

The Town Board Meeting was held on April 6, 2006 at 7:00pm at the Town Hall.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Miller
Councilman Santosky	Councilman Spano	Town Clerk Sommer
Attorney Futerfas		

Supervisor Duke led the Pledge of Allegiance to the Flag.

PUBLIC COMMENT:

A letter was read regarding road side cutting of a residents walnut tree.

A comment was made regarding the proposed Historic Preservation local law specifically stating this law was too broad and it was over stepping individual property rights.

A resident spoke to the Historic Preservation proposed local law, specifically the scope of authority in designating landmarks.

A comment was also made regarding the Historic Preservation proposed local law saying it is too broad, too much power given to the Commission, the penalties outrageous and takes the control out of the folks hands.

A question was asked if Time Warner was the only franchise in the Town.

A resident spoke to land use rules and each Town Board member was given a copy of an article from Georgia.

APPROVAL OF MINUTES:

A Motion was made by Councilman Gray to approve the following minutes as submitted.

February 22, 2006 Audit/Workshop Meeting  
 February 22, 2006 Special Board Meeting P/Z Committee/Update Comp. Plan  
 March 2, 2006 Town Board Meeting  
 March 22, 2006 Special Board Meeting P/Z Committee/Update Comp. Plan  
 March 29, 2006 Audit/Workshop Meeting  
 March 29, 2006 Executive Session Interviews for BOAR Appointments  
 April 1, 2006 Executive Session Interviews for BOAR Appointments

Seconded by: Councilman Santosky

Supervisor Duke asked if more information specifically on public comment periods be included in the minutes. Town Clerk Sommer is going to a conference and will get more information regarding the State's opinion.

Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED:

3/19/06 Letter from Noah Gottdiener re: complaint against the Hwy. Supt.  
 3/22/06 Letter from Pam Norton re: student cars causing traffic concerns on Kyserike Road  
 4/03/06 E-mail from David O'Halloran re: the Town's decision allowing local businesses to post service information on the website/  
 4/03/06 Letter from Wilma DeJager, Rochester Food Pantry Chairperson sharing their periodic progress report.  
 4/03/06 Letter from Lidia Leshchuk re: large amounts of trash along Routes 209 and 44/55.

**SUPERVISOR'S UPDATE:** Read by Supervisor and filed with the Town Clerk.

**LEGAL MATTERS:**

Supervisor Duke reported on the conviction of former Town Clerk Deputy, Annette Rose of falsifying records and two misdemeanor counts of official misconduct.

**LIAISON/COMMITTEE REPORTS:**

Supervisor Duke and the Councilman shared the highlights of the meetings they attended as liaisons and committee members.

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**RESOLUTIONS:**

April Comprehensive Plan Update Meetings:

Resolution #69-2006

**A Motion** was made by Councilman Gray that the Town Board hold a Special Meeting for on-going work with the Planning and Zoning Committee on the Update of the Comprehensive Plan on April 10th and April 26th at 7:00pm at the Town Hall, and authorizing the Town Clerk to advertise same.

Seconded by: Councilman Miller

Unanimously approved

Crushing Town Owned Gravel:

Resolution #70-2006

**A Motion** was made by Councilman Gray that the Town Board accept the bid submitted for the crushing of Town owned gravel to RMS Gravel, Inc. for 3/4"-\$4.70 per yard, \$2.95 per ton;and/or 1"-\$4.00 per yard, \$2.50 per ton; and/or 1 1/2" at \$3.60 per yard, \$2.25 per ton. This is not a capital expenditure and the Town shall endeavor to repay this cost in 2007.

The following two bids were received and not awarded.

Clark Management Group - 3/4". 1" or 1 1/2" for \$5.55 per yard.

Mombaccus Excavating, Inc. \$5.74 per yard or \$4.45 per ton.

Seconded by: Councilman Santosky

Unanimously approved

**BAN FOR GRAVEL & SNOW PLOW:**

**Resolution #71-2006**

**A RESOLUTION** WAS MADE BY COUNCILMAN GRAY, SECONDED BY COUNCILMAN SPANO, AUTHORIZING VARIOUS PURPOSES IN AND FOR THE TOWN OF ROCHESTER, ULSTER COUNTY, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$198,295, AND AUTHORIZING THE ISSUANCE OF \$198,295 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of Rochester, Ulster County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of Rochester, Ulster County, NY, including, in each case, incidental equipment and expenses in connection therewith:

- a. The purchase of a truck with snow plow attachment at a maximum estimated cost of \$123,295, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, hereby limited to five years; and
- b. The purchase of materials in connection with reconstruction of roads in and throughout the Town at a maximum estimated cost of \$75,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 20(a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$198,295, and the plan for the financing thereof is by the issuance of \$198,295 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the provisions of the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Rochester, Ulster County, NY, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary in the Daily Freeman, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Gray	aye
Councilman Miller	aye
Councilman Santosky	aye
Councilman Spano	aye
Supervisor Duke	aye

The resolution was thereupon declared duly adopted.

