

The Town Board Meeting was held on December 4, 2003 at 7:00pm at the Town Hall.

PRESENT:

| | | |
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| Supervisor Lipton | Councilman Hornbeck | Councilman Ryan |
| Councilman Santosky | Town Clerk Sommer | Attorney Christiana |

ABSENT:

Councilman Drabkin

OTHERS PRESENT:

Michael Richardson, AMTEC Representative

Supervisor Lipton led the Pledge of Allegiance to the Flag and welcomed everyone to the meeting. He also welcomed Supervisor elect, Pam Duke and Councilman elect, Francis Gray.

APPROVAL OF MINUTES:

A Motion was made by Councilman Ryan to approve the minutes of the November 6, 2003 Town Board Meeting as submitted.

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| Seconded by: Councilman Santosky | Motion carried 4-0 |
| | Drabkin - absent |

A Motion was made by Councilman Ryan to approve the minutes of the November 20, 2003 Audit/Workshop Meeting as submitted.

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| Seconded by: Councilman Santosky | Motion carried 4-0 |
| | Drabkin - absent |

SUPERVISOR'S REPORT: Filed with the Town Clerk.

RATIFICATION OF EMPLOYMENT AGREEMENT:

Michael Richardson of AMTEC, presented the document to the Board and explained the changes. He said that there were a significant number of gaps and presented a comprehensive plan. He reviewed the text and explained the changes. Giving the Town flexibility and the union members a solid contract. He said they would get 60 cents per hour per year for three years. They will carve out the process to work the accrual system out with the bookkeeper. The Board and Mr. Richardson spoke about the medical plan and the questions that were raised by the highway representatives. He explained that the vote was 4 to 4 with a re-vote scheduled for next week. The ratification vote will be unanimous he said.

RATIFICATION OF HIGHWAY CONTRACT:

A Motion was made by Councilman Hornbeck to accept the Highway Union Contract as presented to the Board this date.

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| Seconded by: Councilman Ryan | Motion carried 4-0 |
| | Drabkin - absent |

Supervisor Lipton left at 7:40pm due to illness.

Deputy Supervisor Santosky then presided over the meeting.

MOBILE HOME PARK MORATORIUM UPDATE:

Councilman Santosky reported that any action regarding the Mobile Home Park moratorium must be made before May 10, 2004. He said if nothing is done, he will consider it a dead issue.

It was suggested that a committee be formed and then a workshop scheduled after the first of 2004.

Resident, Maureen Sheehan asked to be on the committee as did Councilman elect Gray.

RE-APPOINTMENTS TO PLANNING BOARD, ZBA & BOAR:

A Motion was made by Councilman Hornbeck to re-appoint Anthony Kawalchuk to the Planning Board. His term to expire 12/2010.

Seconded by: Councilman Ryan
Motion carried 3-0
Drabkin - absent
Lipton - left sick

A Motion was made by Councilman Ryan to re-appoint Betty Kawalchuk to the ZBA. Her term to expire 12/2008.

Seconded by: Councilman Hornbeck
Motion carried 3-0
Drabkin - absent
Lipton - left sick

A Motion was made by Councilman Hornbeck to re-appoint Peter Davis to the Board of Assessment Review. His term to expire 9/30/2008.

Seconded by: Councilman Ryan
Motion carried 3-0
Drabkin - absent
Lipton - left sick

FEE SCHEDULE ADOPTED:

A Motion was made by Councilman Ryan to adopt the permit fees as revised by the Code Enforcement Office and the Town Board, *effective 11/1/2004*.

Seconded by: Councilman Hornbeck
Motion carried 3-0
Drabkin - absent
Lipton - left sick

INTER-FUND TRANSFER:

A Motion was made by Councilman Hornbeck authorizing the Supervisor to transfer the fund balance from stone crushing project BAN to Highway fund in the amount of \$4028.79 from the Capital Projects account.

Seconded by: Councilman Ryan
Motion carried 3-0
Drabkin - absent
Lipton - left sick

OPEN TO THE PUBLIC:

Resident and Rondout Valley School Board Member, Maureen Sheehan suggested the Board advertise for committee members regarding the moratorium on existing trailer parks.

Resident, John Martin said that the work he had done regarding the drainage and mildew problem at his home has now been corrected. He asked the Board to help him with the cost of the work, since it was the work done by the highway department that caused the problem.

ORGANIZATIONAL MEETING SCHEDULED:

A Motion was made by Councilman Ryan that the Organizational Meeting be held on January 5, 2004 at 7:00PM at the Town Hall.

Seconded by: Councilman Hornbeck
Motion carried 3-0
Drabkin - absent
Lipton - left sick

LUCAS AVENUE WATER SYSTEM DISCUSSED:

Councilman Hornbeck reported to the Board about the meeting he attended with Councilman Ryan and the Lucas Avenue water district residents. He asked Attorney Christiana to look into certain areas concerning the town's involvement.

AD IN COMMUNITY BRIEFS RE: MORATORIUM ON EXPANSION OF TRAILER PARKS:

A Motion was made by Councilman Ryan authorizing the Town Clerk to advertise for residents to serve on a committee regarding the moratorium on trailer park expansion in our town.

Seconded by: Councilman Hornbeck Motion carried 3-0
 Drabkin - absent
 Lipton - left sick

HEALTH INSURANCE FOR GENERAL FUND EMPLOYEES:

After discussion, the following motion was made.

A Motion was made by Councilman Hornbeck that the general fund employees have the same health insurance benefits as the union employees.

Seconded by: Councilman Ryan Motion carried 3-0
 Drabkin - absent
 Lipton - left sick

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 8:20pm.

Seconded by: Councilman Ryan Motion carried 3-0
 Drabkin - absent
 Lipton - left sick

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

A Public Hearing was held on December 29, 2003 at 4:30pm at the Town Hall regarding Amending the Code of the Town of Rochester to Allow for Adult Use Establishments within the Town.

PRESENT:

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|-------------------|---------------------|--------------------------|
| Supervisor Lipton | Councilman Drabkin | Councilman Hornbeck |
| Councilman Ryan | Councilman Santosky | Town Attorney Christiana |
| Town Clerk Sommer | | |

OTHERS PRESENT:

Supervisor elect Duke
Councilman elect Gray

Supervisor Lipton welcomed everyone and led the Pledge of Allegiance to the Flag.

He explained that for several years the Town Board has been working to establish a site in connection with the regulation of adult entertainment uses in the Town. Adult entertainment uses are only permitted in the Business district.

The area selected for this use is between Boice Mill Road and Queens Highway in Kerhonkson.

Both Councilman Hornbeck and Councilman Ryan worked for several months finding a section that may be suitable for this purpose.

Resident, Phil Perlman expressed his opinion that it shouldn't be on Rt 209 but on a back road.

Resident, Zali Win asked if the homeowners in that designated area could put restrictions in their deeds against this use.

Councilman Hornbeck explained that both he and Councilman Ryan explored several areas before this one was selected. He said that the Board has given the absolute minimum footage allowed. The moratoriums have been exhausted and now we have to take action.

Mr. Win said he appreciates that the Board is pro-active in establishing areas and commended them for their work. He asked if applications come through the Board. He was told they would go through the Planning Board.

Attorney Christiana said she feels that the Planning Board would be very restrictive.

Resident, Steven Fornal said he doesn't have faith in the acting chairman of the Planning Board.

Resident, Zali Win said that larger parcels could be subdivided. He was told that there must be 6000 ft. between businesses.

Councilman Drabkin said he feels Wayne Kelder's suggestion of finding another area should be explored.

Councilman Santosky said areas throughout the Town have been explored and he will support the current proposed local law.

No further comments.

ADJOURNMENT:

A Motion was made by Councilman Santosky to close the public hearing at 5:10pm.

Seconded by: Councilman Hornbeck Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

The Audit/Workshop Meeting was held at 5:11pm, immediately following the public hearing on Adult Entertainment.

PRESENT:

| | | |
|-------------------|---------------------|---------------------|
| Supervisor Lipton | Councilman Drabkin | Councilman Hornbeck |
| Councilman Ryan | Councilman Santosky | Town Clerk Sommer |

OTHERS PRESENT:

Supervisor elect Duke
Councilman elect Gray
Dwight Coombes, Sprague & Killeen, Insurance Representative

Dwight said that there is less of an increase this year. The Town will still have \$5 million coverage, and the premium kept low. The Town is doing a great job he said.

A check will be received retro-active for the Youth Center.

The Board thanked Dwight and wished him a Happy New Year.

The Board questioned the payment to Brinnier & Larios regarding Barry Lane and the completion of the project. The project has not been completed at this time.

STOP PAYMENT:

A Motion was made by Councilman Hornbeck authorizing the Supervisor to put a stop-payment of the check to Brinnier & Larios for the Barry Lane project.

Seconded by: Councilman Ryan Unanimously approved

APPROVAL OF BILLS:

A Motion was made by Councilman Ryan approving payment of the bills as audited this date.

| | |
|------------------|--------------|
| General Fund | \$210,084.51 |
| Highway Fund | 144,986.96 |
| Capital Projects | 43,225.00 |
| Street Lighting | 253.76 |

Seconded by: Councilman Hornbeck Unanimously approved

ADJOURNMENT:

A Motion was made by Councilman Ryan to adjourn the Audit/Workshop meeting at 6:25pm.

Seconded by: Councilman Hornbeck Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

The End of The Year Business Meeting was held on December 29, 2003 following the Audit/Workshop Meeting.

PRESENT:

| | | |
|-------------------|---------------------|---------------------|
| Supervisor Lipton | Councilman Drabkin | Councilman Hornbeck |
| Councilman Ryan | Councilman Santosky | Town Clerk Sommer |

APPROVAL OF MINUTES:

A Motion was made by Councilman Ryan to approve the minutes of the December 4, 2003 Town Board Meeting.

Seconded by: Councilman Hornbeck Unanimously approved

ENCUMBERED FUNDS:

A Motion was made by Councilman Hornbeck to encumber \$588.00 for the Town of Rochester Senior Citizens Group as per the request sent by their Representative, Ruth Osterhoudt.

Seconded by: Councilman Ryan Unanimously approved

INSURANCE PROPOSAL ADOPTED:

A Motion was made by Councilman Drabkin to accept the Sprague & Killeen Insurance package for 2004 as presented by Dwight Coombes of Sprague & Killeen Ins. Co.

Seconded by: Councilman Santosky Unanimously approved

BUDGET TRANSFERS:

A Motion was made by Councilman Ryan authorizing the Supervisor to transfer unexpended balances of any appropriation to any other appropriations deficit in the 2003 budget as deemed necessary and further authorize the Supervisor to transfer any surplus revenues to contingency appropriations and to transfer from this contingency account to another appropriation in 2003 budget as deemed necessary.

Seconded by: Councilman Santosky Unanimously approved

EXECUTIVE SESSION:

A Motion was made by Councilman Hornbeck to enter into executive session at 6:36pm regarding a particular person.

Seconded by: Councilman Ryan Unanimously approved

A Motion was made by Councilman Santosky to reconvene the meeting at 6:56pm with the Supervisor reporting no action was taken nor monies expended.

Seconded by: Councilman Ryan Unanimously approved

AMTEK WORKSHOP WITH EMPLOYEES:

A Motion was made by Councilman Santosky to schedule a workshop meeting with Michael Richardson of AMTEK and Town employees to review the employment policy manual.

CEO FEES UPDATED:

A Motion was made by Councilman Santosky that the Town Board accept the recommendation of the CEO and increase the fee for square footage on both residential and commercial building permits to 25 cents per square foot.

Seconded by: Councilman Hornbeck Unanimously approved

LOCAL LAW #2 OF 2003 AMENDING THE CODE OF THE TOWN OF ROCHESTER TO ALLOW FOR ADULT USE ESTABLISHMENTS:

A Resolution was made by Councilman Santosky, seconded by Councilman Ryan to adopt Local Law #1 of 2003 as follows:

Section 1. Legislative Intent. Town Board hereby finds that certain business activities, by their nature, have serious operational characteristics which can lead to significant impacts on the surrounding community. The Town Board further finds that the uncontrolled proliferation of such uses would be inconsistent with the existing development and future plans for the Town of Rochester in that such uses often result in influences on the community which increase the crime rate and undermine the economic, physical and social welfare of the community. Further such uses have been found to contribute to the blighting of surrounding residential and commercial areas as a result of the related potential for an increase in crime, the undermining of the economic and social welfare of the community and deterring of investment in and improvement of surrounding properties. Such uses can adversely impact the general health, safety and economic well being of the entire community. In addition, the location of these uses may be in areas where youth regularly assemble, and the general atmosphere encompassing their operation is of great concern to the Town Board. By enacting criteria for the establishment of adult uses in the town, the purpose of this local law is to prevent the unrestricted proliferation or concentration of such businesses to specifically limit and reduce their accessibility to children and to ensure that the effects of such business will not adversely affect the health safety and economic well-being of the community.

Section 2. Standards. To help achieve the above stated goals, the Code of the Town of Rochester shall be amended as set forth below.

Section 3. Section 104-5 shall be amended to add the following definitions:

ADULT BOOK AND/OR VIDEO STORE - An establishment, whether wholesale or retail, having more than 20% of stock-in-trade in books, magazines, periodicals, recordings, films, videotapes/cassettes, DVDs, or other viewing or audio materials for sale or viewing on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual anatomical areas, and which establishment excludes minors by reason of age.

ADULT CABARET - An establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers or other similar entertainers, and which excludes minors by reason of age.

ADULT HOTEL OR MOTEL - A hotel or motel which is not open to the public generally, but which excludes minors by reason of age, or which makes available to its patrons, in their rooms, films, slide shows, videotapes/cassettes, DVDs and/or other viewing material with materials distinguished or characterized by their primary emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas which, if presented in a public movie theater, would exclude minors by reason of age.

ADULT USE - Any use constituting an adult book and/or video store, adult cabaret, adult hotel or motel, adult theater and/or massage establishment, as those terms are defined herein, or any other use which is distinguished or characterized by its emphasis on sexual activities or sexually anatomical areas, and which excludes minors by reason of age. Any use, such as a hotel, that includes any form of an adult use as a principal or as an accessory use shall be considered an "adult use" for the purposes of this chapter.

The above definitions shall be added between the definition for ACCESSORY USE and the definition for ALTERATION.

December 29, 2003

3028

Section 4. Section 140-49 shall be amended to add a new subsection C as follows:

Additional requirements for adult uses.

1. Not more than one (1) adult use shall be permitted on any lot.
2. No adult use shall be permitted on any lot which is within six thousand (6,000) feet of any other lot containing an adult use.
3. The lot on which the adult use is located shall have frontage on Route 209. Further, said lot shall be located between Boice Mill Road and Queens Highway.
4. No adult use shall be permitted within one thousand (1,000) feet of any lot containing a church or other place of religious worship, park, playground, playing field, day care center, community center or children's camp.
5. No adult use shall be permitted within one thousand five hundred (1,500) feet of any municipal boundary.

Section 5. The Town of Rochester Schedule of Zoning Uses shall be amended to add Adult Use Establishment to the list of Business Uses with the following designations:

| | District | | | | | | |
|-------------------------|----------|-----|-----|---|---|---|----|
| | A | R-1 | R-2 | B | I | F | HD |
| ADULT USE ESTABLISHMENT | N | N | N | N | N | N | N |

Section 6. Effective Date. This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Councilman Drabkin nay
 Councilman Hornbeck aye
 Councilman Ryan aye
 Councilman Santosky aye
 Supervisor Lipton aye Resolution carried 4-1

ADJOURNMENT DEDICATED TO SUPERVISOR LIPTON:

A Motion was made by Councilman Ryan to adjourn the meeting at 7:10pm dedicating the meeting to the retiring Supervisor Harold Lipton.

Seconded by: Councilman Hornbeck

Discussion: Councilman Santosky told Supervisor Lipton he was a good guy to work with.
 Supervisor Lipton was wished good luck in his future and applauded for his service to the Town.
 Councilman Drabkin was also wished the best in his retirement from the Town Board.

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC