

May 5, 2005

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A Public Hearing was held on May 5, 2005 at 7:00pm regarding Local Law #1 of 2005 amending Section 17, Code of Ethics of the Town of Rochester.

PRESENT:

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

Councilman Santosky led the Pledge of Allegiance to the Flag and Supervisor Duke opened the public hearing.

Supervisor Duke explained that in reviewing the Ethics Law it was noted that corrections needed to be made to the text of Section 17-10.

The Ethics Board made another recommendation that complaints by any individual must be filed within 90 days of the occurrence of an alleged violation. Some Board members felt that 90 days wasn't long enough.

Kandy Santosky spoke to the fact that it is difficult to go back in time to get the documentation needed for any particular issue and that 90 days was sufficient.

Barry Medenbach asked if it is 90 days before or after discovery.

Stuart Frasier said he feels it should be 90 days after discovery.

Kandy Santosky said that it should be 90 days or six months from discovery.

It was decided that Councilman Santosky go back to the Ethics Board and discuss this and report back to the Board. Attorney Christiana made it clear that in order for this to be included in the Law, she needed the amendment recommendation by May 20, 2005 for correct time limitation for notification prior to the continuation of the public hearing.

This public hearing will remain open and continue at 7:00pm on June 2, 2005.

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

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The Town Board Meeting was held on May 5, 2005 immediately following the public hearing that commenced at 7:00pm.

PRESENT:

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

FOSTER CARE PRESENTATION:

Connie Lesko, UC Dept. of Social Services, Foster Care Homefinding Unit spoke to everyone about the need for more homes for the 200 children in foster care. She shared the process the family has to go through, the types of children in care and the importance of spreading the word.

FLOOD ANNOUNCEMENT:

As we all know, the floods of April 2-4, 2005 was a crisis. We are now in recovery. If anyone needs assistance, they can go to the Recovery Disaster Center (DRC) in the basement of the Town of Ulster Town Hall from 10am to 7pm. The FEMA Hot Line is 1-800-621-FEMA (3362).

Public Comment Period:

Michael Baden read a prepared statement regarding the Town Planner. It is filed with the Town Clerk.

Barry Medenbach spoke to the Town Planner and that he feels that the current situation is not working.

Cindy Graham agreed with Barry Medenbach that the Planner has created chaos.

Carl Chipman feels that we should have a Planner, but from our community. Brinton Baker said the Planning Board advocates for the applicant - needs to look at what is best for the community and adjacent owners.

Shane Ricks said it is about the applicant, they are investing in this town. Useless information is being requested of Barry, it needs a bureaucratic overhaul.

Mel Tapper spoke to the need for a Planner.

Len Bernardo feels regulations need to be defined, so no arbitrary, have to make standards more logical.

David O'Halloran spoke regarding taxes - raise taxes and you lose a home owner.

Tom Ryan spoke to the Town Board having faith in both the Planning & Zoning Boards by voting all members back into office after last years incident.

APPROVAL OF MINUTES:

A Motion was made by Councilman Gray that the following minutes be accepted as submitted.

April 7, 2005 Town Board Meeting
April 13, 2005 Special Meeting re: Town-Wide Survey Results Presentation
April 20, 2005 Special Board Meeting re: Wheeled Excavator
April 27, 2005 Audit/Workshop Meeting

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED: Filed with the Supervisor

April 23, 2005 letter from Kristen Johnson re: brush and tree removal alongside the road in front of her property.

April 26, 2005 letter from Michael Baden re: Planning Board Alternate position.

April 28, 2005 fax from Zali Win re: Planning Board Alternate position.

April 28, 2005 memorandum from Chris Hewitt re: open meetings law.

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Supervisor's Update

The following was mentioned at the Audit/Workshop Meeting in April.

Transfer Station tickets are available and in full use. Current punch cards are valid until fully used or may be exchanged for the new tickets at either the Town Clerk's Office or Transfer Station.

Wheeled Excavator 12 month lease approved with option to purchase.

Town Truck - It was decided that Councilman Santosky would examine the truck and report back to the Board re: the status of repairs. Estimate filed with the Town Clerk.

Town Hall Meeting dates were announced - flyers available.

Senior Exemptions - proposed local law as adopted by another town and shared with us.

Highway Roof - work to commence next week.

Legal Matters - no report

Liaison Reports

Planning Board - Councilman Hornbeck shared highlights from the last meeting re: Site Plan Checklist and review of escrow threshold for the Planner.

