

October 6, 2005

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The Town Board Meeting was held on October 6, 2005 at 7:00pm at the Town Hall.

PRESENT:

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

Supervisor Duke read the rules of procedure.

SUPERVISOR'S REPORT: Filed with the Town Clerk.

OPEN TO THE PUBLIC:

Michael Baden spoke to having another Townwide clean up day due to the amount of accumulated debris on the roadsides. He suggested that the Town sponsor two of these days a year. He also said he was concerned about the yard sales occurring on a regular basis specifically on Rt. 209. Besides running as a business, there is a safety issue. He urged the Board to address these issues.

APPROVAL OF MINUTES:

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

September 1, 2005	Public Hearing re: Local Law #4
September 1, 2005	Town Board Meeting
September 16, 2005	Special Meeting re: staff Performance Reviews
September 28, 2005	Audit/Workshop Meeting

Seconded by: Councilman Gray Unanimously approved

CORRESPONDENCE RECEIVED: (Filed with Supervisor)

9/09/05	E-mail/Todd Foster re: Highway Department fill.
9/16/05	Letter/Jeremiah O' Sullivan re: tax status on Wood Rd. property.
9/21/05	Letter/Mark Moran, Civil Engineer/DOT re: closing passing zones on Rt. 209 N & S of Airport Rd, & N & S of Kelder's Farm.
9/22/05	Letter/Wayne & Nancy Semelmacher re: reducing speed limit on Lucas Avenue.
9/22/05	Letter/Donna Palmer, Accord Speedway Owner requesting two additional race dates be added to 2005.

SUPERVISOR'S UPDATE:

Supervisor Duke presented highlights of the Audit/Workshop Meeting. (See 9/28/05 minutes)

Planning Board highlights were shared by Councilman Hornbeck.

ZBA meeting was cancelled.

Youth Department and Community Center highlights were shared by Councilman Ryan. Make reservations for the upcoming Haunted House.

Historic Preservation Commission: Councilman Gray received a letter from Albany re: the Rural Historic District near a proposed development on Lower Whitfield Road.

Councilman Gray said Bill Collier will price a bronze plat honoring all veterans. This will be placed at a strategic Town location.

Barley's Store on Main Street is no longer condemned.

Councilman Gray also shared the property transfers filed with the Assessor's Office during August, 2005.

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Environmental Commission: Supervisor Duke & Councilman Ryan said that the Environmental Management Council developed maps for our NRI. The maps cover surface water, slopes, shore lands (riparian), sand & gravel, protected open space, historic districts & sites, ag districts, aquifers, flood plains, bedrock geology, hill shaded elevation, watersheds, wetlands and aerial view. Also, Steve Winkley, New York Rural Water Association presented where he is on developing a Groundwater Protection Plan for the Town of Rochester.

Supervisor Duke gave highlights for the month on Code Enforcement.

Transfer Station - No report.

Councilman Hornbeck attended the Fire Commissioners meeting - their budget was approved by a 4-0 vote.

#### **Committee Reports/Board Member Reports**

Grant Research & Writing Committee - No report

Ethics Board - Councilman Santosky shared that the discussion on defining the amount of time for alleged violations reported to the Ethics Board be discontinued until January when someone else can work on this. He also said that he had spoken to several organizations regarding this issue and was told for the most part that an allotted timeframe was not a part of their laws/policies and that common sense dictated according to each situation.

Planning/Zoning Committee: Supervisor Duke shared the following: Maps have been received from the UC Environmental Management Commission The ECC met with Steve Winkley of the NY Rural Water Association to discuss a study of the groundwater protection in the Town. Sub-committee reports were discussed.

Supervisor Duke announced that the Shawangunk Scenic By Way has been awarded \$65,000 for developing a regional plan for making the region more appealing to residents, tourists and commercial interests.

Rural Character Sub-Committee - Walter Levy shared that the Subcommittee began reconsidering the definition of what rural character means to the Town of Rochester. The definitions of rural character is important because it is at the heart of what the community finds second to taxes as the most important element in its make-up. The subcommittee took up the task to work on the project.

A Clear definition of rural character is needed for flexibility and vision for the Town's future as it is developed for residential, commercial and recreational purposes.

Drafting suggestions for creating an overlay district along Route 209.

Drafting a preliminary version for a code that establishes ground rules for design and architectural review.

Drafting a recommendation for revising the subdivision code that defines major and minor subdivision.

Economic Development Sub-Committee - No meeting, however Town of Rochester bumper stickers were donated at no cost to the Town and they are available to residents while the supply lasts.

Telecommunication Committee - Councilman Gray said there is progress in collecting information related to establishing a Wi-Fi internet capability in the Town.

Cost of Community Services Study Report - Councilman Gray said this report is in final review, when completed will be presentation to the Town residents.

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Real Property Tax Committee held their meeting on 9/27/05. A Power Point presentation was prepared using material from Sharon's presentation. Assessor Hornbeck will give the presentation at each of the Town's four polling places at 7:00pm on:  
October 18, 2005 Alligerville Fire Hall  
October 19, 2005 Accord Fire Hall  
October 24, 2005 Rochester #2 Fire Hall  
October 25, 2005 Court House

Business Development Committee - No meetings

#### RESOLUTIONS:

#### Web Site Policies:

Resolution 138-2005 (withdrawn)

A Motion was made by Councilman Gray that the Town Board approve the Town of Rochester Web Site Policies including but not limited to Content Policies, Use of Web Site, Availability of Information, Contribution Policies, Links, News and Information, Privacy Notice, Links to Other Web Sites, Disclaimer of Liability and Local Businesses.

Seconded by: Supervisor Duke  
Discussion ensued regarding the main administrator of the site.

Motion was withdrawn.

Transfer of Highway Funds:

Resolution #138-2005

A Motion was made by Councilman Hornbeck that the Town Board approve the transfer of Highway funds totaling \$80,355.95 from DA3501, State Aid (FEMA) to DA5110.4 General repairs contractual line.

Seconded by: Councilman Ryan

Unanimously approved

ECC Co-Chair

Resolution #139-2005

A Motion was made by Councilman Gray that the Town Board approve Amy Fradon as co-chair of the Environmental Conservation Commission.

Seconded by: Supervisor Duke

Motion not carried 3-2

Duke/Gray aye

Hornbeck/Ryan/Santosky nay

BOAR Appointment:

Resolution #140-2005

A Motion was made by Councilman Hornbeck that the Town Board appoint Lea H. Becker to the BOAR, her term to expire September, 2010.

Seconded by: Councilman Santosky

Unanimously approved

TRANSFER STATION HEATER PURCHASE:

The following quotes were received for a new heater.

Tim's Air Conditioning & Heating	\$3,618.54
Philip Conklin	2,800.00
KOSCO	4,125.00

Resolution #141-2005

A Motion was made by Councilman Ryan that the Town Board accept the quote from Philip Conklin to install a new heater at the Transfer Station. The \$2800.00 to be paid from the Contingency line.

Seconded by: Councilman Santosky

Unanimously approved

Old Town Truck:

Resolution #142-2005

A Motion was made by Councilman Ryan that the Town Board approve that the old town truck be restricted to use at the Transfer Station for plowing - if further work is required on said vehicle, it will be sold.

Seconded by: Councilman Santosky Unanimously approved

Community Center Roof Repair:

Resolution #143-2005

A Motion was made by Councilman Ryan that the Town Board approve that Don Oakley & Co. repair the Community Center Roof for the sum of \$987, total to be taken from the Contingency line.

Seconded by: Councilman Hornbeck Unanimously approved

Historic Signs:

Resolution #144-2005

A Motion was made by Councilman Gray that the Town Board, at the request of the Historic Preservation Commission allow the Highway Department to install historic markers in the State Highway Right of Way upon receipt of a letter from the NYSDOT (Department of Transportation).

Seconded by: Councilman Hornbeck Unanimously approved

2006 Accord Speedway Race Dates:

Resolution #145

A Motion was made by Councilman Santosky that the Town Board accept the Accord Speedway 2006 race dates as presented.

Seconded by: Councilman Santosky Unanimously approved

OLD BUSINESS:

Supervisor Duke reminded everyone that on October 21, 2005 at 7:00pm at the Rosendale Recreation Center on Route 32, Assemblyman Cahill will discuss his statewide program bill A08069 that changes the financial basis of the costs of education from exclusively relying on property taxes.

NEW BUSINESS:

Town Clerk Sommer announced that the Tentative Budget was presented to the Town Board on September 30, 2005.

Reimbursement Request:

Resolution #146-2005

A Motion was made by Councilman Hornbeck that the Town Board reimburse Sonia Kortright for expenses incurred at a recent Court Clerk's Conference.

Seconded by: Councilman Gray

Unanimously approved

OPEN TO THE PUBLIC:

David O' Halloran, on behalf of the Republican Club requested that the up-coming Reval/Update meeting be held after the election to prevent these meetings from becoming political events. He also said he was told that the Property Tax Committee wanted the meetings moved to after the election.

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Martha Tardibuono, member of the Tax Committee said the committee did discuss this and decided to schedule the meetings in October.

Kathy Kuthy said she feels this meeting has been obstructed by politics.

Carl Chipman suggested that the Reval/Update meeting be moved to November to keep them from being politicized.

Ed Lamon commended the Palmer's for running a good ship (speedway).

Lisa Chichkow asked why the speedway has to renew their permit on a yearly basis. She also commented on Supervisor Duke's rude behavior towards Councilman Ryan.

EXECUTIVE SESSION:

A Motion was made by Councilman Hornbeck that the Town Board enter into executive session at 8:35pm regarding a pending Workers Comp case and litigation with Giles Edwards.

Seconded by: Councilman Gray

Unanimously approved

A Motion was made by Councilman Gray to reconvene the meeting at 8:55pm with the Supervisor reporting no action was taken nor monies expended.

Seconded by: Councilman Hornbeck

Unanimously approved

Consent Order/Edwards Property:

Resolution #147-2005

A Motion was made by Councilman Gray that the Town Board authorize the Code Enforcement Officer to enter into a consent order in the Edwards action allowing for a schedule of completion of removal of junk and debris from the premises over the next seven months. The consent order shall contain a provision that if Mr. Giles Edwards does not comply with the schedule, he is responsible for fines and that the Town will clean up the property and the special assessment will be added to Mr. Edwards tax bill if necessary.

Seconded by: Councilman Hornbeck

Unanimously approved

**Appeal Authorized:**

A Motion was made by Councilman Gray that the Town Board authorizes the Attorney for the Town to bring an appeal from the Ahlers decision to the Workers Compensation Appeals Board.

Seconded by: Councilman Hornbeck Unanimously approved

**ADJOURNMENT:**

A Motion was made by Councilman Hornbeck to adjourn the meeting at 9:00pm.

Seconded by: Councilman Gray Unanimously approved

Respectfully submitted,

Veronica I. Sommer  
Town Clerk/RMC