

RED HOOK TOWN BOARD MEETING
March 4, 2008

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 7:30 p.m.

Present: Supervisor Sue Crane
Councilwoman Micki Strawinski
Councilman Harry Colgan
Councilman Robert Latimer
Town Clerk Sue McCann
Absent: Councilman James Ross
Also Present: Attorney for the Town Christine Chale

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She started the meeting by reviewing the rules of order for meetings. In view of some of the activities that occurred at the last meeting she thought it might be wise to revisit rules that we had our attorney prepare for us in January. The document lays out what to expect at a Town Board meeting and the rules by which we would conduct business. She read the basis for which the Board will discuss at the next meeting, a resolution that will talk about conduct at a Public Hearing and at public Board Meetings.

- Public Hearings - persons desiring to speak during a Public Hearing shall be invited to sign in. When recognized by the presiding officer the person addressing the Board will be invited, at the discretion of the presiding officer, to state their names and addresses. Unless otherwise determined by the Board the time to be allotted is three minutes for each speaker. When all persons wishing to speak have spoken once, any person wishing to speak a second time may do so for a maximum of two minutes. Comments must pertain to the subject of the Public Hearing.
- Public Comment Period - persons desiring to speak shall be invited to sign in. When recognized by the presiding officer persons addressing the Board will be invited at the discretion of the presiding officer to state their names and addresses. Unless otherwise determined by the Board the time will be allotted to three minutes for each speaker. Comments must pertain to a question or subject in which the Town Board is concerned.
- Decorum – no member of the public is permitted to address the Town Board during a meeting or a public hearing unless recognized by the presiding officer. All remarks should be addressed to the Town Board as a body, not to any member thereof, or to another member of the audience. All persons speaking will be given respect and courtesy and in return are expected to be respectful and courteous. The use of profane, slanderous, inappropriate language and malicious conduct is not acceptable.

Supervisor Crane said they will be accepting the resolution at the next meeting.

PUBLIC COMMENT:

Supervisor opened to floor to a fifteen minute public comment period.

Marcy Appell asked the status of the 2% transfer tax

Supervisor Crane responded that we are receiving 2% for every sale over the County median. She can report the total we have in the bank at the next business meeting. There was a substantial sale that amounted to a substantial deposit to our account. We need to recruit a group of people who are representatives of the community to decide how that transfer tax is to be distributed. Until then the Open Space Plan is the mechanism to oversee that transfer tax.

There were no further comments.

PRESENTATION FROM WINNAKEE LAND TRUST'S EXECUTIVE DIRECTOR LUCY HAYDEN

Supervisor Crane introduced Lucy Hayden, Executive Director of Winnakee Land Trust who will discuss a program they are in the process of developing.

Lucy Hayden introduced Sally Mazzarella and distributed some information on Winnakee and on what they will be talking about regarding a land trust. She explained that in 2007 the Northern

Dutchess Alliance arranged a series of meetings to talk with some towns about using conservation easements and a lot of towns attended because they were using conservation easements in their planning process. In some cases the towns themselves wound up holding those conservation easements because they didn't quite fit the criteria of the existing land trust. In many cases these conservation easements protect small open spaces within subdivision developments. We call it conservation subdivision planning. Towns are holding conservation easements now without realizing what the long term financial and technical responsibilities are. These conservation easements are established in perpetuity and they require very professional monitoring including someone who can go out and assess the landscape, not just look to see that nothing's been built. It requires GPS readings and mapping which is a requirement not just of the land trust but of the IRS in assessing whether a conservation easement should exist, if it has conservation value to the public. Winnakee became involved in these discussions because of a need for a service to look at the easements the towns are not holding and to work with towns if they want to continue using easements in their planning process. They've also talked with Hudson River Valley Greenway who thinks the process and results can be improved. They feel that it is necessary for a qualified land trust with this skill set to hold and monitor these easements. There are great planners in Red Hook and they have used the tools well but twenty years from now you don't know who is going to be here. The proposal for an intermunicipal service would extend to northwestern Dutchess County in a five or six town area as a pilot program to see whether this service could improve these easements and take responsibility for them in the long term. The idea is also supported by Dutchess County Planning although they are not involved. Ms. Hayden came to the Board to see if the Town of Red Hook would support a resolution for this kind of service and sometime in the future review an Intermunicipal agreement which would bring these towns together as a group to take advantage of this service. Winnakee is willing to provide the service but they want to see a group of towns who see the need and want to participate. Ms. Hayden presented an estimate of costs over time. The accumulate costs over ten years or so become seriously expensive. Winnakee has found it with the easements they hold. Towns are not prepared to do this but it is something we have to do. She also pointed out the easements they currently hold in the Town of Red Hook. She explained that the size of the easement doesn't concern Winnakee but the conservation value does. They want to work with towns to develop criteria for easements, for example providing open parkland area in a town even if it doesn't have complete public access it does have value to those landowners nearby. Winnakee has a lot of pending easements in Red Hook at this time. Winnakee's concern is long term and would like to be involved earlier in the process. If Red Hook participates it would be completely voluntary per property basis at the discretion of the Planning Board and Town Board.

Supervisor Crane asked if the landowner can opt out.

Lucy Hayden answered in the current situation, when the Planning Board asks for an easement, the landowner hasn't been given the choice to opt out so in that sense, no. The Town does have the ability to pass those easements along to a qualified land trust. Ms. Hayden explained that Attorney George Rodenhausen who has done a lot of work in land use, advised the various towns who were present at a meeting on whether a town should be doing this kind of holding easements and taking this responsibility and he said definitively no. You can't form a land trust as a town once you take that responsibility. There's no real mechanism in place and it could get messy over time. The land trust function doesn't exist within a town. She doesn't see why a landowner would want to opt out. Once an easement is on the land it does have to be monitored by someone even if it's the town. You might think that at this juncture that it is enough to have the Zoning Enforcement Officer visit a property, but really they are not doing that job. It is not enough to see that nothing is being built on the property.

Supervisor Crane asked how Winnakee determines the cost of holding the easements throughout the County.

Lucy Hayden explained it entails the size of the parcel and how complicated it is regarding what they want to do. If there is a lot of development, if there is a conservation subdivision, it does get expensive because the person doing the monitoring has to deal with that many more landowners or a homeowners association. With one private owner you have just that one contract. It is determined generally across a work area, not a specific fee schedule for each town. The Northern Dutchess Alliance involvement with this has been to guide discussion. The care of the easements that exist now is very important to consider.

Sally Mazzarella explained that representatives from each of the communities that were involved with the Northern Dutchess Alliance recognized the need for a mechanism to deal with conservation subdivisions. It is the local Planning Boards that are initiating this at the local level. There is not a mechanism at the local level to enforce and use the IRS guidelines. That is the critical piece. The IRS is becoming much more stringent in terms of responsibility of land trusts. We have someone who inspects easements annually who looks for more than the obvious violations. There are wonderful benefits to landowners. The State guarantees that 25% of the taxes you pay, including school, town and county up to \$5,000 per year, can be reduced from your taxes. There is no impact on local taxes. If an easement is required by the Planning Board it will not meet the tax initiative. That is why it is important to be early in the process. There is a major benefit at the federal level and that is based on the value of the easement you are surrendering. That could be a very significant amount.

Doug Moat mentioned an observation he had that the easements exempt all the properties on which they are attached to that Community Preservation Act. We have been talking about how to isolate the homestead package within the parcel so that in the event of a transaction it is taxed under our Community Preservation Act. Several of the easements written so far didn't exempt those homesteads and those properties became totally exempt from the Community Preservation Act. The Community Preservation Act includes a specific exemption with respect to a transfer of parcels that have conservation easements on them.

Rosemarie Zengen asked if there is a minimum acreage that can be placed.

