

TOWN OF RED HOOK BOARD MEETING

March 6, 2007

CALL TO ORDER

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook, at 7:55 p.m.

Present: Supervisor Marirose Blum Bump
Councilman James Ross
Councilwoman Sue Crane
Councilman Harold Ramsey
Councilwoman Lisa Pullaro
Town Clerk Susan McCann

Also present: Attorney for the Town Christine Chale

Absent: Deputy Supervisor William O'Neill

Supervisor Blum Bump welcomed everyone to the meeting.

COMMUNITY PRESERVATION ACT

Attorney Chale brought to the Board's attention a memo from Town Clerk Sue McCann regarding a summary of the information on the election proceedings. Town Clerk McCann researched the voting machine costs with the Board of Elections. Attorney Chale referred to a summary of costs for holding an election at the Town rate.

Supervisor Blum Bump ... regarding the Community Preservation Act, next week we will approve these election costs and pass the resolution.

Councilwoman Crane proposed holding the polling in all eight districts because that's what people are comfortable with and they know where to go. We should do as we did with the PDR. Give everyone a chance to decide without any inconvenience or confusion.

Attorney Chale thanked Town Clerk McCann for doing all the research and preparation regarding the election.

On a motion by Councilwoman Crane, seconded by Supervisor Blum Bump, move to have the polling in all eight districts.

Adopted	Ayes	4	Blum Bump, Crane, Ramsey, Pullaro
	Nays	1	Ross

TOWN PROCEDURES GOVERNING PROCUREMENT FOR GOODS AND SERVICES

Supervisor Blum Bump told the Board that Ted Kudzy, our Purchasing Agent, wanted them to acknowledge our purchasing procedures and approve the procedures by resolution.

Attorney Chale told the Board that it is appropriate for the Board to reapprove them each year and to reexamine them each year.

Supervisor Blum Bump suggested approving the resolution at the March 13, 2007 meeting.

Councilman Ramsey would like to review the guidelines and procedures.

DISCUSSION OF THE PDR PROGRAM APPLICATIONS

Attorney Chale told the Board that we received the appraisal of Wil-Hi Farm and are going to forward it to Dutchess County and Winnakee Land Trust. She also received communication from Scenic Hudson on another application. That would be including the AgraGate and Blum properties.

Councilwoman Crane and Supervisor Blum Bump recuse themselves at 8:02 p.m.

Attorney Chale told the Board that we had a request from Scenic Hudson to move forward with this application. We have a number of properties involved in this, AgraGate, Ragnor, Schachat, Blum and Blum. The Ragnor application is in question because of the foreclosure. We are expecting the others to move forward. We will need to prepare a petition for the approval of the purchase of the AgraGate portion. Attorney Chale will need an authorization to prepare the petition for submission of that parcel. The AgraGate parcel is the one that we would need to bring court approval because there is a conflict that is not waivable to the Board. In the case of the Blum parcel there is a conflict that's recusable.

Councilman Ross would like to meet with Scenic Hudson because, in his opinion, the only one worth saving was AgraGate with the possibility of Ragnor which is now in foreclosure. The other ones were appraised at approximately \$2,000 an acre more for the development rights and he can't see where they came up with that appraisal. Those pieces are not able to be easily developed.

Attorney Chale said that Scenic Hudson only wants to move forward if AgraGate Farm is included. The question is do you want to seek approval to proceed.

On a motion by Councilman Ross, seconded by Councilman Ramsey move to authorize Attorney Chale to prepare the petition.

Adopted	Ayes	3	Ross, Ramsey, Pullaro
	Nays	0	
	Recusals	2	Blum Bump, Crane

Supervisor Blum Bump and Councilwoman Crane returned to the meeting after the discussion and vote.

INNISHANNON ESTATES ROAD DEDICATION

Attorney Chale explained that there is no further action required. The letter is just a communication on status.

TRAILS COMMITTEE

Supervisor Blum Bump ... the Trails Committee sent the Board a letter making a request that the Board approve the use of River/Annandale Road as the completion of the State Greenway Trail through the Town of Red Hook. She would like the Board to look at the request and discuss it at the March 13, 2007 meeting.

Howie Callies, Trails Committee Chair, lives on River Road and bikes and hikes on River Road. There is a shoulder and he feels the road is safe. He also referred to a letter concerning a Quadricentennial Celebration. They'd like to see the trails finished so that they can make maps and have a comprehensive plan in regard to this Quadricentennial Celebration. The Trails Committee is hoping to have the completion of the trail on the map and a comprehensive plan of all the trails which are in the area. This trail does run through the Town of Red Hook. We'd like to get some signage on the trail in order to provide a continuity and uniformity to the signage. Winakee Land Trust has signage to give the Town, but they need the Town's approval.