DISCUSSION WITH PLANNING BOARD:

Mel Tapper said that the Planning Board did request a Planner for the Town in order to create consistency. The Subdivision Checklist came right out of the Code and has been completed and approved. The Planner has not had the opportunity to go through an entire application.

Shane Ricks said the checklist creates consistency, not the Planner.

David O'Halloran said grading and location of a building has to meet with State DEC regulations. The Planning Board does not control this. Waivers are outside of already established zoning codes. Recommended thresholds give the little guy a change - we need the employment in this Town.

Bill DeGraw said grading plan is required by the State. Planning Board asks professionals to help give insight into State Laws. (SEQR)

Frank Striano said the Planner has helped in many ways, however, give the power back to the Planning Board.

Tony Kawalchuk - need a lawyer or planner for issues of consistency. Planning Board has several issues, least of which is the Planner. Why have a Planner for the small person. Why is Planning Board asked to take sides, the applicant becomes the enemy.

Alternate Position

It was mentioned that all seven members plus the alternate were present at the April 26, 2005 workshop meeting. According to our law, this is not allowed and it was suggested that the PB review the Alternate Member Code in our Town Code Book. If the PB has concerns about this position, recommendations should be made to the Town Board. A procedure should be set up as to how the alternate can be called on an as needed basis.

ZBA

Councilman Gray reported on the area variance on Sieber Road.

Youth Department

Councilman Ryan reported that the Youth Department in conjunction with the Kerhonkson Elementary School received a Tobacco Grant.

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Historic Preservation Commission

Councilman Gray reported on the historic signs, installation & restoration of older signs. Development of a local law regarding historic districts. Creation of Commission members from each Hamlet, expansion of the video tape of historic properties (have it become property of the Town). Reinstallation of the Veterans Honor Roll, and announcement of the May 16, 2005 meeting at the Town Hall at 5:00pm.

Environmental Commission - no report

Code Enforcement

Supervisor Duke gave highlights of the month and mentioned that Jerry Davis, Building Inspector has passed the first of four certification exams and is in school this week.

Assessor's Office

Councilman Gray reported that 40 properties were transferred during this reporting period, and that Assessor Hornbeck spent the month preparing for the 2005 Assessment Roll.

Transfer Station - no report

Highway

Councilman Hornbeck said that the Highway Department is working closely with FEMA.

COMMITTEE REPORTS/BOARD MEMBER REPORTS

Grant Research & Writing Committee - Councilman Gray shared that grants cannot be put together until the Town Board makes the necessary decisions for a specific project.

Ethics Board - notes on previous page

Planning/Zoning Committee - Supervisor Duke and Councilman Gray shared the outcomes of their individual meetings.

Town of Rochester Photograph Contest

The contest as suggested by Walter Levy was again reviewed.

Economic Development Sub-Committee

Councilman Gray gave an update on Hamlet Development and several other topics of interest that were discussed at the April meetings.

Telecommunication Committee - Councilman Gray & Councilman Santosky

Councilman Santosky will contact Brenda and request she make a presentation to the Committee on the current requirements for expansion of service.

Have been informed that Cingular has placed interest in establishing a presence in our Town on hold, therefore, a proposal not submitted. Have not received the promised proposal from Webjogger's presentation; was promised at March meeting.

Seeking an appointment with Mohonk Mountain House to determine their resistance to Webjogger antenna. Would benefit practically every part of our Town.

Cost of Community Services Study Report

Councilman Gray has teamed with Marge Bonner and Susan Blickstein a volunteer from Chazen to develop a cost of community services study report.

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Budget Error

Supervisor Duke said the 2005 Budget was requested in calculations for the services study report. In using this document, two (recently) errors were discovered and I need to bring this to the Boards attention. Both errors are in connection with revenues. These mistakes are in our favor, we have \$28,000 more than expected. However, this doesn't mean we should spend the extra money, estimated revenues are just that - estimates. The Budget can be amended and our CPA recommended that when the time is appropriate, these funds be put into the Contingency Line. With the new financial tracking and reporting procedures we are putting in place, we should get a more accurate and timely estimate of what our revenues actually are. Later in the year, when we have a better picture of these revenues, we can decide how to proceed. Meantime, we will fix the computer glitch. This is less than 1% of the total budget combined.

