

Draft

**TOWN OF RED HOOK  
CONSERVATION ADVISORY COUNCIL**

Minutes of meeting  
July 10, 2013

Members present: Karen Schneller-McDonald, Susan Ellis, Mike Zelig, Ross Gould, Dr. Jane Ferguson, Denis Collet (7:16 P.M.) Absent: Laurie Husted, Anne Rubin, Sarah Imboden

**CALL TO ORDER / QUORUM:** Karen Schneller-McDonald called the meeting to order at 7:10 P.M., acting as Chairwoman in the absence of Laurie Husted. There was a quorum present. Karen noted that she was asked at the last minute to chair the meeting by Anne Rubin, who had a conflict. Karen added that she was given instructions that Anne passed on from Laurie to do a meeting discussion about water issues.

**MINUTES OF THE JUNE 12, 2013 MEETING:** The minutes of the June 12 meeting were approved with a motion made by Jane Ferguson and seconded by Mike Zelig.

**PLANNING BOARD MINUTES REVIEW:** Ross Gould asked a question about a notation that Susan Ellis included in the June minutes that a deed restriction could be overruled. Mike Zelig replied that the issue did indeed come up in the discussion of the Todd and Maribeth Catlin proposed subdivision. A neighbor who is a lawyer had done some research and believed that it showed that there was a restriction that the 6 acre lot could not be further subdivided. Mike continued that at the June 17, 2013 Planning Board meeting, the Town Attorney cited research that showed that the Catlin property was not the particular parcel that the deed restriction applied to. However, Mike added, part of the deal for approval of constructing houses on the proposed subdivision is that there are some engineered drainage improvements, including rain gardens. The engineer said that rain gardens would be part of the deed restriction. The point was brought up that deed restrictions could be gotten around, so Planners wanted a note included on the subdivision plat that drainage improvements are required to be built before a Certificate of Occupancy (CO) is granted for house construction. Mike said apparently that would be more binding than a deed restriction. Karen noted that Laurie Husted had requested that the CAC have a look at the Storm Water Pollution Prevention Plan (SWPPP), and asked if the CAC would be able to do that. Mike said that he hadn't seen that and noted that the project was just at the stage to be submitted to the Dutchess County Health Department for approval, with the addition of the rain garden notation on the plat. Other drainage improvements will be made before the lots are sold.

*Hoffman Residential Development Proposal:* Karen Schneller McDonald asked if there was any update about the proposal. Mike replied that there was an announcement that the Town passed a resolution to request that the Dutchess County Water and Wastewater Authority own and operate the the community septic system proposed for the project. Karen asked what procedure the CAC should use to comment early in the process on any water issues.

*Conservation Advisory Board consideration:* Karen Schneller-McDonald noted that the CAC had informally discussed the process of becoming a Conservation Advisory Board prior to the start of the meeting, and that she felt the lack of a formal review requirement for a CAC meant that there was no consistent review by the CAC of these issues. Ross Gould asked if becoming a CAB would mean any difference in how one would become a member of the CAC. Karen said that she didn't think so. However, Susan Ellis noted that the CAC had previously discussed the idea of including requirements for training, such as attendance at classes or seminars, for members of a CAB. There are many classes and seminars offered for environmental issues by the County Planning Department, Cornell Cooperative Extension and the Environmental Management Council (EMC), as well as other environmental groups. Over the years, many CAC members have attended these sessions, though not as a formal training requirement.

**OTHER REPORTS:** Ross Gould reported that he set up one of the rain barrels. Jane Ferguson reported that she had used 150 more gallons of heating oil in the past year than before she had her energy saving project done. Susan Ellis said that she needs to compare to degree days. Both Jane and Susan noted that the insulation installed is not keeping the house cooler in the summer. Karen added there are all kinds of issues regarding incorrect installation of energy efficiency measures.

**WATER ISSUES:** Karen opened the discussion of water issues. She asked how interested the CAC is and how involved it wants to become in looking at the water resources of the Town, the problems, and what could be done to address them. She asked members to go around and say what they think the resources are, and what there value is to the Town.

Denis said that he thinks that water is an underrated commodity that needs legislation to protect it. The Town is probably blessed with the greatest natural resource year round, but that becomes attractive to companies looking to exploit those resources. Commercial drilling of wells and selling of water could have a negative impact on the availability of water for the rest of the community. All over the world, areas that lack adequate water are seeking ways to get it from areas with an abundance. The Town needs to be very thoughtful about how to protect those resources in a way that is different from in the past. Denis asked what rights the Town would have to the Hudson

River as a resource. There is regulation by the State, but Susan Ellis added that the Hudson as a navigable water would have Federal regulation. Denis added that the Town needs clarity about what responsibilities it has towards water resources; there needs to be an understanding of the classes of use of water as a resource. Denis' second point was about the issue of sewage.

Karen stressed the importance of water quality, water availability and water systems, which are the ecosystems and watersheds by which water flows through the landscape. It is necessary to look at all of those things. There are areas of this country experiencing water shortages, and this is likely to be a future issue. Susan Ellis added that that issue has come up regarding hydrofracking, which takes huge quantities of water. Some municipalities are selling water that exceeds their customers' needs, but Susan asked if they should have the right to do so, simply because they can produce more than clients need.

Mike Zelig added that the natural systems of surface waters and wetlands, such as the Sawkill Creek, provide recreational and scenic benefits to the community. They also can be part of providing aquifer recharge. Protecting these systems are important to protecting the potable water of the Town.

Jane Ferguson said that her primary concern is the sewage and septic issue and how it affects the water supply. She did not feel that agricultural use in this area is a major issue. Karen Schneller-McDonald stated that it is possible for even small agricultural operations using pesticides and herbicides can have a great impact on small water resources. For that reason, she is a strong advocate for buffers to protect water resources.

Susan Ellis said that she would feel that protecting the quality of the water resources is the first priority, and protecting the quantity second. She added that while other areas of the County have seen issues of developed areas losing their water quantity as further development impacted it, there are issues in the Town of polluted wells. Karen said that it is never wise to assume that your quality is fine because you have never had a disaster. There are issues of failing septic systems and buried oil tanks that may leak, because infrastructure doesn't last forever. Storage of household and commercial chemicals can be an issue. Karen continued that because there really hasn't been a lot of testing, there is a lot that we don't know.

Ross Gould suggested that private wells are the ones at risk, as the community water systems are routinely tested. Karen replied that while that may be so, their testing is not comprehensive and she felt that it should be more rigorous. Ross felt that is a regulatory issue. Karen considered it more of a health issue and knowing what is in your water.

Karen felt that there are many gaps in regulations. Just because there are regulations it does not mean that our health is protected and our water is clean. She has seen too many examples, and so she and Anne Rubin discussed what it would take to get a more complete picture. Denis Collet suggested that the effective way to change the situation is not necessarily another study to determine if water is polluted. He would focus on enforcement of regulations, asking if the EPA or other involved agency is doing its job. The CAC should insist that those institutions that are in place be responsible to the community. Karen replied that maybe it is time to look at how the Town is protecting its water resources and see how it might need to be changed. Mike Zelig said that the CAC would need to look at how they are regulated under sub part 5 of the State Sanitary Code.

Jane Ferguson asked if the CAC knows of specific stormwater run-off problems. Susan Ellis noted that years ago the CAC and Red Hook Rod and Gun Club did a water testing program on the Sawkill Creek and observed high chloride levels at the testing point where a tributary crossed Route 199 at Hardeman's farm. It was finally determined that the source was the outflow of a stormwater drain from the Village west along Route 199. Karen Schneller-McDonald noted that all of the discussion of water resources values and issues was to lead to a consideration of whether the CAC would participate in two programs.

*The WAVE Program:* Karen asked the CAC to look at a State program called WAVE. It is a citizen initiative to help do basic assessment of water quality in local streams. There is about a 4 hour training session, mostly collecting macro invertebrates. Jane Ferguson said that she thought that the WAVE Program seemed interesting, though it could be a time issue. A further look at the program determined that it only ran through September, and training sessions were in Greene County. Karen said that she could contact the person in charge of the program and find out what they have learned through it.

*Code and Ordinance Worksheet for Development Rules in New York State:* Karen noted that Laurie Husted had given this Worksheet to Anne Rubin to evaluate and see if it would be appropriate for the CAC to work on. Karen said that it is a way to look at the regulations in the Town to protect natural resources. She said that she and Anne looked at it and found that it appears to be a lot of work. They decided that the CAC as a whole needs to determine if it would be interested in working on it and presenting the results to the Town Board. What the project does is have the participant go through and collect all of the documents in the Town that deal with natural resources. Then the worksheets are completed to develop a numerical score based on the findings. The score is rated at the end to show the level at which the community is protecting its resources. Karen had some questions about how the project is set up. Everything is rated according to a performance standard set by the State, and the standards are different depending upon

Karen thought that it could be good idea, in regard to past and future water issues that have been discussed, to look at whether the Town has all that it needs on the books for effective protection, and then whether enforcement of those regulations is effective. Denis Collet said that the project is large enough that the CAC would need an intern. Susan Ellis added that it would be a good student project, and that she expected that the result would find both that there are protections lacking in the code, and a need to improve enforcement. She noted that for years she worked on the County Environmental Management Council Wetlands Task Force to produce a Model Wetlands Ordinance for towns, an ordinance which Red Hook does not have. The Wetlands Task Force also produced a Local Strategies for Wetland Protection to identify other means of accomplishing protection, which in a manner similar to this Worksheet project looked at the number of items in existing Code relating to protections of wetlands.

Karen continued that having an intern would be a good idea, but would have a time lag to set it up. However, she added, there still is no substitute for CAC members becoming more familiar with what is going on in the Town. She suggested that if the CAC divided up the Worksheets among its members, and each took 3 pages that it might be workable. Denis Collet suggested that the depth and complexity and coordination might be unwieldy. He added that with the resources that Laurie Husted has at Bard College she might be able to find someone interested in the project. Karen said that she could go back to Laurie about time concerns and ask just what would be needed.

Karen spoke about the condition of the water quality and penchant for flooding of the Sawkill Creek. She asked how can flooding issues be addressed without information on the condition of the Creek. Denis suggested having a separate workshop or meeting, but to also pursue outside interest, so that there would be a sustainable situation. Karen then posed the question of what the CAC would do with the information when the CAC has it. She asked if CAC members would agree to take time at a meeting to work as a group on the project. Members agreed, but still saw the need to determine how the information would be used.

Jane Ferguson mentioned stream studies that have been done by the school environmental group led by Mary Pat Budd. Karen said that for the next meeting, she could find out where the data is available

*Denis Collet left the meeting.*

Ross Gould asked about a recent report from the Riverkeeper on all the Kills and streams draining into the Hudson River. Karen was not sure if it covered all the small tributaries, but Ross suggested that the information may be on their website. Mike Zelig

suggested that CAC members should look through the Worksheet project for the next meeting.

**WATERSHED MANAGEMENT:** Karen Schneller-McDonald noted that the latest trend in watershed management for water resource protection is to concentrate on sub-basins, or the small tributaries that contribute a lot to the quality of the larger streams and rivers. She added that Wetlands Protection has evolved to Water Resources Protection. However, Susan Ellis said that she had not seen evidence of agencies doing studies on small watersheds such as those in Red Hook. Karen said that the impetus would have to come from the community, and thought that it would be interesting to look at the sub-basins to the streams in Red Hook. Ross Gould suggested that the Department of Environmental Conservation (DEC) has a list of oil spills on its website that could be checked for any local impact. He added that the CAC should look at potential sources of pollution from businesses or homes. Also mentioned for information is a DEC list of “hot spots” and Health Department records of testing of community systems. Karen thought that some good ideas had come forth about where to look for information, which she would discuss with Anne Rubin. She asked any CAC member who did research on any sites to e-mail her, so that she wouldn't duplicate the effort. In summary, Karen suggested that the CAC do a Water Resources Inventory of the Town to assess the condition of its resources. Karen said that what she could do is list all of the information and ideas discussed at the meeting.

**ADJOURNMENT:** The meeting was adjourned at 8:25 P.M.

**NEXT MEETING:** Wednesday, August 14, 2013 at 7 P.M. at the Town Hall

Respectfully submitted,

Susan H. Ellis, Secretary