Councilman Ross stated that River Road is a County road. He feels that at the next meeting the Board should state by resolution that we endorse their plan and send a letter to the County.

DISCUSSION OF PLANNING BOARD AND PLANNERS

Supervisor Blum Bump introduced Christine Kane, Planning Board Chair, Ted Fink and Michelle Greig from Greenplan and several members of the Planning Board. She announced that they were all at the meeting at the request of some of the Town Board members regarding questions they might have.

Councilman Ross stated that he feels there should be open communication between the Board, the Planning Board and our Planners so that we are all on the same page. He tries to attend a good number of the Planning Board meetings and most of the time he walks out aggravated. His idea of a Planner is someone who is supposed to be there in an impartial way to assist our Planning Board. It appears to him, and to most of the people that he talks to, that our Planner is imposing the policy and that's the job of our Planning Board. Our Planner is supposed to assist with that, not lead the Planning Board and impose a policy. That is not only from him, he's heard that from Planning Board members that are not at the meeting tonight. He feels that most people that come before the Planning Board are "beat on" a lot more than necessary. He thinks some of our rules and regulations like the Farmers Law have been abused a lot. It's been taken out of context. I know why three members of the Town Board voted that in. Actually, at the time, our Planning Board generally was not in favor of it because they could foresee the future of what could happen with that. Another point, when we went to contract and had discussions with our Planner a number of years ago it was my understanding that the Planner himself would attend many of the meetings. That hasn't happened. People have told Councilman Ross that they've been double billed or billed for this or that. Leo Sieverding had to hire a Wildlife Biologist to mark his wetlands. No problem with that, but then our Planning Board chose to have someone else go and check up on that. Our Planning Board is not the police and they don't have the right to bill him when he's been charged and hires a wetland biologist to come and mark his wetlands. Our Planning Board does not have the right to go and hire somebody else that Mr. Sieverding has to pay for. That is just an improper way to conduct business. He is speaking facts as he knows them and if anyone disagrees there is no problem with that. His point is that he doesn't care if someone is a Liberal or a Conservative, when someone sits on our Planning Board or sits there as a Planner, you don't push your own personal agenda. You have to sit back and look at the situation with an open mind. He feels that open mind has been ignored many times. He's gotten that feeling from many people who have come before our Planning Board, and from speaking from the public as well.

Supervisor Blum Bump asked what Councilman Ross meant by many people.

Councilman Ross answered that just about everyone who has dealt with our Planning Board. His job is to tell you what he hasn't been happy with and when people complain that they've felt like they have been beat on or they've been rude to, he's seen that happen himself. It's not for him to open his mouth during the Planning Board meetings, it's not proper. That's why he came to the Town Board and asked for a discussion.

Councilwoman Crane doesn't attend the Planning Board meetings. She understands that when you have a group of seven people, there are going to be seven different perspectives. It takes time to draw out a consensus from that many people. She is not sure that people applying for planning opportunities are ever going to be satisfied that it's speedy enough. She's had a couple of people complain to her, not many. She's had as many complaints over the former Planner as she has over the current Planning group. When you go to the Planning Board, sometimes you have to take your lumps and defend your position. She is not that unhappy with the present Planners.

Councilman Ramsey stated that one of the biggest complaints he hears in this Town is concerning the Planning Board. Probably because the people who are up against the Planning Board have to go through a process and expend money and obviously they aren't going to be happy with everything that happens. He does hear comments such as the Planning Board seems to initially want to stop anything we're doing instead of working with us to make it right. He's heard that things take too long, that things are too expensive. I'm sure the Planning Board and Planners have heard the same thing. He's had a number of general comments over the course of time. He asked the Planning Board and Planners if they see any problems that the Board or the Town can help them fix. Other things he's heard is that simple issues before the Planning Board have become very expensive, that the Planning Board throws their own opinions in instead of facts. We know the laws are sometimes subject to interpretation. He hears that the Planning Board is very anti-business. He's just telling the things he's hearing and he believes the Planning Board and Planners have heard these things themselves. Let the Board know if there are problems that we can help fix, or problems with us that you can help fix.

Councilwoman Pullaro said she would take a different approach as a citizen on the outside looking in. She's had no personal experience with the Planning Board. We are very much in business to facilitate a process for citizens. If people have a complaint, she'd like it to be in writing. We should have an evaluation tool. We should have facts in front of us before we make a decision about anything. That's just good business and should apply to all the Boards. She proposes from this point forward we work with the existing Planning Board to put the tools in place so that during the course of the appointment of a Planning Board Chairman, of a Planning Board member, of the Planner, etc., this is not a surprise when the appointments come up. She'd rather deal with those issues as they occur. In terms of those coming before the Planning Board, again, there may already be tools in place that address this, but are there documents and checklist of items given to people at the time of the application? She sees that those tools do exist. Is the checklist adhered to? As far as the Planner goes, we need the Planning Board's help in evaluating the work of the Planner. What is the scope of the work that the Planner was hired to do? Is the Planner adhering to that scope? Are they going beyond that scope?

Supervisor Blum Bump stated that when she first came on as Supervisor and we were looking for new Planners, we went through a very extensive process and this Board decided to hire Greenplan. We worked very hard at finding good Planning Board members. Our purpose was to make the Planning Board process more streamlined, more efficient and also to clarify some of the laws or procedures of the Planning Board because there were complaints. We asked them to give us those difficulties they met most often as they went through the planning process and this Board discussed at great lengths and approved increasing the budget for the Planning Board because we were going through a time of trying to clarify or amend the laws or write new laws to meet needs. The Planning Board has given us those recommendations and the Planner has worked with us on those recommendations. Supervisor Blum Bump strongly supports both the Planners and the Planning Board. They have a very challenging job. As Supervisor she hears many comments from the public. She hears very few complaints about the Planning Board. She thinks the process moves along as fairly as possible. It is not going to please everyone, it's a long, slow process. The Planners are at the Intermunicipal Task Force meetings almost every week. She feels they do an excellent job working with the issues and concerns of the Town, the other municipalities, the School Board, the County. There are difficulties on any Board or Committee. As Supervisor she wants to provide whatever they need to do a good job. She knows that we spent a year and a half grappling over the appointment to the Planning Board. She wants to hear from the Planners and the Planning Board what it is they need from the Board to continue doing their job.

Christine Kane, Planning Board Chair spoke that she is personally very satisfied with the service they are receiving from the Planning firm. She has spoken to all but one member of the Planning Board about this evening and we received across the board support for Greenplan and for Planner Michelle Greig in particular.

Charlie Laing of the Planning Board said that generally speaking he contradicts the assertion that they overstep the lines or they do more than provide the Planning Board with expert advice. We are still the Planning Board and we can choose to act on or not to act on the recommendations of Greenplan.

Sam Phelan of the Planning Board ... having worked with two different Planners on the Planning Board, it is night and day. In the case of the current Planner, they go by the book and ask what it is that the Town is trying to achieve in terms of the development that is going on in this community, and let's try to use the Planning Board as a way to implement the Comprehensive Plan that was developed 10 years ago. The one thing he believes is that they adhere to the budget very well. He endorses Greenplan, one hundred percent.

Christine Kane agrees with Sam's comments having seen the previous planners in operation. She feels we have very professional and thorough representation from Greenplan. Our records are in much better order and easier to find and we make sure that we are adhering to the process properly. As to some of the other comments, we have laws

on the books and our job is to implement them to the best of our ability. In terms of what the Town has stated its goals are in its Comprehensive Plan and other planning documents that are in place, that's what we do. That involves people following directions of what is required and being prepared when they come in with an application. That is not always the case. Many of our laws require that applicants have to hire professional help which is pretty standard not only in Dutchess County, but throughout the State. We are trying to have discussion, open communication on what the Town is hoping for in terms of development. Change is always hard. The Town is ahead of the curve on a lot of issues. We require certain information in order to complete a review for a project. Its not that we are picking on individuals.

Sam Phelan knows what its like to be on the other side of the Planning Board. One thing he has is sensitivity toward on the Planning Board is what the business owners interests are, how they look at a situation, and the need for speed. Being a business person, he wants to do it his way and the most economical way possible. There is a natural tension going on when a Board is charged with implementing a law and you have an applicant who has different interests. He welcomes this kind of discussion so that he can make sure there is not an excess of friction. There are Towns that are business friendly and there are Towns that are business hostile. He's dealt with both. Red Hook is not yet a Town that is business friendly. There are many reasons. The Zoning Ordinance is one small reason. There are also infrastructure issues. The Planning Board is not unusually business hostile.

Christine Kane ... in terms of trying to meet with applicants we encourage them to come in. If they are not ready there is no point for them to come to the Board. She often comes into meetings early in the morning with applicants and said that Planner Michelle Greig from Greenplan also makes time to come to the meetings so that we can have two sets of eyes, sometimes three if she can get another Planning Board member to come in so early in the morning. If she can't make a Planning Board meeting she knows at least Michelle can relate discussions to the rest of the Board. We try very hard to be open and communicative with the applicants and are willing to meet with them outside of the Board process to save time and money.

Charlie Laing explained that the Planning Board process and application process are very structured. There are set time frames, it's all laid out for us, obviously we need Planner Michelle Greig often to prompt us and make sure that we are following the right procedures. Those systems are in place and it's very fortunate for us that we can rely on our Planners to make sure we do follow through on them. Procedurally our hands are tied and the systems are there.

Councilwoman Pullaro asked what the Board can do to help the Planning Board.

Sam Phelan said the farm laws are very broad for the Planning Board right now. He's all in favor of farms, preservation, but this has no place when we are talking about small parcels.

Charlie Laing's one wish is that the Town Board take a good look at the work that's coming out of the Intermunicipal Task Force on the Centers and Green Space Initiative. It includes a lot of recommendations that will not only better fulfill the goals of the Comprehensive Plan, but will make some of the Planning Board processes smoother. They'll fix some of the contradictions in some of the existing zoning laws hopefully. He'd like the Town Board to look at those recommendations and see where the improvements are.

Christine Kane stated that the Planning Board said some of the laws are not clear. The feedback they got from the Town Board was, you have laws, and you're supposed to implement them, implement them. That is what we are doing. We are taking stands on things and we are implementing the laws the way we understand them and she hopes that the Town Board will support them as they do that.

Councilwoman Pullaro suggests having more meetings like this to have an open line of communication going.

Ted Fink (Greenplan)...didn't want to leave a couple of comments unanswered. When we first sat down three years ago I thought I made it clear that I made a commitment with the Town of Warwick. There is a conflict with Monday meetings. I agreed to provide a calendar outlining all of the Monday's that I committed to in 1991. Planner Michelle Greig attended the meetings that he couldn't attend. To have consistency on the review of applications, it made much more sense to have one person attending the meetings. Michelle is available for the meetings and he is not. He does not want the Board to feel he abandoned the Town. As far as the wetlands verification, there is a process in place by the Army Corps of Engineers to verify wetland delineations that have been done by private parties for any federal wetland. The State wetlands are something different. The State always comes out and does the State verification. Because there is only one person for the whole New York district to verify wetlands, it can take a year to two years to have the verification by the Army Corps of Engineers in place. What we've done, we do this in other Towns as well, is find an alternative for applicants to hire a third party reviewer. Rather than simply taking the wetland verification done by the applicant as being gospel so to speak, we're able to shorten the time that it takes to have a wetland boundary confirmed. We can do that by having a person trained in the Army Corps of Engineers wetlands delineation process. They can get out to the site on a relatively quick basis and can do that wetland verification so that it won't take one to two years to wait for the Army Corps to come to the site to do the verification. This only occurs when there is going to be filling in of federal wetlands. If there is no wetlands disturbance, the verification is not necessary. Because the wetlands protection is such a well defined process it makes sense to have two sets of eyes looking at it. Certainly the Army Corps provides that but you can take a number and wait in order for them to come out and do the wetland delineation. The process saves a lot of time. There was another issue that comes up from time to time. He has great confidence in Michelle Greig. She is a Planner. There are often issues that come up that are of a legal nature or they might be of an engineering nature. That's where we really can't intrude. In many other Towns, they have a Planner, Attorney and Engineer attend the meetings to provide perspectives and advice on issues that might have to be resolved. He advised that the Board might want to have an Engineer and Attorney on call for the Town for when issues arise.

Christine Kane ... we are not anti-business. We have a number of applications come before us. One in particular, the applicant decided not to go forward with their plan. There is another plan on that property at this point that is going to be much better. That is good for the Town and that's what we work for. We don't want someone to come up with any old thing and plunk it down in Red Hook. We want to preserve our Town character and we want businesses that are willing to take that into consideration. We give the applicants the information and it's up to the applicants to decide if they want to go ahead.

Councilwoman Crane hopes that they all shared their concerns about modifying the farm law with Sam Phelan who is representative to the Zoning Review Committee that has just recently been reconstituted. Their concerns about modifying the farm law can be brought to the Zoning Review Committee. It's our job to sift through concerns on any given law or about creating a law for that matter.

Planner Michelle Greig stated that there are a number of things the Planning Board can bring to the Zoning Review Committee. They are keeping a running list of contradictions and problems in the zoning and subdivision regulations as they come upon them. They can be forwarding those issues to the Zoning Review Committee as they go along.

Supervisor Blum Bump thanked them all for their cooperation in coming to the Town Board to discuss these concerns and thanked them for their work.

Ted Fink ... we are local and if you have a Planning question or concern, just pick up the phone and call us.

Town Clerk McCann asked if we could continue with the 2007 Town appointments.

Supervisor Blum Bump answered that we will spend a little extra time on them at the March 13, 2007 meeting.

Town Clerk McCann explained that we still have to make appointments to the CAC (one vacancy), the Design Review Committee, Ethics Committee, Farmland Protection, one vacancy on the Greenway & Trails Committee, Chair for Rec. Committee has to be reappointed, and the Water District Water Board.

RESOLUTION 2007 #53

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. 2 FOR 2007

On a motion of Supervisor Marirose Blum Bump seconded by Councilman Harold Ramsey move to establish a date for a Public Hearing regarding the adoption by the Town Board of the Town of Red Hook Local Law #2 of 2007 for April 10, 2007 at 7:25 p.m.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

Copy Attached

Supervisor Blum Bump announced that Deputy Supervisor O'Neill will give his report on the Intermunicipal Task Force work at the March 13, 2007 meeting.

COMMUNITY DEVELOPMENT BLOCK GRANT

Supervisor Blum Bump announced that we have to discuss the Community Development Block Grants for 2005 and 2006. We have to make decisions on them. The first grant from 2005 was to survey, engineer and place on the official map, a road connecting the Hannaford extension to Route 199, by way of Glen Pond Road. In 2006 we received a grant which was a continuation of the funding to actually build two sections of the road. There are two issues that remain to be determined. One is the road width. We have to define the road width.

Attorney Chale had a meeting with Highway Superintendent Wayne Hildenbrand and Councilman Ramsey on Monday. She also had a follow up conversation with John Clarke of Dutchess County Planning who has commented on the original plan; and also had a conversation with Michelle Greig of Greenplan. What we tried to focus on was road width issues. On neighborhood roads at least for a commercial street we came to a place where a 22 foot travel way was acceptable to Highway Superintendent Hildenbrand and John Clarke. Planner Michelle Greig was willing to be supportive of it but she still believes they should be limited to 20 feet at the most because she thinks that is more in keeping with road standards. This portion of the road is going to be considered a main street.

The Board reviewed maps during their discussion.

Attorney Chale stated that there has been a lot of discussion on the width of the roads. Highway Superintendent Hildenbrand has strong feelings about having roads wide enough for machinery, fire trucks and buses.

Supervisor Blum Bump will speak to the Engineer and ask for 22 feet of pavement, a 50 foot right-of-way, and all on the Wilms property if space allows.

PRIVILEGE OF THE FLOOR

Kathy Stewart... if the Board is going to be discussing recreation lands, she would like them to consider putting recreation land in upper Red Hook.

Linda Keeling... in regard to St. Margaret's home, is this building being cared for? What is happening with this building? We didn't get the grant. She suggests approaching the Egbert Benson Historical Society, a non-profit group, to care for the building. Use them as the impetus to get that building going.

Supervisor Blum Bump answered that the Board appointed a task force.

Councilman Ramsey said we promised the public that we'd get an update. He asked Supervisor Blum Bump to get the Committee here for a short meeting.

Supervisor Blum Bump has spoken to Amy Dubin and she is very close to bringing a proposal to the Board.

Richard Hansen ... regarding conservation easement versus Ag assessment. One of the people he talked to said that deeds and covenants would have covered this requirement for farmland protection which is what he would originally been happy with. The appointed Planner claims his knowledge of the law said deeds and covenants did not apply. Therefore, before conservation easement was imposed on the Hansen's they volunteered for it. He feels the Planner gave wrong information because she's not qualified to be a lawyer. Had she not brought that up he had no interest in conservation easements. However, then it lead to him being told that if they pulled from the conservation easement, if we went back to the Planning Board, all bets were off as far as what the terms of what their subdivision was even though they had sketch plan approval. I hope this explains where we're coming from.

On a motion of Supervisor Blum Bump, seconded by Councilwoman Pullaro, move to go into Executive Session regarding negotiations for the purchase of recreational lands and also regarding a personnel matter.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

On a motion of Councilman Ramsey, seconded by Supervisor Blum Bump, moves to close the Executive Session.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

On a motion of Supervisor Blum Bump, seconded by Councilwoman Crane move to adjourn the meeting at 11:00 p.m.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

Respectfully submitted,

Susan McCann, Town Clerk