

The Town Board Meeting was held on January 5, 2006 immediately following the Organizational Meeting. The meeting was moved to the Highway Department because of the number of people in attendance.

PRESENT:

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

Supervisor Duke read the rules of procedure and led the Pledge of Allegiance to the Flag.

Public Comment:

Carl Chipman congratulated the new officers on the Board and commented on the number of people in attendance. He also read a statement on behalf of Doug Dymond and his position being eliminated and replaced with the position of Code Enforcement Officer.

Kandy Santosky, Frank Striano, Jamie Dymond, Alysse Ricks, Wally Hubert, Christy Bauer and Matthew Dennin also shared their comments of support for Doug Dymond.

Cindy Graham read a statement on behalf of Mr. Dymond.

Councilman Miller shared with those present that the Board legally does not have to answer questions, they just have to listen.

Howard Montanya asked if this was correct. He was told yes.

Al Barnett spoke to the Recreation Director's position.

Leonard Bernardo spoke about his Skating Rink and invited the Board to visit.

Kathy Kuthy thanked Town Clerk Sommer for helping her and Jonathan Blair in signing their Oaths of Office for the Fire Commissioners Board.

Tavi Cilenti supported Councilman Miller's comments from his perspective as a former School Board member.

Wally Hubert asked about the swearing in ceremony. Supervisor Duke, Councilman Miller and Spano and Justice Schmeer were sworn in on 1/2/2006, tonight's swearing in was for the public's interest.

Councilman Santosky said he had no prior knowledge of the dismissal letter that was sent to Mr. Dymond. He said he was not in favor of it.

APPROVAL OF MINUTES:

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

12/02/05 Town Board Meeting
12/23/05 Audit/Workshop Meeting

Seconded by: Councilman Miller

Motion carried 4-0
Gray - absent

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED:

12/21/05 letter from David Chaitkin re: requesting speed limit change on Clove Valley Road from 30mph to 25mph.

January 5, 2006

3317

SUPERVISOR'S UPDATE:

Presentation by Dwight Coombs re: 2006 Insurance Proposal.

Upon the advice of our CPA, the Town Board changed the Year End Meeting from 12/23/05 to 1/25/06 due to a change over in computer programs.

LEGAL MATTERS:

Streamside Estates Decision:

Judge McCarthy determined that the tie vote of the Planning Board is the equivalent of a denial of the application and that no Special Use Permit can be given in this instance. The Court further holds that the votes to deny the application were based on legitimate concerns about the project and should be upheld.

LIAISON REPORTS:

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

HIGHWAY MATTERS:

Superintendent Kelder gave a FEMA update from 2004. 2005 monies the Town will be awarded from the Spring floods is \$24,846.53. In February, Mr. Kelder will ask the Board to support his request for advancing monies for specific projects. Once completed, FEMA will reimburse the Town.

Mr. Kelder said the sand that the Highway Department makes available for residents use is a good gesture, however, he would like a resolution from the Board making this legal. Unfortunately, some people take advantage, ruining the privilege for others.

FIRE COMPANY:

The Board of Commissioners held their Organizational Meeting and there was discussion re the voting in of the Chiefs and Assistant Chiefs. An election will be held for Fire Chiefs and Assistant Fire Chiefs, tentatively 1/17/06. Currently ranking officers are assigned the duties of the chiefs.

Committee Reports/Board Member Reports:

Planning/Zoning Committee - The Rural Character and Economic Development Sub-Committees joined the Planning & Zoning Committee to review a Conservation Subdivision video tape. Next meeting 1/11/06 at 6:30pm.

RESOLUTIONS:

Residential home for persons with developmental disabilities approved:

Resolution #24-2006

A **Motion** was made by Councilman Miller that as requested by Ulster-Green ARC as required by Section 41.34 of the New York State Mental Hygiene Law, be it resolved that the Town Board approve the home of Frances Cross, 285 Old Kings Highway, Accord, NY as a site to establish a home for persons with developmental disabilities.

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

ELECTION DISTRICT #1 & 5 LOCATION CHANGE:

Resolution #25-2006

A **Motion** was made by Councilman Santosky that:

WHEREAS, there has been significant growth in the population of the Town of Rochester, and

WHEREAS, voter turnout in the November 2004 and November 2005 general elections was very high, and

January 5, 2006

3318

WHEREAS, the Town of Rochester Town Hall meeting room, the existing polling place for Town of Rochester Election Districts 1 and 5, has at times been extremely overcrowded, impairing the ability of election inspectors to do their job in a safe, comfortable and efficient manner, and

WHEREAS, voters in the Town of Rochester Election Districts 1 and 5 have at times been forced to queue up outdoors while waiting to exercise their constitutional right to vote.

