
TAXES & CASINOS

Rochester Residents Association, Inc.

Summer 2004

In this Issue

As we have received many comments on rising taxes, we thought it would be beneficial to give an overview so that property owners can gain a better understanding of the process by which property taxes are determined and collected.

Aggregate taxes increased by 83% on a single-family house from 1992 to 2003. The chart on the back of this newsletter shows that total payments for school, county, town, and fire district taxes increased by 53% from \$2,668 to \$4,092 in the eleven year period. The current assessed value of the sample home is approximately \$122,000.

Property owners in the Town of Rochester pay several different taxes. The largest component is the school tax levied by the school district. In addition to the school tax, levies are assessed by (1) Ulster County, (2) the Town of Rochester for general operating funds and capital expenditures, (3) the Town of Rochester for highway maintenance and related capital expenditures, and (4) the Accord Fire District. Other communities might also be included in other tax districts such as those for rescue squads, public water or sewer systems, or public libraries.

In addition to discussing how taxes are calculated and levied, we've written about the effects of certain projects such as mobile home parks on taxes and list ways that homeowners might be able to reduce their own taxes.

We've devoted a few pages to the issue of casino gambling in our region, which has been a hot topic of discussion for several years. Even if casinos aren't approved in Ulster County, casino gambling is expected to have a significant impact on our community.

This issue also includes an interview with newly-elected Supervisor Pam Duke and articles on the status of the Little Ones''' Library, expanded hours for the Town Clerk's office and other news in the Town of Rochester.

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TAXING AUTHORITIES AND HOW TAX LEVIES ARE DETERMINED

The School District

The Town of Rochester, along with Marbletown and parts of Wawarsing and Rosendale, is a part of the Rondout Valley Central School District (RVCSD).¹ RVCSD operates the public school system, which is comprised of one high school, one middle school, and three elementary schools for the 2,974 pupils served by the school district. Among the school district's employees are 253 teachers and 15 administrators. The district's 2004-2005 operating budget, including certain capital expenditures and debt service, will be approximately \$48.4 million. The school district is supervised by a paid administrator called the Superintendent of Schools, who reports to a publicly-elected nine-member Board of Education (School Board)² headed by the Board of Education president. Three members of the School Board are elected each year for a three-year term in an election conducted in May of each year. All residents of the school district's boundaries who are 18 or older are allowed to vote in the School Board election.

Each year in the spring, the School Board, working with the school district's administrators, prepares a draft budget for the coming school year, which starts July 1 and ends June 30 of each year. The School Board conducts a public hearing to discuss the proposed budget and to make spending adjustments as needed. These public hearings provide an opportunity for various constituents such as parents, student groups, and taxpayers to discuss academic, after-school, capital and other expenditures and to express their concerns, which usually relate to high taxes or programs being underfunded. The proposed budget also includes estimated revenues from state educational aid. Once the public hearings have been conducted and the School Board has agreed upon a proposed budget, the proposed budget is presented to voters in a budget vote. In this budget vote, which is usually conducted in May,³ voters can vote to either accept or reject the proposed budget.

¹ Most of Rochester is RVCSD, but parts of Rochester are also located within the boundaries of the New Paltz, Ellenville and Tri-Valley school districts.

² Not including two non-voting student members.

³ Budget passed on May 18, 2004, 1092 votes to 1021.

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If the proposed budget is approved by voters, that budget becomes the school district's budget for the following academic year. If the proposed budget is rejected, there is a further budget review process,⁴ including at least one public hearing, and a budget re-vote is conducted. If the budget is approved in the re-vote, the second budget becomes the school district's budget for the coming year. If the budget is rejected in the re-vote, the school district is obliged to adopt an "austerity" budget⁵ that contains statutory maximum increases from the prior year. Either through voters' approval of a proposed budget, or through a default "austerity" budget, a budget for the following academic year is thus adopted.

Once the budget is adopted, the total amount of state and other aid and revenue sources is deducted and the total tax levy is determined.⁶ The tax levy is the amount that is to be paid by taxpayers. The tax levy is due in September, the first month of the School District's fiscal year. If there is a state budget deficit, it is likely that state education aid to the School District will be reduced.

The School Budget is one of the few budgets that property owners have the right to vote on directly. Participating in the hearing process and voting in the school budget gives residents the opportunity to have a direct say in the amount of taxes paid for our region's schools. Voting by absentee ballot is permitted for all school district elections and budget votes for those who are unable to vote in person.

The County Tax

Rochester is one of the 20 towns, two villages, and one city within Ulster County. The County administers and pays for social services (about 40% of the county budget), funds part of the community college, county highways, Sheriff's Office, jail and probation, the Ulster County Resource Recovery Agency, the county clerk and DMV office, general administrative services, the Ulster County Development Corp. rural transportation, and debt service. The 2004 budget for the county was approximately \$284 million and the county tax levy was

\$42 million, an 8.2% increase from 2003.⁷ The county is administered by a county administrator, who reports to the County Legislature, through the elected legislature chairman.