Sally Mazzarella answered that as a land trust they don't establish a minimum. They look at the importance of each parcel.

Councilman Colgan asked what it is that Winnakee is asking them to do. Easements are being held by Winnakee in Red Hook right now.

Lucy Hayden answered that Winnakee would like to form an intermunicipal group by common agreement, and come in early during the planning process and provide a pre-application package to landowners. As a pilot they are looking at towns in the northwest corner of Dutchess County. Winnakee would like to come in and work with the Planning Board on the confirmation of the easement itself so they get good conservation value out of rather intensive conservation subdivision development. When it is complicated it would be good for Winnakee to keep everyone informed as to how the easement is being drawn.

Attorney Chale explained there were two easements last year that were accepted by the town as the holder of the easements. That is one of the things the Northern Dutchess group is addressing, perhaps an alternative to those situations.

Councilman Colgan is trying to understand what mechanism would be in place.

Lucy Hayden would hope to come in and work with the landowner to make sure they understand the conservation easement with the Planning Board to the extent they want them too. It wouldn't be mandatory. The meat of Winnakee's proposal is the long term care of the easements.

Marcy Appell explained that it takes the problem away from the Planning Board as to who holds the easement.

Sally Mazzarella explained that they have met with Planning Board Chair Christine Kane regarding conservation subdivisions that the Planning Board was working with and she said a number of times that it would be great to work together. Winnakee has expertise regarding conservation subdivisions and the Planning Board has the planning expertise.

Councilman Colgan confirmed that Winnakee is setting up training for the Planning Board through the Northern Dutchess Alliance. He asked what it is that Winnakee is asking from the Town Board.

Sally Mazzarella told the Board that they ask for the Town's blessing and there is a minimum fee for each of the communities of a range from \$5,000 to \$10,000. It is an annual fee.

Rosemarie Zengen referred to the meeting the previous week when developer Keith Lore approached the Board about placing about 25 acres into a conservation easement. Even though he is a little further in the process than a new applicant, if he went to them first saying he had 25 acres, would they decide whether or not it would go into a conservation easement. Could Winnakee say no and could someone else agree to put it into a conservation easement.

Sally Mazzarella explained that Winnakee would never supersede the Planning Board. They are there to assist and advise if necessary. If the Planning Board feels an easement is important on that property, then they have the final say. The issue is whether or not Winnakee agrees there is a value on that easement for them to hold it.

Linda Keeling asked about the standards of inclusion for conservation easements.

Lucy Hayden explained that they have criteria that they evaluate their easements with. If the Planning Board sees the value and it is documented than it is acceptable.

Councilman Colgan asked if this was presented to any other towns yet.

Ms. Hayden answered that they've been talking with the towns of Milan, Hyde Park, Clinton, and will be going to Rhinebeck. They have a lot of support and what they would like to do is have a resolution from the Town supporting the idea with the acknowledgement that they would be open to reviewing an intermunicipal agreement. The cost would be of about \$5,000 a year. The agreement hasn't been drafted yet, they want to see which towns would pass a resolution to proceed and review an agreement.

Supervisor Crane asked for a finished resolution and would like to know the cost to the Town.

Lucy Hayden will draft a resolution.

Supervisor Crane thanked them for their presentation.

DEPARTMENT, BOARD, COMMITTEE REPORTS

Assessor – Jeff Churchill explained that he started at the end of November 2007.

- At the end of 2007 the Assessor's Office received the 2007 Annual Aid Certification from NYS ORPS for reassessment (\$5.00/parcel for 4119 parcels or \$20,595)
- Census 2010 – reviewed program with Dutchess County Planning. The Assessor's Office will assist with local update by reviewing County generated data for new or deleted properties. Material has been received and is due at County Planning on March 17, 2008.
- Addressed, stamped and mailed 1200 +/- exemption renewal forms.
- To date, received 1000 +/- completed exemption forms which have been reviewed, corrected, if necessary, processed and filed.
- Met with and assisted several hundred residents, especially senior citizens, with their exemption applications.
- Met with 25 +/- residents or their representatives about assessments and review/grievance process
- Settled 35 +/- Small Claims Assessment Review (SCAR) proceedings through stipulation or hearings before Judicial Hearing Officers (JHO)
- Reviewed, processed and filed 80 +/- real property transfer reports (5217's)
- As required for revaluation process, disclosure notices (4400 +/-) went out at the end of February to all owners in the Town setting forth a preliminary assessed value. There is a 3% decrease for all properties from last year.
- Have begun working on new assessments for 2008 in conjunction with MJW consulting, Dutchess County Real Property and NYS ORPS. Tentative roll is due May 1, 2008
- Key meetings/training: RPS Version 4 users group and Pre-Decision Collaboration (NYS ORPS, Newburgh); New Assessor Orientation (Dutchess Co. Real Property); Dutchess County Assessors' Assoc.

Supervisor Crane said dozens of people a day are handled beautifully and she thanked both Jeff and Diana.

Recycling – Councilwoman Strawinski reported that she received an e-mail from TJ Hackett asking about the status with regard to the exchange center accessible. She asked residents to be patient. There are some weather conditions causing a delay and as soon as the contractor can get the equipment on the property it will be taken care of.

Planning Board – Patrick Kelly, clerk reported in summary that the Planning Board held one meeting in February at which the Board held a Public Hearing and subsequently approved two subdivisions and one lot line alteration. The Public Hearing was continued on one subdivision and a new application was reviewed for a site plan. Additionally, the Planning Board is requesting that the Town Board approve several qualified organizations or individuals to provide training. Under Town Law all Planning Board members have to receive four hours of training annually. The Association of Towns recommended this method to avoid confusion over which trainings will fulfill members' yearly requirements. A draft resolution was attached to his report for consideration.

Supervisor Crane asked Patrick to take a look at the resolution and put it in a form that we can pass at the next meeting.

Zoning Board of Appeals – ZBA Chair Tim Ross reported there were no updates. There will be a special meeting tomorrow night and a regular meeting next Wednesday. Relative to a particular issue, he asked the Chairman of the Ethics Committee to review it. He will attend the review of issues at the Ethics Meeting on Friday. He has three letters of interest for the opening on the ZBA.

Dog Control – Councilman Latimer reported that during the month of February Cecil Moore, Dog Control Officer, picked up five dogs and all five were returned to their rightful owners. Cecil thanked the Board and everyone involved in the purchase of the new vehicle.

CAC – Chair Brenda Cagle reported that CAC member Owen O'Connor resigned. They now have eight members and one vacancy. The CAC asked the Town Board to consider purchasing bicycle racks for the Town. Regarding scholarships, applications for the Ruth Oja Environmental Scholarship are due April 30th. High School seniors who are residents of Red Hook are encouraged to go to the Guidance Office or Town Clerk office for applications for the \$500 scholarship. Regarding the aquifer ordinance review, Ann Rubin has been working with Bard College graduate student Kristina Connelly. They would like to be on the agenda next month to discuss the importance of aquifer protection, how an aquifer functions, and the possibility of contamination. After that if it is determined we need to update our current protection a professional would need to be hired. The CAC finalized a program with the Chamber of Commerce. At their March meeting they will be discussing the energy audit that was done at Town Hall as well as the recommendations that were made in the implementations of them. There will be an Energy Star specialist to discuss what small businesses can do along the same lines. They are also eligible for energy audits sponsored by NYSERDA and there are incentives to implement the recommendations. The next CAC meeting is on March 12th. Two items on the agenda are habitat mapping and to discuss their next step in their recommendations regarding energy star ratings.

