

TOWN OF RED HOOK BOARD MEETING
September 11, 2007

CALL TO ORDER

A business 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 7:40 p.m.

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

Also Present: Deputy Supervisor William O'Neill
Attorney for the Town Christine Chale

Supervisor Blum Bump opened the meeting with the Pledge of Allegiance and a moment of silence in remembrance of those who were affected by the events of 9/11/2001.

SUPERVISOR'S REPORT

No report available

TOWN CLERK'S REPORT

The Town Clerk's report for the period of August 1 to August 31, 2007 was read as follows: Total local shares remitted to Supervisor - \$1,589.39; amount paid to County Treasurer for Dog Licenses - \$106.57; amount paid to NYS Ag. & Markets for spay/neuter program - \$21.00; amount paid to NY Department of Health for marriage licenses - \$135.00; amount paid to NYS Environmental Conservation - \$4,853.04; Total State, County & Local Revenues - \$6,705.00

PRIVILEGE OF THE FLOOR

Linda Keeling announced Hardscrabble Day on Saturday, September 15, 2007, and invited everyone to attend.

Robert McKeon commented on the workforce housing provisions the Board is going to look at. He encouraged the Board to look at other municipalities as examples.

DISCUSSION REGARDING PROPOSED LOCAL LAW 2007 WITH DEPUTY SUPERVISOR BILL O'NEILL, CHAIR OF THE INTERMUNICIPAL TASK FORCE

Deputy Supervisor O'Neill explained that the plan is pointed toward having the Board complete the review of the Centers and Greenspace Plan. A document with the revisions was given to the Board. On Thursday, September 13, 2007 there will be a special workshop meeting; Michelle Greig of Greenplan will go over the revisions and at the same time present the proposed affordable housing/workforce housing aspect of the plan. It is the intent of the Task Force to have that as a part of the Centers and Greenspace Plan. Then they will continue with the sewer project, a separate entity. Right now they are working on the funding. Regarding the gateway subject, the task force is working on it and hopes to have the revision in time for Thursday's meeting.

Supervisor Blum Bump explained that the first part of the packet shows the revisions requested by the Town Board and the second part is the proposed Local Law with the revisions incorporated into a clean copy. The revisions are ready to be reviewed by the Town Board and Attorney Chale.

Councilwoman Crane thought the Board was going to further discuss the Agricultural Business District.

Supervisor Blum Bump answered that the Board did do that intensively. It's time to get our Attorney to look at it.

Councilwoman Crane wants to make sure it meets the Board's satisfaction before we send it to someone else to go over it, only to have us revise it and go over it again. She referred to a letter

the Board received from a resident who questioned how the determinations were made about inclusion in the Agricultural Business District indicating that they were not recipients of the agricultural exemption. Councilwoman Crane wants to go over that aspect of it. She wants to make sure the Board understood completely which parcels were included and for what reason they were included, and if in fact, the owners of those parcels wished to be included. We haven't done that yet.

Councilman Ross agreed that we have not.

Supervisor Blum Bump told Councilwoman Crane that we did discuss it.

Councilwoman Pullaro said we did not address the letter.

Councilman Ross said we as a Board did not decide on what we wanted to include or not include in the Agricultural Business District. We have not agreed on what would be included in our Agricultural Business District.

Councilman Ramsey said we left that meeting with an understanding that we were coming back to review the Ag Business District and get a better understanding about what properties were included in it or were not included in it. We never followed up on it.

Supervisor Blum Bump asked that since Michelle Greig put in the revisions we requested she would like to make a motion for Attorney Chale to begin reviewing them.

Councilman Ross understood that we asked Michelle for a clean copy to bring us up to date so we all knew where we stood. We were not finished reviewing it. The only problem he has is paying the attorney to look at something that is not even nearly close to our final document. Attorney Chale has been to the meetings and made comments as we discussed them.

Attorney Chale explained that Michelle Greig asked her to look at the document in relationship to the existing zoning law and make sure it is appropriately integrated with the existing zoning law. She also asked for a legal review of some of the concepts and authorizations in the draft. She suggested considering conceptual issues before the drafts in terms of priorities. The Board could address this at Thursday night's meeting.

Deputy Supervisor O'Neill asked what issues the Board wanted covered on Thursday. What properties are included and which ones excluded?

Councilman Ramsey read the letter from Red Hook resident Trilby Sieverding. She stated that her property is incorrectly indicated on the draft map titled Ag Assessment that was presented by Robert McKeon, as an agricultural use. They have four pet horses on 46 acres, they do not farm, nor do they claim an agricultural exemption and never have. They have never received any tax dollars or tax relief on agriculture for farming. She requested that the mistake be corrected on that map. Her concern is that there may be other mistakes on the draft map. Councilman Ramsey asked what criteria were used.

Supervisor Blum Bump thinks she has a copy.

On a motion of Supervisor Blum Bump, move to give the plan to Attorney Chale to begin her review, Councilman Crane asked that the motion be tabled until the meeting on Thursday
Motion tabled until Thursday, September 13, 2007.

REGARDING PANDA

Supervisor Blum Bump announced that there are three issues to be discussed. The question of the adjusted PANDA budget request, the Time Warner Cable contract, and the appointment of a Red Hook representative and alternate.

Kathy Hammer of PANDA explained the supplemental appropriation request to help PANDA get through the end of the year. Should there be restitution offered, the money would be returned pro-rata to the municipalities who help fund. PANDA is implementing fiscal management policies. The Treasurer will be bonded; they instituted a dual signature policy and will be making full financial reports. She thanked the Board for their support.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey, move to approve up to \$7,000.

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

Councilman Ross questioned the annual projected budget amount.

Kathy Hammer explained that the program and services budget reflects the needs of PANDA to make the station as good as they can make it.

Supervisor Blum Bump told the Board that Susan Simon is willing to be the PANDA representative for the Town, and Zachary Taras is interested in being an alternate.

Kathy Hammer said that Susan Simon would be great on the Board. She has some performing arts and media experience as well as financial managerial experience.

Councilwoman Pullaro asked if we should get letters of interest.

Kathy Hammer explained that Red Hook should have representation on PANDA and it should happen as quickly as possible. They would like a full representation at their next meeting.

Councilman Ramsey feels that in light of the situation it would be appropriate to appoint someone soon.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey, move to appoint Susan Simon as PANDA representative and Zachary Taras as alternate.

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

Steve Block, Rhinebeck Town Supervisor, explained that the five municipalities first negotiated with TCI between 1990 & 1992. The franchise agreements came due between 2000 & 2002. There was an effort afterwards to renegotiate franchise agreements but fell apart. The effort to rebuild PANDA has brought the municipalities together again and it occurred to them to begin looking at the Time Warner Cable franchise agreement. The proposal suggests that he and Kathy Hammer be designated as on site negotiators and the Buske Group as their technical backup. They will hopefully be well suited to take on Time Warner. Before beginning the process they'd have to get a desk audit from the Public Service Commission then they would have to have each of the Boards of the municipalities to review what it was that TCI agreed to 15 years ago. There is still outstanding money from Time Warner due to PANDA from the previous agreement which was not met. We have to make sure they are compliant with the agreement and find out what happens if they are not. He is hoping that Red Hook agrees. Red Hook's attorney, who also represents the Village of Tivoli, has requested some changes to the language. He asks that the Board approve this in concept since it will be an intermunicipal agreement.

Attorney Chale asked for clarifications authorizing expenditures and that if we are not happy with negotiations we could withdraw.

Councilman Ramsey thanked Steve Block and asked if we need specialized legal advice.

Steve Block answered that we have fine local legal advice.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey move to support the agreement in concept.