Ulster County has 33 legislators, divided into twelve voting districts, each of which has between two and four representatives. One feature of the Ulster County Legislature is that it is one of the only counties in the Hudson Valley that has large multi-member districts, which means that there are fewer districts, that the districts are larger⁸, and that each has more than one legislator.⁹ The Town of Rochester is mostly within County Legislative District #1, along with Warwarsing, although about 300 voters reside in Legislative District #3 along with Marbletown. Our District #1 county legislators are: Susan Cummings (R-Ellenville), Gerald DePew (R-Kerhonkson), Theresa Hyatt (D-Ellenville), and Joseph Stoeckler (D-Ellenville). After the November 2003 election, the composition of the County Legislature is 17 Republicans and 16 Democrats.

In response to the 2000 Census results, the County Legislature was required to adopt new districts to reflect population changes since 1990. The County Legislature adopted a redistricting plan in 2001 that contained seven "mega-districts" that was cited by the New York Supreme Court as potentially being unconstitutional, but let the districts stand for the November 2001 election as it was too late to draft a new redistricting plan. In December 2002, a revised plan was adopted that contains eight mega-districts and one single-member district. A county-wide petition drive took place in January 2003 that called for a county-wide voter referendum to determine if the mega-district plan adopted by the County Legislature is acceptable. On April 24, 2003, a new 12-district plan was adopted by the Legislature. In November 2003, Voters adopted referenda to reduce the legislature to 23 districts in January 2012 and to make them single member districts at the same time.

⁷ Daily Freeman, December 4, 2003. The increase from 2002 to 2003 was nearly 20%.

⁸ Larger districts make it more expensive for candidates to run, providing an advantage to incumbents.

⁹ This is analogous to having the states of New York, Connecticut and New Jersey being represented by six U.S. senators, rather than two for each state. Under this "mega-district" system, it would be possible for New York to elect all six senators (since it has the largest population) and for Connecticut and New Jersey to have no senatorial representation. Larger districts make it more expensive for candidates to stand for election, thus favoring incumbents.

⁴ Changes are not necessarily made in the second budget.

⁵ Typically results in curtailment of sports, music and extracurricular activities.

⁶ It is difficult to determine the tax levy as the State government has been late in adopting its budget – and the amount of state aid.

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Every two years the entire legislature is elected for a two-year term. The election takes place in November and all voters within the legislative district are allowed to vote. Voting by absentee ballot is permitted for those who are unable to vote in person.

The budget process for the County Legislature is similar to that of other taxing authorities. A draft budget is drawn up in consultation with county administrators and department heads in a hearing process that is open to the public. Assumptions on revenues such as state aid, sales tax,¹⁰ cellular telephone user fees,¹¹ user fees, interest and investment income, etc. are also included in the budget process. The County Legislature then votes on the budget, frequently making last-minute amendments. Once the budget is approved by the County Legislature and non-property tax revenue assumptions are applied, the county tax levy is determined. This is the amount that is paid by property owners within the county. The county tax is due in January, the first month of the county's fiscal year, and is collected by the tax collector in each municipality.¹²

The Town Tax

The Town of Rochester imposes its own tax levy on people who own property within the township. The Town pays for certain local services such as social services, youth programs, and transfer station as well as the cost of town employees including the supervisor and town board, town clerk, town justices, and building inspector. The 2004 budget for the Town is approximately \$1,289,938 and the tax levy is \$632,888.

The day-to-day administration of the Town is conducted by the Town Supervisor, who also serves as the Town's budget officer, under authority granted each year by the Town Board. The Town Supervisor does not have inherent executive powers other than those granted through resolutions by the Town Board. Two Town Board members are elected every two years for four-year terms. There are a total of four Town Board members (plus the Supervisor). The Supervisor is elected every two years for a two-year term. The current Supervisor is Pam Duke (D/RF¹³-Kerhonkson) and the four Town Board members are: Francis Gray (D/RF-Kerhonkson), Randall Hornbeck (R/C-Stone Ridge), Thomas Ryan (R/C-Kerhonkson), and Ronald Santosky (R/C-Kerhonkson).

¹⁰ The Ulster County Legislature increased the county sales tax from 7.75% to 8.0% in 2002.

¹¹ Imposed for the first time in 2002.

¹² The most current budget has been troubled by a \$21 million cost over-run for the construction of the county jail.

¹³ Rochester First independent line

All persons registered to vote in the township are eligible to vote for the Supervisor and Town Board members in person or by absentee ballot in the November election.

The Town's budget process is similar to that of other taxing authorities and the process is conducted under the auspices of New York's Town Law. In October, the Town Board conducts public hearings and meets with department heads to determine financial requirements for the following calendar year. The budget process also takes into consideration non-property tax revenue sources such as state aid, user fees, etc. A draft budget is adopted and voted on by Town Board members at a public meeting. It should be noted that the Town budget includes a \$10,000 donation to the Ellenville library district to partially alleviate the costs arising from residents from the Town of Rochester using those facilities as Rochester does not have a general use library of its own.¹⁴ The budget also includes grants to several non-profit volunteer emergency, community service, and recreational organizations.

Once the budget is adopted by the Town Board, the amount of expenditures less any non-taxpayer revenues, becomes the amount that is levied as the Town Tax. The Town Tax is due in January, the first month of the Town's fiscal year, and collected by the town's tax collector.

Town Highway Tax

In addition to the Town Tax, there is a Town Highway Tax. Revenues collected from this tax are used for road maintenance, including snow removal and roadside tree trimming, equipment procurement and maintenance, and capital improvements. The town maintains approximately 118 miles of roads in Rochester,¹⁵ not including U.S. Route 209, or the various County roads in the township such as County Route 3 and County Route 6.

The Highway district is operated under the direction of the Town's Highway Superintendent, under the fiscal supervision of the Town Board. The budget is proposed by the Highway Superintendent. The Highway Superintendent is elected every other November for a two-year term. The current Highway Superintendent is Wayne Kelder (R/C/D-Accord). All persons registered to

¹⁴ Effective 2004 the Town eliminated a donation to the Stone Ridge Library, which now requires a \$40 annual usage fee from Rochester families.

¹⁵ New York State Dept. of Transportation

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vote in the Town of Rochester are eligible to vote for the Highway Superintendent in person, or by absentee ballot if the voter is unable to vote in person.

The Highway Superintendent works with the Town Board to finalize a budget for the coming fiscal year. Revenues such as State and Federal aid are projected and the amount not covered by outside sources is passed to property owners as the Town Highway Tax. In 2004 the highway budget was \$1,228,055 and the Highway Tax levy was \$1,068,147.

Fire District Tax

Most of Rochester lies within the Accord Fire District.¹⁶ The Fire District operates three volunteer fire companies located in Accord, Samsonville/Tabasco, and Alligerville. The companies provide fire fighting and rescue services to our town and, under certain circumstances, to neighboring communities under mutual aid agreements. The fire district tax pays for company equipment, training and other personnel costs. There are approximately 65 volunteer firefighters and members. The fire district operates under the direction of the Board of Fire Commissioners, which consists of five members. One member of the Board of Fire Commissioners is elected every December for a five-year term.. The current fire commissioners are Lyle Roebuck (Chair), Richard Countryman, Robert Hoar, Steve Schoonmaker, and Fred Wustrau.

The 2004 budget is \$396,812. Taxes increased by about 42% in 2003 because of the adoption of a "Length of Service" retirement plan in 2002 and a modest increase in capital expenditures.

In October, the members of the Board of Fire Commissioners prepare a budget for the following fiscal year. The amount of the adopted budget, less other sources of income, becomes the fire district tax levy for the following year. Taxes are collected by the Town Tax Collector in January, the first month of the Fire District's fiscal year. All voters registered to vote within the Fire District are allowed to vote in person to elect Fire Commissioners, but the Board of Fire Commissioners,

which administers the election, does not permit people who are not able to vote in person to vote by absentee ballot.

HOW TAX LEVIES ARE PASSED ON TO PROPERTY OWNERS

What determines the Amount of a Property Tax Bill?

The amount of a particular property's tax bill is determined by two things: the property's taxable assessment (less any applicable tax exemptions) and the tax rates of the taxing jurisdictions in which the property is located. The tax rate is determined by the amount of the tax levy to be raised by the taxing authority, and the property's taxable assessed value. The assessment is determined by the assessor and is based on the value of the property.

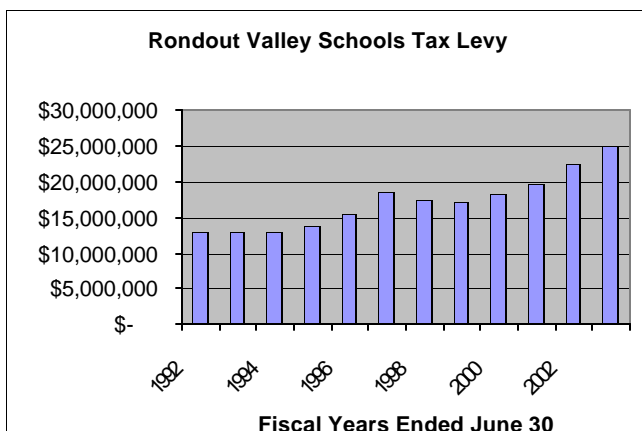
What kind of property is assessed?

Every parcel of real property in the town is assessed. Real property is defined as land and any permanent structures attached to it such as houses, stores, vacant land, hotels, farms, apartments, restaurants, and in most cases, mobile homes. Though all property in a town is assessed, not all of it is taxable. Some, such as religious or government owned property, are completely exempt from paying property taxes. Others are partially exempt, such as homes owned by veterans who might qualify for an exemption of part of the property tax.

What is an assessment?

A property's assessment is a percentage of its market value. Market value is the price at which a property would sell under normal conditions. Assessments are determined by the assessor. The assessor can estimate the market value of property based on the sale prices of similar properties. A property can also be valued on the depreciated cost of material and labor required to replace it. Commercial property may be valued on its potential to produce rental income.

Once the assessor estimates the value of a property, its total assessment is calculated. NY State law requires that every property be assessed at a uniform percentage of value, which in the Town of Rochester for 2004, was 70%. It does not matter what the percentage is. What is important is that every property is assessed at the same uniform percentage within the township. After a property's total assessment is determined, its assessed value is computed. The taxable assessed value is the total assessment less any applicable property tax exemptions such as Veterans, STAR, etc.



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How do I know if my assessment is correct?

It is up to individual property owners to monitor their own assessments. Taxpayers should bring any questions about assessments to the assessor before the tentative roll is established. The assessor can explain how the assessment was determined and the rationale behind it. A booklet called "How to File a Complaint on Your Assessment" is available online¹⁷ or by contacting the Assessor.

What determines the tax rate?

As noted in the preceding section, the tax rate is determined by the amount of the tax levy. First the officials of the taxing jurisdiction develop and adopt a budget. Revenue from all non-property tax sources is determined and deducted from the budget. The balance becomes the tax levy and it is the tax levy that is collected through property taxes.

How is my tax bill calculated?

Property taxes are *ad valorem* taxes, based on the value of the property. Owners of properties of equal value should pay the same amount in taxes (not including exemptions). The owner of a more valuable property should pay more taxes than the owner of a less valuable property. The assessed value of the property (less exemptions) times the tax rate determines the amount of your tax bill.

What makes my tax bill change?

Tax bills can change because of any of the following: bigger budgets are adopted, non-property tax revenue or aid decreases, taxable assessed value of the property changes, or the tax levy is apportioned among different municipalities differently. Taxpayers unhappy with growing property tax bills can examine the scope of budgets and expenditures of the various taxing jurisdictions and address those issues in the available forums such as town board, school board, county legislature, etc.

How will a town re-assessment increase my taxes?

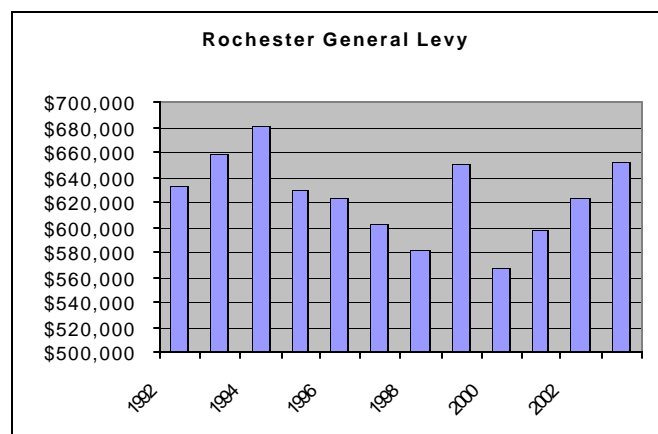
An increase in your assessment or a town-wide revaluation does not necessarily mean an increase in your taxes. A property's assessment is meant to reflect its market value. As market values increase or decrease and the assessments do not keep pace in reflecting these changes, some property owners could be paying more

than their fair share of taxes, while others may be paying less than their fair share. Re-assessments are intended to restore fairness in the community.

Sometimes the taxes will be shifted among types of property. For example, if all of the market values in a community increased since the last re-assessment (1999 in Rochester), but the value of brick houses increased more rapidly than the value of frame houses, the owners of brick houses should pay a greater portion of taxes. Accordingly, the owners of frame houses should pay a smaller portion in line with equitable valuation. The longer the period between re-assessments, the more likely taxpayers will experience dramatic tax shifts when re-assessments finally occur. It is important that assessments be determined fairly by using uniform standards and more frequent re-assessments help to provide more accurate valuation and a more equitable distribution of tax burden.

What is the impact of second home ownership on our tax bills?

The total assessed valuation of the town as of January 1, 2003 was approximately \$367 million. Of this amount, approximately 30% (by value¹⁸) was owned by people with mailing addresses outside of the Town of Rochester. Accordingly these individuals paid approximately 30% of local tax bills. The aggregate value of residential property as of that date was approximately \$238 million, of which 22% (by assessed value) was owned by people with mailing addresses outside the Town of Rochester. Clearly, second homeowners and non-resident property owners pay a significant portion of the local tax levy. At the same time, their utilization of municipal services such as schools, social services, and certain local services is relatively low. As such, such property owners are net contributors of tax revenue. It is a widely-held fallacy, however, that a high proportion of second homeowners and non-resident property owners increases the taxes of other residents in the town.



¹⁷ www.orps.state.ny.us/pamphlet/complain/book2002/index.htm

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WHAT YOU CAN DO TO REDUCE YOUR PROPERTY TAXES

State law provides several exemptions that can reduce the amount of the taxable assessed valuation of your primary residence. All exemptions must be filed by March 1, which is the taxable filing date.

Star Exemption

The Basic STAR exemption is available for owner-occupied primary residences regardless of the owners' age or income. Basic STAR works by exempting the first \$30,000 of the full value of a home from school taxes. To receive this exemption, you must file an application with the town's assessor.

The Enhanced STAR exemption is available for the primary residences of people 65 and older with annual household incomes not exceeding the statewide standard. To qualify in 2003, your household income on your 2001 tax return may not exceed \$62,100. This program exempts the first \$50,000 of the full value of your home from school taxes. For properties owned jointly by spouses or siblings, only one owner must be 65 or older, but the maximum income level prevails for qualification. Application forms can be obtained from the assessor.

Agricultural Exemption

Properties larger than 10 acres that produce revenues above a certain threshold and that are used for qualified agricultural purposes might be eligible for an agricultural exemption.

Veterans Exemption

If you served in the armed forces during certain periods, you may be entitled to a 15% reduction in town and county taxes, subject to a cap. If you served in a qualified combat zone, you may be entitled to an additional 10% reduction.

Senior Exemption

Qualified senior might be eligible for a senior citizens exemption, subject to income restrictions. This exemption applies to town, county, and school taxes.

Disability Exemption

Qualified individuals might be eligible for a disability exemption, subject to income restrictions. This exemption applies to town and county taxes only.

Combining Parcels

If you own additional parcels that are contiguous to your primary residence, you might be able to combine them for

tax purposes. In most cases, the taxes on the combined parcel will be less than aggregate valuation of the uncombined parcels.

Conservation Easements

By donating or selling the right to develop portions of qualified land to a land conservancy or other non-profit organization, you might be able to take an income tax deduction on the value of the development rights and could potentially reduce your property taxes on that land. Contact us for a list of local land conservancies.

THE EFFECT OF CERTAIN TYPES OF DEVELOPMENT ON YOUR TAX BILL

According to a report prepared by the American Farmland Trust covering the tax policy analysis of more than 80 communities around the country,¹⁹ owners of farm, forest, and open lands pay more in taxes than they receive in local services. According to the studies, residential properties use \$1.10 worth of public services for every \$1.00 in tax revenue that they generate, while farms, forests, and open land use only \$0.26 in local services for every \$1.00 in tax revenue that they generate. These figures demonstrate that there is a significant benefit from the preservation of Rochester's open farm and undeveloped spaces contrary to the popular myths that "if land is removed from tax rolls badly needed tax revenue is taken away from municipalities," or that "residential development will reduce property taxes by increasing the tax base."

In the Town of Rochester, there are several proposed or recent projects that could have an impact on property values and related taxes.

Metro Recycling & Crushing

As previously noted, property taxes are based on value. In most cases, property values have increased around Ulster County. The planned re-opening of the Rock Mountain Farms mine on Queen's Highway is expected to cause a relative decline in the value of neighboring properties, thus reducing the tax revenues generated by those properties. As we reported in May 2000, there are 161 properties located within 2,000 feet of the mine with a combined assessed value of \$11,520,500.²⁰ Assuming only a 15% decline in property value for those homes, there will be a decline in assessment of more than \$1,728,075. As the budgets of taxing authorities have

¹⁹ Cost of Community Services Studies: Making the Case for Conservation, American Farmland Trust

²⁰ Town of Rochester property tax assessment roll for 2000.

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only increased in recent years, the other property owners in town must pick up the tax payments associated with the decline in value associated with the planned mine.

Streamside Estates

The new owners of the former Tessler's Trailer Park on Cherrytown Road are seeking the Planning Board's consent to expand the facility from 16 spaces to 64 spaces. This will bring an additional 48 housing units. Assuming that each housing unit will add an average of one child to our public schools, there will be 48 new students in our school district at an annual cost of about \$15,000 per student²¹ (\$720,000 per year). Trailer communities are taxed on the value of the improvements and land, not necessarily on the value of the housing units. For example the 47-space Hidden Forest Estates mobile home community on Mettakahonts Road is assessed at only \$517,000, and with STAR and Enhanced Star Exemptions, generates only \$7,813 per year in property and school taxes.²² The difference between the cost in schools and other municipal services and the property tax revenue generated will mostly be paid by the other residents of our town. The location of the park will also increase the fire district's cost of insurance, which will be passed to taxpayers.

Kerhonkson Low Income Housing Project

A developer attempted in 2003 to obtain approval from the Town of Wawarsing for a 34-unit housing project that was expected to add dozens of children to our school district. While this project was in Wawarsing, parts of it were to be within the town of Rochester and would have had an effect on the tax bills of Rochester property owners. The Rochester Town Board decided not to support a prior version of the plan in February 2002 that would have included building more units in Rochester unless the project were designated solely as senior citizens housing.

Affordable Housing

There is a significant need in our community for affordable housing for working families. Many people in our community, including young families and senior citizens, are unable to find well-maintained housing at an affordable cost. We believe that the long term implications of this shortage must be addressed by local government, which can impose greater enforcement of existing laws requiring landlords to properly maintain their rental properties and by discussing ways that enable residents to purchase affordable homes in our community.

²¹ School budget divided by number of pupils.

²² Assessed value of about \$10,770 per housing unit and average taxes paid of about \$163 per housing unit.

MINING ACTIVITY UPDATE

The Department of Environmental Conservation (DEC) held an issues conference on March 25, 2003 on Metro Recycling & Crushing. At this meeting, which was closed to public comment, lawyers and expert witnesses retained by the Rochester Residents Association in opposition and Metro Recycling and the DEC in favor presented their arguments on air quality, hydrogeology, traffic, and noise. The proceeding was conducted by a DEC administrative law judge, who subsequently ruled that there was merit to some of the arguments presented by RRA attorneys. The applicant and the DEC appealed that ruling and a final determination is still pending.

Separately, the DEC is also considering a May 2004 permit application submitted by Mombaccus Estates Ltd.²³ to continue to mine sand and gravel from a seven acre area and also mine material from an additional seven acres of a 14 acre total life-of-mine on a 22.5 acre parcel. This proposed permit renewal will increase the area to be mined from seven acres to a maximum area of 14 acres. A total of approximately 300,000 cubic yards of material is proposed to be removed from the site. The project is located on the south side of Rochester Center Road 1,000 feet east of Cross Road in the Town of Rochester.

CASINO GAMBLING

What is the issue?

New York State recently agreed in principle to issue three casino gambling licenses to Indian tribes to permit them to operate three casinos in the Catskills. Two casinos are tentatively slated for Sullivan County and one is under negotiation for Ulster County in Ellenville, near the Nevele Hotel. Plans call for a 155,000 sq ft casino, 40,000 sq ft. of meeting and convention space, 600 hotel rooms, a 2,000-seat theater and parking for 3,000 cars, and 100 buses, trucks and RVs²⁴ on 150 acres of a 225-acre site on the Kelly Farm on Route 209 in Ellenville.

Proponents believe that the construction of a local casino will create jobs and stimulate the economy in a now-depressed area. Opponents argue that the long term cost to the community in terms of actual expenditures and

²³ DEC Environmental Notice Bulletin, April 28, 2004

²⁴ Daily Freeman April 20, 2003

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social costs will far exceed the revenues generated and retained in the surrounding community.

Who will approve the deal?

The Ulster County Legislature signed a contract with the Modoc Indians in which it will receive up to \$15 million per year for seven years (once it is built) in exchange for supporting the application and actively helping to get the proposed casino situated. Out of these annual payments, the County will have to pay for certain development costs and, at its own discretion, pay certain municipalities. Once the County approves the plan, it must obtain the support of both the U.S. Department of the Interior's Bureau of Indian Affairs and the governor.

How did the county legislature review the plans?

The County Legislature voted on the original nine-month contract in April 2002 and voted to renew the contract for three years in March 2003. The contract was negotiated by the Legislature's leadership and individual legislators did not receive information on the matter until the date of the first vote. A special five-member committee was appointed to review the matter, but meetings were conducted privately and no minutes were kept, a violation of the State's Open Meetings Law.²⁵ The findings of the committee were never released to the public. All reports and impact studies were prepared by representatives of the applicant tribe.

Were any public hearings conducted?

The County Legislature did not conduct any public hearings related directly to casino gambling or to the Modoc's application, nor are any planned. The Marbletown Community Development Committee, however, held a open town meeting in late March 2003 that was attended by residents from all over the county.

What will happen next?

The State of New York has been sued by a group of individuals who have challenged the State's authority to issue licenses for casinos. The plaintiffs believe that gambling is prohibited by the New York State Constitution. All future casino development is dependent on the outcome of this suit and a verdict has been expected for months.

The county is waiting for the Modocs to complete the ten impact studies required as part of the application.

One of the completed reports is the traffic study, which indicates that there will be approximately 1,300 vehicle trips per hour, an increase from approximately 550 peak trips per hour at present. When the remaining impact reports are completed the Modocs will submit the application to the Bureau of Indian Affairs.

OTHER NEWS

IMAGINE ROCHESTER A HUGE SUCCESS

On Saturday, May 15th, approximately 85 residents participated in an all-day workshop sponsored by the Town Board to assess the issues that people in our community feel are important and to come up with ideas on how to examine these ideas in greater depth. This session followed a series of town-wide meetings attended by about 250 residents and town employees held during the weeks prior to May 15th.

The people who attended, including Supervisor Pam Duke, Councilmen Francis Gray and Tom Ryan, Highway Superintendent Wayne Kelder as well as a number of Zoning Board of Appeals members and one Planning Board member, broke up into six discussion groups with town residents to discuss the promotion of our town's hamlets, the preservation of our town's rural character, improving communications between residents and the town, business development, promoting cultural and recreational activities, and environmental conservation.

While the attendees were a diverse group of residents including old-timers, newcomers, business owners, working families, retirees and a small number of weekenders, the ideas that were discussed were easily agreed upon: protection against over-development, preservation of open space and our town's rural character, and an improvement in the town's enforcement of existing zoning and other codes. In addition, there was nearly unanimous support for the opening of town offices during lunch time and Saturday mornings.

A compilation of the ideas that were raised at the session will be presented to the full Town Board for further review and the establishment of a list of priorities for the town's attention.

