

A Public Hearing was held on July 7, 2005 at 7:00pm at the Town Hall regarding proposed Local Law #3-2005.

PRESENT:

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

Councilman Ryan led the Pledge of Allegiance to the Flag and Supervisor Duke began the meeting with a moment of silence in memory of those who were killed in London this morning.

Michael Baden suggested that the language in Section A be changed to be consistent in Section B, specifically changing the word "may" to "shall". He also recommended that in numbers 12, 15,21,35,38 and 44 that the line"determined by the Planning Board" be changed to "waived by written request by applicant...).

Frank Striano spoke to the fact that if the language were changed that it would take a month longer for the applicant.

Michael Baden answered that the waiver could be done ahead of time and be submitted at the first meeting with the Planning Board.

Shane Ricks said that these items do not pertain to small buildings and will take another month and put the applicant behind.

Michael Baden suggested that we look at section B to be consistent to this law, and possibly combine.

The Board requested that Mr. Baden put his comments in writing for review by the Town Board and to be shared with the Planning Board.

A Motion was made by Councilman Gray to continue the public hearing on August 4, 2005 at 7:00pm.

Seconded by: Councilman Ryan Unanimously approved

Respectfully submitted,

Veronica I. Sommer  
Town Clerk/RMO

The Town Board Meeting was held immediately following the public hearing that began at 7:00pm.

PRESENT:

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

OPEN SPACE INSTITUTE - The presentation by Bob Anderberg, VP & General Council of OSI was unable to attend this evening and will attend the August 4, 2005 Town Board Meeting.

OPEN TO THE PUBLIC:

Stuart Frazer apologized to the Board for his inappropriate comment at the June Board Meeting.

Ruth Bendelius read her letter re: the PB's approval of an application without the proper information.

Kathy Kuthy read the local law on "official map".

Walter Levy spoke to the importance of the WEB site.

Richard Geldard requested that the Town support the resolution opposing casinos.

David O'Halloran disagreed with Mr. Levy saying that protocols and procedures be put in place so one person does not make all the decisions for what goes on the Town's WEB site.

Marge Bonner said that over 1500 individuals have looked at the site and she has received only two negative comments.

Alex Miller said censorship is un-American and he is in favor of a descending voice.

Carl Chipman said the WEB site should be for public service, authorized town events and agendas put on in a timely manner.

Supervisor Duke said that the agenda is on the WEB site the Friday prior to the Town Board Meeting.

Len Bernardo said that censorship is out of the question - set criteria.

Imre Beke, Conservative Party Chair said they would not be linked to WEB site if they had a WEB site - feels political opinions should not be promoted by tax dollars and standards should be set.

Shane Ricks said that political parties should not be on the site, and said why are we voting re: Casinos, this is only for political reasons; he also commented on recent comments regarding his storage shed business, it just doesn't die.

Morris Swartwood spoke in favor of Casinos saying it will bring employment to the Town, and he knows 102 people in favor of having them here.

Lisa Chichkov looked on the WEB site for activities for Memorial Day weekend and found nothing, she found a parade in Stone Ridge. She also found that the Fire House in Accord had a parade - it wasn't advertised and she was dismayed at the lack of attendance honoring our Veterans.

Marge Bonner said she is a volunteer doing this WEB and has put in over 300 hours - if organizations/events want to be on the site they need to contact the WEB site - she does not solicit.

David O' Halloran said he was not personally attacking Marge, nor questioning her integrity, WEB site needs protocols.

Alexia Grace said we need other avenues than casinos for our children to work.

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Britton Baker said the WEB site should be non-partisan and that there should be no political parties on the site; doesn't think this is a place for casinos; thanked the Board for supporting the Scenic Byway Open Space grant proposal and the Rural sub-committee grant that was just submitted. and that the Town map should be followed.

Peter Sutherland spoke to concerns regarding Project 32 "swimming hole". He submitted a letter and also suggested that no parking signs be posted.

Eric Eck spoke to the Project 32 swimming hole saying that it's a concern and that when signs were posted several years ago, the traffic slowed down considerably.

Kandy Santosky who lives on Project 32 Road suggested posting a larger "No Parking" sign at the beginning of the road stating no parking anytime, this along with other signs along the road might be more effective.

Ann Morris said that the WEB site is for all residents, new and old and all have equal access - public service - need to celebrate our diversity.

Suzanne Durocher from NRDC speaking to the casino issue said that her agency is mainly concerned about the environmental impact. She also said that there is a bigger picture if a casino goes into another town in Ulster or Sullivan County - it will impact our Town.

**APPROVAL OF MINUTES:**

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

June 2, 2005 Public Hearing LL#1 - Code of Ethics

June 2, 2005 Public Hearing LL#2 - Granting Real Property Tax Exemption living quarters/parent/grandparent

June 2, 2005 Town Board Meeting

June 29, 2005 Audit/Workshop Meeting

Seconded by: Councilman Gray

Unanimously approved

**SUPERVISOR'S REPORT** - Filed with the Town Clerk.

**CORRESPONDENCE RECEIVED/AVAILABLE FOR REVIEW BY PUBLIC:**

Letter from Jennifer Greer, Recreation/Pool Director, Kerhonkson Pool thanking us for our support and shared pool fees for this season posted.  
Letter from Assemblyman Clifford Crouch re: our letter for tax reform.  
Letter from Mike Offner, KAFAS re: 40th Anniversary parade & celebration.  
Thank you from Tim Reynolds re: donation for school trip.  
Letter from Robert Keagle re: concerns of the Board of Fire Commissioner and the Fire Department.  
Letter copied from Mr. Keagle to Lyle Roebuck re: Fire Comm. 6/20/05 mtg.  
Letter copied from Environmental Protection Agency to Steve Owens re: Allegations of Unauthorized Discharge of Fill into Wetlands.  
E-mail from Peter Sutherland re: Project 32 swimming hole.  
Letter from Dept. of Transportation re: our letter of traffic safety concerns.  
Letter from Alice Cross, Historic Preservation Comm. Chair re: new member.  
Letter copied from Frank Striano to Mel Tapper re: Open Development Status on Cliff Road.

**SUPERVISOR'S UPDATE:**

**Traffic concerns:** A response was received from DOT - upon completion of these studies we will be informed of the results of each request.

**Clearwater's Hudson River Watershed Grant** - letter sent by Supervisor.

**Whitfield Cemetery:** Supervisor Duke and Councilman Ryan met with an Auditor from the Division of Cemeteries (DOS) and reviewed various files. A meeting will be scheduled with Joy Lapp, President and plot owners to determine the future direction of this organization.

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**Request for monies** - After lengthy discussion, the Town Attorney to review whether or not this practice is fiscally allowed.

**Official Town Map** - Copies of the 2002 map will be distributed to the Town Board. Supervisor Duke requested a research group be formed to determine what the exact 30 year history of the commercial setback is. Ruth Bendelius and Michael Baden volunteered.

**Fire Company** - Councilman Hornbeck offered to be liaison to the Fire Company due to the Fire Company's actions at a recent commissioners meeting.

**Camp Rav Tov** - The head of the camp has promised to remove all exterior speakers, however, it appears that this has not yet been done.

**LEGAL MATTERS** - No report.

**LIAISON REPORTS:**

Councilman Hornbeck shared the highlights of the last Planning Board meeting and the Fire Company. A vote of the commissioners will be held in December.

Councilman Gray shared the highlights of the ZBA and the Historic Preservation Commission's suggestion to appoint Ms. Berkowitz as a member, also reported that Richard Travers has plans to restore Barley's General Store on Main Street. He also gave an update from the Assessor re: 76 property transfers recorded during April/May.

Councilman Ryan shared the Youth Department highlights.

ECC/Transfer Station/Highway - no reports

Supervisor Duke gave highlights of the month for the Code Enforcement Dept.

**COMMITTEE REPORTS/BOARD MEMBER REPORTS:**

Councilman Gray gave an update on the grant prepared and submitted by the Rural Character Subcommittee.

Councilman Santosky said the Ethics Board will meet later this month.

Planning/Zoning Committee: Supervisor Duke and Councilman Gray

Walter Levy gave a summary of the subcommittee on Rural Character and reported on the minor subdivision proposal #1, the Overlay District proposal #2 for Route 209 and proposal #3 regarding architectural design review.

Councilman Gray reported on the Economic Development Sub-committee's progress.

Telecommunication Committee, Councilman Gray & Santosky met on June 15th, 28th and 29th and shared their developments.

Cost of Community Services Study Report: Councilman Gray said the draft was completed.

**RESOLUTIONS:**

**Resolution #108-2005 - KAFAS USE OF TOWN BARN ROAD FOR PARADE**

**A Motion** was made by Councilman Ryan that the Town Board permit the Kerhonkson-Accord First Aid Squad to use the Town Barn Road for their July 17, 2005 parade in commemoration of their 40th Anniversary and be it further resolved that Saturday, July 17, 2005 shall be designated "Kerhonkson-Accord First Aid Squad Day" in the Town of Rochester in Appreciation of their continuous and distinguished service to our Town.

Seconded by: Councilman Gray

Unanimously approved

**Road Work Bids**

**A Motion** was made by Councilman Gray that the Rochester Center Road and Queens Highway Intersection bid be awarded to Frank Kortright Excavating, supplying larger equipment enabling more work per hour.

**Frank Kortright Excavating, Inc.**

D6H Dozer	\$150.00/hr w/operator
30 Ton Excavator	150.00/hr w/operator
5 Yard Loader	150.00/hr w/operator
Tri-axle Dump (20 ton load capacity)	105.00/hr w/operator

**TJ's Excavation LLC**

D5N Bulldozer	\$150.00 per hour
3 Yard Wheel Loader	150.00 per hour
Excavator/20 Tons	150.00 per hour
20 Yard Dump truck	85.00 per hour

Seconded by: Councilman Ryan

Unanimously approved

**Resolution #110-2005 - Opposition to Casino Gambling**

**A Motion** was made by Councilman Gray, seconded by Councilman Ryan, that

WHEREAS, the Town of Rochester adopted a law on February 14, 1964 amended in its entirety at the time of the adoption of the Code of the Town of Rochester, a law "Bingo" to regulate the game of bingo, which is now included as Chapter 60 of the Code of the Town of Rochester; and;

WHEREAS, the Bingo Local Law of the Town of Rochester permits games of chance by approved organizations as the term is defined in Section 476 of the General Municipal Law of the State of New York upon obtaining a license therefor as required by the provisions of Article 14-H of the General Municipal Law; and;

WHEREAS, the Town of Rochester adopted Local Law #3 of 1998, which was adopted on May 7, 1998 and passed by referendum on November 3, 1998, a law ("Games of Chance") to regulate games of chance, which is now included as Chapter 85 of the Code of the Town of Rochester; and;

WHEREAS, the Games of Change Local Law of the Town of Rochester permits games of chance, as such are defined by the New York State Racing and Wagering Board, upon obtaining a license therefor as required by the provisions of Article 9-A of the General Municipal Law; and;

WHEREAS, the Town Board believes that the further proliferation of games of chance, and the establishment of Casino Gambling in the region is potentially detrimental to the health, safety and general welfare of the citizens of the Town of Rochester, and;

WHEREAS, The Governor has introduced to the New York State Legislature Program Bill #06 of 2005, "An Act to amend the executive law, the tax law, the state finance law, the environmental conservation law, and the education law in relation to authorizing the settlement of New York Indian Land Claims" and;

WHEREAS, The State Legislature is considering proposals for casinos in the Catskills. and:

WHEREAS, There are potentially significant consequences to the public health and safety, including implications regarding traffic and infrastructure, crime, economic and fiscal concerns, impacts on children and families from alcoholism, drug abuse and other addictive behaviors associated with gambling, and other community character considerations that may be overlooked by an expedited environmental review, and;

WHEREAS, The Sullivan County Legislature endorsed Governor Pataki's proposal to allow five "Indian-run casinos" in that county on the 10th of February, 2005, and;

WHEREAS, The Ulster County Legislature has yet to endorse Governor Pataki's proposal to allow five "Indian-run casinos" in the county, and;

WHEREAS, The New York State Senate hearings on the casino plan to take place on the 28th of February in Albany, and the 3rd of March in Monticello, and

WHEREAS, published scholarly research indicates that counties with legalized casinos suffer individual bankruptcy rates more than 100 percent higher than counties that remained "casinoless" while on the other hand, the casino counties experienced business bankruptcy rates that were 35.4 percent less than their matching counties without casinos, and that casino counties were much more likely to experience Chapter 7 and Chapter 13 bankruptcies, but less likely to experience Chapter 11 bankruptcies, and;

WHEREAS, Tribal casinos are not required because of sovereignty to transfer funds to state and local government agencies like other commercial enterprises. Ulster County, the Town of Rochester and other local municipal agencies have no legal remedy to compel casinos to pay for the public infrastructure, goods and services that they may utilize. While Tribal governments have entered into voluntary agreements with state, county and/or local governments to defer the costs of public infrastructure, goods and services which would be required to sustain any such casino, these agreements have been entered into without a comprehensive environmental review and often understate dramatically the extent to which infrastructure and services may be necessary to support such an endeavor.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town Board of the Town of Rochester hereby expresses its opposition to any plan to establish ongoing casino gambling in the Town of Rochester.
2. That the Town Board of the Town of Rochester hereby expresses its opposition to the proposed concentration of casino gambling in the region surrounding the Town of Rochester, and in particular, Ulster County.
3. That the Town Board of the Town of Rochester hereby expresses its support for a complete environmental review under the provisions of the State Environmental Quality Review Act for any plan to establish ongoing casino gambling in the State of New York.
4. That the Town of Rochester hereby calls on the Ulster County Legislature to reject the Governor's plan.
5. That a study be conducted to evaluate the true fiscal implications of casino gambling on our local economy, including individual and business bankruptcy rates, and the costs to the Town of Rochester to provide community services relative to increased traffic and police services to be fully addressed.
6. That potentially significant consequences to the public health and safety of the citizens of the Town an region, including implications regarding traffic and infrastructure, crime. economic and fiscal concerns, impacts on children and families from, alcoholism, drug abuse and other addictive behaviors associated with gambling, and other community character considerations be carefully evaluated.

. Unanimously approved

**Resolution #111-2005 - Establishment of Tax Committee**

**A Motion** was made by Councilman Gray that the Town Board adopt a Property Tax Committee; its purpose is to educate residents and property owners in the Town of Rochester of the manner in which Town of Rochester property tax assessments and property taxes are determined, provide information on eligibility for available abatements and other ways that residents and property owners might reduce their property bills, to ensure that assessment criteria are fairly and consistently applied, assist and advise the Office of the Assessor in matters related to property tax assessments, and to make recommendations to the Town Board on matters related to property taxes in a manner that balances the need for revenue to provide governmental services, with equity and fairness for the taxpaying public.

Seconded by: Councilman Ryan

Unanimously approved

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**Resolution #112-2005 - Tax Committee Members**

**A Motion** was made by Councilman Hornbeck to approve the following as members of the Tax Committee; Sharon Hornbeck, Assessor, Alan Bendelius, Alan Levine, Bruce Schoonmaker and Loretta McClain.

Seconded by: Councilman Gray

Unanimously approved

**Resolution #113-2005 - Establishment of Business Development Standing Committee**

**A Motion** was made by Councilman Gray that the Town Board adopt a Business Development Study Committee for the purpose to analyze existing business activity in the Town, develop a business recruitment plan with incentives and to make recommendations on zoning law changes that support targeted businesses in the Town of Rochester. The committee plans will be in a manner consistent with the Town's rural character, preservation of natural resources and the quality of residential life.

Seconded by: Councilman Ryan

Unanimously approved

**Resolution #114-2005 - Business Development Committee Members**

**A Motion** was made by Councilman Gray to approve the following as members of the Business Development Committee; Paul Champanier, Tom Edwards, Mark Bellehumeur and Morris (Butch) Swartwood.

Seconded by: Councilman Ryan

Unanimously approved

**Resolution #115-2005 - Historic Preservation Commission Appointment**

**A Motion** was made by Councilman Santosky that Joan Berkowitz be appointed to the Historical Preservation Commission for a term to expire on December 31, 2008 as recommended by Alice Cross, Chair of this Commission.

Seconded by: Councilman Gray

Unanimously approved

**Resolution #116-2005 - Environmental Conservation Commission Appointment**

**A Motion** was made by Councilman Ryan that Kristen Marcel and Ellen Rodriguez be appointed to the Environmental Conservation Commission, their term to expire December 31, 2008.

Seconded by: Councilman Gray

Unanimously approved

## Resolution #117-2005 - Community Center Barn Roof

Quotes received for the barn roof as follows:

East Coast Roofing & Home Improvement	\$ 9,600.00
Roofs-R-Us Corporation	11,000.00
Don Oakley	19,600.00

A Motion was made by Councilman Gray that the award of the Community Center Barn roof to East Coast Roofing & Home Improvements for \$9,600.00.

Seconded by: Councilman Santosky Unanimously approved

## UPGRADING ELECTRIC IN TOWN HALL

Quotes received for electrical upgrade as follows:

Don Wright	\$4,125.00
Catskill Mountain Electric	3,376.13
Tom S. Electrical Services	6,500.00

Discussion was held on the recommended amps. The Board requested a quote from Catskill Mountain Electric for 200 amp service. Also to discuss this with Don Wright. Once information is gathered, the Board will call a special meeting if action is necessary.

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## Resolution #118-2005 - Software for Assessor's Office

A Motion was made by Councilman Gray that the Apex Sketch Software program for \$539.95 be purchased for the Assessor. To be paid from the Assessor's Equipment line.

Seconded by: Councilman Santosky Unanimously approved

## Resolution #119-2005 - Software for WEB site

A Motion was made by Councilman Gray that the Town Board approve the purchase of the Adobe Acrobat for PDF, price not to exceed \$300.00 and will be taken from the computer line.

Seconded by: Councilman Hornbeck Unanimously approved

## Resolution #120-2005 - Grant Monies Awarded

A Motion was made by Councilman Gray that Jessica Sweeney be awarded \$150.00 towards her People to People trip this summer.

Seconded by: Councilman Santosky Unanimously approved

## Old Business

### Town Newsletter - Rochester Review

A second Rochester Review is about to be published. Several articles are being written and the first draft should be completed in two weeks for Board review.

### Operating Statement-6/30/05

Supervisor Duke distributed the 6/30/05 copy to all Board members showing where we stand financially, and reviewed how to read the new form.

## **New Business**

A new Town truck was delivered today.

## **Second Public Comment Period**

Morris (Butch) Swartwood spoke to the People to People trip that the Town has donated to two students saying that he hopes the money will be returned if they do not raise the necessary funds. He was told yes. He also asked that "no parking" signs be posted on Friedlander Drive.

Kathy Kuthy said the "Rent a Kid" program sponsored by the Youth Department is the best thing going!!! She also gave an update on the fire truck.

Britton Baker spoke to the newly formed Business Development Committee and requested that the current businesses be supported.

Kandy Santosky said she thought that a municipality only paid a fee at the conclusion of a project. Attorney Christiana to research.

Butch Swartwood said that the contractor could be paid half of the job and then leave town.

## **ADJOURNMENT:**

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

Seconded by: Councilman Gray

Unanimously approved

Respectfully submitted,

Veronica I. Sommer  
Town Clerk/RMO