#### FEMA MONIES DESIGNATION:

#### Resolution #72-2006

A Motion was made by Councilman Gray that the Town Board authorize the Superintendent of Highways to expend money for FEMA 1589 DR-NY approved projects. This amount will not exceed \$200,000 and any such expenditure shall be contingent upon reimbursement from FEMA.

Seconded by: Councilman Miller

Unanimously approved

**VOTING MACHINES BORROWED:**

**Resolution #73-2006**

**A Motion** was made by Councilman Miller that the Town Board authorizes the Rondout Valley Central School District to use two voting machine for the May 16, 2006 Budget vote and the Board of Education election and any other subsequent vote. The school district will be responsible for any damage or repairs to the machines while in their possession.

Seconded by: Councilman Gray

Unanimously approved

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**P/Z COMMITTEE, ECC & BOAR:**

**Resolution #74-2006**

**A Motion** was made by Councilman Gray that Steven Fornal be appointed to the Planning/Zoning Committee.

Seconded by: Councilman Miller

Unanimously approved

**Resolution #75-2006**

**A Motion** was made by Councilman Gray that the Town Board appoint Michael Callen and Kristin Marcell to the Environmental Conservation Commission for a term to expire 12/31/2009.

Seconded by: Councilman Miller

Unanimously approved

**Resolution #76-2006**

**A Motion** was made by Supervisor Duke that the Town Board appoint Zali Win to the Board of Assessment Review for a term to expire 9/30/2010.

Seconded by: Councilman Miller

Unanimously approved

**Resolution #77-2006**

**A Motion** was made by Supervisor Duke that the Town Board appoint Lynn Archer to the Board of Assessment Review for a term to expire 9/30/2008.

Seconded by: Councilman Gray

Unanimously approved

**Resolution #78-2006**

**A Motion** was made by Supervisor Duke that the Town Board appoint Claude Suhl to the Board of Assessment Review for a term to expire 9/30/2007.

Seconded by: Councilman Gray

Discussion: Councilman Santosky felt that Phyllis Goodman would have been the better choice due to her experience in real estate.

Motion carried 4-0

Santosky - nay

All appointees shall be required to take the oath of office and undertake any training required by law.

**PUBLIC HEARING/RE:HISTORIC PRESERVATION SCHEDULED:**

**Resolution #79-2006**

**A Motion** was made by Councilman Gray that the Town Board hold a Public Hearing on May 4, 2006 at 7:00pm at the Town Hall re: revision to the Historic Preservation Law, and further authorizing the Town Clerk to advertise same.

Seconded by: Councilman Miller

Discussion: Councilman Santosky feels this updated document goes too far and was reassured that no action to adopt would be taken that evening.

Unanimously approved

**OLD BUSINESS:**

Mohonk Preserve will hold its semi-annual appreciation day on April 22nd and April 23rd from 9:00am to 5:00pm for those who wish a free one month membership from the date of issuance. Proof of residency is required.

BOAR resignations were received from Lea Becker, Robert Christian and Peter Davis.

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Property Tax Reform Task Force - It was strongly recommended that the Town participate in the Property Tax Reform. The committee meets the fourth Thursday of each month at the Marbletown Town Hall. A rally is also being scheduled for May in Albany.

The Supervisor's State of the Town Address is available to everyone.

**PUBLIC COMMENT PERIOD:**

It was suggested that the process on how a proposed law becomes a law be addressed on the WEB to help clear up any confusion one might have.

It was asked how the AV equipment implementation will be established. Procedures need to be in place.

It was asked if the audio tapes from all the meeting were saved. Town Clerk Sommer said they are required to be kept four months.

It was asked if the Town still had the Time Warner franchise.

A resident spoke to the noise created by the cable box on the telephone pole.

It was asked if the demise of the Hudson Valley Resort was a result of the Moratorium.

It was suggested that the Town Board move the next meeting to the Fire Hall.

**EXECUTIVE SESSION:**

**A Motion** was made by Councilman Gray that the Board enter into executive session at 9:00pm, with the Town Attorney regarding pending litigation with Giles Edward, a Worker's Compensation case, Patty Abeziz, Annette & Charles Rose, the Sauer case and Streamside Estates.

Seconded by: Councilman Spano

Unanimously approved

**RECONVENED:**

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

Seconded by: Councilman Gray

Unanimously approved

**ADJOURNMENT:**

**A Motion** was made by Councilman Gray to adjourn the meeting at 10:11pm.

Seconded by: Councilman Santosky

Unanimously approved

Respectfully submitted,

Veronica I. Sommer  
Town Clerk/RMC