BE IT HEREBY RESOLVED by the Town Board of the Town of Rochester, that the polling place for Election Districts 1 and 5 shall be changed from the meeting room of the Town Hall, Accord, NY to the Social Hall of the Accord Fire District, located at 22 Main Street, Accord, NY effective as of September 1, 2006 with the first election to be held at that location being the earlier of the September 2006 primary election (if any) or the November 7, 2006 general election; and

BE IT FURTHER RESOLVED that the existing polling places for Election Districts 2, 3 and 4 shall continue to be the Town of Rochester Court (Samsonville Road), Rochester Fire Station (922 Samsonville Road, Kerhonkson, and Alligerville Fire Station (Creek Road, High Falls), respectively, and

BE IT FURTHER RESOLVED, that the Town Clerk and the Supervisor shall be authorized and directed to immediately communicate this change to the Ulster County Board of Elections and the Board of Fire Commissioners of the Accord Fire District and to execute on behalf of the Town, any documentation that such change requires in a timely manner.

Seconded by: Councilman Miller

Motion carried 4-0
Gray - absent

APPOINTMENT PROCEDURES TO BOARDS & COMMISSIONS:

Resolution #26-2006

A **Motion** was made by Councilman Miller that the Town Board adopt the Procedures for Appointments to Boards and Commission. Procedures attached with immediate effect. See page 50-1, 53-2

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

Advertise Vacancies/Interview Dates:

Resolution #27-2006

A **Motion** was made by Councilman Spano that the Town Board advertise vacancies in the local newspapers and website site for positions on the Planning Board, Zoning Board of Appeals and the Historic Preservation Commission. The deadline for letters of intents shall be sent directly to the Supervisor, shall be 1/20/2006 with interviews being held the following week. The Town Clerk is authorized and directed to advertise same.

Seconded by: Councilman Miller

Motion carried 4-0
Gray - absent

Resolution #28-2006

A **Motion** was made by Councilman Spano that the Town Board hold a Special Board Meeting to interview prospective Planning Board, Zoning Board of Appeals and Historic Preservation Commission members on 1/25/06 at 6:00pm at the Town Hall and further authorizing the Town Clerk to advertise same and to post notice of such meeting.

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

Web Site Policy

Resolution #29-2006

A **Motion** was made by Councilman Miller that the Town Board adopt the Web Site Policy as prepared with immediate effect. See page 50-2, 53-5

Seconded by: Councilman Spano

Motion carried 4-0

January 5, 2006

3319

NEW BUSINESS:

Update of the 1969 Comprehensive Plan/Overview:

Supervisor Duke reviewed the series of Town Hall meetings held in 2004 and 2005 as well as a town-wide survey conducted in May, 2005 when residents said a revision of the comprehensive plan was necessary.

Chazen Companies, Town Technology and Fairweather Associates were the three firms invited to submit proposals.

After reviewing the three proposals, Supervisor Duke recommended that the Town Board select Fairweather Associates, based on relevant qualifications, local experience, timeliness and cost.

Our Planner, Susan Blickstein from Chazen indicated that Chazen would very much like to work with the town in this process.

Resolution #30-2006

A Resolution was made by Councilman Miller that the Town Board retain Fairweather Associates to assist the Town in revising its comprehensive plan in accordance with its written proposal during the period of January, 2006 to January, 2007 at a cost of \$38,357.00.

Seconded by: Councilman Spano

Motion carried 4-0
Gray - absent

Funding of this project was discussed. We will be cautious in our endeavors and prepared for unforeseen expenses, including a slight fee from Chazen, the following amount was recommended for this project.

Resolution #31-2006

A Motion was made by Councilman Miller that the Town Board designate \$60,000 from the 2005 Fund Equity for the update of the Comprehensive Plan.

Seconded by: Councilman Spano

Motion carried 4-0
Gray - absent

Resolution #32-2006

A Motion was made by Councilman Miller that the Town Board hold a Special Meeting for the Update of the Comprehensive Plan on 1/11/06 at 6:30pm at the Town Hall, and that the Town Clerk be authorized and directed to advertise same.

Seconded by: Councilman Miller

Motion carried 4-0
Gray - absent

PUBLIC HEARING SCHEDULED RE: TEMPORARY MORATORIUM ON BUILDING:

Resolution #33-2006

A Motion was made by Councilman Miller that the Town Board shall conduct a public hearing on proposed LL # 1-2006 re: a temporary Moratorium on Development within the Town of Rochester. The Hearing will be held on 1/18/06 at 7:00pm at the Town Hall and further authorizing the Town Clerk to advertise same.

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

ANNOUNCEMENT:

THE LEAGUE OF WOMEN VOTERS will sponsor an informational meeting on 1/14/2006 at City Hall, Kingston, NY from 10:00-12:00.

PUBLIC COMMENT PERIOD:

All comments, questions and discussion was regarding the Fire Company. Several fire fighters made the public aware that as a result of the Fire Commissioners meeting on 1/4/06, and after a vote of not accepting the vote of the Fire Chiefs and Assistant Chiefs prior to the 1/4/06 meeting, that a command structure was not in place for the Town. Supervisor Duke and Attorney Futerfas spoke to the fact that however unfortunate this situation is, the Town has no legal authority or jurisdiction regarding this matter. Councilman Spano, liaison to the Fire Company will follow up on this matter and report back to the Board.

ADJOURNMENT:

A Motion was made by Councilman Miller to adjourn the meeting at 10:12pm.

Seconded by: Councilman Santosky

Motion carried 4-0
Gray - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC