

September 1, 2005

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The Town Board Meeting was held on September 1, 2005 immediately following the Public Hearing re: Veteran's Exemptions.

PRESENT:

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

ABSENT:

Councilman Santosky

KERHONKSON/ACCORD FIRST AID & RESCUE SQUAD PRESENTATION:

Since it was founded in 1965, the volunteers of the Kerhonkson Accord First Aid Squad have provided an invaluable service to our community, responding to calls for emergency medical care, training members of our community in life-saving CPR, leading us in blood drives and responding to our community's emergency needs with first rate care and professional service. In honor of its 40th anniversary, Supervisor Duke was pleased to present a plaque from the Town Board to the volunteers, past and present, of the Kerhonkson Accord First Aid Squad on behalf of the people of the Town of Rochester for their distinguished service to our Town and the members of our community.

OPEN TO THE PUBLIC:

Kathy Kuthy requested that the Board reach out to the neighboring towns to sponsor "Rondout Valley Cares" (Kathy's suggestion for a name) for the victims of the recent hurricane in LA and MI.

Michael Baden referred to his previous request for written waivers with the Site Plan Checklist and brought to the Boards attention that written waivers for subdivisions are required by our subdivision laws. He requested that the Board reconsider his previous proposal. He also said that the Planning Board is currently not requiring these written waivers regarding subdivisions.

Attorney Christiana said that the written waivers for subdivisions are a state requirement. Councilman Hornbeck and Attorney Christiana also said that the Planning Board has imposed this requirement in the past.

APPROVAL OF MINUTES:

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

August 4, 2005	Public Hearing re: LL#3 amending Chapter 140/Article IX
August 4, 2005	Town Board Meeting
August 24, 2005	Audit/Workshop Meeting

Seconded by: Councilman Hornbeck

Motion carried 4-0
Santosky - absent

SUPERVISOR'S REPORT: Filed with the Town Clerk.

CORRESPONDENCE RECEIVED:

Letter from Joel Sheely re: Lucas Tnpk speed limit
Letter from Betsy & Howard Mont re: reducing speed limit on Rt 209
Memo from Paul Melnick re: a neighbor perceived to be conducting a business in a residential area.
Letter from Hilda Gray re: water drainage on property slated for a new business on Rt. 209
Letter from Robert D. Gaudio of Snyder & Snyder, LLP re: a cell tower in the Town of Olive
Letter from Gay VanDemark re: reimbursement of money for unnecessary permit
Letter from Glenn Hoagland Exec. Dir. of Mohonk Preserve re: Five Towns Appreciation Weekend 9/17/05 and 9/18/05 9-5 free one month membership

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SUPERVISOR'S UPDATE:

Supervisor Duke highlighted her comments from the Audit/Workshop Meeting re: WEB site policies and the upcoming Tax Reform Meetings. (See page 3275)

LEGAL MATTERS:

Attorney Christiana reported on the Tax Certiorari filed by Suburban Propane.

LIAISON REPORTS:

Planning Board/Fire Company - Councilman Hornbeck shared the highlights. Stating the Fire Commissioner's Meeting was cancelled due to lack of a quorum.

ZBA/Historic Preservation Commission & Assessor's Office highlights shared by Councilman Gray. He also shared that the plans to purchase the Barley property have fallen through.

Youth Commission highlights shared by Councilman Ryan.

CEO - highlights shared by Supervisor Duke.

Transfer Station - Councilman Ryan said a new furnace is needed, he will look into this and report back to the Board.

Highway - Supt. Kelder said that the arm mower will be used shortly to cut brush on all Town roads throughout the remainder of the year.

COMMITTEE REPORTS/BOARD MEMBER REPORTS:

Grant Research & Writing Committee - Councilman Gray met with Kevin O'Connor, RUPCO director regarding the Main Street Grant application.

Telecommunication Committee - Councilman Santosky & Councilman Gray met with Time Warner. They made the following commitments:

2005 Upper Whitfield Road (1.6 miles & 31 homes)

2006 Towpath Road (2.45 miles & 39 homes)

2006 Stonykill Road (1.7 miles & 36 homes)

This will add 106 newly cabled homes and add 5.75 miles to Town cable miles.

Continue to monitor Webjogger's progress of the placement of an antenna at Mohonk

Discussion with regard to providing Town data to another hi-speed internet access company

No progress in NEXTEL's or Cingular's interest in establishing a presence in our Town

Cost of Community Services Study Report - Councilman Gray said after review, the document will be finalized and a presentation made to the Town residents regarding the study's findings

Real Property Tax Committee - Three meetings were held in August for training -

The Town Property Reval is one topic to be presented during the scheduled Town Hall meetings during October

The Committee will continue to develop other objectives

RESOLUTIONS:

Resolution #129-2005

LOCAL LAW #4-2005 Site Plan Checklist

A LOCAL LAW ADDING A NEW ARTICLE VI TO CHAPTER 128 OF THE CODE OF THE TOWN OF ROCHESTER (TAXATION) INCREASING THE MAXIMUM VETERAN'S EXEMPTION AND PROVIDING AN EXEMPTION FOR GOLD STAR PARENTS PURSUANT TO SECTION 458-A OF THE REAL PROPERTY TAX LAW

A RESOLUTION was made by Councilman Ryan, seconded by Councilman Gray that it be enacted by the Town Board of the Town of Rochester as follows:

Section 1 Purposes and Intent

Section 458-A of the Real Property Tax Law of the State of New York (RPTL) provides a limited exemption from real property taxes for real property owned by persons who rendered military service to the United States of America, provided that such property meets the requirements set forth in the law.