The session was an important first step in addressing the issues have arisen in the wake of the town's recent growth and we encourage the Town Board's proactive efforts in this area.

²⁵ Woodstock Times, April 4, 2003

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INTERVIEW WITH SUPERVISOR PAM DUKE

Pam Duke was elected as the Town of Rochester's first woman Town Supervisor in November 2003.

What was your first impression on the state of the Town's government upon taking office?

My predecessor, Harold Lipton, was extremely gracious and spent countless hours during the transition period briefing me on how our town government works. I also met with other members of the Town Board and other elected officials as well as Department Heads. Basically, what I learned was that the people working for the town are very dedicated and hard-working. We focused on what resources town employees need to improve the service provided to our taxpayers and how the town's government can meet our citizens' needs in the most cost-effective manner.

What are some examples of the administrative type of changes that you have implemented?

First of all, the changes have been made with the support and encouragement of my colleagues on the Town Board. Examples have been the adoption of new employee practices, including an employee manual, for town employees to bring our Town's employment practices up to date. The practices include mandatory annual performance reviews, anti-discrimination, and other policies that are designed to bring a more business-like structure to town government. The Town Board also adopted a local law requiring criminal background checks on all employees and volunteers who have contact with children. These are all ideas that have been discussed for years, but with the Town Board's support, we've finally adopted them.

Tell us about the "Imagine Rochester" program that you proposed to the Town Board.

The Imagine Rochester program involved a series of open meetings with town residents to discuss the strengths of our community and the characteristics that we value. These sessions were also designed to identify the challenges and pressures that participants felt were potential threats and possible ideas on how to address them. The meetings were publicized in the newspapers and flyers and open to everyone who wanted to attend. We had a very diverse group of people – more than 250 in all – who represented all segments of the town. On May 15th, about 85 people met to discuss possible goals for the community.

What issues were raised?

Surprisingly, the issues were essentially the same as those that were raised in written questionnaires sent to residents in 1969, 1988, and 2001: fear of overdevelopment, the preservation of open spaces and our town's rural character and, most resoundingly, a desire for more consistent enforcement of our town's zoning laws. We also received an overwhelming amount of feedback asking for Town offices to be opened during the lunch hour and on Saturday mornings. Based on this feedback, Veronica Sommer, our Town Clerk, has changed office hours to remain open during lunchtime and at other times by appointment. We all think that this will provide residents with better service and convenience in conducting business with the town.

So what will happen next?

Well, from the Imagine Rochester sessions and the numerous calls and emails that I've received from people in the town, I think we need to focus on improving communication between various town bodies and townfolk. I hope that we'll be able to put up a town website and to start an informal newsletter to keep people up to date on what's happening in town. The more people who participate, the better off we all are.

My main focus since taking office has been to help improve the process of open government – improve how decisions are made by inviting participation from the community -- so that everyone who wants to express an opinion can do so easily. Decisions need to be made openly, taking the best ideas that people put forth, keeping in mind what's best for the community, and not playing partisan politics. I think that if the decision making process is good, the decisions made by the town will be good. The Town Board has been extremely supportive and hard working and with their help, we can identify ways to protect what we all love about our community – especially its rural character, while at the same time creating an environment that is friendly to business and sustainable growth.

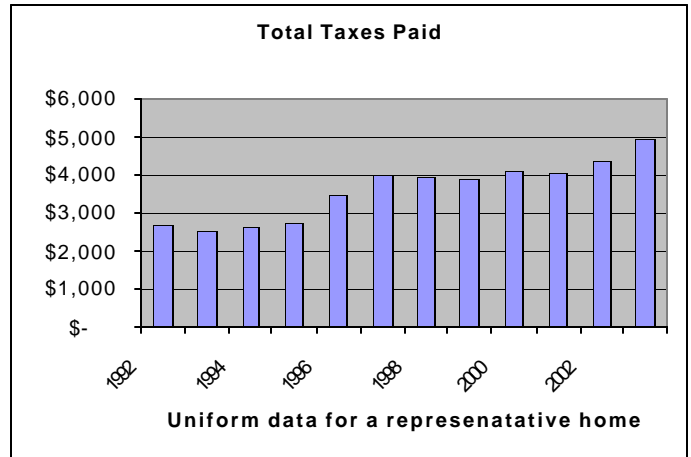
This interview was conducted on June 6, 2004.

Little Ones' Library Funding Curtailed

The Little Ones' Library was started by Cornell Cooperative Extension nearly five years ago to provide an early childhood learning program for pre-school age children in our community. The program serves approximately 370 children each year and offers imaginative ways of encouraging young children to become interested in learning so that they will be better students when they start school

Rochester Residents Association

Cornell Cooperative Extension's funding is expected to be curtailed as of December 2004 and a group of local residents is examining ways to obtain funding to make this program a permanent fixture in our community. If you would like to help this effort, please contact Len Bernardo at 626-0151.

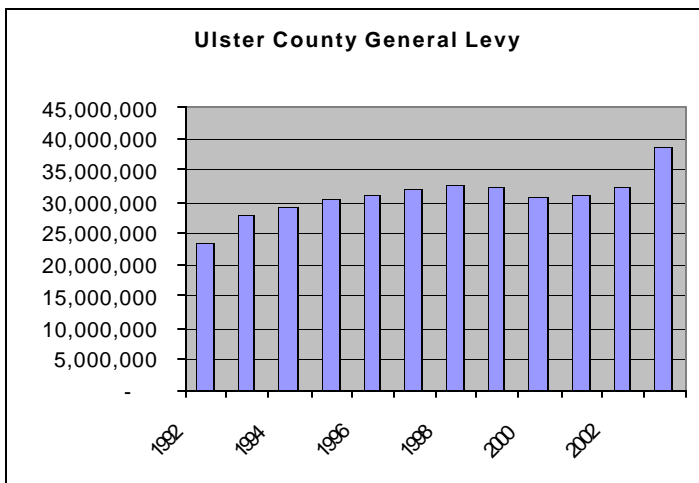


Town Clerk's Office Now Open during Lunch

In response to the numerous requests to have the Town Clerk's office open during lunch time, Town Clerk Veronica Sommer has agreed to open the office between 12:00 and 1:00 during the week on a trial basis. Town Clerk Sommer has also reminded residents that she is willing to assist with town matters by appointment during times when the office is not open. (Town Clerk telephone: 626-7384)

PLEASE JOIN THE ROCHESTER RESIDENTS ASSOCIATION

We have been successful in fulfilling our mission of creating a forum to discuss the future of our community in the face of increased development pressure. Our primary tool has been to provide news and information about the Rochester community to assist people in making their own decisions about development and other issues that face our town. As part of this process, we have also attempted to make the process by which our town government makes decisions more transparent and to encourage increased community involvement in this process. To this end, we have:



Website Features Local News and Information

Did you know that there's a website that features a listing of all businesses in town, local news, and information on local government? The website also features a listing of local artists and photos of their work, history of the town, and a map of local buildings on the National Register of Historic Places.

Visit www.accord-kerhonkson.com

For a free email subscription to local news, send an email to: resident@accord-kerhonkson.com

- Distributed news summaries every two weeks by email that contain local news, announcements, legal and governmental notices. The distribution list is now about 1,000 people and growing every week.
- Distributed periodic newsletters/reports on issues such as mining, trailer parks, and property ownership and use.
- Contributed to a website with a listing of all businesses and organizations, local history, local artists and artisans, government and other pages as well as an archive of news articles about the Town of Rochester. The website also lists RRA newsletters and other items of general interest such as the town's property tax roll. (www.accord-kerhonkson.com)
- Published a list of the town's registered historical properties, complete with maps, in order to assist the Town in adhering to the State's Historic Preservation Act, which gives historic and surrounding properties additional protection in the State's SEQRA process.
- Videotaped and broadcast on public access television dozens meetings of town government, including the Town Board, ZBA and Planning Board.

Rochester Residents Association

Meetings of the Ulster County Legislature the Accord Fire District Board of Fire Commissioner are also shown. Copies are available.

- Copies of the Code of the Town of Rochester, including laws relating to zoning and subdivisions are available for \$25.00, including delivery in the town. For further information, contact us.

Casino Gambling Survey:

1. Do you favor the opening of a casino in Ulster County? Plans call for a casino in Ellenville near the Nevele Hotel.
 Yes, I favor a casino
 No, I do not favor a casino.

2. Do you think that County Legislature should hold additional public hearings and meetings to inform the public about current casino plans?
 Yes, I support more public meetings
 No, I do not believe such meetings are necessary

3. Why do you support or oppose casino gambling in Ulster County?
 Creation of jobs
 Creation of entertainment options

 Traffic and strain on local services
 Additional cost of local services and higher taxes
 Increase in compulsive gambling and related costs to the community.
 Increase in crime
 I oppose gambling on moral grounds.

 I neither support nor oppose gambling but feel more detailed information should be studied before a final decision is made.

Other: _____

4. Do you favor an independent impact/environmental study regarding casino gambling in Ulster County
 Yes I favor an independent study
 No I do not support an independent study.

5. Should our town government take a public stand on casino gambling in Ulster County?
 Yes, please answer question #6
 No

6. Should our town government support or oppose casino gambling in Ulster County?
 Town government should oppose casino gambling in Ulster County
 Town government should support casino gambling in Ulster County

(You do not have to join the RRA in order to respond to the survey). _____

Name(s): _____

Address: _____

Tel.: _____

Email: _____

- I'd also like to join the Rochester Residents Association and enclose a check in the amount of:
 Individual- \$15.00 Family - \$20.00 Other \$_____

Please consider an additional contribution to assist with our legal expenses opposing Metro Recycling's proposed mine and the Streamside Estates Trailer Park expansion. All donations are fully tax deductible as permitted by law.

Please complete and mail to: Rochester Residents Association, Inc., Post Office Box 257, Accord, NY 12404

Rochester Residents Association, Inc.
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