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

CONSERVATION EASEMENT FOR JAMS

Attorney Chale brought up whether or not there is going to be a fee for monitoring agreements of this type and what we mean by "this type". The other issue is does the agreement itself support

this purpose. Do we restrict open space and attach the easement to the legal parcel? The part that is restricted in a development property is typically the open space portion. This is modeled on a farm easement which typically controls the entire parcel and allows for only certain types of development in the building envelope to discourage development in that envelope. You have an easement here where your goal is similar to an agricultural easement, but perhaps more like the development easement. We don't have a separate parcel here that is the building envelope.

Supervisor Blum Bump asked what kind of easement this is more like.

Attorney Chale answered more like the development easement.

Councilwoman Crane asked the impact of the 2% tax if it's sold. Anything under easement may be exempt but there is a building envelope associated with these easements.

Attorney Chale explained that the house would be subject to the tax, but the building envelopment would not be subject to easement provisions.

Sam Harkins said the property has been surveyed.

Councilman Ross thinks a simple planning easement should be placed rather than a deed restriction.

Councilwoman Crane wants to verify that the building envelope is not exempt from the 2% transfer tax at the point of sale. She wants to be clear about that. She wants to make sure it is clear in the easement.

Attorney Chale suggested making this easement clearly cover outside the building envelope. She also suggested taking it case by case for the time being in terms of monitoring expenses.

Councilwoman Crane agreed it should be case by case.

Supervisor Blum Bump agreed that we should go case by case and then look at a uniform approach.

Councilman Ross suggested the Board decide on the simple planning easement. That was the intent to protect that open field. The large lot is divided off and is already restricted from further subdivision. The Planning Board's intent was to protect that field. Our zoning code defines a lot line alteration as a subdivision which is why we're here. They are really not subdividing, they are altering a lot but in our code we define that as a subdivision.

Supervisor Blum Bump said the Planning Board says no further subdivision. That should be in the easement, clearly stated. She thinks the easement should say the entire property is in the conservation easement and when it's time to sell, the open land is what is not subject to the 2% transfer tax.

Councilman Ross feels that when the Town forces an easement on a parcel our zoning law and building permit system should be able to enforce that code.

Supervisor Blum Bump said we gave the landowner the privilege of further subdivision that they wouldn't be entitled to. The Planning Board said they can have the further subdivision if the residents protect this land. So yes, it has to be monitored and yes, someone has to pay for it. They receive the benefits. It's not like you're putting a burden on them.

Councilman Ross answered they are property owners and pay taxes in this Town. We are forcing them to restrict their own property. We didn't give them a benefit, we gave them nothing. We are forcing them to do that so that we, the Township, can help save open space. We are talking about a fee right now and it's wrong to charge a fee.

Supervisor Blum Bump asked how much the fee is.

Councilman Ramsey answered that Winnakee charges \$6,000.

Supervisor Blum Bump thought the code enforcement officer would monitor them. Maybe there can be a modest fee attached to that.

Councilman Ramsey asked who is monitoring the other temporary conservation easements.

Councilman Ross explained that what the homeowners are doing is making a substandard lot conform to the Town's present day zoning.

Councilwoman Crane feels it's a good exchange; each party benefits, and feels there should not be a fee.

RESOLUTION 2007 # 107

RE: ACCEPTANCE OF A CONSERVATION EASEMENT BETWEEN JAMS AND THE TOWN OF RED HOOK

On a motion by Councilwoman Crane, seconded by Councilman Ross, move that there will not be a fee in this particular easement.

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

Copy Attached

Councilman Ramsey asked if the motion included the type of easement.

Attorney Chale understood the motion to include the approval of identifying the Wolfson easement area outside of the JAMS building envelope and to restrict the open space with the exception of the no further subdivision.

Councilman Ramsey asked if that was part of the motion.

Supervisor Blum Bump responded that this was just regarding the fee.

Attorney Chale thinks we said no further subdivision, that's what she understood the motion as.

ANDERSON COMMONS DISCUSSION OF INTERMUNICIPAL COOPERATION REGARDING ROAD AND SEWER MATTERS

Attorney Chale explained a request by the Anderson Commons applicant for some cooperation between the Town and the Village for approval of performance bonding for the roads and sewer.

Scott Volkman, Attorney from Gellert & Klein in Poughkeepsie, spoke on behalf of the Anderson Commons project. He gave a brief overview of the project which involves a clustered subdivision which is located in the Town and Village. They have been trying to resolve the numerous conditions imposed by both Boards. There is an issue involving the road. Their concern is if they need to bond, it would complicate matters and drive up the cost for the developer. The dividing line for the Town does not create an even division for the project itself. The road happens to be in both municipalities. They are proposing intermunicipal cooperation. Most of the road is in the Town and it seemed appropriate that the Town oversee the road. There could be cooperation between the Town and Village Highway Superintendents to plow. That can be dealt with later as a separate issue. They would like to have a single performance bond until such road is dedicated to each municipality. The Town and Village would both have to consent. The other significant issue is the transportation corporation. This is a community septic system involving a number of septic fields throughout the project. It is a unique project because it crosses municipal boundaries. They believe it would be appropriate for one of the municipalities to exercise jurisdiction over the entire septic design system because it would be extremely difficult to try to break down the costs of the systems between municipalities. It would also be difficult for the facilities to be broken down for default purposes into one municipality verses the other. They would like one municipality to take the lead with respect to the transportation corporation. The Village expressed an interest in taking lead responsibility for that. He will discuss that further with their Board on Monday night.

Attorney Chale asked if the Village is interested in being the lead in the transportation corporation and willing to have the Town on the road bond.

Scott Volkman answered that the Village has expressed an interest in the transportation corporation but not the roads. The Town would hold the road bond; the Village would hold the transportation corporation bond.

Attorney Chale explained that the Board does not have to approve this project if they think this facility is going to fall apart in a few years. The Board should have the Town engineer approve the plans.

On a motion of Councilman Ross, seconded by Councilman Ramsey, move to have Attorney Chale and Village Attorney Jeff Martin draft an intermunicipal agreement.

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

POLICE DEPARTMENT MEMO REQUESTING DONATION OF SURPLUS COMPUTER EQUIPMENT

Supervisor Blum Bump told the Board that the Police Department needs computer equipment and because of budget cuts cannot buy new equipment. Would the Town donate the surplus equipment to them?

Attorney Chale suggested getting a memo from Purchasing Agent Ted Kudzy.

On a motion of Supervisor Blum Bump, seconded by Councilwoman Pullaro, move to ask Purchasing Agent Ted Kudzy's permission to honor the request of the Red Hook Police Department.

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

PLANNING BOARD VACANCY AND APPLICANTS

Supervisor Blum Bump and Councilwoman Pullaro interviewed the four applicants.

Councilwoman Pullaro has not yet shared any of her notes of the interviews with the Board members. She will get to them within the next week.

Supervisor Blum Bump will get her information to them too.

COMMUNITY DEVELOPMENT BLOCK GRANT FOR 2008

Supervisor Blum Bump asked the Board if they have any ideas for submissions. She'd like to have them as soon as possible.

Councilman Ramsey reminded them that they requested a sidewalk from Hannaford to around the Old Farm Road area and it was turned down. He feels that would be an appropriate project which would fall in line with the traditional road development in that area.

Councilwoman Crane suggested the Village and the Town apply together for funding. It appears that affordable housing and infrastructure improvements to support the development of affordable housing are a high priority this year. We should have a conversation with the Village about sewage treatment funding to see if there is a way to make an application for the initiation of a sewage treatment plant. We should use the fact that we are directing our attention to workforce housing as the component that addresses the affordable housing piece.

Attorney Chale called attention to the deadline that a Public Hearing has to be held to discuss the Community Development Block Grant.

