

## Town Board Notes - 2002

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**Town Board Meeting  
December 5, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Drabkin, Hornbeck, Ryan, and Santosky, Town Clerk Sommer

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Supervisor's Report**

Supervisor Lipton said that his report was on file with the Town Clerk.

**Legal Matters**

Funds Transfer

Supervisor Lipton indicated that the town's bookkeeper found \$100,000 that he indicated was an "overabundance in the General Fund" and that at the recommendation of the accountants asked for a motion to transfer the funds to the Highway Department budget. The matter was tabled.

Dog Kennel Roof

Supervisor Lipton indicated that he received a bid for \$2,200 to replace the roof of the town's kennel. The lack of common specifications in the contract was discussed and the motion was tabled.

Arboretum

Councilman Drabkin indicated that he and three other townspeople formed a committee to plant an example of each of the 50 or so tree species indigenous to the town in an arboretum to commemorate the town's 300<sup>th</sup> anniversary next year. He asked the town board to consider allowing the planting to take place on town-owned land. The matter was passed unanimously.

Employment Manual

Supervisor Lipton reported that certain clarifications and misspellings needed to be corrected in the employment manual. These were all approved unanimously.

**Public Comment**

The meeting was opened to public comment at 7:20 pm.

Resident Steve Lincoln said that he and many residents of his neighborhood did not want Metro Recycling and Crushing to operate a 400 ton/hr crusher at its property on Queens Highway. He said that the mine was surrounded by homes on three sides and asked the Town to pass a law to keep the larger crusher out of the site. He said that the value of homes and the town's tax base will go down. He protested the fact that the Town and its various boards appear to have passed the matter to the DEC to decide.

Resident Len Bernardo said the Planning Board passed the decision to the DEC and stated that the Town Board has the opportunity to stop the growth of mining, which is what he and his neighbors were asking for.

Resident Marsley Holderman said that the town has to figure out what's best for the community and asked what good will come to the people of the town if the mine is allowed to reopen. She also said that the Queens Hwy has been shut down before because of excessive truck wear. Taxpayers shouldn't have to pay to repair the roads again.

Resident Len Bernardo said that the neighborhood has changed and indicated that the homes within 2000' of the mine represent more than \$11 million in total assessed value, vs. \$90,000 in assessed value for the

mine. The reopening will decrease the value of the homes and the town's tax base. He said that Queens Highway is a very dangerous road already and that increased truck traffic will make it more so.

Resident Anthony Yonta said that his house has been for sale and that he accepted an offer. When the prospective buyer called the Town offices, the town employee said "I wouldn't buy there" when asked about the mine. He lost his sale and indicated that people will not buy existing homes in the neighborhood. The prospect of the mine is affecting resale value.

Resident Len Bernardo said that there might not be much we can do about the 150/hr crusher. But that there was no reason to create or allow a larger crusher. He indicated that neighbors could pool money to assist in legal expenses.

Supervisor Lipton said he wanted to see the law and will call the town attorney.

Resident Terry Bernardo said that Saugerties passed a similar law and that the law was affirmed by the NY Supreme Court.

Supervisor Lipton said that they couldn't pass a law at the meeting and that the Town had to follow a process.

A resident asked the town board if they supported blocking the mine?

Resident Steve Fornal said that the town' can't pass a law that constitutes spot zoning but said the Town could pass a moratorium regarding new mining expansion. He said that the Town Board has done nothing in the past and asked the Town Board to uphold its obligation as government to protect property values and to protect against devaluation and the negative impact to the community. He said that neither the Planning Board nor the Town Board has mitigated any loss to residents. He asked the town board to make an honest effort to save hundreds of properties.

Resident Terry Bernardo said that no one from the Town government spoke at the June DEC hearing to represent our town and asked why the Town didn't represent us.

Resident Steve Fornal asked why the town board members weren't speaking. He indicated that they were elected to enter into a dialogue and to give their thoughts.

Councilman Ryan said that he went into to look at the site and the effect on the water supply.

Councilman Drabkin said that the existing permit allows Metro to operate multiple 150/ton/hr crushers under its existing operating permit and indicated that it's out of the Town Board's hands.

Resident Marsley Holderman asked what the Town Board's opinion was. She asked is the mine good for out town and said that the Town Board spent more time discussing the roof on the dog kennel than on this matter, which would affect many neighborhoods.

Councilman Drabkin said that the town had no power because of Home Rule.

Resident Steve Fornal said that the Ulster County Planning Board has reported many solutions and added that the Town Board doesn't have the will to protect residents.

Resident Len Bernardo asked the Town Board to create a law protecting residents under Home Rule.

Supervisor Lipton said that he was sure he'd be willing to work on such a law. "I definitely want to protect you folks and homeowners. I wouldn't want it to happen at my house.'

Councilman Ryan said that he favored keeping the crusher at the present 150 tons, no bigger.

A resident said that there was a further possible development of 25-30 homes in back of Roberts Drive.

The Town Board passed a 90-day moratorium against the expansion of mining activity in the town. Councilman Hornbeck said that he would contact the DEC.

Resident Steve Fornal cited an article raising concerns about lead poisoning in drinking water and cited the burial of the "Moonie Camp" which contained 29 buildings next to peoples' wells.

Resident Mark Lybolt said that part of the Metro permit application was to expand the geographic area of mining at the site and requested a moratorium on an expansion of the workable area and larger equipment.

Councilman Hornbeck said that there was no grandfathering and that Metro was permitted to operate under a special use permit that goes along with a DEC permit. He asked if anyone could document that there was no activity in the site.

Supervisor Lipton reported that no matter how active the mine was, there would be no increase in taxes generated by the property.

Councilman Hornbeck said that Metro needs to come to the town to expand the special use permit. The Special Use permit goes to the Planning Board.

Resident Steve Fornal said that if mines are given industrial zoning classification, the Town Board would be able to control.

Supervisor Lipton asked the town board to authorize the assessor to do a property tax revaluation update.

The Town Board approved an agreement regarding an employee hospitalization plan.

Supervisor Lipton said he received a letter from Shandaken asking for support of a resolution calling for single member county legislative districts. The matter was tabled.

Supervisor Lipton raised three options regarding medical insurance costs for union workers including an 11% increase in premium for existing coverage, a 7% increase for higher employee co-pays, and a 4% increase if employees paid a \$500 hospital co-pay.

Councilman Hornbeck said he passed around a proposed agreement regarding expenses for the Kerhonkson pool that was prepared by the Town Attorney. The draft was approved.

Town Clerk Sommer said that the town board needed to conduct an end of year business meeting (12/26/02) and a 2003 business meeting (planned for 1/2/03)

The meeint gadjourned at 8:08 pm.

**Town Board Meeting  
November 7, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Drabkin, Hornbeck, Ryan, and Santosky, Deputy Town Clerk.

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Public Hearing on Budget**

Supervisor Lipton opened a public hearing on the Town's proposed 2003 budget, which totaled \$2,886,064. The following questions were asked:

- What is the \$18,000 Sages Loop expenditure? This represents a BAN to renovate the road that will be repaid by Sages Loop residents.
- Why did museum expenditures increase from \$2,500 to \$10,000? The expenditure is for the Friends of Historic Rochester Museum and Library and the increase represents a grant from the town to the non-profit organization.
- What constitutes Joint Recreation expense of \$10,000? This includes Kerhonkson pool operating expenditures and other recreational programs.
- Why did library expenditures decrease from \$20,000 to \$10,000? The town's contribution to the Ellenville and Stone Ridge libraries was cut by 50%. Councilman Hornbeck said this was done to support libraries in the Town of Rochester (Little Ones and the Friends of Historic Rochester). He pointed out that residents also had access to the Ulster County Community College Library. Residents stated that the proposed cuts to this line item were not reasonable and urged the Board to reconsider these cuts. What was budgeted for the Kerhonkson Pool? The \$10,000 budgeted was what was requested from Wawarsing for operating expenses. Any renovation costs would be capitalized and were not included in this budget.
- What is the unencumbered fund balance? Approximately \$200,000. Supervisor Lipton reported that this could not be spent because it was needed to bridge the gap prior to the time taxes were collected in January.
- Can the Ellenville and Stone Ridge libraries deny Rochester residents lending privileges. Supervisor Lipton said yes those libraries could deny lending privileges. Resident Alice Cross stated that the Stone Ridge and Ellenville libraries have provided an "Unbelievable bargain [to residents] for many years" and that the cuts were unacceptable for a town with no other library services. She said that the UCCC library was an excellent academic library but that it did not have any novels or books for young people or teenagers. She also added that the Friends of Historic Rochester library was very specialized.
- What is the joint recreation expense? \$900 each for Little League, Babe Ruth, and Pop Warner, \$400 for Cornell extension and \$1,000 for the Kerhonkson Youth Commission, in addition to the \$10,000 for the pool. [Figures add to a number higher than the budgeted \$10,000]

Supervisor Lipton indicated that the Board would not vote on the budget at this meeting, but would hold another public hearing to discuss it prior to passage.

The public hearing was adjourned at 7:26. At 7:27 there was a motion to re-open the public hearing and a motion to go into executive session. The public hearing re-convened at 7:36 – no money was expended and no decisions were made.

There was a motion to restore library funding by \$10,000 and to increase joint recreation expense by \$4,000 (to reflect the correct allocation).

A resident asked what the breakdown was for Personnel Services and Salary:

Highway Superintendent, \$36,163; Highway Department Secretary: \$23,427; Highway Department Purchasing Agent \$1,167; Deputy Highway Superintendent \$500; for a total of \$61,257.

The public hearing closed at 7:40 pm.

### **Minutes**

The Town Board unanimously approved the minutes of following meetings: October 3, 2002 regular meeting, Budget workshops of October 9<sup>th</sup> and 10, 2002; and October 31, 2002 Audit and Workshop meeting.

### **Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

### **Legal Matters:**

**Employment Policy Manual:** Changes were approved; instead of offering three HMOs to town employees, there will be only one.

**Barry Lane:** A resolution authorizing the Supervisor to engage an engineer to prepare improvement plans was approved unanimously.

**Planning Board Appointment:** Anthony Kawalchuck was appointed to the Planning Board.

**Planning Board Chair:** Nadine Carney was appointed Planning Board chair.

**Sale of Surplus Equipment:** The town clerk was authorized to advertise the sale of a non-working 1984 GMC truck with plow from the Highway Department.

**(Steiner?) Tires and Wheels:** Supervisor Lipton said that foam filled tires had previously been ordered for a piece of equipment. The wheels caused front end and alignment problems. The Board approved the sale of the tires and wheels, which are not returnable.

### **Public Comment**

The public comment period began at 7:46 with representatives of SuperFlyProductions ([www.superflypresents.com](http://www.superflypresents.com), [www.hothouserecords.com](http://www.hothouserecords.com)) making a presentation on a planned three day, 25,000 person music festival planned for the Kelder, Green, and Davis Farms on Route 209. The festival would be a camping festival, with sales of food and alcohol and concerts by "national" acts. The event is planned for July or August 2003. Residents asked about traffic, as there are no alternate roads to Route 209. The representatives said that there would be traffic backups, and noted that previous events had backups of between 4-6 hours at times. The Town Board and the residents in attendance watched a short video prepared by the sponsors.

Resident Francis Gray thanked the town board and highway superintendant for installing a new speed limit sign on Cherrytown Road.

### **Budget Approved**

The draft budget was approved with the restoration of \$10,000 (\$5,000 to each library) in library funding and an additional \$4,000 in joint recreational expenses.

### **Planning Board Alternate**

Dave O'Halloran was appointed as an alternate to the Planning Board. Other applicants included Steve Lincoln, Jim Kingston, and Francis Gray.

The meeting adjourned at 8:35

**Town Board Audit and Workshop Meeting  
October 31, 2002  
4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Drabkin, Hornbeck, Ryan, and Santosky, Town Clerk Sommer.

**A public hearing on the Town's proposal to make Barry Lane a Public Road commenced at 4:30pm.**  
The cost is not to exceed \$55,000, which will be re-billed on a per capital basis to each property owner.  
There were no public comments.

The public hearing was closed.

**Town Board Meeting**

**New Burner for Community Center**

A bid from \$4,630 from Kingston Mechanical was accepted.

**Accord Speedway Schedule**

Make up rain dates for November 9, 16 and 30 were approved.

