



TOWN OF ROCHESTER

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Office of the Supervisor
845-626-3043

State of the Town December 31, 2006

Dear Fellow Residents of the Town of Rochester:

At the end of my third year as Town Supervisor, I would like to report to you on the state of the Town as of December 31, 2006 and to tell you what your Town government has done in the past year. In addressing the many challenges that face our community, the first priority of our Town's elected officials and employees continues to be the common good of our Town and all our townspeople.

We made a lot of progress in 2006, and I'm grateful for the hard work and dedication of our Town employees, my fellow elected officials and numerous volunteers during the past year.

Comprehensive Plan

I'm very pleased to report that the Town Board adopted a revision of the Town's Comprehensive Plan in November 2006. A comprehensive plan is a community's statement of intent for future development, and the communities own expression of its common goals and priorities. Rochester's Plan was first adopted in 1969, but has not been updated since then. I'm as proud of the open and inclusive process as I am of the product. The Plan as adopted was the result of more than two dozen public outreach meetings attended by hundreds of Town residents and stakeholders in a process that started in 2004. We are indebted to the many volunteers who sat on the Planning and Zoning Committee. The tireless work of this broad cross-section of town residents allowed for the broadest possible input and community participation. I would also like to thank each resident who completed a survey, wrote a letter or provided input into this process.

The Comprehensive Plan revision that was adopted strikes an equitable balance between future business and residential development and the sustainability of our water supply and other natural resources, the conservation of farmland and open space. A copy of the 2006 Plan is on the Town's website.

For the past several months, a separate Code Task Force has been reviewing our Town's codes and ordinances in order to ensure that they comply with the community's views on future development. The Code Task Force is compiling a list of recommendations for the Town Board's review within the next few months. The Code Task Force's recommendations will receive full public review and comment as part of the process by which any modification is considered.

In conjunction with the development of the Comprehensive Plan, Steve Winkley, Groundwater Specialist from the New York Rural Water Association, developed a Groundwater Protection Plan for the Town that proactively protects the single most important resource a community has: pure water. The report detailed the physiography and bedrock hydrogeology throughout the town; identified what could threaten the town's water supply and identified the various public and private water supply wells in use throughout the Township locating wellhead protection areas. It also established aquifer recharge rates and discharge rates for effluent dilution. These are invaluable for calculating land density requirements to ensure Town water supplies remain uncontaminated and potable. Many maps were included to further help in identification of areas studied.

Town Property Revaluation

The Town's Assessor completed a Town-wide revaluation in 2004-2006 and notices of new assessments were sent by her office to all property owners in March 2006 (with a valuation date of July 1, 2005). In response to the revaluation, the Assessor met with approximately 720 property owners, covering nearly 1,100 properties, to discuss revised valuations with property owners. The Town's Board of Assessment Review, which is a State-mandated citizen's body to which property owners can file petitions for relief, received 110 grievances and held 77 hearings – every property owner who wanted to meet in person was given that opportunity.¹ Periodic property tax assessments are required by law in order to ensure that all taxable property in Town is assessed fairly in order to ensure equity in property taxation. The last Town-wide assessment was conducted in 1999 and, as we know, market conditions and values have changed significantly since then. The Assessor's function is independent of the Town Board and the Supervisor, and we have no input into the assessment process or the Assessor's decisions. If you have any questions on how assessments are determined, please contact the Assessor's Office at 626-0920.

Organizational Matters

In 2006, in keeping with our objective of clean and open government, the Town Board adopted a policy that outlined the procedure for appointments to the many various boards and commissions that exist in the Town of Rochester. Each opening is now advertised in the local newspaper, on our website and in the monthly newsletter, for submittal of letters of interest. Our policy has been, and will continue to be, to interview and meet with every applicant in a process that identifies the most qualified person for each appointment. The selection process includes a review of the individual's professional and related experience and the qualifications that the individual is able to contribute to the respective appointment. These interviews are held privately in confidential executive sessions of the Town Board. Confidential executive sessions are permitted by State Law for a limited list of subjects – first and foremost, personnel matters.² In 2006, more than 30 such interviews took place and many new faces were appointed to volunteer positions. We believe the increase in the number of applicants is an indication of a renewed faith in the process of government and are grateful for the service that volunteers give to our Town. I would like to extend a heart felt thanks for the many hours they contribute to the Planning Board, the Zoning Board of Appeals, the Youth Commission, the Board of Assessment Review, the Environmental Conservation Commission, the Historic Preservation Commission, the Ethics Board, the Planning and Zoning Committee, the Telecommunications Infrastructure Committee, the Business Development Committee, and the many other citizens' boards and commissions that exist in our Town.

In order to continue to improve communications, the Town began publishing a monthly Newsletter starting last May. These one-page newsletters, which are photocopied and distributed in high-traffic locations as well as on our website, contain updated information on Town activities in a low-cost manner. If you would like to receive newsletters by email, please sign up on the town's website: www.townofrochester.net The Town Board also received permission from Revenue Markets to display a sign posting notice of Town Board meetings.

In coordination with the existing Youth Commission, the Town Board reviewed the purpose and procedures of this body to bring it more in concert with the other Town Commissions. The revised resolution was officially adopted by the Town Board in December 2006.

¹ The Board of Assessment Review's 2006 report is online [under the Board of Assessment Review page](#)

² Section 105 of New York State Open Meetings Law

Personnel

At of December 31, 2006, the Town had 32 regular employees (included elected officials) as follows:

Elected Officials - 9

Supervisor
Councilpersons (4)
Justices (2)
Town Clerk
Highway Superintendent

Staff:

Highway Department	8 full-time employees, 1 part-time and 1 full-time secretary
Town Clerk's Office	Deputy Town Clerk and 2 part-time deputies
Transfer Station	2 full-time attendants, 2 part-time attendants
Assessor's Office	1 assessor, 1 aide
Building Department	1 full time Code Enforcement Officer and 1 secretary
Planning Board/ZBA	1 secretary
Secretary/Bookkeeper	1 full-time
Social Services Officer	1 part-time
Municipal Worker I/Laborer	1 full-time
Clerk of the Court	1 full-time, 1 part-time
Court Officers	2 part-time
Youth Department	2 full-time, additional part-time as needed
Dog Control Officer	1 part-time
Municipal Worker /Cleaner	1 part-time

In addition, the town frequently hires part-time temporary workers to cover for vacations and during snow emergencies as well as Election Day workers. Altogether, about 65 individuals received a paycheck from the Town in 2006, most of whom are part-time temporary employees.

During 2006, the following changes were made:

- The Town Clerk appointed a Deputy Town Clerk
- The Code Enforcement Officer became a permanent full time employee

It is with sadness that I note the passing of Frank Garcia, a part-time town employee and full-time friend. Frank was a friendly, diligent and helpful employee in our Transfer Station for 5 years.

Laws Passed

In February, the Town Board adopted Local Law #1, which established a one-year moratorium temporarily prohibiting the issuance of building permits for any commercial building larger than 20,000 square feet and the subdivision of any property into more than four lots. This law, which has the option of two three-month extensions, was enacted to enable the Town to discuss and update our comprehensive plan without having to deal simultaneously with the impacts of a large-scale development. The law provided for an exemption process for developers who had projects in progress who could demonstrate that the moratorium law caused financial hardship. In 2006 the Board granted exemptions for four projects submitted.

On the recommendation of the Historic Preservation Commission, the Town Board held a public comment session in May to review their draft of an updated Historic Preservation Law. There was public opposition to some aspects of the law and the draft was referred back to the Historic Preservation Commission for further study.

Financial Matters

The Town's total operating budget for 2007 is \$1.9 million, which is in addition to the \$1.5 million for the Highway Fund. The aggregate Town tax levy for 2007 increased by 2.9% from 2006, this increase is lower than the 3.3% Federal Cost of Living Adjustment. Overall, taxes paid to the Town constitute less than 12% of total property tax payments, with the largest share of property taxes being paid to the school district.

My colleagues on the Town Board and I have worked hard to try to keep municipal expenditures as low as possible. In adopting the 2007 budget, the Town Board looked at all costs to see where expenses could be reduced. Unfortunately, most of the largest expenditures are beyond the Town's control. Fuel prices, as you know, have continued to stay higher than in prior years. The Board worked hard to be included in the County bidding process for oil and gas products, which is expected to save the Town money. Employee benefits (e.g. health, workers' compensation, retirement, etc) continue to rise. At the Transfer station, costs for fuel and removal of waste have increased, necessitating an increase in fees. Environmental and safety concerns required that we include funds to refurbish an existing building. This continues to be a challenge so that the Transfer Station "pays for itself".

