.

Town Clerk Sommer accepted his resignation.

Supervisor Duke appointed Councilman Ryan Deputy Supervisor for the month of April.

PUBLIC HEARING RE: TRAILER PARK MORATORIUM EXTENSION REQUEST:

A three month extension was requested only for the purposes of the Town Board to have time to review and discuss the recommendations presented by the Trailer Park Committee.

Resolution #40 - 2004

A Resolution was made by Councilman Gray that the Town Board shall consider the adoption of a local law extending the existing moratorium on new Mobile Home Parks and expansion of existing Mobile Home Parks.

Whereas, the Board desires to hold a public hearing with respect to the adoption of said local law,

Now, therefore, be it resolved that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law on April 29, 2004 at 4:30pm at the Town Hall, Accord, NY; and it is further

Resolved that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Seconded by: Councilman Ryan

Discussion: Councilman Santosky said he previously said he would never again vote on an extension, but his wife was on the committee and he knows how hard they worked.

Unanimously approved

OPEN DEVELOPMENT/WALTERS & McELVOWNEY:

A Motion was made by Councilman Ryan that the Town Board accept the Open Development request and to permit the Supervisor to sign the road maintenance agreement and accompanying documents and the State form TP-584 for the property owned by Walters & McElvowney SBL 59.12-1-19 located on Nelson Road (a private road off Cherrytown Road in Kerhonkson).

Seconded by: Councilman Gray

Unanimously approved

CLEANING TOWN HALL DUCTWORK:

We have received two estimates for cleaning the ductwork in the Town Hall. One from Service Master for \$875.00 and Kleen Aire for \$950.00. Discussion was held that this has not been done in the 23 years that Town Clerk Sommer has been here. Several employees have severe allergies and this will certainly help them.

Resolution #41 of 2004

A Resolution was made by Councilman Gray that the Town Board authorize the Supervisor to enter into contract with Service Master in accordance with the bid the submitted in the amount of \$875.00 to clean the ductwork in the Town Hall.

Seconded by: Councilman Ryan

Unanimously approved

LITTLE ONE'S LIBRARY FUNDING REQUEST:

A representative from Little Ones Library made a presentation at the March 4, 2004 Town Board Meeting. Supervisor Duke asked if there were any more discussion on providing more monies to this organization. Councilman Santosky will be attending a Little One's Library meeting on March 29, 2004. At this time he will get a better idea of the amount they need from us.

Court House Carpet:

The Town Board previously adopted a resolution approving funding for the installation of new carpet in the Court House. It appears that the carpet proposed was not compliant with applicable building codes.

The Carpet Store - without removal of existing carpet -	\$1,836.00
Ulster County Carpet -	\$2,899.86

This motion needs to be rescinded and a new motion made. This will be done at a later date.

Oaths of Office and Required Training:

Supervisor Duke, through some research discovered that several members of the Town's Planning Board, Zoning Board of Appeals and the BOAR did not take the oath of office required for these positions within the 30 day time period of appointment. This is a violation of NYS Town Law. She also discovered that members of the Planning Board and ZBA have not taken the required two trainings. This is also a violation of our own Local Law 3 of 1999. The violation however, occurred a long time ago, long before this administration. According to the law, these positions are now vacant as in the case of a resignation. Whatever way the Board chooses to go, it is imperative that all board members be sworn in in a timely manner and that those members of the Planning & ZBA Boards take their two trainings

Supervisor Duke asked that the Board make the choice to reinstate all members as is with each person swearing in and attending two trainings this year OR that we (the Town Board) start from scratch and have everyone send in a letter of intent for existing board members as well as to open the opportunity to the public. The Town Board will then schedule a time for interviews and reappointment.

A Motion was made by Councilman Hornbeck to reinstate all members as currently serving on the Planning, Zoning and BOAR Boards.

Seconded by: Councilman Ryan

Discussion: Councilman Gray said he was asked by the Town Attorney to reclude himself. He also said Councilman Hornbeck indicated he should go before the Board of Ethics Committee. Councilman Gray said he feels it doesn't make sense because the interest he had in the property being developed is a negative cash flow since he is hiring attorneys and engineers to force the Planning Board to do what his taxes should do. Therefore, it is a negative cash flow and I have no financial gain in this entire operation. Because it made no sense I received a 7 page dissertation from counselors at law from Rhinebeck NY and NYC. In order to pay their rent, they know what they are doing.

Attorney Christiana said she made a recommendation. "I did not say you had to recluse yourself. I told you that what you do is your decision, that was my recommendation on behalf of the Town. Normally, I don't share my recommendations with the public, but because you brought it up, I wanted it clarified."

Councilman Gray apologized to Attorney Christiana. He also said he ran for office on open government and integrity and acting with a fairly large number of electors and he is not a marginal electee.

Councilman Gray referred to the letter he received and the answer to the facts that he gave them said in this circumstance, reclusal is not warranted.

Councilman Gray read several highlighted portions of the letter. The letter is posted in the Town Clerk's Office.

Motion carried 4-1	
Hornbeck	aye
Ryan	aye
Santosky	aye
Gray	no
Duke	aye

Supervisor Duke will reschedule Ulster County Planner, Dennis Doyle to come and work with the Planning & Zoning Boards.

Supervisor Duke also has a possible Planner for the Town. The Planner is available to meet with the Town Board. Supervisor Duke extended the invitation to the Planning Board members. They will meet on March 31, 2004 at 8:30am. The Town Clerk will post the meeting notice.

APPROVAL OF BILLS:

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

General Fund	Abstract #3	\$155,939.11
Highway Fund	Abstract #3	18,175.02
Capital Projects	Abstract #3	210,468.30
Street Lighting	Abstract #3	268.63

Seconded by: Councilman Ryan Unanimously approved

ADJOURNMENT:

A Motion was made by Councilman Santosky to adjourn the meeting at 7:15pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC