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TOWN OF ROSENDALE
TOWN BOARD MEETING
DECEMBER 12, 2007

The meeting was called to order by Supervisor Gallagher at 7:31 p.m. at the Rosendale Community Center with the Pledge to the Flag.

Supervisor Gallagher asked all to remain standing for a moment of silence in memory of Mrs. (Ann) Jerkowski who passed away last night.

PRESENT: Councilman Kenneth Hassett
Councilman Patrick McDonough
Councilwoman Manna Jo Greene
Councilman Kenneth Cluen (arrived at 8:05 p.m.)
Supervisor Robert Gallagher

ALSO PRESENT: Planning Board members Fred Greitzer, Randi Morf, Jeanne Walsh, Joe Havranek, Billy Liggan; Building Inspector Tom Fiore; Code Enforcement Officer Dave Massimi; and about 60 concerned citizens.

PETITIONS: Mark Morgenstern read a letter from James Bryan Bacon, Esq. on behalf of "Save the Lakes" organization pertaining to Hudson River Valley Resort's zoning petition as being improper "spot zoning" and should the Town determine to examine the petition, the Town Board should declare itself "lead agency". The letter is on file at Town Hall.

COMMUNITY EVENTS: Billy Liggan extended invitation on behalf of the Rosendale Chamber of Commerce to all presently seated members of the Board and members-elect to attend their function December 20th at Victoria's Garden.
Councilman McDonough also noted that our Youth Office would be holding their Annual Holiday Open House on Saturday, December 15th from 2:00-8:00 p.m.

COMMITTEE REPORTS: Councilman Hassett announced that the Recreation Commission and ZBA minutes are on file and he read his final Building Inspector report for November which is also on file at Town Hall.

Councilman McDonough stated that the minutes of the Police Commission, Justice Report and Planning Board minutes are on file. Councilman McDonough stated that he attended last week's (December 6th) Planning Board meeting and a discussion ensued about qualifications; he wants to publicly apologize to all Planning Board members for the way he stated at that meeting; no way did he mean to impugn the qualifications of any these dedicated volunteer members.

Councilwoman Greene reported that the Water/Sewer Commissioners are considering asking the Town Board to replace the language regarding multiple unit charges in §73-18 of the Town Code; they are leaning toward repealing that section. They want to have a meeting with the Town Board to discuss this and hope to have it resolved soon. Ms. Greene read from the Transfer Station report which is on file at Town Hall.

Ed Maestro of the Environmental Commission passed out copies of the "Rosendale Groundwater Protection Plan" prepared by Steven Winkley of NY Rural Water Association to Town Board member and filed a copy with the Town Clerk.

SUPERVISOR'S FINANCIAL REPORT: Supervisor Gallagher read the end balances for the month of November 2007, copy on file with the Town Clerk.

APPOINTMENT/RESIGNATIONS: Supervisor Gallagher announced the resignation of Marc Deslandes; police officer; and MaryAlice Klepeis, recording secretary to the Recreation Commission.

A motion was made by Councilman Hassett to accept the resignations of Marc Deslandes and MaryAlice Klepeis with regret; especially Mrs. Klepeis who has served the Commission for many years; seconded by Councilman McDonough. Roll Vote: 4 Yes, 1 Absent.

Councilman McDonough echoed Councilman Hassett in regretting MaryAlice's departure.

Supervisor Gallagher announced that Daniel Baker of Tillson is the Town Board's choice to become the new Rosendale Assessor.

A motion was made by Councilman McDonough to appoint Daniel Baker as Assessor effective January 1, 2008 at an annual salary of \$38,000.00; seconded by Councilman Hassett. Roll Vote: 4 Yes, 1 Absent.

1). Kingston Public Access: Tim Morrison said that we are nearing closure on a contract with Time Warner Cable, he expects it should be final by February. We will need to have a public hearing and a resolution assigning Time Warner We are talking about discounts; each school and library in the Town of Rosendale would receive free basic TV and a free Roadrunner modem; each municipal building, church (in hall or etc.), fire company would receive basic TV free and a 50% discount on Roadrunner with the installation fee being waived. Tim said he will draft a letter for the Town Clerk to send to the non-profits explaining this.

2). Hazard Mitigation Plan: Joe Havranek explained that there is FEMA grant money available which Ulster County is applying to take the lead as it is very costly for small municipalities to carry out the assessment. Identifying local risk area will be done to protect bridges and infrastructure from damage, mainly from flooding. A "boiler plate" letter will be going out to all fire departments and etc. seeking volunteers. Joe said this is a "good deal". He also noted that on the cover of the brochure are the properties of Meg Ryan and John Maylie, Rosendale residents. Ulster County's home web page has this information and can share the communication link for input.

3). RESOLUTION 12-2007-#3 Adopting Local Law Amending Article IV, Section 60-10 (C) and Section 60-12 (E) of Chapter 60 of the Code of Rosendale (Subdivision of Land).

A motion was made to adopt the resolution by Supervisor Gallagher; seconded by Councilwoman Greene. Roll Vote:

Councilman McDonough	Yes
Councilman Cluen	Absent
Councilwoman Greene	Yes
Councilman Hassett	Yes
Supervisor Gallagher	Yes

4). RESOLUTION 12-2007-#4 Adopting Local Law Amending Article 2, Section 2.2.2.1 (17) of Chapter 74 of the Codes of the Town of Rosendale (Stormwater Management & Erosion & Sediment Control).

A motion was made by Supervisor Gallagher; seconded by Councilman Hassett to adopt the resolution. Roll Vote:

Councilman McDonough	Yes
Councilman Cluen	Absent
Councilwoman Greene	Yes
Councilman Hassett	Yes
Supervisor Gallagher	Yes

5). RESOLUTION 12-2007-#5 Adopting Local Law Amending Section 75-40 (C-5-e) of Chapter 75 of the Code of the Town of Rosendale (Zoning).

A motion was presented by Supervisor Gallagher; seconded by Councilman McDonough to adopt the resolution. Roll Vote:

Councilman McDonough	Yes
Councilman Cluen	Absent
Councilwoman Greene	Yes
Councilman Hassett	Yes
Supervisor Gallagher	Yes

6). RSOLUTION 12-2007-#6 Adopting Local Law Amending Section 7-3 of Chapter 7 of the Code of the Rosendale (Conservation of the Environment, Commission for) to Increase the Term of Appointment for Members of the Commission for Conservation of the Environment.

A motion was made by Supervisor Gallagher to adopt the resolution; seconded by Councilman McDonough. Roll Vote:

Councilman McDonough	Yes
Councilman Cluen	Absent
Councilwoman Greene	Yes
Councilman Hassett	Yes
Supervisor Gallagher	Yes

7). RESOLUTION 12-2007-#7 STOP DWI Agreement.

A motion was presented by Supervisor Gallagher; seconded by Councilman Hassett to adopt the resolution. Roll Vote:

Councilman Hassett	Yes
Councilman McDonough	Yes
Councilwoman Greene	Yes
Councilman Cluen	Yes
Supervisor Gallagher	Yes

8). RESOLUTION 12-2007-#8 Authorizing Application for Subdivision of Creek Locks Road Property.

A motion was made by Supervisor Gallagher to adopt the resolution; seconded by Councilwoman Greene and Councilman Hassett. Roll Vote:

Councilman Hassett	Yes
Councilman McDonough	Yes
Councilwoman Greene	Yes
Councilman Cluen	Yes
Supervisor Gallagher	Yes

9). RESOLUTION 12-2007-#9 Budget Amendment. An erroneous appropriation was made in the 2008 Rosendale Sewer District Account SS9030.8 in the amount of \$1,180.00; the resolution authorizes:

A. Decrease in SS9030.8 (Social Security) by \$1,180.00, from \$7,000.00 to \$5,820.00.

A motion was made by Supervisor Gallagher to adopt the resolution; seconded by Councilman Hassett. Roll Vote:

Councilman Hassett	Yes
Councilman McDonough	Yes
Councilwoman Greene	Yes
Councilman Cluen	Yes
Supervisor Gallagher	Yes

10). RESOLUTION 12-2007-#10 Budgetary Transfers. The resolution is to authorize the following transfers:

GENERAL FUND – transfer the sum of:

1. \$319.58 from Tax Collector C.E. (A1330.4) into Tax Collector P.S. (A1330.1).
2. \$0.20 from Signs Eq. (A3310.2) into Crossing Guard P.S. (A1330.1).
3. \$0.56 from Signs Eq. (A3310.2) into OSHA P.S. (A3389.1).
4. \$722.76 from Contingency (A1990.4) into Dog Control C.E. (3510.4).
5. \$797.06 from Safety Insp. P.S. (A3620.1) into Safety Insp. Eq. (A3620.2).
6. \$743.93 from Playgrounds/Rec. (A7140.1) into Playgrounds/Rec. C.E. (A7140.4).

HIGHWAY FUND – transfer the sum of:

1. \$2,880.00 from Disability (DA 9055.8) into Unemployment (DA9050.8).
2. \$2,120.00 from Disability (DA 9055.8) into Employee Med. Ben. (DA 9060.8).

3. \$4,380.00 from Machinery Eq. (DA5130.2) into Employee Med. Ben. (DA9060.8).

WATER FUND – transfer the sum of:

1. \$371.38 from Transmission/Distribution C.E. (SW8340.4) into Supply Eq. (SW8320.2).
2. \$786.29 from Transmission/Distribution C.E. (SW8340.4) into Supply C.E. (SW8320.4).

A motion was made by Supervisor Gallagher; seconded by Councilman Hassett to adopt the resolution. Roll Vote:

Councilman Hassett	Yes
Councilman McDonough	Yes
Councilwoman Greene	Yes
Councilman Cluen	Yes
Supervisor Gallagher	Yes

11). RESOLUTION 12-2007-#11 Accepting Iron Mountain Land Donation. Resolution to accept 11 ½ acres located at 694 Binnewater Road to benefit the interests of the Town of Rosendale.

A motion was made by Supervisor Gallagher and seconded by Councilmen Hassett and McDonough. Roll Vote:

Councilman Hassett	Yes
Councilman McDonough	Yes
Councilwoman Greene	Yes
Councilman Cluen	Yes
Supervisor Gallagher	Yes

12). Discussion: Hudson River Valley Resort application and lead agency designation. Councilman McDonough stated that the Town Board is the only one having the authority to consider making a zoning change; Councilwoman Greene stated that she feels rushed to make a decision of this magnitude; there has also not been the level of transparency she wanted. Councilman Hassett questioned why they could not be co-lead agency; Councilman Cluen suggested that no decision be made until January, both Boards work together and see if we can do a dual lead agency. Mary Lou Christiana said that DEC does on rare occasions allow co-lead agency and it does work well as in the Town of Bethel; the disadvantage is that it's a lot of people but if ground rules are set it should go forward. There are two qualified Boards, the Town Board for zoning and the Planning Board for site plan review and subdivision.

A motion was made by Councilman Cluen to table decision on joint lead agency until January; seconded by Councilwoman Greene. Roll Vote: 5 Yes votes.

Supervisor Gallagher stated that the clock has been set by Planning Board, a decision must be made at the January 2, 2008 meeting (when Planning Board voted to be lead agency the 30 day clock started to determine lead agency).

Joe Havranek explained the process; the 30 day clock is only to establish lead agency; the process has rules and regulations that have to be followed. The public will have an opportunity to prepare a case, get it to the Planning Board to give to the applicant. DEC does not require scoping sessions but we will have them.

Edward Williams said that a formal legal document, on letterhead, should be obtained stating that there can be co-lead agency status.

Jeanne Walsh stated that it's very important that the Planning Board take lead agency as they are the only Board that has the training.

Richard Minissali asked if we do have co-lead agency does the Town Board have sole decision on zoning; the response was "yes". Councilwoman Greene stated that each Board acts separately; Joe Havranek stated that all Boards will vote on SEQRA.

Richard Minissali stated that he recalled HRVR saying they would not hold us to a time frame; Councilwoman Greene said that we have 30 days to resolve the lead agency, HRVR was referring to site plan deadlines.

Jeanne Walsh stated that the Town Board didn't know how to handle this, they lacked the training the Planning Board has; she feels it's very important that Planning Board take lead agency.

Mary Lou Christiana said that the decision does not have to be made tonight; at this point they Town Clerk took the roll vote for the previously presented motion to table.

Councilman Cluen still wants to see if the two Boards can act jointly; Mary Lou Christiana said she will get the opinion in writing on letterhead.

FOR THE GOOD OF ROSENDALE:

Councilwoman Greene stated that the Town Comprehensive Plan has been completed; the zoning has not been updated and should be looked at carefully.

Ellen Berlin stated that she attended the December 6th Planning Board meeting and she felt they were just trying to retain power by voting for lead agency; the Town Board should be lead agency. Ms. Berlin also requested that John McEnrue be removed from the Planning Board for a comment he made, "so be it", when they discussed DEC taking the decision away from the Town if no decision was made. Councilman McDonough (supervisor-elect) clarified that at that meeting he never meant to question the expertise of the Planning Board and later understood Mr. McEnrue taking offense at his statement; Mr. McDonough stated that he is not entertaining the removal of Mr. McEnrue or anyone else from the Planning Board.

Fred Greitzer noted that members can only be removed for cause.

Several other people spoke about HRVR and whether the Planning Board did the right thing or not in voting to take lead agency; Councilman McDonough said that it was a mistake on the part of the Town Board not to request lead agency at the December 5th meeting; the Planning Board did what they are supposed to do and are authorized to do. Billy Liggan offered to possibly have a joint meeting between the Planning Board and Town Board on December 20th, Mary Lou Christiana said she could not attend due to a prior commitment; a decision would be made polling both Boards.

Supervisor Gallagher rose to state that for the last twelve years Ken Hassett has represented the Town, from 196 through 2007 and he was honored to present him with a plaque for dedicated service to Rosendale. There was a standing ovation for Councilman Hassett.

Councilman Hassett thanked everyone and said that after twelve years he hopes "he leaves Rosendale a better Town than when he came"; and "thank you for your patience with me, I've matured".

Councilman Hassett stated that five years ago he made the suggestion to Bob Gallagher that he run for supervisor; the rest is history. The Town of Rosendale is a much better place than when Bob came in to office; he brought civility to meetings, and secured the Park and Ride and the Creek Locks Commons property.

Councilman McDonough echoed Councilman Hassett's sentiments and then presented Supervisor Gallagher with a plaque denoting his service. There was again a standing ovation for Supervisor Gallagher

Supervisor Gallagher made a motion at 9:38 p.m. to enter Executive Session to discuss Collective Bargaining Negotiations; seconded by Councilman McDonough. Roll Vote: 5 Yes votes.

Out of Executive Session at 10:35 p.m., no decisions made.


AUDIT OF BILLS:

GENERAL FUND VOUCHER'S # 1166-1220	TOTALING	\$18,294.14
HIGHWAY FUND	" # 292- 314	" \$18,312.92
SEWER FUND	" # 201-231	" \$ 3,358.65
WATER FUND	" # 218-231	" \$ 2,789.61
CAP RESER WATER	" # 1	" \$ 1,475.00

A motion was made by Councilman Hassett to pay bills; seconded by Councilwoman Greene. Roll Vote: 5 Yes votes.

A motion was made by Councilman Cluen to adjourn at 10:38 p.m.; seconded by Councilman Hassett. Roll Vote: 5 Yes votes.

Respectfully submitted,


Joan S. Jordan
Town Clerk