**Payment of Bills**

From 4:49 to 5:23 the Town Board paid bills. The following bills were approved:

General Fund:	99,572.63
Highway Fund	90,020.03
Lighting	267.22

The meeting adjourned at 5:25pm

**Town Board Meeting  
October 3, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, and Santosky, Town Clerk Sommer. Absent: Councilman Edwards

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Tentative Budget**

Supervisor Lipton reported that the Town's tentative budget had been distributed.

**Resignation**

Town Clerk Veronica Sommer read a letter from Councilman Edwards notifying the Town Board that he resigned from the Town Board as of October 1, 2002 due to health reasons and extended periods out of state.

**Minutes**

The Town Board unanimously approved the minutes of following meetings: September 5, 2002 regular meeting, and September 26, 2002 Audit and Workshop meeting.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Barry Lane**

Supervisor Lipton said that he had received a petition from the residents of Barry Lane requesting that the town acquire a right of way and make improvements not to exceed \$55,000. A public hearing will be held to consider the petition and the Town Clerk was authorized to post public notices and advertize the public hearing, which will be held on Thursday, October 31, 2002 at 4:30 pm.

**Heating for Community Center**

Supervisor Lipton reported that he had received a bid for \$4,630 for a new heating system for the Community Center. As the expenditure exceeds \$3,000, two more bids will be received prior to further consideration.

**High Speed Internet Access**

Supervisor Lipton said that he had received requests from the Town Clerk and the Highway Superintendent to have Time Warner Road Runner access installed in their offices. Expenditure of the installation fees was approved unanimously.

**Procurement of Motor Fuels and Heating Oil**

The Town Board authorized the Town Clerk to advertise for bids for the supply of gasoline, diesel fuel and heating oil for the period November 1, 2002 to October 31, 2003. Bids are due October 31, 2002.

**Pine Bush Cemetery**

Supervisor Lipton reported that he received a letter from the cemetery president asking for the Highway Department's assistance in brush hogging certain areas as was done last year. The Town Board authorized the Highway Department to conduct such work.

**Employment Manual**

The Town Board authorized the Supervisor to contact the Town Attorney to determine if a public hearing is required prior to adopting the revised Employment Manual.



## **Public Comment (7:12 pm)**

### **Lower Cherrytown Road**

Resident Francis Gray told the town board that a speed limit sign on his road had apparently been removed and asked for one to be re-installed.

### **Kerhonkson Swimming Pool**

Resident Robin Baker spoke in favor of the Town spending funds required for the upkeep and maintenance of the pool, which is shared by Wawarsing and Rochester residents. She said that approximately 65% of users were Rochester residents and that estimates for necessary improvements ranged from \$60,000 to \$120,000. Resident [Holly Gonzalez?] also spoke in favor of the expenditures, stating that there are very few affordable recreational facilities in town. Resident [Laurie Coco?] asked Supervisor Lipton to notify people about further discussions on the pool, which Supervisor Lipton agreed to do.

### **Town Code Violations**

Resident Steve Fornal asked if the Town Board had decided to challenge Code Enforcement Officer Douglas Dymond's finding regarding illegal dumping at Camp Happy Lake. Supervisor Lipton said that the Town Board thoroughly agrees with the CEO's determination that no illegal dumping took place and read a letter from property owner Julie Cheadle. Supervisor Lipton said that there was no way that the Town would challenge the CEO's determination. Fornal stated that he would challenge the ruling through the ZBA.

### **Executive Session**

Councilman Hornbeck moved that the Town Board go into executive session at 7:38. The Town Board reconvened at 7:52 and stated that no funds had been spent and that no decisions had been made.

### **Budget Hearings**

Supervisor Lipton said that budget hearings would be held on October 9<sup>th</sup> and 10<sup>th</sup> from 5:00 pm to 7:00 pm, with a public budget hearing to be held on November 7, 2002.

### **Town Hall Construction**

Town Clerk Sommer read a letter from former Councilman Carl Edwards noting that the Town of Gardner approved plans to renovate its town hall for \$850,000. He noted that Rochester's plans were for a new town hall for the same amount.

### **Transfer Station Punchcards**

The Town Board approved a deadline of January 1, 2003 for old punch cards to be used or exchanged for new counterfeit proof punchcards.

### **Town Board Appointment**

Brian Drabkin was unanimously appointed to the Town Board to complete the term of Councilman Edwards. There was no discussion on the matter.

### **Adjournment**

The meeting adjourned at 8:03 pm.

**Town Board Audit and Workshop Meeting  
September 26, 2002  
4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan, and Santosky.

The Town Board paid bills until 5:00 pm. The following payments were approved:

General Fund	\$72,728.74
Highway Fund	\$69,527.42
Street Lighting	\$264.98

The Town Board reviewed bids received for the sale of surplus Highway Department equipment. The Board accepted bids for the following:

Chipper \$571.00 Rondout Valley Engine, Tony Kawalchuck  
1990 Ford 4WD Pickup: \$1,275.00 Eric Eck, Jr.

Supervisor Lipton suggested that the funds be used for the purchase of a truck for the town landfill.

Councilmen suggested that the following items be added to the agenda for the next Town Board meeting: (a) Employee Manual, (b) Heating system for Community Center, (c) Capital improvements and maintenance for the Kerhonkson swimming pool (the pool is located in Wawarsing, however, between 64-72% of permit holders reside in the Town of Rochester. At present, Rochester contributes \$7,000 per year for operating costs; approximately \$100,000 in repairs is needed and Wawarsing suggested that this be split 50/50 with Rochester, replacement cost is \$750,000).

Councilman Hornbeck asked about the status of the Lapp Logyard litigation (Kyserike Rd.). Supervisor Lipton reported that it was in the town attorney's hands.

Councilman Santosky suggested that the subject of siding on a garage at the transfer station be discussed. Supervisor Lipton reported that this would be part of the budget discussion.

The meeting adjourned at 5:30 pm.

**Town Board Meeting  
September 5, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, and Santosky, Town Clerk Sommer. Town Attorney Marylou Christiana.

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Senior Citizens Yoga**

Supervisor Lipton introduced Thelma Finkbeiner who read a letter asking for funding for the continuation of a yoga program for senior citizens at the Community Center. Participants contribute \$3.00 per session and the instructor charges \$50.00 for each session regardless of how many seniors attend. Ms. Finkbeiner reported that participants ranged in age from 62 to 92. Supervisor Lipton asked how much the group was asking for. Ms. Finkbeiner reported that the entire program costs about \$2,500 per year, less the \$3.00 contribution by each participation and that she would provide a firmer estimate at a later date.

**Mutual Police Municipal Assistance Program**

Supervisor Lipton introduced Undersheriff Woods of the Ulster County Sheriff's Office to discuss the police mutual assistance program discussed at an earlier meeting. Mr. Woods reported that since the Town of Rochester does not have its own police department and that all law enforcement is provided by the Sheriff's Office and the State Police, which already have mutual assistance powers, no action by the Town of Rochester was necessary.

**Minutes**

The Town Board unanimously approved the minutes of following meetings: July 11, 2002 regular meeting, July 22, 2002 Special Meeting, and July 25, 2002 Audit and Workshop meeting.

**Minutes**

The Town Board unanimously approved the minutes of following meetings: August 1, 2002 and August 29, 2002.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Code Enforcement Officer's Report : Accord Speedway**

Supervisor Lipton read a report from the Town's Code Enforcement Officer which indicated that during sound level readings conducted by the Town on Friday, August 23, 2002 sound measurements did not exceed 79 dba using 30 minute intervals. The last race concluded at 11:30. The Speedway was in compliance with the Town Code and the Special Use Permit.

**Barry Road**

Town Attorney Marylou Christiana reported on the process by which the Town could take over a private road at the residents' request. She said that Under Section 200 of State Town Law, a certain number of residents on a road (or a percentage of road frontage), could sign a petition. An estimate of the costs necessary to bring the road into specification would be agreed upon and the Town would solicit bids for the work or have its highway department do the work. The town could reach an agreement to bill the improvement costs back to property owners over a 10-15 year period. The owner of the road said that the

cost would be approximately \$150,000 if done privately, or \$250,000 if done by public bid, which requires statutory wage levels for operators and laborers.

### **Adult Entertainment Zone**

Councilman Hornbeck reported that he reviewed suitable sections of Route 209 taking into consideration schools, churches, playgrounds, community centers, etc. and recommended two areas: North of Airport Road from mile marker 11-72 to mile marker 11-82, which is just south of the garage and ½ mile south of Kyserike Road, 9/10 mile from the Marbletown line. The second area was mile marker 11-45 just south of the former Accord Home Improvement Center and CJ's Automotive to mile marker 11-37, near Ron Santowsky's garage (south of Queen's Highway).

(Town Attorney Christiana left the meeting at 7:53)

### **Sale of Surplus Highway Department Equipment**

The Board unanimously authorized an ad for the sale by sealed bid of surplus highway department equipment.

### **Public Comments**

#### **Freeman Article on Bill DeGraw**

A town resident complained about an article in the Sunday Freeman about Bill DeGraw's absence from the Planning Board. He said that the article was a cheap shot and related to an internal management problem. Supervisor Lipton stated that the Town Board had nothing to do with the article but that it did place a legal notice of a hearing regarding the removal of Mr. DeGraw from the Planning Board.

#### **Upper Whitfield Road Accident**

Resident Stan Breite discussed a letter that he sent to the Highway Superintendent and Supervisor regarding a dangerous curve in Upper Whitfield Road. He said that there had been a number accidents, most recently on August 23 in which three people were injured. He said that the Town owned some property near the curve and asked the Town to look into ways of making the curve less dangerous. Supervisor Lipton asked Councilman Hornbeck to meet with the Highway Superintendent to inspect the site. Resident Bruce Schoonmaker said that the problem wasn't the road, it was the speed that young drivers drive at. Mr. Breite indicated that the most recent accident was the only one where the drivers were young.

#### **Planning Board**

Resident Stanley Hudson asked if Planning Board Chair Brian Drabkin came before the board to ask for Bill DeGraw's removal from the Planning Board. He said that the matter should have been handled by Mr. Drabkin approaching Councilman Hornbeck, the Planning Board liaison. Supervisor Lipton said that a few members of the Town Board had attempted to contact Mr. DeGraw and that he had send Mr. DeGraw a certified letter to ask for his side of the story. Mr. Hudson said that Mr. Drabkin and Mr. DeGraw had discussed Mr. DeGraw's new job and that he might miss some meetings. Mr. Drabkin said it didn't matter, that's why there are alternates, according to Mr. Hudson.

Planning Board member Bill DeGraw said that he hadn't spoken to anyone until two nights ago and that was the only contact from the Board. He got notice of a certified letter, but was unable to get it as he's at work during the Post Office's open hours. He asked why a copy was not also sent by regular mail.

Resident Steve Fornal said that there was a parallel. He said to Mr. DeGraw that if he had to miss five months of meetings to just say so because there were members of the [Town] Board who had missed many meetings and added that he thought it was more important for an elected official to attend meetings. Mr. Fornal noted that Mr. DeGraw does a great job.

Mr. Fornal continued and asked about the Board's investigation of the burial of building materials on Mettacahonts Road. He said the DEC was involved in its own investigation and reiterated that burial of

building materials was prohibited under Section 118 of Town Law. He said that there was an absolute, blatant violation of law. Supervisor Lipton said that the Code Enforcement Officer stated that in his opinion everything that went into the ground is legal. Mr. Fornal then read Section 118-6 of the Town Code and stated that a video tape was made. He asked the Town Board for Mr. Dymond's determination in writing and to ask the Zoning Board of Appeals for its determination.

The Town Board went into executive session at 8:17 to meet with Mr. DeGraw.

**Town Board Audit and Workshop Meeting**  
**August 29, 2002**  
**4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan, and Santosky.

**Executive Session**

The Town Board voted to go into executive session at 4:30. The Board returned at 4:45 and Supervisor Lipton reported that no funds has been spent and no decisions had been made.

**Payment of Bills**

The Town Board paid bills from 4:46 to 5:25. The Board approved payment of the following:

General Fund	\$101,109.52
Highway Funds	\$71,067.50
Street Lighting	\$248.04

**Planning Board Member**

Supervisor Lipton reported that he received a letter from Planning Board chair Brian Drabkin asking the Town Board to remove Bill DeGraw from the Planning Board for excessive absences. He stated that Mr. Drabkin wrote that the Town Board appointed Mr. DeGraw and that the Town Board should remove Mr. DeGraw. Councilman Hornbeck said that “[Mr. DeGraw] is really a big asset to that Board.” and Supervisor Lipton said that Mr. DeGraw’s job had kept him out of town. Councilman Edwards said that if you start making exceptions, you might as well throw the book away. It was agreed that the Town Board would continue to attempt to contact Mr. DeGraw to hear his explanation for his absences.

**Wood Chipper**

Supervisor Lipton said that the Highway Department had a wood chipper that was inadequate for the Highway Department’s needs and asked for a motion to ask Kawalchuck to sell it. Councilman Hornbeck said that the sale of town property required a public bid. The Town Board authorized an ad in the paper to advertise the sale.

**The meeting adjourned at 5:32 pm.**

**Town Board Meeting  
August 1, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, and Santosky, Town Clerk Sommer.

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Property Tax Reassessment**

Supervisor Lipton invited Town Assessor Sharon Hornbeck to introduce representatives from the State Office of Real Property Services (John Waltham?) and the Ulster County Tax Services Agency (Susan Tilson). Ms. Hornbeck stated that the last reassessment was five years ago and that a periodic update is necessary in order to keep property taxes equitable. While the state does not mandate a cycle for reassessment, there is an annual valuation date as of January 1 of each year. Each town is able to adhere to its own schedule. The State offers a municipal aid program that provides up to \$5.00 per parcel in aid every year for up to five consecutive years to assist towns in a program of annual assessment; this falls to \$3.00 per parcel in subsequent years. The state believes that a property tax assessment that is within 20% of the property's sale price is within an acceptable tolerance. Ms. Hornbeck was seeking the Town Board's support in her efforts to ensure that tax rates are equitable for all residents. The matter was discussed for 30 minutes and the Town Board will investigate the matter further.

**Minutes**

The Town Board unanimously approved the minutes of following meetings: July 11, 2002 regular meeting, July 22, 2002 Special Meeting, and July 25, 2002 Audit and Workshop meeting.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Legal Matters**

**Municipal Mutual Assistance Plan**

Supervisor Lipton called for a motion to not enter into a proposed municipal mutual emergency and law enforcement assistance program. Supervisor Lipton said that the town's attorney told him that existing Town Law authorizes the town supervisor to authorize such assistance. Councilman Hornbeck made the motion, which was seconded. Councilman Ryan pointed out that he attended a recent meeting of Town Supervisors in which law enforcement officials stated that emergency mutual assistance could only be made with the supervisor's authorization – if the supervisor were not available, no assistance could be rendered. Supervisor Lipton said that he received a letter from the town attorney stating that there would be no benefit to the Town of Rochester from participating in such a program. Councilman Ryan will discuss the matter with the Sheriff's Office and report to the Board. The withdrawal of the original motion was moved, seconded and unanimously approved.

**Part-Time Town Laborer**

Supervisor Lipton reported that the town laborer would be out on sick leave for several weeks. He asked for a motion authorizing him to hire a part time temporary replacement. The motion was made, seconded and approved unanimously.

**Motion to Re-Allocate Budgeted Funds**

Supervisor Lipton called for a motion to transfer \$3,067.00 from the Highway Department's bridge fund to the Highway Department's general fund on the recommendation of the Highway Superintendent. The motion was made, seconded and approved unanimously.

### **Highway Department Communications Equipment**

Supervisor Lipton called for a motion to approve the Highway Superintendent's recommendation to lease communications equipment from New York Communications for a monthly payment of \$958.00 per month. The motion was made, seconded and approved unanimously.

### **Community Center Grant**

Supervisor Lipton asked for a motion to approve a motion in support of stage improvements at the Community Center in connection with a grant funding proposal. The motion was made, seconded and approved unanimously.

### **Public Comment**

The meeting was opened to public comment at 7:45 pm.

### **St. Josen Road Conditions**

Resident Ted Fina presented a petition signed by 13 residents of St. Josen Road calling for improvements to be made to the road and citing dangerous road conditions.

### **Scenic ByWay**

Resident Brinton Baker thanked the Board for its continued support of the Shawangunk Scenic Byway program. The route proposed for the Town of Rochester is Route 44-55 to Route 209, and continuing down Lucas Turnpike to Marbletown. He suggested that a Board member be appointed liaison to the ByWay Committee. Mr. Baker introduced Al Weggner, who has served as project manager, who gave a brief update on the program. He also cited the dangerous curve where Route 209 meets Main Street and suggested that funding could be available for making this safer, as well as for road side landscaping along the State Route right-of-way.

### **Community Center Stage Improvements**

Resident Toni Thompson thanked the Town Board for its support of this project.

### **Mettacahonts Road Illegal Dumping**

Resident Steve Fornal stated that on June 22<sup>nd</sup> calls were made to the Code Enforcement Officer, Councilman Hornbeck and Supervisor Lipton regarding refuse and building materials were being buried on the site of the former Moonie Camp on Mettacahonts Road, which was demolished about three years ago. Some material was removed from the site for recycling, but most of it appeared to have been buried in violation of Chapter 118 of the Town Code. Mr. Fornal stated that the CEO reported that (a) the DEC's regulations superceded Town Code, (b) State law permitted the burial of certain home building materials, (c) burial was permitted if it did not include garbage, etc. Mr. Fornal reported that the DEC informed him that it was not contacted in the matter, the property was a commercial camp, not a residence, and that the burial of all refuse, including building materials, was prohibited by Chapter 118 of the Town Code. He stated that this was an absolute disregard of existing law by the CEO and asked the Town Board to investigate the matter. Supervisor Lipton said that he and Councilman Hornbeck visited the site on that date and asked Councilman Hornbeck to report what they saw. Councilman Hornbeck said he saw two or three dumpsters and a "big hole" that was covered so he couldn't see what was there. He did see pieces of concrete. Hornbeck said that he contacted the town attorney, who said she would be able to litigate either way as the "law is vague." Fornal reported that the law is clear and suggested that the attorney was waiting for the town to make a decision for her to litigate. Supervisor Lipton said they will investigate the matter with the CEO.

### **Misc.**



Resident Barbara Fornal said that the town should look carefully into the revaluation program so that we don't get into a situation like that prior to the last revaluation, when properties hadn't been re-assessed for nearly 20 years. She also said she wished the Highway Superintendent was there so he could explain why some roads such as Rochester Center Road and Queens Highway are frequently repaved, but other roads in dangerous condition such as St. Josen's road were poorly maintained.

#### **Town Truck**

Supervisor Lipton suggested that the Town sell a surplus Highway Department truck. Councilman Santosky said that if it's not being moved to the transfer station, it should be kept because it still was usable. After a brief discussion, it was agreed that the truck will be re-licensed and be made available for use by town departments as needed.

#### **Town Clerk's Office**

Town Clerk Veronica Sommer said that her department's office had cracks on the ceiling, floors and walls. Prior attempts to repair these looked like "hemorrhoids hanging off the wall." Ceiling tiles have been replaced after leaks and are mismatched. She asked the Town Board several months ago to repair the office and after advertisement, no bids were received. She said that she received an estimate, as did Supervisor Lipton, now the Town Board said that there is no money for the repairs in the budget. She stated that failure to maintain existing property costs residents money in the long run and called the Town Board's inaction a disgrace. Councilman Hornbeck said that the town carried over a \$100,000 surplus from last year and suggested that the Town Board look into using a portion of that money to supplement the buildings and grounds budget to complete the repair.

#### **Adjournment**

The meeting was adjourned at 8:24 pm.

**Town Board Audit and Workshop Meeting**  
**July 25, 2002**  
**4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards (left at 6:00 pm), Hornbeck, Ryan, and Santosky.

**Road Runner Service**

Road Runner internet access service was unanimously approved for the Town Assessor's Office.

**Memorial Run for Four Green Fields**

The Town Board unanimously approved Four Green Fields to conduct a Memorial Run on August 31 on Mettacahonts Road in honor of members of their community who died on September 11, 2001.

**Resolution in Support of Closure of Indian Point Nuclear Power Plant**

The Town Board approved a resolution calling for the closing of Indian Point Nuclear Power Plant in Buchanan, NY.

**Youth Commission Grant Approval**

Resident Toni Thompson was authorized to represent the town in a grant application for improvements to be made at the Community Center.

**Cable Television on Airport Road**

Time Warner will install cable on 1.8 miles on Airport Road.

**Grant Contracts**

The Supervisor was authorized to sign a project agreement for grant projects for \$3,500 for Parks, and \$6,500 for the Youth Commission.

**Rezoning of Route 209**

Supervisor Lipton was authorized to contact the Town Attorney regarding the proposed re-zoning of Route 209.

**Absentee Letter**

Supervisor Lipton will send a letter to Planning Board member Bill DeGraw, who missed five Planning Board meetings.

**Reimbursement of Legal Bill**

The Town Highway Department was authorized to reimburse Eric Eck, Jr. for legal bills.

**Payment of Bills**

The payment of the following bills were approved:

General Fund:	\$59,442.10
Highway Fund:	\$132,314.86
Street Lights	\$237.32

The meeting was adjourned at 7:20 pm.

**Special Town Board Meeting**  
**July 22, 2002**  
**8:30 am, Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan, and Santosky, Deputy Town Clerk Rose.

A very short town board meeting was held on July 22, 2002 to pass Local Law #1 of 2002, in which the Town will provide all eligible employees the opportunity to participate in a retirement incentive program, effective July 22, 2002.

The law was passed unanimously.

The meeting adjourned at 8:34 am.

**Town Board Meeting  
July 11, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan, and Santosky, Town Clerk Sommer.

**Call to Order**

Supervisor Lipton called the meeting to order at 4:30 and led in the pledge of allegiance.

**Minutes**

The Town Board unanimously approved the minutes of the previous meetings.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Legal Matters**

**New Planning Board Member**

The Town board approved Anthony Kowalchuk for vacant Planning Board position.

**Rescinded Resolution**

The Town board rescinded a resolution made on 27 June 2002 to require receipt be issued by Town Clerk for Transfer Station checks received. The board agreed that a copy of the Transfer Station receipt would suffice.

**Painting of Town Court Ceiling**

The Town board agreed to proceed with painting of the ceiling of the town's court facility. Since the amount required is less than \$3,000 bids do not have to be solicited.

**Repair of Town Clerk's Office**

Town board received two bids for repair of Town Clerk's office. One by Rob Baxter was \$15,270 the other bid was \$9,829. Councilman Carl Edwards said he was in favor of accepting the larger bid due to the fact that every facet of repair job was stipulated in estimate, whereas the lower bid was quite vague. The board agreed to ask Mr. Baxter to attend the next workshop meeting on 25 July 2002 to explain fully what he intends to do regarding the "structural" repair of concrete block wall using dimensional lumber.

**Air Conditioning for Community Center**

As there is some question over the capacity of Air Conditioning unit to go into the Town of Rochester Community Center, Councilman Santosky suggested to Supervisor Lipton that the board ask Central Hudson to send an A/C expert to determine what unit to purchase. The board agreed.

**Indian Point Nuclear Power Plant Resolution**

A presentation was made by Clearwater representatives, Tim Sweeney and Tom Baldino, regarding a resolution calling for the Indian Point Nuclear Power Plant located in Buchanan, New York to be permanently shut down. Sweeney emphasized several points of concern should the plant experience a core meltdown accident: A 50 mile peak injury zone encompasses the Town of Rochester; evacuation plans are woefully inadequate; the PriceAnderson Fund (Nuclear industry insurance fund) contains approximately \$9 billion dollars for any damage claims against such accident while a moderate estimate of damage at the Indian Point plant (due to proximity to NYC) totals \$560 billion; the public's homeowner insurance policies do not have provisions for (or actually have provisions against) compensation due to nuclear accidents; the Indian Point plant ranks 103rd in nation and has the only reactor in the United States with a Red Rating; the plant itself is located on the Ramapo Fault Line which renders it very susceptible to earthquake activity and

threatens the Hudson River should there be a reactor breach. The Town Board was urged to support the resolution. The Board tabled until they have a chance to review the document and supporting information.

**Memorial Run**

A request from Four Greenfields, a private camp located on Mettakahonts Road, was made to hold a Memorial Run on August 31 from 10AM-11AM to honor four WTC fatalities among member families. The Town Board agreed to vote on issue at its next meeting.

**Public Comment**

During the Public Comment portion of the meeting, numerous audience members asked to board to sign the Indian Point resolution.

**Fee Waiver for Cat Shelter**

A request from the town's Planning Board to waive the \$40 application fee for Diana Banks was discussed. She plans on opening a cat shelter on Main Street in Accord hamlet. The Planning Board request mentioned that her intention is "to perform a valuable service" for the community. The Town Board unanimously approved the waiver.

**Dog Control Officer Health Insurance Benefits**

The next issue discussed by the Town Board was a request from Dog Control Officer Jill Shefeldt for the town to pick up 25% of her medical insurance to supplement the same arrangement with the other two towns she works for. She has agreed to pick up 25% of the policy cost herself; estimated to be around \$60 a month (the town's share at \$15/month). The Town Board agreed to enter into this arrangement.

**Employee Manual Changes**

The Town Board next went over changes to the Employment Manual, some of which were: Use of public property (computers, etc) to be prohibited. Town Board determines days and hours of operation for the Transfer Station. Building custodian is hired and managed by Town Supervisor. Overtime pay and 1 1/2 times rate will be paid for any hours over 40 worked in any one week. Salaried employees get no comp-time unless approved by Town Supervisor. Any special/evening meetings requiring attendance by town employee is entitled to minimum of one hour pay (if meeting canceled or quorum not met). The Pregnancy Policy is to be amended to include the father (time off to care for newborn). The town must offer employees a minimum of three Health Insurance plans. Harassment policy included. Personal problem resolution policy added. Alcohol consumption during working hours can be grounds for termination; zero tolerance policy.

The Town Board adjourned the meeting at approximately 8:15 PM

**Town Board Audit and Workshop Meeting  
June 27, 2002  
4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan, and Santosky,

Supervisor Lipton called the meeting to order at 4:30 and asked for a motion to go into Executive Session to interview a candidate for the Town Planning Board, Tony Kawalchuk. The motion was made and approved unanimously.

At 4:35 the Board returned from Executive Session. Supervisor Lipton reported that no money had been spent and that no decisions had been made.

**Rescheduling of Town Board Meeting**

Due to the Independence Day holiday, the Board unanimously voted to reschedule the next Town Board meeting to Thursday, July 11 at 7:00 pm.

**Scheduling of Public Hearing**

The Town Board voted unanimously to schedule a public hearing immediately prior to the July 11<sup>th</sup> Town Board meeting to discuss retirement incentives. Douglas Decker is retiring from the Highway Department. A retirement party will be held on July 26<sup>th</sup>.

**Receipts for Transfer Station Funds**

The Town Board voted unanimously to request the Town Clerk to give receipts for transfer station funds collected by check. Supervisor Lipton reported that weekly reports were not reconciling.

**Donation Request**

The Town Board reviewed a request from Congregation Israel for a donation for a dinner in honor of Ulster County Treasurer Lew Kirschner. No motion to consider the donation was made.

Closing on July 5<sup>th</sup>.

Councilman Hornbeck raised the suggestion of closing Town offices on July 5<sup>th</sup>. No motion was made.

**Payment of Bills**

The Town Board paid bills from 4:47 to 5:21.

The following expenditures were approved unanimously:

General Fund:	\$77,956.44
Highway Fund:	\$175,088.54
Lighting:	\$243.31
Cap. Expenditures:	\$19,396.30

**Adjournment**

The meeting was adjourned at 5:22 pm



**Town Board Meeting  
Thursday, June 6, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan & Santosky, Town Clerk Sommer.  
Town Attorney Christiana was also present.

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Minutes**

The Town Board unanimously approved the minutes of May 2, 2002, May 8, 2002, and May 30, 2002.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Legal Matters**

**Rail Trail Fence**

Supervisor Lipton asked for a resolution allowing the Supervisor to sign an agreement with the Tetlows to erect a fence between their property and the rail trail. The fence would be a maximum of 6' high, all dead trees would be removed, the fence would be painted a shade of green to blend with the surroundings and the fence would be maintained by the Tetlows. All costs would be borne by the Tetlows and they would indemnify the town. The

**Robert Lapp Logyard**

A motion to ask the town's attorney to initiate legal action against Robert Lapp for failure to remove logs from his property on Kyserike Road was approved unanimously. After the vote, Robert Lapp addressed the Town Board and said that he was not running a log yard and that the logs are his personal firewood. He indicated that he did not sell firewood or logs. The Town Attorney said that the forum to address any disputes is court.

**Minimum Lot Size**

Supervisor Lipton informed the Board of a recommendation by the Town's Code Enforcement Officer and the Planning and Zoning Office to increase the minimum lot size for certain parts of town near waterways and in scenic areas from 1 acre to 2 acres. The Town Board will take the matter under advisement. If any change is made, a public hearing would be required.

**Air Conditioning for Community Center**

The Town received two bids for repairing/replacing the air conditioning unit at the Community Center. Kingston Mechanical submitted a bid for \$5,370 using the existing furnace, and \$11,060 for a new furnace. Jeff Lowe Plumbing and Heating submitted bids for \$8,520 and \$15,940 (not including electrical work). It was pointed out that such contracts require public notice and the Town Board voted unanimously to authorize the Town Clerk to advertise for bids.

**High School Parking**

Supervisor Lipton asked if any councilmen would introduce a motion to prohibit public parking in front of the high school, such parking would be prohibited from September 1 to July 1 each year from 6:00 am to 6:00 pm. A motion was made, but not seconded.

**Bids for Surplus Highway Equipment**

The Town Board voted to accept the sole bid for surplus highway equipment.

**Authorization for Highway Superintendent**

The Town Board voted unanimously to authorize the Highway Superintendent to spend money for highway projects pending reimbursement from the State.

**Barry Road**

A resident presented a petition signed by eleven of twelve residents to ask the Town to accept the road as a public road once it is brought up to code. There is 820 feet of roadway. The Town Attorney will copy the petition and distribute it to councilmen along with a memo explaining the legal process for accepting such a road.

**Vote to Support Legislation**

The Town Board unanimously approved a resolution supporting a proposal to give tax breaks of up to \$100 per year (for each year of service up to 10 years) to documented volunteer firefighters, ambulance workers, etc.

**Authorization of Town Clerk**

The Town Board unanimously approved a resolution authorizing the Town Clerk and Deputy Town Clerk to attend the State meeting of Town Clerks during June 8-12 and to reimburse them for up to \$425.00 of documented expenses.

At 7:35 the meeting was opened for public discussion.

A resident said that he did not see where people were now creating 1 acre lots, unless people were splitting lots off for family members.

Resident Steve Fornal said that the CEO's recommendation demonstrated the need for a revised comprehensive plan in which all similar issues can be discussed openly. He asked if everyone was aware of the June 19 public hearing hosted by the DEC regarding Metro Recycling's proposal to increase its crusher size and said that this would be the last opportunity for our town's government members to register their support of our town's residents by opposing the project.

Resident Wayne Greer said that there wasn't much difference between a 150 ton/hour crusher and a 400 ton/hour crusher. He said that there would be noise in both instances and they could have put in a larger one and no one would have noticed the difference.

**Executive Session**

At 7:41 the Town Board went into executive session to discuss a personnel issue.

**Town Board Audit & Workshop Meeting  
Thursday, May 30, 2002  
4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan & Santosky

**Call to Order**

Supervisor Lipton called the meeting to order at 4:30.

**Surplus Land Sale**

Supervisor Lipton read a resolution rescinding the Town Board's resolution of April 25, 2002 accepting the bid of Harry Jansen for the purchase of surplus land owned by the town, tax parcel numbers 69.3-2-41.100 and 69.3-2-41.200. The motion was carried unanimously.

**Questions**

A town resident asked to discuss a matter. Supervisor Lipton said that public comment was not normally heard at audit meetings and that the matter should be raised at the next regular Town Board meeting.

**Payment of Bills**

Members of the Town Board signed bills from 4:31 to 5:15 pm. Payment of the following bills was approved unanimously:

General Fund:	\$111,010.36
Highway Fund:	\$52,523.75
Lighting:	\$215.70

**Plaque**

Supervisor Lipton said that he ordered a plaque for George Ryan, who was retiring from the Highway Department after serving since 1974.

**Rail Trail**

Supervisor Lipton reported that he and Councilman Edwards visited the rail trail and distributed a maintenance agreement for the Town Board's consideration. He will discuss the matter with the Town Attorney.

**Executive Session**

The Town Board voted to go into executive session at 5:22 to discuss an employee matter. The Board reconvened at 5:46 pm and Supervisor Lipton reported that no funds had been expended and that no decisions were voted upon.

**Youth Commission Emergencies**

Councilman Hornbeck said that there was a bus problem on a recent field trip and asked if it would be possible to authorize the driver to engage emergency services in such an instance. Supervisor Lipton reported that the Town recently entered into an emergency repair and towing service to repair potential breakdowns. Councilman Hornbeck asked what arrangements were made for the children on the busses and asked if a backup bus service could be investigated due to potential safety and liability issues.

**Robert Lapp Logyard**

Supervisor Lipton reported that he has driven by the site on a couple of occasions and not seen any tremendous improvement. Councilman Hornbeck said the Board should be prepared to move ahead at the next regular meeting. Supervisor Lipton suggested that the Town Board refer the matter to the Town Attorney for action at the next meeting.

**Town Courthouse**

Councilman Hornbeck said that he visited the Town Courthouse and talked to employees there. The concerns were dirty windows, old and dirty carpeting, ceiling repairs needed. Councilman Hornbeck suggested that the building be checked out for any historical significance to determine if grant money might be available for repairs. Supervisor Lipton reported that he would check with town historian Alice Cross. In the meantime, Councilman Hornbeck raised the possibility of having someone come in to clean the building. Supervisor Lipton suggested that any repairs could be included in the bond anticipation notice for the repair of the Town Clerk's office.

**Adjournment**

The meeting adjourned at 6:06 pm.

**Adjournment**

The meeting was adjourned at 5:15 pm.

**Town Board Special Meeting**  
**Wednesday, May 8, 2002**  
**7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan & Santosky

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00.

**Employee Manual**

The Town Board discussed the employee manual until 8:20.

**Executive Session**

The Town Board voted to go into executive session at 8:21 to discuss a personnel issue.

The Town Board voted to reconvene at 8:50. Supervisor Lipton reported that no expenditures were made and that no decisions were voted on.

**Adjournment**

The meeting was adjourned at 8:55 pm

**Town Board Meeting  
Thursday, May 2, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan & Santosky, Town Clerk Sommer

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Minutes**

The Town Board unanimously approved the minutes of April 4 and April 25, 2002.

**Supervisor's Report**

Supervisor Lipton stated that his report was on file with the Town Clerk.

**Legal Matter Re: Robert Lapp**

Supervisor Lipton reported that the Town Board had agreed to table discussion and that the Town attorney would notify Robert Lapp to "do something" about cleaning up at least 25% of the logs within 30 days otherwise the Town Board would pursue legal action at the next meeting. This was moved, seconded and approved unanimously by the Town Board.

**Zoning Maps**

Councilman Hornbeck reported that these would be done in the next three weeks or so.

**Sale of Surplus Highway Department Equipment**

The Town Board unanimously authorized the Town Clerk to advertise the sale of surplus Highway Department equipment. Highway Superintendent Kelder will provide a list of such equipment to the Town Clerk.

**Retiring Highway Department Employee**

The Town Board unanimously approved the expenditure of \$25.00 for a plaque to a highway department employee who has served for 28 years.

**Leave of Absence for Youth Commission Employee**

The Town Board unanimously approved a summer leave of absence for Chris Zimmerman, the administrative assistant to the Youth Commission, as in previous years.

**Public Discussion (7:05 pm)**

**Sale of Surplus Land on Sand Hill Road**

A resident asked how the Town Board came to the decision to sell surplus land on Sand Hill Road. He asked how the property was appraised and if the town considered the "highest and best use" of the land in accordance with standard appraisal procedures. He noted that to value such land there must be a willing buyer and seller in an open market and noted that Rochester was the fastest growing town in the area. This means that there will be future demand for land, especially land adjacent to the transfer station. He suggested that the Town reconsider the sale and suggested a committee to look into this. Supervisor Lipton said that there was already a group of people considering a permissive referendum petition, which was the only way the sale could be stopped. Such action must be completed within 30 days from May 1<sup>st</sup>.

Another resident noted that the sale appeared to be underpriced and that if the town sought to purchase land in the future, it would most likely pay a higher price than the \$2,000 acre.

### **Rail Trail Cleanup**

A resident noted that the rail trail was in poor shape and asked about how it would be cleaned up. After a long discussion, Supervisor Lipton suggested obtaining outside bids.

### **Kyserike Road Parking**

A resident said that he approached the Town Board six months ago asking for a solution to the student parking problem on Kyserike Road. He said that he presented a letter from the County stating that if the town passed a resolution stating that parking in the area was not permitted, the County would install and maintain no parking signs. He asked what had been done in the six month period, as the problem still exists. Supervisor Lipton said that the Town was looking into the matter. Councilman Edwards said that he believed this to be a problem between the County and the School District and that the Town should not get involved. No action was taken on the discussion.

### **Earth Day Clean Up**

Resident Brinton Baker reported that the Earth Day clean up was successful with 450 tires, 14,000 lbs of garbage and debris and 5,620 lbs of metal cleaned up – more than twice as much as in previous years. He thanked all those involved, including the Youth and Environmental Commissions and members of the Town Board who participated.

### **Shawangunk Scenic Byway**

Resident Brinton Baker, the town's representative reported that a working plan had been created and funding had been obtained. He is the vice-chair for the Western side of the range.

### **Lapp Logyard Violation**

Resident Steve Fornal asked what exactly the Town Board would do if Robert Lapp did not comply with the Town's request to clean up the property. He noted that the property had already been cited by the Code Enforcement Officer and that the ZBA had already reviewed the case. He noted that the Town Board is getting involved when a violation of law had already been determined.

### **Supervisor of Public Works**

Resident Steve Fornal asked what prompted the Town Board to take away Buddy Hornbeck's title and to require him to work 260 hours more per year without additional compensation. Supervisor Lipton said that the Town Board unanimously voted to take the action, but denied requiring the extra hours – something disputed by many residents who attended the meeting in question. Mr. Fornal asked again what prompted the action. Supervisor Lipton said that Town Board voted on it and that's the last word. Buddy Hornbeck said that he would not work the 40 hours required and is working with Councilman Santosky, the liaison to reach an amicable solution.

### **Rochester History Day**

Town Clerk Sommer said that Town History Day would be on May 11<sup>th</sup> and that the Friends of Historic Rochester museum would be open and that other events would take place.

### **Board of Assessment Review**

Supervisor Lipton noted that the Town Board had previously overlooked re-appointing Wes Cross to the Board for a new term to expire in 2006. The Town Board approved the reappointment unanimously.

### **Workshop Meeting**

A special workshop meeting will be held on Wednesday, May 8<sup>th</sup> at 7:00 pm.

### **Permissive Referendum**

Highway Superintendent Kelder noted that the manner in which the sale of surplus real property and the permissive referendum had been handled would require the expenditure of additional funds to hold an election. Had this been done later, the referendum could have been held during the November general election and little or no additional cost.

**Adjournment**

The meeting adjourned at 8:05 pm.



**Town Board Audit & Workshop Meeting  
Thursday, April 25, 2002  
4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Ryan & Santosky

**Call to Order**

Supervisor Lipton called the meeting to order at 4:30. Supervisor Lipton welcomed Councilman Edwards, who had been absent since the January 3, 2002 Town Board meeting.

**Repair of Town Clerk's Office**

Supervisor Lipton reported that he showed the councilmen the repairs needed in the Town Clerk's office. It was moved, seconded and unanimously adopted to authorize the Town Clerk to advertise for bids to repair and paint the wall and ceiling of the Town Clerk's office.

**Procedures for Videotaping of Town Meetings**

Supervisor Lipton reported that on July 3, 1997, the Town Board had adopted rules governing the video taping or recording of Town Meetings. The rules in existence state that such recording shall be unobtrusive and non-disruptive. Supervisor Lipton called for a motion to send a memo to the Zoning Board of Appeals, Planning Board and the Town Board stating advising them of new procedures which state that "any person wishing to video tape or record town meetings may do so within the area designated by the Town Board and/or Town Supervisor. Video taping and/or recording devices must be located at the back of the meeting room without blocking any or all aisles, ways and emergency exits. Such a motion was made seconded and approved unanimously.

**Acceptance of Bids for Sale of Surplus Land**

Supervisor Lipton called for a motion to accept the bid of Harry Jansen in the amount of \$75,000 for surplus land owned by the Town on Sand Hill Road (69.3-2-41.100 and 69.3-2-41.200) and directing the Town Clerk to post notice in accordance with Section 90 of State Town Law. Councilman Hornbeck made the motion, which was seconded and approved unanimously.

**Robert Lapp Logyard Legal Action**

Supervisor Lipton asked if the Town Board would adopt a resolution authorizing the Town attorney to commence legal action against Robert Lapp to remedy violations at 325 Kyserike Road, including the operation of a log yard, firewood and mulch processing business without a permit and ordering him to remove logs from the property. No councilman made the requested motion. Councilman Edwards asked if the property owner was in violation of existing laws. Supervisor Lipton said that according to Code Enforcement Officer Douglas Dymond, he is. Councilman Hornbeck said that Lapp had never operated a mulch yard as long as he was aware and that the Town should be very careful legally and asked if the Town should spend money to fight something that Lapp had never done. Councilman Hornbeck added that there is no law that says how much firewood or how many logs are permissible. He noted further that logs were not being removed and suggested that since this was the case it was not a log yard. Councilman Hornbeck did say that the area was a menace and a problem. Discussion was tabled until the next Town Board meeting.

**Purchase of Back Hoe**

A motion to purchase a back hoe for the transfer station for \$23,000 was moved, seconded and approved unanimously.

**Health Insurance for Animal Control Officer**

Supervisor Lipton read a letter from Jill Shufeldt, the town's animal control officer noting that she was a part time employee for three municipalities and requesting health insurance benefits. She suggested that

she would pay approximately 25% of the cost and asked the three municipalities, including Rochester, to split the remaining 75% three ways, at a cost of approximately \$60 per month for Rochester. Councilman Hornbeck noted that the employee handbook stated that such benefits were available only to employees who worked 30 regularly scheduled hours per week, or who passed certain income thresholds. Ms. Shufeldt does not meet any of these requirements, although she is on call 24 hours per day, seven days per week. The Board stated that it would not violate existing policy and denied the request.

#### **Brush Fire Fee for Accord Fire District**

The allocation of \$1,000 for the Accord Fire District was moved, seconded and approved unanimously. Such allocation is included in town law, however, was not budgeted for 2002 or collected in previous years.

#### **Zoning Maps**

Councilman Hornbeck stated that Barry Medenback could prepare an updated color zoning map for \$500 and large copies for \$20. Highway Superintendent Kelder said that an updated road map was sent to the County and that this could be used as the basis. The zoning map has not been updated since 1969. It was moved, seconded and unanimously approved to authorize Councilman Hornbeck to continue to work on this.

#### **Park Inspection**

Councilman Hornbeck noted potential safety violations/hazards at the Town Park noted by Buddy Hornbeck. Councilman Hornbeck noted that Buddy Hornbeck's title had been changed from Municipal Works Supervisor to Transfer Station Attendant, yet he was still working on matters relating to the Park.

#### **Community Center Name**

After discussing several options, the Community Center was named the "Town of Rochester Community Center" after a unanimous vote.

#### **Salt Shed**

Councilman Hornbeck asked about the status of a town salt shed. Highway Superintendent Kelder said that money was previously available from NYC because of the NYC watershed. This will be investigated further.

#### **Adult Entertainment Business Moratorium**

Councilman Edwards had done some research on this last year and he and Supervisor Lipton will continue their research.

#### **Discussion of Transfer Station Attendant's Hours**

A discussion took place with no resolution. [The Transfer Station, formerly Municipal Works Supervisor's hours were increased by 260 hours per week with no additional pay.]

#### **Memorial Day Cemetery Cleanup**

Councilman Hornbeck noted that Memorial Day was fast approaching and asked if anything was being done to clean up cemeteries. Supervisor Lipton noted that \$5,000 was in the budget to clean up cemeteries for which the town was responsible. He was aware of three: Stonykill road, Cemetery Road, and Waruch.

#### **Chamber of Commerce Donation**

Councilman Hornbeck asked the status of the \$1,000 donation to the Chamber of Commerce. Supervisor Lipton reported that it is in the budget.

#### **Employee Manual**

Supervisor Lipton reported that drafts of the town's employee manual had been distributed and that he was waiting for comments from councilmen. This was in response to a question from Councilman Hornbeck.

#### **Transfer Station Punch Tickets**

Councilman Hornbeck said that the owner of A&M Hardware asked about fees for selling punch tickets. This will be discussed at a later workshop meeting.

**Security at Zoning Board of Appeals Meeting**

Councilman Hornbeck said that there was a large crowd and an incident at the last ZBA meeting and suggested that two security personnel be present at the Airport Road Racetrack public hearing on May 14<sup>th</sup>. Supervisor Lipton will call the Sheriff's office.

**Workshop Meeting**

A special work shop meeting was scheduled for Thursday, May 9<sup>th</sup> at 7:00 pm. [This was later changed to Wednesday, May 8<sup>th</sup>.]

**Payment of Bills**

The Town Board reviewed and paid bills from 5:17 to 5:55, when the meeting was adjourned. Prior to adjournment, the Town approved General Fund expenditures of \$86,355.97; Highway Fund expenditures of \$75,532.81; and Lighting expenditures of \$245.31.

**Town Board Meeting  
Thursday, April 4, 2002  
7:00 pm Town Hall**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan & Santosky, Town Clerk Sommer  
Absent: Councilman Edwards

**Call to Order**

Supervisor Lipton called the meeting to order at 7:00 and led in the pledge of allegiance.

**Minutes**

The Town Board unanimously approved the minutes of February 28, March 7, and March 28.

**Adult Entertainment**

The Town Board unanimously approved a six-month moratorium on adult entertainment activities. Supervisor Lipton said that the Town Board was looking at locations where such activities might be permitted.

**Town Transfer Station Reports**

The Town Board unanimously approved a resolution requiring transfer station employees to file weekly reports.

**Sale of Sand Hill Road Land**

The Town Board unanimously approved a resolution authorized the sale by auction of surplus real property located on Sand Hill Road. The properties (69.3-4-41.100 and 69.3-2-41.200) will be sold on one deed subject to access to transfer station monitoring wells at 10:00- am on April 24, 2002 at Town Hall. Bids must be at least \$75,000 and are subject to referendum.

**Resolution to Reorganize**

The Town Board unanimously approved a resolution calling for the elimination of the position of Municipal Works Supervisor and the creation of a new position of Transfer Station Attendant. The current Municipal Works Supervisor, Edward Hornbeck, would be held harmless against any salary loss. Supervisor Lipton stated that he did not believe the town needed a Supervisor of Municipal Works at this time.

**Resolution Regarding Transfer Station Attendant**

Supervisor Lipton asked if anyone would introduce a resolution authorizing the appointment of Edward Hornbeck as Transfer Station Attendant and creating regular hours of 7:30 am to 4:00 pm with a half-hour for lunch. It was noted that Mr. Hornbeck is a salaried full-time employee and that this schedule would add 260 working hours per year to his schedule. No councilman made the motion and the matter was tabled until an executive session.

### **Town Clerk**

The Town Board unanimously passed a resolution authorizing the Town Clerk to attend the annual meeting of the New York Association of Town Clerks from April 21-24 in Saratoga, NY. Documented expenses of up to \$425 will be reimbursed.

At 7:12 pm Supervisor Lipton opened the meeting to public comment

### **Surplus Property**

A resident asked why the Sand Hill Road Property was being sold and what the proceeds would be used for. Supervisor Lipton said that the Town Board decided that the property was surplus property and that the town no longer had a use for the land. The use of the proceeds had not been decided because the money had not yet been received.

### **Transfer Station Reports**

Transfer station attendant Edward Hornbeck stated that his written report was incomplete, pending receipt of further information from the Resource Recovery Agency and asked if monthly reports would still be required since weekly reports would now be submitted. Supervisor Lipton said that monthly reports were no longer necessary.

### **Earth Day Roadside Cleanup**

Resident Brinton Baker reported that Earth Day clean up would be held on April 20. There was a brief discussion regarding the placement of a 3x20 banner advertizing the event. Councilman Hornbeck said that he would contact Central Hudson regarding the problem.

### **Scenic Byway**

Brinton Baker, as the town's representative to the Scenic Byway Commission, reported that the group had its funding in place and was entering the planning phase. Approximately \$100,000 had been received from Ulster and Orange Counties and the State.

### **Park Safety**

Edward Hornbeck reported that he had recently completed training courses on park and public safety and noted that the town had potentially liability for potentially life-threatening hazards. He requested permission to inspect the parks and report on possible solutions. Supervisor Lipton said he would inspect the areas with Mr. Hornbeck.

### **Illegal Business Activities**

Resident Steve Fornal reminded Board members that he brought up the existence of illegal businesses on Airport Road and Queens Highway and asked if the Town Board had visited the sites or otherwise followed up. There was no response from the Town Board. The businesses were an illegal log yard on Airport Road and an illegal mine on Queens Highway. Mr. Fornal went on to say that the Town Board had discussed the possibility of having code enforcement officer Douglas Dymond attend a meeting to discuss these matters and asked if this had been scheduled. Supervisor Lipton said not until the workshop meeting.

Mr. Fornal also said that on March 25, the town was called to clean up a large amount of gravel on Boodle Hole Road and asked if the Town had billed the owner of the truck or the mine for the spilled gravel cleanup. Supervisor Lipton said no. Mr. Fornal stated that the 1969 Comprehensive Plan noted that

commercial trucks traveling through residential neighborhoods was a bad practice precisely for reasons such as this. He said that he thought it was a bad practice for the Town to pay for such clean up since DEC regulations already required mine operators to clean up such spills. He said there should be a town policy for such cleanup.

Mr. Fornal stated that the Accord Speedway had advertized a Saturday fleamarket. Supervisor said that this would not happen without a permit, which the owners did not have. Mr. Fornal asked why the business was permitted to advertize on the Town's bulletin Board and asked if other businesses could also advertize there. Town Clerk Sommer said that the advertizement would be removed.

### **Illegal Racetrack**

Mr. Fornal said that at the March 28 meeting, Councilman Hornbeck said that he would look at the definition of racetrack. Mr. Fornal suggested that whatever discussion took place should be consistent with the protection of residential neighborhoods. Any zoning change on that property would constitute spot zoning, which is not permitted in NY.

Brinton Baker asked what the status of the "alleged" race track was. Supervisor Lipton said the matter had been referred to the town's attorney and that the owners had been told to cease and desist pending any appeals with the ZBA, however, the owners were ignoring the cease and desist order "We have ordered him to stop, but he hasn't stopped."

Greg Post, the owner of the land in question said he was never ordered to stop racing. He said the property was not a racetrack, just a place where family and friends gathered to ride. He stated that he rode there all his life. Supervisor Lipton said he was responding to numerous letters, calls, and complaints and that he looked into the town law, which he said specifically prohibits us of a property with "ore than 1, 2, or 3 motor vehicles."

Brinton Baker asked how many complaints had been received. Supervisor Lipton said that many had gone to the ZBA and that he had received many letters and several calls at home. The main complaint is noise.

A resident said that a helicopter flew over his house "close enough for him to shoot at it" and asked who he should complain to. Town Clerk Sommer said the Federal Aviation Administration. Supervisor Lipton said that aircraft had to maintain a minimum altitude of 1,000 feet.

Mr. Fornal said that when the racetrack was 'terraformed' it was brought into the racetrack category because riding on such excavated land requires a demonstration of skill. There were two issues regarding land use (1) those that don't impact others , and (2) those uses that do impact others.

### **Harrasment Policy**

Supervisor Lipton read a proposed non-harassment required by the town's insurance company, which was approved unanimously.

### **Greenway**

Councilman Ryan moved that the Town join the Hudson Valley Greenway. The motion was approved unanimously.

### **High School Parking**

Town Board members discussed the merits of installing no parking signs along Kyserike Road. Highway Superintendent Wayne Kelder explained county law (as it is a county road) and said that if the town

installed the signs, it would be liable for maintain them. He stated that he did not think the town should get involved and proposed extending guard rails, which would prevent students from parking there. He said the problem area is about 200'. The matter was tabled pending a discussion with the town's attorney.

#### **Purchase of Road Sweeper**

Highway Superintendent Kelder said that the town's road sweeper attachment was aging and asked for the allocation of \$10,000 to purchase a new one. The proposal was unanimously approved.

#### **Misc.**

Councilman Hornbeck suggested that 50 punch cards be placed for sale at the transfer station, up from the current 20. This was approved unanimously.

Councilman Hornbeck asked about the status of the employee manual. Supervisor Lipton said he was waiting for written comments/amendments from Town Board members.

Councilman Hornbeck said that the town's Code Enforcement Office does not have any zoning maps available for residents. The office has one map, which is 27 years old and unreadable and suggested that an updated map be prepared and made available for sale.

Councilman Hornbeck said that according to state law, the Fire Department was entitled to \$1,000 per year from the town for fighting brush fires. In the past such payments were made, but this was discontinued. After a brief discussion, Supervisor Lipton agreed to review the town's finances within one week to determine if such a payment could be made at this time.

The Town Board went into executive session at 8:05 pm

**Town Board Audit & Workshop Meeting**  
**Thursday, March 28, 2002**  
**4:30 pm Town Hall**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan & Santosky  
Absent: Councilman Edwards

**Call to Order**

Supervisor Lipton called the meeting to order at 4:30.

**Review and Payment of Bills**

The Town Board reviewed and approved bills until 5:12 pm. Supervisor Lipton reported that the totals were as follows: \$45,111.68 for the Highway Department, \$75,149.16 for the General Fund, and \$242.14 for street lighting. It was moved and seconded that the payment of bills be approved as audited. The motion passed unanimously.

**Resolution Regarding Illegal Racetrack on Airport Road**

Supervisor Lipton read a draft of a resolution prepared by Mary Lou Christiana, the town's attorney, authorizing the town attorney to bring any and all litigation to enjoin Gregory Post from operating a racetrack on Airport Road. Councilman Hornbeck noted that perhaps the town law needed to be amended to refine what constitutes a racetrack. Supervisor Lipton said that the operation of the racetrack in a residential zone is a violation of the current town law and that such operation should be stopped. He noted that the owner of the property, Gregory Post, filed an appeal with the Zoning Board of Appeals and that the illegal operation should cease pending the outcome of the ZBA's hearing. Councilman Ryan made the motion as proposed and Councilman Santosky seconded it. The motion was approved unanimously. (5:18)

**Resolution Regarding Renewal of Accord Speedway Operating Permit**

Supervisor Lipton stated that the town's attorney had reviewed the application of Twin Track Promotions, Inc. and confirmed that the application was in order. The applicant requested 40 race dates and provided for up to three alternate rain dates. Councilman Santosky moved that the permit be renewed for one year. The motion was seconded by Councilman Hornbeck and approved unanimously. (5:20)

**Resolutions Regarding Sale of Sand Hill Road Property**

Supervisor Lipton asked for a resolution to declare two parcels of land owned by the town on Sand Hill Road (formerly Dugway Rd.) as surplus real property. The parcel numbers are 69.3-2-41.100 and 69.3-2-41.200 on the property tax map. In the ensuing discussion, Supervisor Lipton reported that the property has been owned by the town for more than 30 years, and that the two parcels had to be sold together as one of the parcels was landlocked. The two parcels total approximately 35 acres and were appraised at \$67,800 by the town assessor. The motion passed unanimously.

Supervisor Lipton asked for a resolution to sell the surplus property on Sand Hill Road by public auction on one deed for a minimum of \$67,800. Councilman Santosky said he was against selling the land. Councilman Hornbeck noted that on the smaller parcel there were two monitoring wells for the former landfill, which is adjacent, and that this would require some sort of easement to provide for the annual inspection of these wells. None of the councilmen made the motion to sell the property and Supervisor



Lipton suggested that the matter be tabled until the April audit and workshop meeting when all five councilmen would be present. He noted that Councilman Edwards was expected to return from vacation near the end of April.

#### **Employee Insurance Buyback**

Supervisor Lipton reported that Highway Department Eric Eck, Jr. had been short-changed in his health insurance buyback in the amount of \$387.17. Mr. Eck requested time off in lieu of cash payment and had received the permission of the Highway Superintendent and the Union. Councilman Ryan moved to accept the proposal, which was seconded by Councilman Santosky. The motion carried unanimously.

#### **Resolution to Amend Bond Anticipation Note Issuance Resolution dated March 1, 2001**

Supervisor Lipton noted that the original resolution authorized the issuance of \$250,000 in bond anticipation notes, which included the authorization of expenditures for the purchase of road gravel. Of the appropriation \$90,000 was not spent, \$10,000 of which was retained to be re-allocated towards the purchase of a new truck. Supervisor Lipton asked for a resolution amending the original BAN issuance resolution authorizing the expenditure of funds for the truck, and authorizing the renewal of the notes with Ellenville National Bank at an interest rate of 2.5% and a new balance of \$180,000. The motion was made by Councilman Hornbeck, seconded by Councilman Ryan and approved unanimously.

#### **Loan of Two Voting Machines to Rondout Valley Central School District**

A motion to lend two voting machines to RVCSD was made by Councilman Ryan, seconded by Councilman Santosky and approved unanimously.

#### **Transfer Station Backhoe**

A discussion about a backhoe at the transfer station took place. One is currently being evaluated and has been in use for three weeks. Councilman Santosky moved to advertize the solicitation of bids for a new backhoe with the same specifications. The motion was carried unanimously.

#### **Samsonville Road Lighting**

Councilman Ryan said that he received a letter from a resident asking for improved lighting at the corner of Route 209 and Samsonville Road. After a brief discussion he moved that two lights be installed, one on Webster Ave. and the other at the corner of Route 209 and Samsonville Road. The motion was seconded by Councilman Santosky and approved unanimously.

#### **Discussion of Signage on Kyserike Road**

Councilman Hornbeck asked if the Town Board was going to discuss the installation of signage regarding parking near the high school. Supervisor Lipton said that he preferred to discuss the issue at the next meeting when Highway Superintendent Kelder, who he said has extensive knowledge of signage laws, would be present.

#### **Adjournment**

The meeting adjourned at 5:20 pm.

**Town Board Meeting**  
**March 7, 2002**  
**7:00 pm**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, Santosky, (Town Clerk representative took minutes).

Absent: Councilman Edwards

**Pledge of Allegiance** Supervisor Lipton led the meeting in the pledge of Allegiance

**Minutes** of Feb 7 moved and seconded, approved unanimously

**Supervisor's Report** Supervisor Lipton said that the Supervisor's Report was on file with the Town Clerk.

**Hudson Valley Greenway Authority**

Mr. Rich Harris, a senior planner from the Hudson Valley Greenway Authority, was invited to speak on behalf of his organization. It is a state agency, created in 1991 by the State Legislature. The purpose of the legislation establishing the authority was to promote five criteria for the Hudson River Valley; (a) regional and inter-municipal planning; (b) economic development, (d) environmental education (d) natural and cultural resource protection, and (e) public access to the Hudson and other important rivers and natural resources. The agency provides technical assistance and input and distributes grant funding provided by legislature. Mr. Harris mentioned that Rosendale and Marbletown might soon be approaching the agency for grant money. The agency also helps with other state agencies such as the Department of Transportation, Department of Environmental Conservation and serves as an advocate for the Town for Greenway mandated projects. All activity conducted by the agency must promote one of the five criteria.

The Greenway area was designated by the legislature and the Town of Rochester is within that area, which extends from Saratoga County to Battery Park in Manhattan. All 13 counties of Hudson Valley and all municipalities within those counties except the Catskill Park are within the area. Approximately half of the municipalities have elected to participate in the program by adopting a resolution, making the town eligible for grant and other assistance. Rosendale passed the resolution recently, making it the 11<sup>th</sup> of 18 eligible communities in Ulster County. Passage of the resolution to join the Greenway is not a local law and does not obligate the community in any way. Examples of funded projects include main street revitalization, façade improvement programs, etc. Goshen installed architectural lighting fixtures and received grant money.

The agency works on planning issues, zoning laws, and provides advisory opinions on request. New Paltz receives a large amount of assistance. Included in the types of projects that the agency works on are trail projects (Rosendale and Marbletown), including water trails for canoeing, kayaking, and national heritage projects, which promote areas of historical significance in the region. In addition to state funding, the agency administers Federal national heritage funding on the state level for the US Dept of the Interior.

Councilman Ryan asked if the town would be indebted to the agency if it receives funding and asked if the town could withdraw from the program at a later date. Mr. Harris replied that the grants are disbursed in a reimbursement process, with a standard contract and that the contract is the only binding obligation. If the terms of the contract are met, reimbursement will be made. Once paid, there is no obligation on the town to stay in the program.

Resident Brinton Baker asked if the Greenway had any power to interfere with Home Rule. Mr. Harris reported that the agency has no regulatory authority and is required to respect Home Rule. The zoning or land use authority of a town has sole authority to regulate such matters. The Greenway Authority does not

have eminent domain powers and does not hold easements. What are the disadvantages of joining? Most opponents focus on the Home Rule issue, which is “flatly not true.” and there is no legal basis for this. Any town can opt out at any time (in 13 counties there are 242 municipalities eligible, 153 have joined and none have withdrawn from the program).

Resident Max Finestone said that more than half of eligible communities now participate. and asked if Mr. Harris expected that the others would join soon. Mr. Harris replied that new participation has been limited by the number of staff consultants and lack of time to visit each of the communities, as well as municipal official interest in the program. Funding comes from the state budget except National Heritage funding provided by Congress, through the Department of the Interior. The program has two executive directors and about 15 staffers.

Resident Brinton Baker said he thought it would be a great thing for the Town of Rochester. Supervisor Lipton said that everything that Mr. Harris said was on the plus side and that the town had to determine if there were any minuses.

A resident said that whenever anyone accepts money, an obligation is created and asked if the town accepted money, would there be future problems with the DEC or other agencies if a landowner wanted to clear some trees to pay taxes. Mr. Harris said that land use issues are local issues and subject to Home Rule. The Greenway Authority would not get involved.

#### **Earth Day Update**

Resident Brinton Baker made a presentation on Earth Day Cleanup scheduled for April 20<sup>th</sup> and April 27<sup>th</sup>. Two meetings have been held with the Youth Commission and other community members, including Councilman Ryan. Baker reported on the process of assigning work areas. There will be a sign up sheet for all the roads that will be cleaned up. Participants must be on the list, with no last minute people showing up. Baker said that a re-usable banner would cost about \$300 (plus permit and hanging) and about \$100 for flyers would be needed. He and others are working on ideas of how to pick up filled garbage bags. Max Finestone said that the Environmental Commission had a small budget of which part could be used for a banner. Residents can call the Youth Commission office at 626-2115 to register for the clean up day.

#### **Scenic Byway**

A discussion of the Scenic Byway program proposed by Brinton Baker was postponed to another meeting at Supervisor Lipton’s suggestion.

#### **Sale of Front End Loader**

A \$15,561 bid for the purchase of a used front-end loader were accepted by the Town Board.

#### **Sale of Sand Hill Road Property**

The proposed sale of Town-owned property on Sand Hill Road was not advertised because of legal reasons. Supervisor Lipton asked if the motion would be rescinded and postponed. Hornbeck moved to rescind the resolution from the 2/7/02 meeting, seconded and approved unanimously.

Bids on Hauling and paving of highway material. Highway Superintendent Kelder made recommendations.

Hauling and placement of asphalt concrete. Three bids, lowest bid was Decker Paving of Kerhonkson, Moved, seconded and approved unanimously to accept the bid.

Rental of equipment for asphalt paving. Three bids, lowest bid was from Wayne Greer of Accord, Moved, seconded and approved unanimously.

hauling of road material, One bid from Hornbeck Trucking at \$3.74 per ton.

Moved seconded and approved (Hornbeck recused himself from voting)

Request from Haugen on Mt. Floral Rd., who wants cable on her road. 3168 feet, which is about ½ mile and the town has 2 miles left in its franchise agreement with Time Warner Cable. Three houses on the road. Hornbeck asked if there were any roads or areas where there are more houses per mile. Lipton said this was the only request on record and it had been in place for 6-8 months.

Open to public discussion

Steve Fornal asked if Mr. Hornbeck had received Fornal's letter regarding zoning infractions. Mine operation on Queens Highway, log yard on Airport Road. Leroy Lapp said the logs are on the property for personal use as firewood to the CEO and that unregistered vehicles would be removed when more readily accessible. Fornal said that was the problem and said that the law is not being removed. The removed was first mentioned 14 months ago. Hornbeck said that the magnitude of the logs were a log concentration yard, not personal use. Hornbeck said he spoke to Demon, there is no statutory limit on how much firewood or logs can be stored, if logs are being moved in and out "we have a problem" Fornal said he raised this matter more than 18 months ago. Fornal asserted that it was a firewood and log storage business and that per the schedule of uses, this is not allowed. Fornal questioned the standard by which residents' representations are judged. If firewood is being sold from the property in a residential zone, "then there's a problem" That needs to be addressed. Fornal asked for the CEO's determination for the log yard on 209 that was approved a year ago and there was no statute that permitted it, even though it was a business zone.

Queens Highway illegal mining operation reported to Planning Board, which reported that Fornal did not have aggrieved party status. Hornbeck referenced a January 2001 letter. The property was inspected and determined to be a minor operation that would not have an effect on the health or safety of town residents. The mine existed prior to zoning. A permit would be required only if the mine expanded its operations to crushing and screening. per the CEO. Fornal said that the 1969 list of existing land uses does not reference the mine's existence. If it does not predate zoning, the owner does need a permit. If the property is not used for five years, grandfathering no longer applies. Fornal said between 1990 and 1999 there was no indication of mining activity there. If the grandfather is claimed, it should be on the 1969 map. Hornbeck said he personally pulled out of there in 1992 and he saw it in 1994. If they want to have a mining operation they have to go through the permitting process., "I agree" said Hornbeck. Fornal said that there was a pattern from the CEO of willful refusal to enforce the law and that the Town gave him a raise.

Fornal also cited the logyard on Kyserike Road, which was the subject of a cease and desist order, which has not been enforced. Hornbeck said to Lipton that he's all for sitting down with the CEO and discussing this matter. Lipton said that was fine and asked to close the subject.

8:16

Alarm system problem at the Community Center and Tom Ryan obtained three bids for alarms. Rest Assured was the lowest bidder. Ryan checked references, including the Marbletown Supervisor. Ryan said that it would be inappropriate to release the amount the system due to security bids, but that all bids were under \$2,000.

Moved, seconded and approved unanimously.

New truck for the CEO. Existing truck has over 100,000 miles and has been in the shop and is 13 years old. Hornbeck received several bids, which were higher than the state bid amounts. \$16814 for a Chevy plus \$200 destination charge. Harold mentioned that the town had about \$8,000 in funds available but that would have to take out a small BAN for the balance. Moved seconded and approved unanimously. Grey with cloth seats.

Tom Ryan asked how to address mail for the Youth Center/Community Center. Think about names for next meeting.  
Adjourned at 8:30

## **Town Board Audit and Workshop Meeting February 28, 2002**

The meeting came to order at 4:30 pm

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, Santosky. Absent: Councilman Edwards

### **Payment of Bills**

The Town Board reviewed bills for payment until 5:10 and then approved the following expenditures: Town General Fund \$107,281.63; Highway Department \$59,229.63; Street Lighting \$252.50. It was moved and second to pay the bills as audited. The resolution was approved unanimously. During the payment of bills, Councilman Hornbeck mentioned his objection to the \$20,000 that the town pays each year to libraries in Ellenville and Marletown, indicating that he would prefer to see the monies directed to the Little Ones Library in Rochester.

### **Low Income Housing Project**

The Town Board discussed the Housing Project in Wawarsing/Rochester proposed at the last meeting. Councilman Hornbeck said there was a need for low income housing in the community, but that there was a bigger need for senior citizens' housing. He stated that he would like to see a senior citizen low-income housing project in the town and noted that the bank, post office and shopping center were in close proximity to the proposed project, making it an ideal project for seniors. "I say let's take care of our seniors first."

Councilman Ryan noted that Ellenville has its own police department to take care of the area but that the sheriff's department doesn't have any officers available. With senior citizens in proposed project, the site was convenient to the bank for social security checks and to shopping.

Councilman Santosky expressed his support of the project and for the points already raised. The property owner asked him to bring to the town board's attention that the owner was willing to reduce the number of units to be located on the one acre parcel on the Rochester side from the 14 units originally proposed to 10 units, with no change to the number of units in Wawarsing. It was noted that the number of units was not an issue other than insufficient parking and no room for sidewalks.

Supervisor Lipton summarized that all town board members appeared to be of the same opinion. Councilman Hornbeck moved that the town would support the project in Rochester if it is for senior citizens. He noted that families with children can't easily be housed in the vicinity of seniors. The motion was seconded by Councilman Ryan and approved unanimously. Supervisor Lipton will send a letter regarding the motion.

### **Insurance Benefits for Retired Employees**

Supervisor Lipton raised the issue of insurance benefits for retired town employees. A description of the benefits, if approved, is to be put in employee manual and hold public hearing. Discussion was tabled until a future date.

### **Front End Loader Bids**

The Town Board received a bid on Front-end loader for \$15,561. Councilman Ryan moved that the bid be accepted. Councilman Santosky seconded the motion, which was approved unanimously. A certified check to Town of Rochester General Fund shall be accepted as payment. Highway Superintendent Kelder has offered the use of Highway Department equipment until new equipment is purchased.

### **Vincent H. Dunn Memorial Road**

Supervisor Lipton read a letter from Matthew Stopphard proposing that Samsonville Road (County Route 3) be given the additional name of Vincent H. Dunn Memorial Road in honor of the late county legislator and former Rochester Supervisor. Dunn was born on the road and attended one room schoolhouse there. Councilman Hornbeck moved that the Town Board endorse the suggestion. Councilman Ryan seconded the motion, which was approved unanimously

### **Two-Way Radios for Transfer Station**

Transfer Station employees used two borrowed radios for transfer station. Supervisor Lipton asked Buddy Hornbeck if it would be beneficial to have a two way radio system set up there. Supervisor Lipton received two different system proposals and suggested the better system at a cost of \$698.00 per radio. There was a lease option for 5 years of \$35 per month per radio. Supervisor Lipton suggested that the Town buy the equipment for \$1,396 vs. leasing the system for \$4,200 for two radios. Councilman Santosky moved that the town buy the system. Councilman Ryan seconded the motion, which was approved unanimously.

### **Transfer Station Report**

Buddy Hornbeck explained the scale weight fee and punch collection process at the Transfer Station. He also asked for formal clarification of the comp day policy for holidays for those transfer station employees who normally do not work on Mondays, pending the amendment of the town's employee manual. Board agreed to maintain existing policy until the employee manual is revised. Moved by Councilman Ryan and seconded by Councilman Hornbeck. The motion was approved unanimously

There was a discussion on various options of disposing of tires brought to the transfer station.

Meeting adjourned at 5:40 pm

**Town Board Meeting  
February 7, 2002  
7:00 pm**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan and Santosky, Town Clerk Sommer. Absent: Councilman Edwards

The minutes of the January 3, 2002 Organizational and Regular meetings, the special January 11, 2002 Town Board meeting and the January 31, 2002 audit and workshop meetings were approved.

Supervisor Lipton indicated that his Supervisor's Report had been filed with the Town Clerk.

A proposal by Bruce Levine of 3D Development in Syracuse for an affordable housing project was discussed. Mr. Levine indicated that his firm was asked by the Wawarsing Supervisor to develop a plan for an affordable housing project. The plan is being made for a parcel of approximately 5 acres on the Wawarsing/Rochester town line and 4.69 acres sits in Wawarsing (all except 1 acre is in a flood plain) and .89 acres sits in Rochester. The plan calls for approximately 34 housing units/townhomes to be located behind the Key Bank and Post Office in Kerhonkson (Peter & West Streets). Mr. Levine and his co-developer, Dawn Sanborne, are preparing a proposal to be submitted to the NY State Housing Trust Funding Corp to obtain long-term low interest loans. Applications are due March 25, 2002. Federal tax credits would also be obtained and sold to investors to raise the necessary equity. The units would be available to people who earned less than 60% of the median income in the area, or approximately \$18,960 to qualify for a 670 square foot one bedroom unit (up to 2 people), \$21,360 for a 850 sq. ft two bedroom unit for up to four people, and \$26,700 for a 1,050 sq. ft three bedroom unit for up to five people). The project will be managed by Two plus Four Management in Syracuse. Mr. Levine requested a letter of support from the Rochester Town Board.

Of the 34 units, 14 units would be sited on the .89 acres in Rochester. These 14 units at full capacity would have approximately 11-14 children. The 20 units in Wawarsing would have a maximum capacity of about 20 children. The firm calculated the population density in Rochester to be about 1 unit per 2,700 sq. ft of land, and the population density in Wawarsing to be about 1 unit per 10, 200 sq. ft of land. Overall, the density would be 1 unit per 7,100 sq. ft.

Once funding approval is received from the State, the project managers will submit a plan requesting either a zoning variance or an amendment to the town's zoning law, which currently requires one acre per housing unit. Water and sewerage for the project would come about through a connection to the Wawarsing system. It was noted that the flood plain map indicated that the 100-year flood plain came right up to the edge of the building.

The Town Board discussed the status of a plan to abandon Waterfalls Road. Highway Superintendent Wayne Kelder said that the process had taken 2-3 years with various agencies and that the road was being abandoned due to underutilization. Under the proposed qualified abandonment, the road would still exist as a right of way, but the town would no longer have legal responsibility for maintaining it. Councilman Hornbeck indicated that there was some public protest by at least one resident at an earlier meeting in which the resident stated that the abandonment was politically motivated. Mr. Lipton moved to accept the abandonment. The motion was not seconded and did not carry.

The Town Board voted to raise the price of scrap metal sold at the transfer station from \$0.02 per lb. to \$0.03 per lb.

The Town Board authorized the following advertisements to be made:

Sale of 35 acres on Sand Hill road. Bids due 2/25/02 at 10:30 am



Bids for rental of paving equipment.  
Bids for hauling of road material

The Town Board accepted the Highway Superintendent's proposal to accept Piazza Road and Terwilliger Roads as town roads

The meeting was opened to public comment:

Brinton Baker asked for the town's support in an Earth Day roadside clean up in conjunction with the Town's Youth and Environmental Commissions. Mr. Baker asked the town to consider waiving tipping fees at the transfer stations, provide plastic bags for trash, and provide Highway Department personnel to assist with the hauling of trash to the transfer station.

Mr. Baker also asked if commercial haulers were required to pay a higher tipping or annual permit fee at the Transfer Station -- the Town Clerk responded that commercial haulers paid the same rate.

Tax Collector Veronica Sommer reported that to date \$2,435,892.95 had been collected of the town's total tax warrant of \$4,309,834.25. The Town Supervisor's warrant of \$1,964,160.41 had been collected and paid in full and that the balance collected will be remitted to the Ulster County Treasurer.

The Town board went into executive session to discuss the town employees' health plan.

Meeting adjourned at 7:45 pm

**Town Board Audit & Workshop Meeting**  
**January 31, 2002**  
**4:30 pm**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, Santosky. Absent: Councilman Edwards

The Town Board heard a report from the Town Assessor, Sharon Hornbeck, regarding residents' response to the request for information for the 911 emergency system. The Assessor said that the response rate was lower than desirable and that completing the necessary information on the property map was taking a tremendous amount of time and that she found it easier to work on this project in the evening. The Assessor asked for and received the Town Board's consent to substitute hours by coming in later and working later.

The Town Board reviewed and paid bills and authorized the expenditure of funds for such payments.

The Town Board nominated Clifford Bush as the Planning Board alternate. No other nominations were made by the Board.

The Town Board nominated James Dennin as the Zoning Board of Appeals alternate. No other nominations were made by the Board.

It was moved and seconded that alternate members of the Planning Board and Zoning Board of Appeals be paid \$25 for each meeting they attend.

The Board voted to re-allocated \$10,000 from the Highway Department unexpended balance to the miscellaneous account to purchase truck radios.

The Board voted to donate \$50 to each of the Kerhonkson-Accord First Aid Squad and the Kerhonkson Fire Department in memory of Vinnie Dunn.

Supervisor Lipton noted that his bookkeeper is the only town employee who knows how to operate the town's computer system with respect to bill and payroll. He requested that the Board approve the hiring of an on-call substitute in the event that the bookkeeper is sick, etc. Supervisor Lipton said that he had two people in mind for the job.

Public Works Superintendent Buddy Hornbeck discussed the Town's progress in more closely monitoring transfer station revenues and expenses.

The meeting adjourned at 6:30 pm

**Town Board Minutes  
Special Meeting  
January 11, 2002  
4:30 pm**

Present: Supervisor Lipton, Councilmen Hornbeck, Ryan, Santosky. Town Clerk Sommer. Absent: Councilman Edwards

Supervisor Lipton led the meeting with the pledge to the flag.

The Town Board discussed a proposed health insurance buyout and insurance waivers for town employees. Supervisor Lipton will send a letter to certain employees.

No decisions were made at this time

Ended 5:45

Notice of Special Meeting:

Town Clerk Sommer certified that she posted notice of the special meeting on the doors of the Town Hall, the Town Clerk's Office and the Town Clerk's official bulletin board on January 8, 2002.

[Due to lack of notice, this meeting was not videotaped. These notes were taken from the official minutes prepared by the Town Clerk.]

**Town Board Meeting Minutes  
Organizational Meeting, January 3, 2002  
7:00 pm**

Supervisor Harold Lipton asked Judge Ron Keillor to swear in town officials

Present: Harold Lipton, Carl Edwards, Randy Hoorbeek, Tom Ryan, Ron Santosky,

Town Justice Ron Keillor swore in:

- Veronica Sommer as Town Clerk
- Harold Lipton as Supervisor
- Randall Hoorbeek as Councilman
- Thomas Ryan as Councilman
- Wayne Kelder as Highway Superintendent

Supervisor Lipton led the meeting in the pledge to the flag and asked the audience to observe a moment of silence for the late supervisor and legislator Vinnie Dunn.

Supervisor Lipton read voting procedures, which mandated voice vote unless a roll call vote is requested by a board member.

Ellenville National Bank, Premier National Bank, and Fleet Bank were selected. The Supervisor may use other banks to obtain the most favorable rates. Moved and seconded and approved unanimously.

Regular Town Board meetings shall be held on the first Thursday of the month at town hall at 7:00 pm

The Town Board audit and workshop meetings shall be held on the last Thursday of each month at 4:30 to audit the town's bills, followed by workshop meeting.

The Daily Freeman shall be official newspaper. The Middletown Times-Herald Record was designated as an alternative.

Shirley Lamon was appointed as full time secretary/bookkeeper to the Supervisor.

Crystal Gazlay was appointed to be the secretary to the Highway Superintendent.

Eric Eck was appointed as Deputy Higher Superintendent.

The firm of Sperry, Cuono, Holgate & Churchill, CPAs, PC was appointed as Accountants for the Town.

Harold Lipton was designated Budget Officer

Berger, Friedman & Christiana was appointed Legal Advisor for the Town.

First Deputy Clerk & Deputy Registrar: Annette Rose  
Second Deputy (part time) Karen Moore  
Third Deputy (part time) Susan Mitchell  
Alternates may vary.

Registrar of Vital Statistics Veronica Sommer  
Records Management Officer: Veronica Sommer

Clerk to Justices:	Sonia Kortright	
Clerk to Justices (part time)	Karen Keator	
Dog Control Officer	Jill Shufeldt	
Clerk to Assessor	JoAnn Lee	
Social Service Officer	Susan Mitchell	
Municipal Works Supervisor	Edward Hornbeck	
Solid Waste Attendant	Wayne Kershaw	
Laborer for Town	John Tackett	
Town Historian	Alice Schoonmaker	
Youth Director:	Carol Dennin	
Youth Department Clerk:	Chris Zimmerman	
Constables:	Brian Belile	
	Alex Chalm	
	Walter Trion	
	Bruce Schoonmaker	
	Arthur D. Lapp, Sr.	
	Robert Matson	
	Anthony Kawalchuk Sr.	
Ambulance	KAFAS	\$5,000
Veteran Services:	VFW 8959	\$400
Joint Recreational Projects:	Indian Valley Little League,	\$1,700
	Kerhonkson Pool	\$7,000
	Rondout Babe Ruth	\$500
Library Services:	Ellenville Library	\$10,000
	Stone Ridge Library	\$10,000
Adult Recreation	KAGolden Seniors,	\$800
	KA Jewish Seniors	\$700
	Swawangunk Seniors	\$1,000
	KA Senior Citizens	\$1,000
Museum:	Friends of Historic Rochester	\$2,000
Community Development:	KA Chamber of Comm.	\$1,000
Petty Cash Funds:		
	Town Clerk,	\$300
	Supervisor	\$150
	Highway Superintendent	\$100
	Code Enforcement	\$50
	Zoning Board/Planning Board	\$50
	Youth Recreation	\$200
Code Enforcement Officer	Doug Dymond (17.5 hrs per week)	
Assistant Code Enforcement Officer:	Lewis Noest (17.5 hrs per week)	
Secretary to Code Enforcement	Brenda Striano	
Zoning Board of Appeals Chair:	Marijane Hunlock-Knudsen	
Zoning Board of Appeals Vice Chair:	Beatrice Haugen Depuy	
Planning Board Chair	Brian Drabkin	
Planning Board Vice Chair	Shane Ricks	
Secy to Planning & Zoning Boards:	Beverly Schoonmaker	

Spending Authorization for Highway Superintendent

Up to \$3,000 without prior approval except for emergency repairs or where statutory limits apply.

Association of Towns

The Town's delegate shall be Supervisor Lipton. The alternate delegate shall be Town Clerk Sommer. The following shall be authorized to attend: Supervisor, Town Clerk, 2 Councilpersons, Town Justices, 1 ZBA and 1 PB member or two from one board.

Mileage Reimbursement Rate for Town business.

30 cents per mile for authorized use with prior authorization from department head or town board

Historic Preservation Commission

Re-appointed Alice Cross and Milford Ebert, as Members for three year terms 12/31/2004  
Alice Cross was appointed chair and Milford Ebert was appointed treasurer. Eleanor Rosakranse was appointed secretary/treasurer.

Board of Ethics

Ron Santosky was appointed chair. Richard Gray and Anne Estroff were appointed members.

Deputy Supervisor:	Ron Santosky
Liaison to Hwy Department:	Randall Hoornbeek
Liaison to Solid Waste Facility:	Ron Santosky
Liaison to ZBA and PB	Randall Hoornbeek
Liaison to Youth Comm.	Tom Ryan
Liaison to Environmental Comm.	Tom Ryan
Liaison to Parks & Recreation	Carl Edwards
Liaison to Hist. Preservation	Tom Ryan
Liaison to Cablevision Comm:	Ron Santosky
Liaison to Insurance Carriers:	Carl Edwards
Liaison to Assessor:	Carl Edwards
FOIL Appeal Officer:	Ron Santosky

All appointments for one year or at pleasure by town board or as mandated by statute,

In accordance with town law section 29-16, Supervisor Lipton was authorized to take appropriate and necessary day-to-day actions for the benefit of the town.

The Procurement and Investment Polity was adopted without revision.

Fee Schedule with C&D and Appliances was approved after Ron Santosky moved that C&D be 5 cents per pound rather than 8 cents per pound as proposed. Seconded and approved without discussion

Town Board approved salary schedule  
Moved and seconded.

The Organizational Meeting ended at 7:25 pm

**Town Board Meeting**  
**January 3, 2001**  
**7:25 pm**

Present: Supervisor Lipton, Councilmen Edwards, Hornbeck, Santosky, Ryan; Town Clerk Sommer.

- December 27, 2001 Meeting minutes approved
- Supervisor's Report filed with town clerk
- Solid Waste metal fees will discussed at workshop meeting.
- Moved and Second that Diaz & Martinez road maintenance contract be approved.

The floor was opened public discussion:

Buddy Hornbeck asked for clarification that the scale rate increase at the transfer station was reduced from the proposed 8 cents to 5 cents per pound. Scale use fee is considered C&D or no matter what passes across the scale. The Transfer Station is permitted to provide credit for overcharges on 1/2/02

Steve Fornal thanked the Board for intervening on zoning infraction regarding flashing light on Route 209, which was taken care of the day after the complaint.

Carl Edwards thanked Wayne Kelder and the highway department for cleaning up the cemetery.

A resident asked why video taping of the meeting was being permitted. Supervisor Lipton said that a resident, Steve Fornal, requested the taping and that Supervisor Lipton checked with the town attorney who told him that the Board cannot refuse the taping. Supervisor Lipton said he gave instructions about where he could place his camera. The resident asked if Supervisor Lipton had checked with the town attorney to make sure that Mr. Fornal does not "edit the tapes to his benefit... things have been done. Movies have been changed. Words have been changed. . For the safety of our town."

A motion to adjourn meeting in memory of Vinnie Dunn was passed at 7:30 pm.