Councilwoman Crane suggested we discuss this at Thursday's meeting and also discuss it with the Village. She is willing to call Beth Doyle who can give the Board some direction.

Councilman Ross suggested possibly some handicapped access for St. Margaret's Home.

Councilwoman Crane will call Village Mayor Dave Cohen first to see if they've already made decisions.

Attorney Chale told the Board the application has to be in by October 5, 2007. She suggested having a Public Hearing by September 21, 2007.

Councilman Ross suggested Councilwoman Crane call Beth Doyle regarding details for the sewer, Councilman Ramey has the details for the sidewalk, and contacting someone from the St. Margaret's Committee about what they might want.

On a motion of Supervisor Blum Bump, move to have a special meeting on September 20, 2007 for two purposes, one for the Intermunicipal Task Force and the other for the discussion of the Community Development Block Grant. The motion was not seconded as the Board wanted to further discuss possible dates.

DEPARTMENT/COMMITTEE REPORTS

Planning Board: Councilman Ross reported he was unable to attend the Planning Board meeting because the Town Board had a meeting on the same night.

Zoning Board of Appeals: Councilman Ross reported that they have six public hearings scheduled for tomorrow night's meeting.

Purchasing Report: Councilwoman Crane reported that during the period from August 14 to September 10, 2007, 43 Purchase Orders were issued in the amount of \$56,484.03, the largest for \$21,451.64 to Callanan Industries for blacktop for the paving of Freeborn Lane. The flag pole for the Tree City flag was installed and is ready to be "flagged". Bob's Security Systems will install a fire alarm and monitoring system in St. Margaret's Home today and Wednesday. We have installed a virus protection package on the Town's workstation. The server has always been protected. Regarding the Town energy project, there has been a lot of activity but little progress. Purchasing Agent Kudzy strongly recommends we engage the Town's engineering firm to write specifications and develop a bid package for public advertising of the solar panels portion. He is trying to engage an electrician for the fluorescent lighting replacement.

Senior Services: Councilwoman Crane announced the Dutchess County Office for Aging Senior Picnic on Wednesday, September 19, 2007 at noon at the Red Hook Recreation Park. The Senior Services Committee will have a booth at Hardscrabble Day.

On a motion of Councilwoman Crane, seconded by Councilman Ross move to get the Town engineer to write specifications for the Town energy project.

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

Recreation Committee: Councilman Ramsey reported that the committee is updating the skate park and they completed the wetland trail. He thanked the Strawinski's and their team for the work they did on the trail.

Trails Committee: Councilman Ramsey reported that the Trails Committee will have a booth at Hardscrabble Day. They are putting together a map of trails in the Town. Councilman Ramsey will work on the Greenway Trail signs for River Road.

Disaster Preparedness: Councilman Ramsey reported that they decided to hold off on the training until after the budget is addressed

Highway Report: Councilman Ramey reported that they are continuing with road paving and should be finished in the next few weeks.

Water Department: Councilwoman Pullaro reported that the testing was within or below acceptable levels. The filtration system continues to operate satisfactorily. The repairs to the pump house driveway have been done, brush hogging will take place in October 2007, and there will be plantings on Aspinwall Road. The Water Board will establish flushing dates for the

hydrants for sometime in October. It will be announced in the September newsletter. Their next meeting is September 19, 2007.

CAC: Councilwoman Pullaro reported the next meeting is tomorrow night at 7:00 p.m. The CAC has the clean air climate protection software and Denise Barton is waiting for the password. She thanked the CAC for arranging the Energy Star presentation at the August 14, 2007 meeting. There will be a follow up discussion about the energy star outreach to the community. The Town will receive about 50 trees to plant in the spring and Councilwoman Pullaro thanked CAC Chair Brenda Cagle.

Recycling: Councilwoman Pullaro reported that there is a new hire, Ray McGrath. They have emptied the trailers to have them moved from the property. She expressed her condolences to the family of Mike Sherman, a volunteer at the recycling center who passed away at the end of August.

Supervisor Blum Bump asked Attorney Chale the schedule for the connector roads.

Attorney Chale answered they were waiting for corrections and when they come back we will need to get them signed immediately.

Correspondence: Supervisor Blum Bump read a letter from the CAC regarding their support of the Centers and Greenspace Plan. She then referred to a letter from Historic Hudson River Town. She'll get copies for the Board members. Supervisor Blum Bump read a letter from the Village of Red Hook regarding assistance donating funds for the stage at Abrams Park. She reported on pursuing a park and ride and will get the information to the Board. Christine Kane, from the Planning Board sent a letter about their requirements for training. They submitted four events for the Boards approval.

On a motion of Supervisor Blum Bump, seconded by Councilwoman Crane, move to approve the training for the Planning Board.

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

Supervisor Blum Bump referred to a letter received from Pace University School of Law Land Use Law Center announcing that the Dutchess County Legislature is sponsoring the DC Land Use Leaders Training & Certification Program. She will get a copy of the letter to the Board to review for discussion.

Budget Adjustments: Supervisor Blum Bump announced a budget adjustment in a memo from Business Manager Deb Marks dated September 4, 2007. Business Manager Deb Marks is asking for the Board's approval of requested budget adjustments. In the General A fund, a credit of \$7,244.00 and to the appropriated fund balance a debit of \$7,244.00 for general engineering costs, St. Margaret's and the Red Hook Seniors. In the General B fund, an increase in appropriations for \$46,329.00 an offset to that appropriated fund balance, a debit of \$46,314.00. The majority of that (\$34,000) was for an adjustment for the police (General), building inspector and for work group implementation.

Councilwoman Pullaro pointed out that the debit doesn't equal the credit.

Councilman Ramsey questioned some of the budget lines.

Supervisor Blum Bump will find out for the Board.

Supervisor Blum Bump continued with the budget adjustment, in the Highway DB Fund -a credit of \$758.00 and an offset of the appropriated fund balance of \$750.00. In the General A fund a credit of \$20,000 from the fines and forfeited bail and an increase in revenues of \$1,500. There was a reduction in appropriations for \$40,000 remitted to the State Comptroller, a credit of \$31,250 and an offset to the appropriated fund balance for \$9,750. A total of debits and credits is \$51,250. It is all broken down into eight listed items. She will check with Business Manager Deb Marks concerning questions Councilman Ramsey had regarding parts of the budget adjustments read. In the General B fund there was a credit for \$6,000; debit for \$250.00. Total reduction of appropriations - debit of \$6,000. Increase in appropriations of \$7250.00 for an

increase of appropriated fund balance of \$6,250. In the Highway DB Fund – debits of \$26,592; increase in appropriations of \$750.

Councilwoman Pullaro asked for clarification on an item in the budget.

Supervisor Blum Bump asked if the Board wanted to give approval to the budget adjustments or wait until the next meeting.

Councilwoman Crane suggested waiting until we get explanations for some of their questions.

Trails Committee: Supervisor Blum Bump told the Board that Howie Callies will show a map of useable trails in Red Hook on Hardscrabble Day.

Mr. Fran Donahue thanked the Board for addressing the property on Aspinwall Road that is being cleaned up.

EXECUTIVE SESSION CONCERNING A PERSONNEL ISSUE

On a motion of Supervisor Blum Bump, seconded by Councilwoman Crane move to go into Executive Session regarding a personnel issue of a particular person.

Adopted	Ayes	4	Blum Bump, Ross, Crane, Ramsey
	Nays	0	
	Recusal	1	Pullaro

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey, move to close the executive session at 11:10 p.m.

Adopted	Ayes	4	Blum Bump, Ross, Crane, Ramsey
	Nays	0	
	Recusal	1	Pullaro

On a motion of Supervisor Blum Bump, seconded by Councilman Ross, move to adjourn the meeting at 11:10 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk