

Draft

TOWN OF RED HOOK
CONSERVATION ADVISORY COUNCIL

Minutes of meeting

July 11, 2012

Members present: Acting Chairwoman Anne Rubin, Susan Ellis, Mike Zelig, Zoie Riel, Karen Schneller-McDonald, Sarah Imboden, Dr. Jane Ferguson (6:35 P.M.)

Absent: Denis Collet, Chairwoman Laurie Husted

Guest: Councilwoman Brenda Cagle

CALL TO ORDER/QUORUM: Acting Chairwoman Anne Rubin called the meeting to order at 6:15 P.M. A quorum was present. Anne Rubin noted that she had made arrangements with Upstate Films to hold seats for the movie “Liquidity” until 7:30 P.M. The movie is about exploring the value of wetlands in Orange County, and will be followed by discussion with the film makers.

MINUTES OF THE JUNE 13, 2012 MEETING: The minutes of the June meeting were approved with a motion made by Sarah Imboden and seconded by Mike Zelig.

UPDATE ON PLANS FOR AQUIFER AND WATER RESOURCE PROTECTION: Anne Rubin reported that in June she attended the training for the Master Watershed Steward Program at Omega Institute. Trainees had to choose a project, and Anne decided to draft a managed septic plan for the Village and Town. The Town is not getting a sewer system. Anne learned of managed septic systems from the Small Flows Clearinghouse at the University of Virginia. Under their proposals, everyone has an individual septic unit. In many cases, they phased out cesspools with an incentive program. Then the individual septic systems become a part of a central system, because they are all put on a schedule for cleaning and maintenance. This means that there are no non-functioning systems. Communities that have done this in Massachusetts and Rhode Island are mostly coastal towns. They have a topsoil layer and underneath that a wedge shaped drinking water layer, underlain by seawater. They were finding that septic systems were contaminating their drinking water, so they put all the septic systems on this managed septic plan.

Anne noted that while Red Hook has not yet found its water source to be contaminated, the Village has a septic density much higher than County recommendations. Besides her project of a managed septic system plan, Anne proposes working with the Village to establish an Aquifer Protection Overlay.

Anne Rubin asked Karen Schneller-McDonald to discuss a Watershed Protection Plan for surface water. Karen said that if the CAC wants to pursue this, it makes sense to protect surface waters as well as aquifers. To do that the CAC should work on a Water Resources Protection Ordinance or a Watershed Protection Ordinance that would protect wetlands, streams, lakes and ponds. Karen noted that some towns have had an unreasonably long and difficult process to accomplish this protection. She feels that there are good models and enough ways to shorten the procedure, to still get the job done without so much time and energy.

The Department of Environmental Conservation (DEC) has given grants, but the Town would have to apply. Anne asked if the grants were through the Hudson River Estuary Program; Karen replied that they were. Anne asked Karen if she would be able to forward some of the sample laws to CAC members. Karen said that she could, but they wouldn't show how much time and energy were expended. She noted that the DEC now likes to see towns hold public meetings while they are drafting the law to get information out before public hearings. Susan Ellis added that while the word "stakeholder" is overused, the towns that had a long and difficult time had probably not brought together residents to discuss the issues of property rights and water protection and they had not "bought into" the process. Karen said that to make the process easier, one thing would be to start out focusing on the benefits of water resources - why we are trying to protect them, here is what they provide that is important and what activities will impact them to the point that they no longer provide the benefits.

Anne Rubin followed by saying that then the CAC needs to focus on the relationship between where the Town is going to have development, and there already is a map and plan for development in the Town Centers and Greenspaces Plan, and the treatment of water resources. Karen noted that on Tuesday there was some discussion at the Town Board meeting about water issues with stream flooding, and that a Water Resources Protection Plan would protect stream banks to prevent that. She recommended that there be a team put together including Planning Board and Town Board members to look at a Water Resources Protection Plan. Anne Rubin said that it is an ambitious project to put together an Aquifer Protection Overlay and a Watershed Plan, but it is a good time to pull committees together. Anne added that next meeting the CAC should work on a timeline. Karen asked if she should look for information on grants. CAC members agreed.

HYDROFRACKING: Anne Rubin noted that Marcy Appell was the only member of the Zoning Review Committee who spoke against hydrofracking; the other members were okay with it. Anne reported that Alan Chartock had an interview with Governor Cuomo about hydrofracking, during which the Governor stated that Towns should take the responsibility of deciding whether or not to allow hydrofracking. Alan Chartock disagreed, stating that the process affects other areas and the Governor should take a strong stand.

Anne asked Karen Schneller-McDonald to speak about her presentation on hydrofracking to the Town Board on Tuesday, July 10, 2012. She reported that the Town Board voted 4 to 1 to send the letter to Governor Cuomo recommended by the CAC, which urged a statewide ban on hydrofracking. On the second issue, passing a moratorium or a ban, there was some discussion about what the Town Board would consider, including the option to let the State Department of Environmental Conservation (DEC) handle the responsibility. Anne noted that under Article 23 of the State Conservation Law, DEC is mandated to facilitate gas drilling. Karen thought that the Board was not looking to pursue a moratorium, but to move ahead with plans for a ban. The Board wanted to approach the Zoning Review Committee to have a look at some examples of regulations and get back to the Town Board with some examples by August. Karen added that the Town Attorney has been given an assignment to look at some options for the Town.

Karen had copies of the resolutions done by the Towns of Dryden and Middlefield, which she chose because they have been challenged and upheld in court as a right of a Town. Anne Rubin said that she would bring them to the Zoning Review Committee; the ZRC has generally said that the review should be done within 3 months. Zoie Riel congratulated Anne and Karen on the work they have done; she is totally in favor of a ban.

Anne Rubin reported that County Legislator Joel Tyner is proposing that Dutchess County enact a ban on the use of hydrofracking brine on County Roads, similar to one being done in Ulster County, but including all brine and flow back from oil or gas drilling.

RAINBARREL WORKSHOPS: Sarah Imboden reported that the Red Hook workshop for July is not full. She had some flyers to advertise it and asked CAC members to promote it.

PLANNING BOARD MINUTES REVIEW: Mike Zelig reviewed the June 18, 2012 and July 2, 2012 minutes. He reported that Norman Greig received his special use permit for an airplane landing strip with a lot of restrictions.

Tim and Irene Hourihan were requesting a revision of the driveways for their 4 lot subdivision on Crestwood Road. The Planning Board felt that the revision would impact agricultural land on the adjoining parcel. The Planning Board asked representative Tom LeGrand to have the Hourihans return with an amended subdivision proposal.

Mike followed with the July 2 meeting and noted that discussions began with a continuation of a site plan request by Mike Robertson for a farm market on Route 9 on Upper Red Hook. The Planning Board had questions and requests about signage and parking and directed Mr. Robertson to return with the additional information on the site plan proposal.

The second discussion of July 2 was with Patrick Sheehan of Patrick Motors seeking approval of a used car sales lot at the former site of NAPA auto parts on South Broadway. The issues were display, parking and landscaping as required under the Traditional Neighborhood Design (TND-CC) Zoning. Mr. Sheehan argued for continued use of a grandfathered activity; the Planning Board insisted that they could not approve his plan under the current zoning.

ANNOUNCEMENTS: Anne Rubin reported that the New York Department of Public Service sent energy saving information with the option to order more pamphlets at no cost. Anne proposed putting the information on the CAC bulletin board and in the library. CAC members agreed that the “Vampire Voltage” and “Household Electric Use and Energy Saving Tips” pamphlets would be useful to distribute.

PERMIT APPLICATION FOR HERBICIDE USE (RODEO) ON PHRAGMITES STANDS IN TIVOLI NORTH BAY: Anne Rubin reported that Supervisor Sue Crane forwarded a packet from the Department of Environmental Conservation (DEC) regarding an application by the Tivoli Bays Research Reserve for extension of a permit to apply RODEO (glyphosate) herbicide to phragmites stands in Tivoli North Bay for the eradication of the invasive plant, as well as an expansion of the original permit to include treatment anywhere in Tivoli North Bay that new stands of phragmites appear.

CAC members discussed the issue and Susan Ellis suggested that it would be helpful to have Erik Kiviat’s opinion on the permit since he has done extensive research on invasive plants. Anne Rubin asked Susan Ellis to contact Erik about his recommendation regarding the permit, so that the CAC can decide if there should be a Town response.

ENERGY AND CLIMATE ACTION PLAN (ECAP): Sarah Imboden noted that Erika Maher will be completing the draft of the ECAP by July 15 and will only be here until the end of the month. The CAC will still need to do review. Sarah suggested that, considering the time frame, it might be advisable for CAC members to each take a section for review, so that the process will be quicker.

ADJOURNMENT: Acting Chairwoman Anne Rubin adjourned the meeting at 7:10 P.M. so that members could attend the movie “Liquidity” and hear the filmmakers’ presentation.

NEXT MEETING: Wednesday, August 8, 2012 at 7 P.M. at the Town Hall

Respectfully submitted,

Susan H. Ellis, Secretary