

June 2, 2005

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A Public Hearing was held on June 2, 2005 at 7:00pm at the Town Hall regarding a proposed local law #1-2005 re: amending LL, Chapter 17, Code of Ethics.

PRESENT:

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

Supervisor Duke opened the hearing on proposed Local Law #1 of 2005 amending Local Law Chapter 17 Code of Ethics. Councilman Ryan led the Pledge of Allegiance to the Flag.

Councilman Gray feels that from discovery of a violation, it should be a year time frame, and suggested we table this six month time period until the Board of Ethics discusses it with the Town Board.

Stuart Fraser asked why have any time limit at all? Judith Karpova agreed.

Kathy Kuthy asked if it was according to the time of the discovery of the violation, and spoke against this decision.

Mr. Fraser said the Board created a Board of Ethics, let it do it's job.

Marge Bonner said a person may be afraid to come forward so waits awhile. Change a rule in a instance.

Geoff Green said the law needs clarification, it is negative to proper government.

Brinton Baker said public officials are elected and have the public trust, time limit is in their behavior. Judith Kapova agreed.

Kandy Santosky said the Board changes limiting what they can do.

Councilman Santosky spoke to the fact that the Ethics Board had something before them that happened some years ago and they couldn't find all the information. The Board only reviews the complaint and sends it to the appropriate agency/person.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to close the public hearing at 7:25pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

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The Town Board Meeting was held immediately following the previous public hearings.

PRESENT:

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

Following the two public hearings, Supervisor Duke opened the regular Town Board Meeting.

OPEN TO THE PUBLIC:

Sharon Hornbeck, Assessor requested that the Town Board review the income ceilings on the Alternative Veterans Exemption granted by the Town. Earlier this year Ulster County increased the limits on the exemption granted for county taxes. Other towns in the county have also revamped their schedule. The Alternative Veterans Exemption is based on a percentage reduction; 10% for a War Veteran, an additional 15% for Combat, and an additional one half of the disability rating for the disabled veteran. However, a ceiling is placed on the dollar amount limiting how much an exemption may actually be.

Marbletown Resident, Kim Massie thanked Supt. of Highways Kelder for road repair at the Rochester/Marbletown line. He then discussed mufflers with Councilman Santosky regarding the noise at the speedway.

Brinton Baker encouraged the Town Board to support the Scenic Byway Regional Open Space Grant. He also strongly recommended that the Board get the 2002 map into law because as it currently stands, the law is not clear. He also asked when a person has the opportunity to talk to a board, ie - the Planning Board, when it is not in a public hearing.

Kathy Kuthy spoke to the official map concern.

Stuart Fraser asked the status of the recently submitted lawsuits.

Michael Baden thanked the Board for the Hudson Valley Resort meeting and said he was disappointed that not all Planning/Zoning Members were not present. He requested that the Board might want to establish a threshold for when these types of meetings need to be held, that this be a Town policy.

Councilman Hornbeck said when he was on the Planning Board they regularly went to all sites for review and it was very helpful.

Walter Levy spoke to the Ethics discussion and shared that the Ethics Board might be creating a problem for itself if they have only six months perhaps they might be inundated.

APPROVAL OF MINUTES:

A Motion was made by Councilman Ryan to approve the following minutes as submitted:

May 5, 2005 Public Hearing re: LL#1 - Ethics amendment
May 5, 2005 Town Board Meeting
May 25, 2005 Audit/Workshop Meeting
May 31, 2005 Joint Town Board, PB/ZBA Informational meeting re: Hudson Valley Resort & Spa Water Park and various Hotel renovations
Seconded by: Councilman Gray Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk

CORRESPONDENCE RECEIVED/AVAILABLE FOR REVIEW BY PUBLIC:

Letter/Jim Ayers re: vital records access
Letter/Senator Bonacic re: resolution on tax reform
Letter/Jessica Sweeney requesting monies for the People to People Ambassador Program
Letter/Helen Harkaspi re: opposition to the Hudson Valley Resort & Spa proposed water-park.

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Supervisor's Update

Town Hall Meetings

May 23, 2005 Alligerville Firehall - 15 residents attended
 May 24, 2005 Rochester Courthouse - 15 residents attended
 May 25, 2005 Accord Firehall - 30 residents attended
 May 26, 2005 Rochester 2 Firehall - 30 residents attended

At each meeting the survey results were shared and participants were asked to share their thoughts on the results. Rural Character was defined by each resident and pros & cons of casinos in the area were shared.

Hudson Valley Resort & Spa Meeting

A meeting was held at the Hudson Valley Resort on May 31, 2005 - members of all Boards attended as well as 100 residents and Town Officials and employees. For the past few months the HVR & Spa has been discussing plans for renovations and the construction of an indoor water park with the Supervisor and Building Department. Supervisor Duke said that to date, no plans have been submitted to any Town agency or office, this meeting is purely an informational one designed to solicit public input at the earliest possible stage of the process.

COMMUNITY CENTER ROOF: Quotes will be requested before any action taken on this.

ELECTRIC QUOTE: A quote was received from Don Wright for the upgrade needed in the Town Hall building. Other quotes to be obtained before any action is taken.

LEGAL MATTERS:

A Notice of Claim against the Town from Christopher Sauer for \$50,000 for damage to his property.
 A Notice of Claim against the Town from Kristen Johnson for \$20,000 for damages to her property.
 Both claims received were re: trees trimmed or cut by Highway Department.

LIAISON REPORTS:

Councilman Gray shared the highlights of the ZBA and the Historic Preservation Commission meeting and gave an update from the Assessor re: the 34 properties transferred during March.

Councilman Hornbeck shared the highlights from the last Planning Board meeting. He also introduced a Highway resolution for road repairs to be bid on.

Councilman Ryan gave an update on the Youth Department/Community Center, and the ECC that are working on a natural resource inventory to be done for the Town.

Supervisor Duke gave Code Enforcement highlights. Jerry Davis, Building Inspector has passed the first of four certification exams and is waiting to hear the results of his second exam and is scheduled for the third.

COMMITTEE REPORTS/BOARD MEMBER REPORTS:

Highlights were given regarding the Grant Research & Writing Committee, Planning/Zoning Committee/Economic Development Sub-Committee, Grant proposal & Photo Contest.

Councilman Gray & Santosky met on May 11th & 31st with the Telecommunications Committee. Mr. Smiley of Mohonk Mountain House to determine their interest in placing a Webjogger antenna in the fire tower.

Councilman Gray has teamed with Marge Bonner and a volunteer from Chazen, Susan Blickstein regarding the Cost of Community Services. They highlighted their progress.

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RESOLUTIONS:

Resolution #97-2005

A Resolution was made by Councilman Gray, seconded by Councilman Santosky to adopt Local Law 1 of 2005 as follows.

Section 17-10(A) is amended to read as follows:

- A. If a written complaint pursuant to this article shall be submitted to the Town Board, the Ethics Board shall open a file and initiate an investigation into the allegations, including but not limited to reviewing any relevant meeting minutes, any relevant documentation, and call such witnesses as they deem appropriate. These proceedings shall be confidential until and unless the Ethics Board makes a finding to the Town Board that a violation has occurred.

Section 17-10(B) is amended to read as follows:

- B. If the Ethics Board makes a reasonable cause finding that a violation of this Local Law has occurred, the Ethics Board shall send a notice of reasonable cause to (a) the reported/applicable person, (b) the complainant, if any, and (c) the Town Supervisor and the Town Board.

Section 17-10(C) is amended to read as follows:

- E. Disciplinary Action. In its discretion, after a hearing pursuant to this section and a finding of reasonable cause that a violation of this section has occurred, the Ethics Board may recommend disciplinary actions to the Town Board, which is authorized to impose such sanctions. Sanctions may include a warning, reprimand, or suspension or removal from office or employment, or any other sanction authorized by law or collective bargaining agreements.

Section 17-10(F) is deleted in its entirety.

Effective Date: This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in compliance with all applicable provisions of law.

Discussion: Within 15 days of adoption all employees and officials of the Town will receive an amended copy.

Roll call vote:	Councilman Gray	aye
	Councilman Hornbeck	aye
	Councilman Ryan	aye
	Councilman Santosky	aye
	Supervisor Duke	aye

Unanimously approved

Resolution #98-2005

Local Law #2-2005 Granting a real property exemption for living quarters for parent or grandparent.

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

1. Purpose. The purpose of this local law is to exempt from real property taxes, property owned by persons who construct or reconstruct residential structures for the purpose of providing living quarters for a parent or grandparent of one of the owners, to the extent provided by this local law.

2. Age. This exemption shall only apply to premises being constructed or reconstructed for a parent or grandparent who has attained the age of sixty two years or older prior to the application for the exemption.

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3. Exemption Granted. Pursuant to the provisions of New York State Real Property Tax Law Section 469, an exemption from taxation is granted to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is sixty-two years of age or older. Such exemption shall not exceed (a) the increase in assessed value resulting from construction or reconstruction of such property, or (b) twenty percent of the total assessed value of such property as improved, or (c) twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the state board for the county in which the property is located, whichever is less.

4. Exclusions. No such exemption shall be granted unless:

- a. The property is within the geographical area in which such construction or reconstruction is permitted; and
- b. The residential property so constructed or reconstructed is the principal place of residence of the owner.

5. Time Restrictions. Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of Real Property Tax Law, Section 469, and this local law shall only apply during taxable years during which time, at least one such parent or grandparent maintains a primary place of residence in such living quarters.

6. Annual Application. Such exemption from taxation shall be granted upon an application made annually, upon a form to be promulgated by the state board, by the owner of such property to the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county. If the assessor is satisfied that the property is entitled to an exemption pursuant to this section, the Assessor shall approve the application and such residential improvements shall be exempt from taxation and special ad valorem levies as provided in this section.

7. Definitions. For the purposes of this local law, the term "parent or grandparent" shall be deemed to include the natural or adopted grandparents and parents of the owner or the spouse of the owner.

8. False Statements. Any conviction of having made any willful false statement in the application for such exemption shall result in the revocation thereof, be punishable by a civil penalty of not more than one hundred dollars and shall disqualify the applicant or applicants from further exemption for a period of five years.

9. Applicability. Such exemptions shall apply to improvements on or after the effective date of this local law.

10. Effective Date. This local law shall be effective when filed with the Secretary of State pursuant to the Municipal Home Rule Law.

Roll call vote:	Councilman Gray	aye
	Councilman Hornbeck	aye
	Councilman Ryan	aye
	Councilman Santosky	aye
	Supervisor Duke	aye

Unanimously approved

ULSTER COUNTY PLANNING BOARD APPOINTMENTS:

Resolution #99-2005

A Motion was made by Councilman Ryan, seconded by Councilman Hornbeck that

WHEREAS, pursuant to the Ulster County Legislature Resolution No. 99 of 1963, the Ulster County Legislature appoints members of the Ulster County Planning Board, and

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WHEREAS, appointment to the Ulster County Planning Board requires the recommendation of local governing bodies,

BE IT RESOLVED, that Stanley Hudson is recommended for appointment to the Ulster County Planning Board.

Unanimously approved

Resolution #100-2005

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

WHEREAS, pursuant to the Ulster County Legislature Resolution No. 99 of 1963, the Ulster County Legislature appoints members of the Ulster County Planning Board, and

WHEREAS, appointment to the Ulster County Planning Board requires the recommendation of local governing bodies,

BE IT RESOLVED, that William DeGraw is recommended for appointment to the Ulster County Planning Board.

Unanimously approved

REGIONAL OPEN SPACE PLAN GRANT

Resolution #101-2005

A Motion was made by Councilman Gray that the Town of Rochester endorses this grant application, expresses its willingness to participate fully in the planning process for the Regional Open Space Plan, pledges a contribution of \$1500 to the local share, and will designate one or more members of the Town of Rochester to participate on the Regional Open Space Committee. These monies will be budgeted in the 2006 budget.

Seconded by: Councilman Ryan

Unanimously approved

Hudson River Estuary Program Grant

Resolution #102-2005

A Motion was made by Councilman Gray that it be resolved that the Town of Rochester Town Board endorse the Hudson River Estuary Program Grant application, express its willingness to participate fully in the development of the grant proposal for Open Space Inventory and Index that comprehensively identifies existing natural resources in the Town of Rochester in order to make judgments for protecting natural resources, particularly wetlands, streams including the Rondout and Esopus (estuaries of the Hudson River), and the aquifers in the Hudson River watershed. Extensive channels for public input, dialogue and education are critical to this process, and pledge a contribution of \$3,750 as the expected contribution to the grant's funding as required by the Hudson River Estuary Program. These monies will be budgeted in the 2006 budget.

Seconded by: Councilman Hornbeck

Unanimously approved

Open Development Status

Resolution #103-2005

A Motion was made by Councilman Hornbeck that the Town Board resolves that they submit the application of Dylan Taft and John Mikesch, 61 Cliff Road, Accord, to the Planning Board for their review and recommendation of Open Development status.

Seconded by: Councilman Gray

Unanimously approved

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Real Property Tax

Resolution #104-2005

A Motion was made by Councilman Ryan that
WHEREAS, Section 305 of the Real Property Tax Law mandates uniform and equitable assessments and

WHEREAS, computer assisted mass appraisal systems, technical advice, and financial assistance are available by cooperative agreement with the New York State Office of Real Property Services and the Ulster County Real Property Tax Service Agency; and

WHEREAS, the last town-wide reassessment of our real property took place in 1999; and

WHEREAS, the Town Board is convinced that a reassessment is necessary to comply with Section 305 of the New York State Real Property Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ROCHESTER THAT

Section 1. That the Assessor of the Town of Rochester is authorized to undertake and implement a revaluation/update for the 2006 Assessment Roll.

Section 2. That the Town Board does hereby agree, in conjunction with the New York State Office of Real Property Services and the Ulster County Real Property Tax Service Agency, to support the Town's assessment staff in this reassessment.

Section 3. That the Town Board and Assessor are authorized to enter into any necessary agreement to achieve this purpose. Any agreements resulting in an expenditure by the Town of Rochester must first be approved by the Town Board. Any agreement with a private contractor to provide services for this reassessment shall be entered into only upon review by the Town Attorney, the Assessor and a representative from the Office of Real Property Services.

This resolution shall take effect immediately.
Discussion was held on forming a Tax Committee specifically to educate the residents as we approach the revaluation. All agreed.

Seconded by: Councilman Hornbeck Unanimously approved

Liquor License Application/Greenbaum Brothers, Inc.

Resolution #105-2005

A Motion was made by Councilman Hornbeck that the Town of Rochester waives the right for a 30 day hold regarding the liquor license application of Greenbaum Brothers, Inc., D/B/A Oscar Restaurant, located at 5495 Route 44-55, Kerhonkson, NY.

Seconded by: Councilman Santosky Unanimously approved

Proposed Local Law #3-2005

Site Plan Checklist

Public Hearing re: Proposed Local Law #3-2005

A Motion was made by Councilman Hornbeck that the Town Board of the Town of Rochester will schedule a public hearing to be held on July 7, 2005 at 7:00pm at the Town Hall re: proposed local law #3-2005 amending Chapter 140, Article IX of the Code of the Town of Rochester regarding site plan procedures; 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 and that the Town Board Meeting will immediately follow.

Seconded by: Councilman Santosky

Motion carried 3-2
Gray - nay
Duke - nay

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Resolution #107-2005

Bids for work on the Queens Hwy/Rochester Center Road Intersection:

A Motion was made by Councilman Gray authorizing the Town Clerk to advertise for bids for work on the intersection of Queens Highway and Rochester Center Road. Specifications available at the Town Clerk's Office. Bids to be opened on June 29, 2005 at 10:00am at the Town Clerk's Office at which time they will be opened and read aloud. The Town Board has the right to reject any and all bids.

Seconded by: Councilman Hornbeck Unanimously approved

Old Business: none

New Business:

Assessor Hornbeck requested additional software for revaluation. It was suggested that Sharon Hornbeck attend the June Audit meeting to explain the need for the software.

Clearwater's Hudson River Watershed Grant - an outline of a proposal that Clearwater is submitted to NYSDEC to promote watershed protection in the Hudson River watershed and a pilot in the Rondout Creek sub-basin.

News release forum on Casino Gambling - July 13, 2005.

Second Public Comment Period:

Marge Bonner supported the idea of forming a tax committee to help educate our residents. See if there is a way to get Public Hearings on the WEB and- re: the WEB site - those who use Microsoft Word, that information is readily available to be put on. The Town Clerk's office does not have this and Marge recommended that the Board purchase ADOBE, estimated cost of \$200.00.

Kandy Santosky suggested that the Board set limits on the monies being requested by students, etc. Tax is at 50% value and will be increasing. She also inquired about monies for grants and if the grants are costing the Town money and are the grant writers being compensated. No, and at the time of the questions, these requests were unknown.

David O'Halloran spoke to the Forest Management Program. Make sure one knows what the restrictions are for the farmer regarding pollution. He also spoke regarding the Hudson Valley Resort meeting and suggested that for these types of meetings, the Town Board needs to establish parameters for when these meetings need to be held.

Michael Baden spoke regarding a traffic concern on Route 209 & Airport Road and asked that the Town contact the State that the passing lane be removed from this section of road. There was also discussion regarding the possibility of a traffic light on Route 209 and Main Street, Accord, and possibly get the Fire company involved.

Ron Bonner asked what happened to the Transfer Station sign. Councilman Ryan is looking into this.

David O'Halloran offered his services with the concerns at Camp Rav Tov.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 9:40pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

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2002 Zoning Map - All Board members received letter from Ruth Bendelius regarding this issue. More maps are needed for review. The code may be amended regarding this concern. Supervisor Duke will check with other towns re: this topic and discuss with Town Attorney Christiana.

Establishment of "threshold" for holding pre-application public meetings -if this is established, it may be included in the procedures section for Site Plan, Subdivision and Special Use Zoning ordinances. Other towns will be asked how they do this.

Fire Company - The Board received a letter regarding concern of the Fire Company's actions at a recent Fire Company meeting. As the Town has little to do with their issues, the negativism is spilling over into the Town. It was suggested that we establish a liaison to attend the Fire Commissioner Meetings. Councilman Hornbeck said he would do this.

Town Hall Meeting - It was suggested that the Board meet with the Fire Company and hold a Town Hall type meeting with them. (this discussion was held long before the recent events) Supervisor Duke will contact Commissioner Steve Schoonmaker and schedule some possible times. It was also suggested that the Ladies Auxiliary be included.

Establish a Standing Committee for bringing in new business. It was shared that the Economic Sub Committee felt that there needed to be a standing committee established to specifically focus on bringing new businesses to the community. Discussion was held on where these businesses are going and it was shared that the Economic Committee is looking into the possibility of commercial zones off Route 209. Councilman Gray will develop a charge and the Board will discuss this later.

Project 32 - All Board members from Peter Sutherland re: concerns at this site. Mr. Sutherland and residents will attend the next meeting to discuss this.

Agenda Items - Filed with the Town Clerk.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 6:40pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

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The Audit/Workshop Meeting was held on June 29, 2005 at 4:30pm at the Town Hall.

PRESENT:

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

Supervisor Duke opened the meeting and led the Pledge of Allegiance to the Flag.

APPROVAL OF BILLS:

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

General Bills	\$132,368.06	(\$130,159.06)
		(\$ 947.50 Escrow Prof Acct)
Highway Bills	\$261,925.32	

Seconded by: Councilman Ryan Unanimously approved

The following items were discussed for possible action at the Town Board meeting.

Highway:

Bids for road work - two bids were received & filed with the Town Clerk.

Supervisor Duke shared a copy of the letter she sent to the DOT regarding traffic concerns in the Town.

Town:

Assessor's request for additional software for revaluation was shared.

Alternate Veterans Exemption - Local Law to be scheduled.

WEB site - Marge Bonner discussed some concerns regarding information put on the WEB site. A lengthy discussion was held regarding this situation.

The Board also discussed with Ms. Bonner the possibility of purchasing ADOBE (PDF file in Acrobat) for getting information onto the WEB. The information to be reviewed and Marge will bet back to the Board.

Clearwater's Hudson River Watershed Grant - The Board agreed that the Supervisor should sign a letter of support for this grant and fax it immediately.

Whitfield Cemetery - Supervisor Duke will meet with an Auditor from the Division of Cemeteries (DOS) to review all paperwork and report back to the Board.

Request for monies - Board members received a letter requesting monies for the People to People Ambassador Program. The "Policy for Grants to Individuals" will be discussed further at the Town Board Meeting.

Community Center Roof - Three opinions and quotes have been received. It was decided that we complete the Barn roof and patch the main community center building roof since we do not have budgeted monies allocated for this year.

Electric quotes - Three have been received for the upgrade of work that needs to be done in the Town Hall building. Discussion will continue at the next Town Board meeting.

Casino Resolution - Town Board to review - discussion at next meeting.

Tax Committee - The Board received a copy of the Tax Committee Charge. Discussion was held on possible members.