EDC – Chairman Doug Moat reported that they meet ten times a year and they provide minutes of the meetings to all the Board members and to anyone else who is interested in them. He is grateful to the Board for assigning Councilman Ross who sits on their meetings and helps them understand some of the objectives of the Board. He thanked Susan because for the last couple of years they have been trying to develop an internet marketing program for our business people and it's been slow going. This year two members of the Chamber of Commerce are sitting on the Economic Development Committee and are sharing with them a number of plans they have in expanding their data base in the community, their web page and they are going to work very closely with them. He is particularly grateful that Ed and Michelle are also working with them. Most significantly they have obtained all the tax assessment data for all the towns in Dutchess County. They have been making a study to try to evaluate what if anything we can observe that causes the substantial imbalance that happens within the property tax paying base within our community. About 66% of assessed values reside with the residential property owners, yet those

residential property owners pay 88% of all the taxes. Interestingly enough there is 28% tax abatement in the total town which causes a great deal of that and that is the highest single number of the twenty two towns in Dutchess County. As a result it represents the largest additional burden in the community. By working with Dutchess County Economic Development and working with people in the economics area at Marist College we may well be able to isolate some factors which bring about that huge imbalance. He hopes within the next 45 to 60 days the EDC will be able to make specific recommendations to the Town Board and hopefully the Intermunicipal Task Force with respect to some development concepts which they think will go a long way towards minimizing problems. They would like to bring a better balance to the property at hand and school tax levies which exist within the community.

St. Margaret's Committee – Paula Schoonmaker reported that she and Doug Strawinski attended the NYS Parks, Recreation and Historic Preservation orientation meeting at Mills Mansion in Staatsburg. The purpose of the meeting was to acquaint those organizations that had received grants in 2007 with the people and procedures involved in the State's grant program. The first goal for the groups will be to formulate a contract outlining the scope of work, a proposed timeline, and cost estimates for that group's project. Both the State and the group will sign it. The State will not reimburse for any construction work done before the contract is signed. As far as St. Margaret's is concerned it was one of only two projects that had an acquisition component as well as a construction component. Regarding the acquisition part, the State wants two self contained appraisals to determine the value of the property before it will sign the contract. The committee asked the Board to approve funds to engage two of these appraisers. The State will reimburse the expenses once the State contract is signed. The committee will also begin its search for a preservation architect or design professional. Mrs. Schoonmaker will discuss the proper procedure with Purchasing Agent Ted Kudzy.

Greenway and Trail's Committee – Howie Callies told the Board that they are pursuing the possibility of a connecting trail between the High School and the new recreation park land. There are many people to talk to and many things to address before he can say anything further. The next meeting is at 7:30 this Thursday.

Tree Preservation Commission – Nancy Guski reported that they are almost a full committee and as soon as they are they'll meet. She's come to Town Hall to ask questions and she found everyone very personable, professional and helpful. She thanked everyone for their help.

Building Department – Supervisor Crane reported that there were three building permits issued and two CO (Certificate of Occupancy) fees collected, totaling \$460.00. That activity was for the month of February. The list of properties checked is voluminous. That department is very busy and Supervisor Crane complemented them for keeping the records they keep and keeping them well.

Councilwoman Strawinski explained that she is the liaison to the Red Hook School District. She referred to an accident that claimed the life of a Red Hook student in which other students and former students were involved. She commended the school district and the grief counselors and sent our condolences to the family of Alexandra Gravino and our prayers to the family of Bronwyn Schroeder. She reported that the district is ready to do their roofing project. Lastly the school district will be doing a demographic study and will share information with the Town.

Councilwoman Strawinski explained that she is also the liaison to Bard College. She reported that Joan Tower, Bard Professor and Red Hook resident recently received 2 Grammy awards. She also reported that in January fifty students went to New Orleans to help an elementary school. They are looking for fundraising ideas to help them go back this summer.

On a motion of Councilwoman Strawinski, seconded by Councilman Colgan, move to adjourn the meeting at 8:59 p.m.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, Latimer
	Nays	0	

Respectfully submitted,

Sue McCann, Town Clerk