RESOLUTIONS

Public Hearings

Resolution #88 - 2005

A Motion was made by Councilman Hornbeck that the Town Board will schedule a continuation of a public hearing to be held on June 2, 2005 at 7:00pm at the Town Hall, 50 Scenic Road, Accord, NY re: local law #1 of 2005 amending Section 17, Code of Ethics of the Town of Rochester to be immediately followed with public hearing for proposed local law #2 of 2005, granting a real property tax exemption for living quarters for parent or grandparent; and it is further resolved that the Town Clerk is hereby authorized and directed to cause public notice of said hearings to be provided by law and that the Town Board Meeting will immediately follow.

Seconded by: Councilman Ryan Unanimously approved

Historic Preservation Appointment

Resolution #89 - 2005

A Motion was made by Councilman Gray that Walter Levy be appointed to the Historic Preservation Commission, his term to end 5/08.

Seconded by: Councilman Ryan Unanimously approved

Town Truck

Resolution #90 - 2005

A Motion was made by Councilman Ryan that the Town Board authorizes minimum repairs to be made no more than \$900 to the existing town truck for use until the new truck arrives and at that time will be made available for sale.

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

NEW TRUCK

Resolution #91 - 2005

A Motion was made by Councilman Ryan that the Town Board purchase a Chevrolet Silverado 2500HD work truck, (CK25903) Regular Cab, long box 133" WB, 4x4 for the unit price of \$17,436.00, plus \$205 for delivery; also to include:

Z82 Trailering	\$195.05
UBO AM/FM Stereo w/wc	211.65
G80 Locking Rear Differential	244.85
VYU Snow Plow prep.	257.30
BCL Beacon Revolving Light-2bulbs	308.01

The total cost is \$18,857.86. The color is Silver Birch w/dk Charcoal interior with cloth seats. This will be paid from the contingency line.

Seconded by: Councilman Hornbeck Unanimously approved

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Senior Exemptions

Resolution #92 - 2005

A Motion was made by Councilman Hornbeck that the Town Board schedule a public hearing regarding proposed local #2 of 2005 granting a real property tax exemption for living quarters for parent or grandparent, and further authorizing the Town Clerk to advertise for said meeting to be held on June 2, 2005 immediately following the public hearing commencing at 7:00pm.

Seconded by: Councilman Ryan Unanimously approved

Open Development Status

Resolution #93 - 2005

A Motion was made by Councilman Hornbeck that the Town Board submit the application of POP Construction to the Planning Board for their review and recommendation of Open Development application.

Seconded by: Councilman Ryan Unanimously approved

Litigation - addition to Edwards Resolution

Resolution #94 - 2005

On April 7, 2005 Resolution #86 was adopted authorizing the Attorney for the Town to commence litigation against Giles Edwards to complete the cleanup of his Rt 209 property. We inadvertently omitted his wife, Doris Edwards in the resolution, for she is the co-owner.

A Motion was made by Councilman Ryan that the Town Board direct the Attorney for the Town to commence litigation against Doris Edwards to complete the cleanup of her Route 209 property in Accord.

Seconded by: Councilman Gray Unanimously approved

Site Plan Checklist

Resolution #95 - 2005

A Motion was made by Councilman Hornbeck that the Site Plan Checklist be developed into Local Law #3 by the June 2, 2005 Town Board Meeting. A public hearing will be scheduled at that time.

Seconded by: Councilman Ryan Motion carried 4-0
Gray - abstained

Escrow Threshold

Resolution #96 - 2005

A Motion was made by Councilman Hornbeck that the Town Board accept the recommendations for the Escrow Thresholds from the Planning Board and that the Planning Board liaison and Planning Board Chair will reevaluate again in November, 2005.

Seconded by: Councilman Ryan Motion carried 4-0
Gray - abstained

Old Business

We have a wonderful resource, it is our WEB site. We need to publicize it more and requested suggestions on how to get the word out.

New Business

Councilman Gray requested from the Board that he implement research on the once publicly displayed Veteran's Memorial Honor Roll in our Town. The Historic Preservation Commission would like to see this displayed again and we need to know the cost to revitalize something of this nature. The Board approved his efforts and he will report back to the Board as soon as there is more information.

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Public Comment

Marge Bonner needs continued input for the WEB site. She also requested that the Town look into a Town Bulletin Board for all to see regarding upcoming meetings, etc. Possibly to be erected on Route 209 and Main Street, Accord. Councilman Ryan to look into this.

Wayne Kelder, Hwy. Supt. had a question re: what line the Town Truck was being paid from.

Brinton Baker asked if the truck had been budgeted for and is there a Capital Plan. The answer was no to both questions.

Executive Session

A Motion was made by Councilman Hornbeck that the Town Board enter into executive session at 10:16pm regarding a Workers Compensation Case and a personnel matter regarding an employee at the Transfer Station.

Seconded by: Councilman Gray Unanimously approved

A Motion was made by Councilman Gray to reconvene the meeting at 10:31pm, with the Supervisor reporting no action was taken, nor monies expended.

Seconded by: Councilman Santosky Unanimously approved

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 10:31pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

May 25, 2005

The Audit/Workshop Meeting was held on May 25, 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 with the Pledge of Allegiance to the Flag.

APPROVAL OF BILLS:

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

General Bills	\$95,630.02
Highway Bills	63,553.26
Escrow Professional Account	2,412.50
Street Lighting	526.47

Seconded by: Councilman Gray Unanimously approved

ITEMS DISCUSSED:

Road status re: the letter Mr. Kelder received from Kristen Johnson. Mr. Kelder spoke with Ms. Johnson and stated that a survey be done for true verification. Supervisor Duke will also contact her.

Highway Roof - weather is delaying the work process.

CAT lease payments clarified for the record. Monthly payment of P & I is \$6251, taken from Roads until \$32,000 (8 months of rental) is reached. When amount is reached, FEMA money will be looked into.

Letter from Jack Gordon followed up by Supervisor Duke.

Law Suit from Sauer received.

Discussion re: Vital Records

Jim Ayers discussed his letter and request, which he submitted to the Town Board. His letter reflected his feelings that access to the Town's vital records would help him successfully complete his research for the update to the Town of Rochester cemeteries book. Veronica Sommer, Registrar explained that his request is not allowed by NYS law.

Regional Open Space Grant:

Al Wegener discussed with the Board the Regional Open Space Grant and the importance of the Town of Rochester endorsing this grant application, and willingness to participate fully in the planning process for the Regional Open Space Plan. He spoke to the expected local share (contribution) of \$1500 from each municipality and village, and once the grant has been approved, one or members of the Town of Rochester will be designated to participate on the Regional Open Space Committee. The \$1500 will come out of the 2006 budget. Councilman Gray said this is showing good faith.

Hudson River Estuary Grant:

Walter Levy presented a draft application re: Hudson River Estuary. The sub-committee on Rural Character's mandate is to research and analyze ways to improve, enhance, protect and conserve the qualities that comprise the personality of the Town of Rochester. This includes making recommendations to the Planning and Zoning Committee on conserving and protecting land, resources and viewsheds; preserving ecological systems; promoting agriculture; developing parks and recreational uses; providing for historic and/or scenic purposes; shaping and guiding thoughtful commercial and residential development; enhancing and protecting historical architecture and character and enhancing the rural tone of the community and its values.

This project's "big picture" is the development of a Natural Resources Inventory and an Open Space Index and Working Plan designed to enhance, foster, and protect the Town of Rochester's economic, commercial, and residential development.

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The intention is to apply for the maximum grant funding available from the Hudson River Estuary program for Open Space Inventory and Planning, which is \$25,000, 75% of this funding will come from the grant program; \$3,750 must be matched by the municipality; and \$2500 will be matched by the volunteer time and service of the Sub-Committee on Rural Character. The net outlay from the Town will be \$3750, and will come from the 2006 budget.

Training

Supervisor Duke to respond to Marijane Knudsen re: the letter re: training.

Community Center Roof

Ron Darnley, East Coast Roofing wrote concerning the disrepair of the Community Center roof. The Board to secure other opinions from roofing companies.

Private Roads Petition

Wayne to get a copy from Supervisor Duke.

Planning Board

A discussion was held on official Town Maps. Each member received a copy of Ruth Bendelius's letter.

IDA

Discussion was held on the property tax concern with the Hudson Valley Resort and the Skating Rink. Board members have received the letters from Dennis Geisler regarding this topic.

Ulster County Planning Board Request

The Board will adopt a resolution to appoint members to the Ulster County Planning Board - Stanley Hudson as a board member and William DeGraw as an alternate.

Ethics Law Amendment - Discussion at the Town Board June 2nd meeting.

Electric Quote - The Board received a quote from Don Wright for the upgrade of electrical work needed to be done in the Town Hall building. The Board requested that we receive other quotes.

Reminder - Hudson Valley Resort Meeting at the Hotel & Spa on May 31, 2005 at 7:00pm.

Agenda Items for May 5, 2005 Town Board Meeting

1. Public Hearing - Continuation of amendments to Ethics Law
2. Public Hearing on Senior Exemptions
3. Site Plan Checklist Law - discussion & schedule a public hearing
4. Resolution on Regional Open Space Grant
6. Resolution Hudson River Estuary Grant
7. Resolution for revaluation for 2006

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 6:30pm.

Seconded by: Councilman Gray

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

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A Joint Town Board, Planning Board and Zoning Board Informational Meeting was held at the Hudson Valley Resort & Spa at 7:00pm on May 31, 2005.

PRESENT:

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

PLANNING BOARD MEMBERS:

Melvyn Tapper, Chairman
David O'Halloran, Alternate
Robert Gaydos

ZONING BOARD OF APPEALS:

Marijane Knudsen, Chairperson
James Kingston
Robert Godwin

CEO - Douglas Dymond

SECRETARY TO PB & ZBA, Rebecca Paddock-Stange

ASSESSOR - Sharon Hornbeck

PLANNER FOR THE TOWN - Sue Blickstein, Dir. Municipal Planning/Chazen Co.

HUDSON VALLEY RESORT & SPA PLANNER - Robert Burrick

ACOQUATIC DEVELOPMENT GROUP, INC. - Kenneth Ellis

Several residents and HV & Spa owners and investors

Supervisor Duke opened the meeting at 7:00pm and led the Pledge of Allegiance to the Flag.

Supervisor Duke said that this meeting might appear somewhat unusual because we have all of our boards here to listen to a presentation by the Hudson Valley Resort & Spa. When large projects such as this are presented to towns, Ulster County Planning Board and the Pace University Land Use Law Center recommend and advocate that public information occurs before these projects go before any of our various boards.

For the past few months, the management of the Hudson Valley Resort has been discussing plans for a proposed renovation and the construction of a new water park with me and our Building Department. To date, no plans have been submitted to any town agency or office and no town employee or official has had an opportunity to see the plans in detail.

In order to be proactive and to give residents the earliest opportunity to see the plans and comment upon this project, the Resort management has been invited to give a public briefing on their plans and to provide an opportunity for the three boards to ask questions, raise concerns and to get detailed information on these plans.

PRESENTATION:

Robert Burrick presented the overview of the project: water park will be 40,000 square feet; for hotel guest only; building this will enhance the business of the hotel; to improve occupancy of the hotel and that the net number of rooms might even decrease - the room number will not surpass the already established 350 rooms. He also spoke to increased employment of 200 people. He continued to clear up several concerns:

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1. The Hotel has received approval from the IDA which means that the hotel will get a tax abatement for 10 years after completion of the project. Nothing is removed from the tax rolls because the existing building will continue to be taxed. The tax base will increase as time goes forward.
2. Noise and environmental issues have not yet been addressed.
3. Traffic - this hotel has had 350 rooms since the 70's and they are able to deal with the traffic.

Kenneth Ellis, President & CEO of Aquatic Development Group., presented conceptual plans of where the Phase 1 project will take place. Phase 1 included total renovation of one wing, the water park, 40,000 square feet, less than an acre, a new kitchen and 9,500 square feet of conference/meeting rooms. The water park will be constructed where the basketball court currently is.

Board Member Questions:

The total amount of water that would be needed is 450,000 gallons, it would need to operate daily on 5 to 6,000 gallons. The water for the park will be on a closed system.

What is the highest point of the park? It will not be higher than the existing tower. This will be determined soon. The new wing will be four stories high. The existing tower is eight stories high.

Will the room sizes change? Maybe a few feet - they will be the standard size hotel rooms.

Public Comment:

Neighbor, Sharon Hornbeck said she has lived here all of her life and has seen the hotel go through all its lives. What is being proposed will not add any burden as in the past years. Also, if this does not work, the tax concern will be even a bigger problem to all tax payers in the town.

Residents questioned the parking, the demolition of the west wing, creation of jobs, hiring local people, housing for employees.

Lighting, noise issues were also addressed.

Supervisor Duke thanked the Hotel, Boards and residents for coming and the Hotel representatives said they would be available after the meeting to answer or discuss any other issues and concerns one might have.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 8:35pm.

Seconded by: Councilman Ryan Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC