

Town of Red Hook

Agriculture and Open Space Committee

Minutes of April 23, 2013

Attendance: Co-chairperson Norman Greig, John Hardeman, Michael Grady Robertson, Richard Biezynski, Ken Migliorelli, Town Board Councilman William O’Neill (liaison) and Secretary Linda Keeling

Absent: Co-chairperson Pete Hubbell, Mary Ann Johnson, Marina Michahelles and James Stagias

Guests: None

Location: Red Hook Town Hall, meeting room.

Meeting Opened: The Co-chairman Norman Greig opened the meeting at 7:07 pm.

Minutes: There was a quorum. The minutes of March 26, 2013 were voted on and approved.

Motion: *John Hardeman* motioned to accept the minutes, *Mike Robertson* seconded and all agreed.

Old Business:

Agenda Topics:

1. Resolution: define fencing
2. Planning Board Permit and Escrow fees list
3. Bard College Students at Middle School Social Studies Class

A. **Fencing:** *Co-chair Norman Greig* handed out a 6 page sheet entitled “Resolution” regarding agricultural fencing defined as “an enclosing structure erected for the purpose of containing, excluding, or harboring animal and plant life.” in all districts.

B. **Escrow Fees:** *Bill O’Neill* handed out an 8 page information sheet from the Planning Board to the Town Board regarding “Planning Board Fees and the Hoffman/Kirchoff TND”. He felt the AOSC proposal should go through the Zoning Review Committee (ZRC).

Norman Greig felt the fencing resolution should go directly to the Town Board. The AOSC wants to keep agriculture viable in the Town of Red Hook. He felt this Committee gets marginalized by the town board.

John Hardeman interjected that procedurally it may have to go to the ZRC.

Bill O’Neill indicated that Steve Cole (ZEO) has not enforced farm fencing as a building structure.

Ken Migliorelli had a question about Exhibit A and Exhibit B. *Norman Greig* explained that A refers to the permit and B what's required of the existing law. *Norman* further emphasized that NYS Ag and Markets specified that a discontinuous foundation is NOT a structure as in the case of greenhouses. He referenced his farm winery for which the state was supportive but the town was trying to insist that it was a bottling facility and not farm related.

Mike Robertson suggested the word 'structure' not be used in the definition.

John Hardeman suggested exemption be added.

Norman Greig explained that D states "In any zoning district all agricultural fences shall be exempt from the requirements of Article VII of the Zoning Code: Site Plan Review and Approval Procedure." And #10 states "The installation of or maintenance of any agricultural fence."

Richard Biezynski indicated that the content related to Ag fences is a matter of local law and its interpretation. He offered to talk to the ZRC.

Bill O'Neill indicated that the increase in signage has been a primary concern lately in the town and the increased number within the village is a visual blight.

John Hardeman felt that for driver safety reasons speed appropriateness is needed in order to see a sign at a distance. He felt that the town's law is restrictive enough. He would like to see it modified somewhat for the business and customers visibility issue.

Mike Robertson said his sign allowance on Route 9 North is a 3 ft. by 4 ft. sign and directional signs.

MOTION: *Richard Biezynski* motioned to send the resolution recommendation to the Town Board, *Ken Migliorelli* seconded, all agreed.

AOSC members are willing to meet with the ZRC.

It was felt that the sign laws are too restrictive. *John Hardeman* will input to the ZRC. Some discussion ensued. It was felt that the AOSC should be involved when it comes to Ag signs.

MOTION: *Richard Biezynski* motioned to loosen the Ag restrictions for signs, *Mike Robertson* seconded, all agreed.

Amendment to the Motion: *John Hardeman* motioned that the ZRC should notify the AOSC regarding discussion and recommendations regarding signage, *Ken Migliorelli* seconded, all agreed.

C. Bard College Middle School: *John Hardeman* gave an overview of the situation as relayed to him by his daughter. The Social Studies class had Bard College students show a movie about migrant farmers in Florida and the poor living and working conditions. The Bard students brought up the proposed NYS Law referring to migrant farmer's overtime, lack of health insurance and inadequate housing conditions.

Ken Migliorelli's farm was mentioned. *John Hardeman* related that it was substitute teacher *David Temple* that ran the class for Mr. Brown. The Middle School principal called *John Hardeman*. The

principal indicated that the school is supportive of local agriculture. The principal indicated that Bard Students worked with Ken Migliorelli years ago when instructing workers in English and they have great praise for the Migliorelli Farm. The principal suggested that perhaps this was not a topic for 8th graders but rather 10th graders as they lack the ability to differentiate.

Linda Keeling (former classroom teacher) suggested that the classroom teacher should have gotten an outline from the student presenters so it could be approved by the principal prior to its delivery to the classroom students.

Ken Migliorelli will speak with Laurie Husted from Bard and maybe the principal about his farm related classroom issue.

Ken Migliorelli stated that Legislator Terry Gipson who is on the Agricultural Committee invited him to his office to speak about farm issues. The Farm Labor Act directly affects those farms with over 50 employees regarding minimum wage and time and a half. In California it was modified to 55-60 hrs. This proposed Law and the Affordable Health Care Act (aka ObamaCare, having over 15 employees) will have an impact on his business. Terry Gipson asked how his farm workers are treated and Ken responded that he has workers that have been with him for 20 years and he treats them well along with other farmers. Ken Migliorelli said he lived in a mobile home on his farm for 14 years. *Norman Greig* added he lived in his farm housing for 5 years. Chuck Mead just added new farm worker housing. Gipson would like to see how the farm workers are treated and talk with them during a visit to farms in July.

Norman Greig related a story about a photojournalist who many years ago took a telephoto shot of his farm housing with the fencing compressed so as to make it look like it was close-up to the farm housing thereby putting the farm in a less than flattering viewpoint.

Return to Escrow Fees: *Bill O'Neill* stated before 2004, only complicated projects had an escrow account. He indicated it is more expensive to run the Planning Board now with mailings related to the applicant's project. He gave the background of the Planning Board personnel and the billing procedure.

Norman Greig felt the \$250 fee should entitle the applicant to an accounting of the escrow account. The fees become outrageous without limits.

John Hardeman stated the Planning Board has to be certified but they are deferring to consultants.

Norman Greig stated the ZEO interprets the ruling but is not; rather it is GreenPlan that is doing that task.

Bill O'Neill reminded the group that Keene and Beane are lawyers for the town that do the interpreting.

Mike Robertson felt we should have a list of all of the consultant's fees.

Richard Biezynski also felt the hourly consultant fees should be disclosed to the applicant.

Norman Greig felt there is no incentive to keep the consultants honest, need estimates. He has talked to others that have gone before the Planning Board and they have indicated that the fees are too high.

John Hardeman suggested there be a flat rate for reviewing certain projects.

Norman Greig, and others he has talked to, feel the process is punitive and corrupt. He agrees there should be a flat fee per project.

John Hardeman felt due diligence is needed when comparing our fees to other towns' fees.

Motion: *John Hardeman* motioned to adjourn the meeting and *Ken Migliorelli* seconded. All agreed.

Adjournment: The meeting adjourned at 8: 26 pm.

Next meeting: The next regular meeting will be the **4th Tuesday, May 28, 2013 at 7:00 pm.**

Respectfully submitted,

Linda J. Keeling, Secretary

Approved 6/25/13