The Town Board slightly increased the Highway Department's budget for 2007. The reason for this was two-fold: First, the budget that was submitted by the department was virtually identical to that of the prior year and did not provide for known inflationary increases such as fuel, salary and employee benefits. Second, the budget that was submitted did not include a provision for the repayment of debt incurred in prior years that was scheduled to be repaid in 2007.

The collective bargaining agreement with IBEW Local 1968, the union that represents the employees of our Highway Department, was extended in 2006 in a new four-year contract that calls for aggregate raises of between 4% and 5% through December 31, 2010.

The Town Board authorized the purchase of two new trucks for the highway department in 2006 at a total cost of \$246,000. These items were not budgeted for in the Highway Department's 2006 budget and debt was incurred for these expenditures.

FEMA funds, totaling \$497, 739.98 were received in 2006. These funds were used to continue road repairs necessitated by severe weather.

In an effort to reduce the burden of property taxes on homeowners, I continue to participate in a task force with representatives from other communities in the Rondout Valley to address the issue of rising property taxes and to examine alternate funding sources for educational and other expenses. This project has had wide support from many other communities state-wide, and from the New York Association of Towns. Various alternative methods of funding local school districts are being seriously considered by the State Legislature partially as a result of these efforts.

Borrowings and Debt

We were able to reduce town debt by \$154,460 in 2006. At December 31, 2006 the Town had the following borrowings outstanding:

Description

Current Principal

Highway Fund - Dump Trucks - Front Loader	\$ 154,867
Highway Fund – 2006 Truck Purchases	\$ 123,295
Highway Fund – Salt Shed	\$ 64,050
Highway Fund – 2006 Gravel Purchase	\$ 75,000
Special Road District - Sages Loop	\$ 17,000
Special Road District - Barry Lane	\$ 45,223
Total	\$ 479,435

The Special District debt relates to road maintenance agreements for Barry Lane and Sages Loop, the residents of which pay 100% of the principal and debt service payments through a special tax assessment. The Highway Fund debt is repaid by all taxpayers through the Town's Highway Tax.

Future Debt Repayments (principal only, does not include interest payments) are as follows:

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010 & Beyond</u>
Special Districts	20,769	3,769	3,769	33,916
Highway Fund	216,448	138,315	62,449	0
General Fund	0	0	0	0

Town debt is in the form of 365-day bond anticipation notes (BANs) that are rolled over at each maturity (with the required principal amortization). Generally, the amortization period is equal to the useful life of the asset purchased and ranges from one to fifteen years. The rollovers are subject to interest rate risk, depending on prevailing interest rates at the time of the rollover. Maturity schedules are prescribed by the estimated useful life of the asset acquired or the project for which the debt is incurred.

Legal Matters

The owner of the Streamside Estates manufactured home park sued the Town's Planning Board under an Article 78 proceeding because that body did not approve plans for a proposed 64-unit trailer park development. Judge McCarthy determined that the tied vote of the Planning Board is the equivalent of a denial of the application and that no Special Use Permit would be issued in this instance. The Court further held that the votes to deny the application were based on legitimate concerns about the project and should be upheld.

The Board worked with on-going pending litigation with Giles Edwards (property cleanup), a Worker's Compensation case, Patty Abezis (property cleanup), Annette and Charles Rose (property cleanup), and the Sauer case (damage claim from roadside tree trimming).

The Town received a Notice of Claim from Jacquelyn & Stanley Galewaler and later in the year were served with a Summons from them relating to Jacquelyn falling at the Youth Center.

On March 23, 2006 an Ulster County jury convicted former deputy Town Clerk Annette Rose of falsifying business records, a felony, and two misdemeanor counts of official misconduct. Ms. Rose was acquitted on the charge of theft. Employees and officials of the Town of Rochester assisted investigators in the case. In 2004, the Town Board adopted financial procedures for the Town Clerk's office to follow in order to properly account for monies received by that office.

The Town received a Decision and Judgement on the Ample Storage v. The Planning Board case granting that the Special Use Permit be allowed.

Other Matters

In addition to the items mentioned above, 2006 saw the following:

- The Town Board actively pursued an opportunity with Homeland Towers to improve communications through the erection of new towers on town-owned land. This is still being negotiated and is expected to generate revenue for the Town while improving much-needed communications services.
- The Town Board has been working with a team of people to develop a much needed, updated Comprehensive Emergency Management Plan. The committee consists of emergency services personnel, representatives from large businesses, TOR Highway Department, Rondout Valley School District and many others to bring this to fruition. This group is working closely with Art Snyder, Director of Emergency Management for Ulster County and volunteer consultant, Greg Finger.
- The Town was an active participant in Heritage Day, which featured a series of open houses and living history exhibitions along Main Street in Accord, spearheaded by Friends of Historic Rochester.
- More than 1,100 children and adults used the Community Center in 2006. Highlights of the Youth Department activities included the Summer Program, bus trips, Easter Egg Hunt, Halloween Party and the Haunted Barn, holiday parties, Thanksgiving and St. Patrick's Day luncheons, plus numerous educational programs geared towards youth. The Youth Department also organized Earth Day activities. Last year town volunteers picked up more than 12,500 lbs of refuse.
- The Route 209 Sustainable Transportation & Land Use Study was initiated. The \$500,000 received from NY State and Federal Department of Transportation for this multi Town study will look at traffic growth and land use development issues along Route 209. It will recommend projects and strategies to promote environmental quality and better communities.
- The Shawangunk Mountains Scenic Byway, which encompasses portions of the Town, was designated by the Governor.
- The Town received a grant of \$18,500 for the development of a Natural Resource Inventory and Open Space Index to protect natural resources in the Rondout Creek, its tributary system and the watershed aquifer system. The Environmental Conservation Commission will implement this grant.
- The Planning Board adopted Ethics guidance for their review process.
- The Town Board began plans for a Veterans' Memorial Park to be erected behind the Museum in Accord.
- The Town's Historic Preservation Commission erected refurbished historical markers along Route 209.
- The Town Board adopted a resolution moving the polling places for election districts 1 and 5 to the fire house on Main Street, Accord. This change was due to overcrowding at Town Hall.
- Town Republicans and others worked to renovate parts of the Town Park.
- Town Democrats and others sponsored music and movies in the Park during the summer months.
- The Town received the generous donation of an 85 kwh generator which may be used as a backup power supply to town facilities.
- The Town Board worked with the owners of Veritas Villa and Hazedon to bring (pending approval of the Planning Board) a 75,000 square foot juvenile rehabilitation center to Kerhonkson. This project is expected to create up to 130 jobs ranging from cafeteria and service personnel to clinical professionals.

- Skate Time 209, a 30,000 square foot roller skating and skateboarding family entertainment center opened its doors for business in April.
- The Hudson Valley Resort and Spa was sold to a new investor group, which is expected to make significant capital improvements which will result in additional job opportunities.
- The Alligerville General Store reopened and brought new activity to a historically commercial part of the hamlet.

Thank you

In the early part of May, the mountain above Upper Cherrytown Road was ablaze as a large forest fire burned through state-owned land. Volunteers of the Accord Fire District as well as neighboring fire companies worked together with state and county firefighting officials to contain the blaze. We're grateful that the fire was extinguished with relatively few and minor injuries and I would like to again thank the volunteers and officers of the Accord Fire District (including the Ladies Auxiliary) and the Kerhonkson/Accord Rescue Squad for the excellent job that they did in helping our community deal with this event.

Conclusion

With the adoption of the Town's Comprehensive Plan and the ongoing review of our Town's codes and ordinances, I believe that our Town is now significantly better equipped to deal with the inevitable growth that will occur over the next few decades. This growth will bring change, not all of it welcome, but we now have the tools to adequately study and act on such growth in order to ensure that it works for the common good of our Town and all the townspeople.

Change and the way we deal with it has the potential to divide our community in very real and unpleasant ways. My colleagues on the Town Board and I are committed to continuing to encourage active civil participation in the process of government. We strongly believe that such participation is an essential element of our democratic society and that it is necessary for the sustained strength of our community.

I would like to thank my colleagues on the Town Board, our Town's employees, and the many residents who have volunteered their services and who have expressed their thoughts for making this a successful year. I hope that I can count on your continued support in helping our Town's government make the decisions that are the best for our whole community's long-term well-being. If you would like to discuss any of the topics that I have covered, or any that I haven't, please don't hesitate to contact me.

Sincerely,



Pam Duke
Supervisor

The information contained in this letter is believed to be correct, however, no responsibility is accepted for any unintentional errors or omissions.