Section 458-A of the RPTL additionally provides that a town may by local law grant an alternative exemption from real property taxation for qualified residential real property owned (and occupied) by veterans of defined periods of war, veterans who received expeditionary medals, or certain members of their family, based on a percentage of assessed value.

The Town of Rochester finds and determines that it is in the best interest of the community and especially in the best interest of owners of real property who have rendered military service to the United States of America to provide increased exemptions to such veterans and to provide enhanced exemptions where the veteran can document service in a combat theater or combat zone and where a veteran has received a service connected disability rating from the Veterans Administration or the Department of Defense, as those terms are used in Real Property Tax Law, Section 458-A.

Section 2. Statutory Authorization

This local law is enacted pursuant to the authority contained in RPTL Section 458-A (2) (d) (ii) and (7) (b).

Section 3. Amendment to Code

There shall be added to Chapter 128 of the Code of the Town of Rochester, a new Article VI entitled Exemption for Veterans to read as follows:

Section 128-18 Increase of Exemptions

The maximum exemptions allowable pursuant to paragraphs (a), (b), and (c) of subdivision 2 of Section 458-A of the Real Property Tax Law are increased to \$27,000, \$18,000, and \$90,000 respectively.

Section

Section 128-19 Gold Star Parents

A. Gold Star Parents as defined in Real Property Tax Law Section 458-A(7)(a) are deemed to be included within the definition of a "qualified owners" as provided in Real Property Tax Law Section 458-A(1)(c).

B. Property owned by a Gold Star Parent is deemed to be included within the definition of "qualified residential real property" as provided in Real Property Tax Law Section 458-A(1)(d), provided that such property shall be the primary residence of the Gold Star Parent, as provided by Section 458-a(7)(c) of the Real Property Tax Law.

C. The additional exemption provided for in Real Property Tax Law Section 458-A(2)(c) shall not apply to real property owned by a Gold Star Parent.

Section 3.

This Local Law shall be effective immediately upon filing with the Secretary of State.

Roll call vote: Councilman Gray aye
Councilman Hornbeck aye
Councilman Ryan aye
Supervisor Duke aye

Motion carried 4-0
Santosky - absent 3281

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ROAD MAINTENANCE AGREEMENTS:

Resolution #130-2005

A Motion was made by Councilman Hornbeck that the Town Board accept a Road Maintenance Agreement with Laraine Calari for private road, Kirby Lane and authorize the Supervisor to sign said document.

Seconded by: Councilman Ryan Motion carried 4-0
Santosky - absent

Resolution #131-2005

A Motion was made by Councilman Hornbeck that the Town Board accept a Driveway Maintenance Agreement with Wayne and Glória Greer off Mettakahonts Road and authorize the Supervisor to sign said document.

Seconded by: Councilman Ryan Motion carried 4-0
Santosky - absent

Meeting Date Changes:

Resolution #132-2005

A Motion was made by Councilman Hornbeck that the Town Board change the November 3, 2005 Town Board Meeting to November 10, 2005 when the Budget will be presented.

Seconded by: Councilman Ryan Motion carried 4-0
Santosky - absent

Resolution #133-2005

A Motion was made by Councilman Hornbeck that the Town Board schedule a Public Hearing for the 2006 Budget on November 10, 2005 at 7:00pm at the Town Hall with the Town Board Meeting immediately following, and further authorizing the Town Clerk to advertise same.

Seconded by: Councilman Gray Motion carried 4-0
Santosky - absent

Resolution #134-2005

A Motion was made by Councilman Hornbeck that the Town Board change the November 30, 2005 Audit/Workshop Meeting to November 23, 2005 due to scheduling conflicts.

Seconded by: Councilman Gray Motion carried 4-0

Reimbursement Request:

Resolution #135-2005

A Motion was made by Councilman Hornbeck that the Town Board reimburse Gay VanDemark \$22.80 from a building permit that was not necessary.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

FUEL OIL BIDS DISCUSSED:

Supervisor Duke shared how the County bid works and that the Town can participate as soon as its obligation to Kosco has been fulfilled. #2 fuel oil, propane, off road diesel and unleaded gas are included with the County bids - effective November 1, 2005. The Board approved to go forward with this as it will be a cost savings to the Town.

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OLD BUSINESS:

Board members were reminded of the upcoming Future of UC Tourism seminar. The Town bus needs inspection - possibly when the school has their buses done. Councilman Ryan will look into this and report back to the Board.

Supervisor Duke will research the minutes for a possible resolution regarding the sale of the Town Truck.

NEW BUSINESS:

Councilman Gray shared the upcoming Governance Day opportunity scheduled for October.

OPEN TO THE PUBLIC:

Michael Baden suggested that the Town put an article in the Freeman regarding the brush cutting since many folks do not have access to the WEB. Patricia Rowe of the Daily Freeman was present and has that information.

Kathy Kuthy asked if the Fire Company needed to receive information regarding the fuel oil bids for their budget. Councilman Hornbeck shared that the Board has never done this before and they get what they get.

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 8:05pm.

Seconded by: Councilman Gray

Motion carried 4-0
Santosky - absent

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC