

RED HOOK TOWN BOARD MEETING

May 13, 2008

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 7:30 p.m.

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

Supervisor Crane welcomed everyone to the meeting and led the Pledge of Allegiance.

SUPERVISORS REPORT

The Supervisors report for the period April 1 through April 30, 2008 was read as follows: Opening balance - \$3,349,947.71; Receipts - \$574,638.86; Disbursed - \$873,065.92; Balance - \$3,051,520.65. Budget Adjustments: General A Fund – Increased revenues debit -\$2,734.00; Increased appropriations debit - \$5,958.00; Increase in appropriated fund balance credit - \$8,692.00; In the General B Fund – Reduced appropriations debit - \$500.00; Increased appropriation credit - \$1,380; Appropriated fund balance debit – \$880.00; Increased appropriated fund balance debit - \$1,380. Total funds received from the Community Preservation Fund - \$185,758.71.

On a motion of Councilwoman Strawinski, seconded by Councilman Ross, move to accept the monthly report and budget adjustment as read.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

Copy Attached

ANNOUNCEMENTS

Supervisor Crane made the following announcements:

- Town Board members and Village Board members are invited to attend the PANDA annual meeting on May 29th, 2008 at 7:00 p.m. at the Tivoli studio at 6 Montgomery Street. The meeting is open to the public.
- The Association of Towns Planning & Zoning summer school is on July 17, 2008 at SUNY New Paltz in Lecture Center 100. It starts at 8:45 a.m. and runs to 4:00 p.m.
- The Greater Southern Dutchess Chamber of Commerce Women in Business Committee invites the Board to a multi-faceted professional businesswoman's half day seminar, "Women of Work" on Thursday, May 15th at the Poughkeepsie Grand from 7:30 a.m. to 2:00 p.m. Make reservations immediately.

TOWN CLERK'S REPORT

The Town Clerk's report for the period of April 1, 2008 to April 30, 2008 was read as follows: Total local shares remitted to the Supervisor - \$1,882.41; Amount remitted to County Treasurer for Dog Licenses - \$55.22; Amount remitted to NY Ag. & Markets - \$9.00; Amount remitted to NYS Dept. of Health for Marriage Licenses - \$112.50 ; Amount remitted to NYS Environmental Conservation - \$1,086.37; Total State, County & Local Revenues - \$3,145.50.

Town Clerk Sue McCann announced the Department of Environmental Conservation will hold a free fishing weekend, June 28th and 29th. No fishing license is required that weekend.

Town Clerk McCann also announced a new development on our website, a search engine that will help both staff and residents. It is a Google custom search and our web address is www.redhook.org.

PUBLIC COMMENT

Supervisor Crane opened the floor for a 15 minute comment period. There were no comments, questions or concerns.

RESOLUTION TO ACCEPT BIDS FOR ROAD PAVING MATERIALS

Attorney Chale explained that this is a request of Highway Superintendent Wayne Hildenbrand for Starbarrack Road, Glen View Court, Old Route 199, Pin Oak Drive, Sycamore Drive and Baxter Road in accordance with the specifications on file with the Town Clerk. The bid opening notice is attached to the resolution. It is scheduled for June 10, 2008 at 7:30 p.m. in conjunction with the Board meeting. The bids are due on June 10, 2008 at 4:00 p.m.

Supervisor Crane read the resolution.

RESOLUTION 2008 #38

RE: AUTHORIZING THE SOLICITATION OF PUBLIC BIDS FOR HOT MIX ASPHALT CONCRETE PAVING

On a motion of Supervisor Sue Crane, seconded by Councilman James Ross, moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

Copy Attached

AWARDS FOR ST. MARGARET’S APRAISAL CONTRACTS

Supervisor Crane referred to the summary of request for quotations for appraisals of St. Margaret’s. The following bids were received: Hubbell Realty Services, not to exceed \$3500; Hudson Valley Appraisal Corporation - \$2950; DeWan and Schott Appraisal Associates - \$4900. Purchasing Agent Ted Kudzy and Paula Schoonmaker reviewed the quotations and recommend the Board approve an issuance of a Purchase Order to the two lowest bidders, Hubbell Realty Services and Hudson Valley Appraisal Corp.

On a motion of Supervisor Crane, seconded by Councilman Colgan, move to issue a Purchase Order to the two lowest bidders.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

PRESENTATION/DISCUSSION ANDERSON COMMONS

Supervisor Crane introduced Attorney Scott Volkman representing Morris Associates and the partners involved in Anderson Commons, and a partner in Anderson Commons, Brad Keil.

Scott Volkman explained that they are getting very close to critical time in respect to approval they received from both the Town Planning Board and the Village Planning Board. He gave an update on where they stand on site plan approvals, etc. He referred to a map from Morris Associates, pointing out a road that connects Fisk Street and Glen Ridge Road. A significant portion of the road is in the Town. Previous conversations suggested that the Town and the Village enter into an intermunicipal agreement subject to the Town Board’s approval. It would allow the Town to assume the lead responsibility with respect to the oversight of construction of the road and public improvements. Ultimately, the Town and the Village will own those portions of the public improvements that are in their respective municipalities but to be consistent it was felt that single oversight for construction and bonds makes sense. The attorneys for the Town and the Village are negotiating an intermunicipal agreement to cover and protect both municipalities with respect to that. In addition there is also a proposed concept of an intermunicipal agreement as it pertains to the transportation corporation. This project will have municipal water which will run the entire length of the road. There are certain components to this community septic system where it will be located. The Town and the Village are negotiating an intermunicipal agreement whereby the Village would assume lead responsibility with respect to oversight of construction and maintenance of the facility. There will be bonds posted as required by the transportation corporation law and the Town and the Village will also have to

consent to formation of a transportation corporation. That is a critical issue because subdivision approval is contingent on the Boards consenting to the corporation. The road and the grade improvements are to be constructed in what is considered to be the first phase of the project. It would include development of lots not part of the transportation corporation. They would have their own septic systems. Phase two of the project will involve the town homes in both the Town and the Village. These will likely coincide with the construction of the four individual septic areas.

Attorney Chale asked if the transportation corporation bond that supports the construction of the four septic areas is being proposed in phases or altogether.

Scott Volkman answered that it is being proposed that it be delivered altogether. At the other end of the project we have an obligation to post guarantees for five years of operation and maintenance. We understand that because of the phases the total length of the bond will exceed the five year period.

Councilman Colgan asked if there are four septic leach fields.

Scott Volkman answered yes, there are.

Attorney Chale asked Mr. Volkman to elaborate on the water lines that are being owned and maintained by the Village.

Mr. Volkman referred to the map. He explained that the water line was going to tap into the existing water line. It will be Village water in the entire project. A portion of Town road will have the water line but it will be owned by the Village.

Mr. Volkman explained that there are various stages of review and approval by Attorney Chale and Red Hook Village Attorney, Jeff Martin for both municipalities. There are also drafts of intermunicipal agreements and drafts of agreements associated with the construction of the transportation corporation, escrow agreements and bond performance agreement placed with the Village since the Village will be taking lead responsibility in respect to the transportation corporation.

Attorney Chale explained for the Board's benefit, that it means that if the transportation corporation is not successfully operated or completed, the purpose of the bond is to secure the placement of the project and then to secure the operation and maintenance of the facility for the first five years.

Councilman Colgan asked if the bond continues for five years after the completion of the project.

Mr. Volkman answered that is correct. In theory it starts out as an individual bond to cover the operation and maintenance of the whole system but being reduced as time wears on for each of those systems. Ultimately any cost associated with the septic system will be the responsibility of the homeowner whether it is still being serviced by the transportation corporation or the municipality. There is an application pending before the Board for the formation of the transportation corporation. There are a number of easements associated with the project that are being reviewed by the attorneys. They are also preparing an easement map to clarify what those easements are. There will be a homeowners association that will be responsible for the maintenance of the easements. This is on the agenda for the Town Planning Board next Monday night. The Village and Town attorneys will meet next week to hopefully get closer to finalizing this. Then in conjunction with that they hope to come back to the Board with an update and have the Board approve the intermunicipal agreement between the Town and the Village and also to consent as required to the formation of the transportation corporation.

Supervisor Crane asked where the Dutchess County Department of Health is on this.

Scott Volkman answered that the Dutchess County Department of Health approved this and is prepared to sign off on the plans for the transportation corporation. The DEC will conditionally sign off once the Department of Health has signed off.

Councilman Colgan asked Mr. Volkman to clarify the DOH approval and changes regarding the project.

Attorney Chale explained that what Councilman Colgan was reading was not the DOH, it was talking about the Dutchess County Water and Wastewater Authority. The applicant was requested to consult the Dutchess County Water and Wastewater Authority as to whether or not they were willing to be the backup entity to essentially hold the interest in the transportation corporation if it became necessary because they are experienced in doing so. They don't have a lot of experience with this type of facility. This is a four separate community septic system essentially and they are typically operating a standard treatment plant.

Councilman Ross asked if the Town and Village engineers reviewed the plan.

Scott Volkman responded they do have the plans, they have been reviewed and are discussing them with the project engineer from Morris Associates. They will hopefully sign off soon as well.

Attorney Chale asked Mr. Volkman to address the issue that implies that the transportation corporation has the right to abandon the facility after five years. That is not what the transportation corporation law says. She assumes that the transportation corporation is not going to be set up and turned over after five years, is that correct?

Mr. Volkman answered that is correct. The plan now is for the Anderson Commons Sewage Work Corporation to operate a viable entity. He can't guarantee what may occur in the future from a business perspective. The plan is to operate this as a transportation corporation recognizing that the municipalities have authority. It will be up to the Village to establish rates and they would take the lead on that. It would be beneficial for all concerned that the rates be consistent within the project.

Attorney Chale asked about the original project agreement as she is reviewing it does include some language about being able to assign the interest in the corporation so that instead of working with this developer they might be working with someone else. She asked what the Board needs to think about in that regard and to be aware of if the developer is going to have the right to assign it to anyone or to certain types of entities or to entities with certain financial responsibilities that the Board would then be able to come back and look at.

Scott Volkman responded that he believes the agreement as proposed would allow the corporation to be assigned to another entity. He presumes it would require consent of the municipalities. The new entity would have to demonstrate their financial viability to the Board they would probably want bonds. At this point in time it hasn't been given much consideration.

Councilman Colgan asked who is intended to operate this system once it is complete.

Scott Volkman responded the developer would own the transportation corporation and maintain the system.

Councilman Colgan said we are approving a septic system that will require maintenance in perpetuity that will be maintained by the developer in perpetuity. It is hard imagine a developer who will exist in perpetuity.

Mr. Volkman explained that this is a corporation. This is a business entity performing a business service in theory that it is privy to the law.

Attorney Chale explained the same entity that has the right to approve the creation of the entity has the right to approve the rates of the facility. You would need to look at reasonable rates that are required by the entity in order to maintain and operate the facility. You have to ask if this is being created in a financially viable way.

Councilman Colgan does not want the Town to be in the waste water treatment business.

Scott Volkman explained that the Village has approved a transportation corporation for the Red Hook Commons. The Village will be the lead for this system.

Attorney Chale said that we do have engineering reports with estimated costs carried by the engineer that address construction costs and operating costs.

Scott Volkman explained that the attorneys have the engineering reports they have not been provided to the Board yet.

Supervisor Crane commented that Mr. Volkman has some critical deadlines coming up. Mr. Volkman agreed and stated that they will know more next week after their meetings with the Town and Village attorneys. They'll give the attorneys a timeline and will notify the Board.

Councilman Ross asked what needed to be done before the deadline.

Scott Volkman answered there are a number of Planning Board conditions to be met. The only action by the Town Board would be to authorize the offer of dedication for the public improvements, municipal agreements, and hopefully authorize consent for formation of the transportation corporation.

Councilman Ross asked if that includes determining which engineer will do the inspections.

Scott Volkman responded yes.

DOG CONTROL CONTRACT

Supervisor Crane said there are some questions regarding dog control. She e-mailed each Board member the contract with Dr. MacDonald hoping they'd all agree that it is in completed form. She also forwarded it to Dr. MacDonald to see if he had any concerns. She then asked the Board if they had any concerns or issues with the dog control contract.

Councilwoman Strawinski asked what happens if Dr. MacDonald is closed.

Supervisor Crane answered that Dog Warden Cecil Moore makes arrangement to keep them. It is pretty much the basic contract they had in the past. He did extend the minimum period of waiting to 14 days to allow reclamation of the dogs. He felt that was fairer to owners to be given that period of time.

RESOLUTION 2008 #39

RE: APPROVING AN ANIMAL CARE SERVICES AGREEMENT BETWEEN THE TOWN OF RED HOOK AND JAMES MACDONALD

On a motion of Supervisor Sue Crane, seconded by Councilman Harry Colgan, moved to accept the animal care services agreement with Dr. Jim MacDonald.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

Copy attached

Supervisor Crane referred to a letter received by Town Clerk Sue McCann from a resident regarding a person who has very troublesome dogs. There have been numerous complaints about barking and we have no barking clauses in our dog control law. The idea is to address that absence of such law. Town Clerk McCann researched and found Rhinebeck, Milan and Hyde Park all have statutes. Our dog control officer has no recourse because we have no language in our dog law.

Councilman Colgan asked if we have language regarding noise over night.

Town Clerk Sue McCann answered dogs can not bark from sunset to sunrise.

Supervisor Crane asked the Board to consider looking at a reasonable proposal for language which would encompass this resident's complaint. She is sure he's not alone.

Attorney Chale will look at the noise ordinance to see what it says now.

Supervisor Crane asked to consider this at the next meeting.

COURT SECURITY, JUSTICES MARTIN AND TRIEBWASSER

Supervisor Crane referred to communication she received from the Town Justices regarding an audit from October 2007. It was a security assessment from the New York State Unified Court System. There are recommendations in the audit that made the Judges make the request. She felt some of the requests are beyond what we are able to do. Supervisor Crane spoke with Mayor Cohen of the Village. He will sit with the Justices to see if there is any possible relief by using court space in the Village Hall. In the mean time they have the CAC room for an additional office. It was used by the Court in the past and they would like to set equipment up in that room. That request is not a problem.

Councilman Ross explained that in the past the room was used for private attorney/client discussions during Court sessions.

Supervisor Crane asked the Board to review the letter of May 1, 2008 from the Justices and if they have any suggestions or solutions that would be viable, she'd like to hear them.

Councilwoman Strawinski asked if the changes are mandated.

Supervisor Crane answered that they are recommendations.

Attorney Chale explained that fundamentally we need to consider safety issues. Some of the comments seem to be inconsistent with using the Court room as a multipurpose room, for example, securing the chairs to the floor. It is something we have to talk about.

Supervisor Crane said that there is also a suggestion to move the Court Clerk from where she is now to the office where the library is and install a door to the outside which would reconfigure that entire area and have an outside entrance for the Justices and Clerks. It would eliminate the need for the public to walk through Judges chamber's to pay fines. Lastly, there was a suggestion to move the kitchenette from the public hallway to reduce accessibility of dangerous items to the public. Supervisor Crane thinks dangerous items can be removed without ruining the kitchen. She asked the Board to look at the audit so that they can consider it and respond. "As funding allows" is a key phrase.

ZONING REVIEW COMMITTEE RECOMMENDATIONS

Supervisor Crane explained that following their last meeting the ZRC made recommendations that included changes in the Town Zoning Code and density formula. As a result Supervisor Crane thought it would be well advised to have Dutchess County Planning weigh in on this. She sent a letter to Roger Akeley, Commissioner of Planning, as well as to our own planner, Michelle Grieg, asking them to review the recommendations further and advise the Board in this regard. She asked that they get back to her by the next Board meeting which is May 28th.

REORGANIZATION APPOINTMENTS

Community Preservation Advisory Board – Supervisor Crane started by saying that she received communication from Ted Fink of Greenplan, who said he understands there is sensitivity concerning who actually prepares and presents this plan for us. He would be thrilled to prepare CPF plan. He asked Supervisor Crane to call him to discuss it further. Supervisor Crane asked for the Board's approval to call.

Councilman Ross commented that since he's done one he must have the basic idea. He would like to get a cost estimate from Ted Fink.

The Board gave verbal approval for Supervisor Crane to contact Ted Fink of Greenplan. She will get an estimate from him.

Supervisor Crane received correspondence from Charlie Laing who regrets that he must withdraw his name from consideration for the Community Preservation Fund Board. Scenic Hudson's legal counsel was concerned about a perceived conflict of interest.

Councilman Ross read the names of people of interest. They were Richard Biezynski, Victor Behoriam, Susan Ezrati, Pete Hubble, Brent Kovalchik, Miriam Latzer and Philip Seymour.

Supervisor Crane asked if we have four candidates who we can say are involved in preservation or land use. She believes that Rich Biezynski, Pete Hubbell, Brent Kovalchik and Miriam Latzer would qualify in that regard.

Councilman Colgan doesn't understand the criteria and feels uncomfortable making a decision. He doesn't understand what the qualifications are or what they mean.

Attorney Chale explained that several people in the Town are experienced in preservation but all of them have conflicts because of who they work for.

Supervisor Crane, there were two residents who offered their services but were requested by their employers not to continue with it. She is prepared to go with the committee with assistance from Ted Fink. She hopes they can begin meeting fairly soon.

Councilwoman Strawinski has concerns about Victor Behoriam and Phil Seymour.

Supervisor Crane told Councilwoman Strawinski that Victor Behoriam served on the Red Hook Village Zoning Board for years. He's worked very hard in that regard.

Councilwoman Strawinski thinks the types of property in the Town are very different than that of the Village.

Councilman Ross asked if Supervisor Crane wanted to make a motion for the seven. It was decided that if the vote was to be taken for each person individually, they would wait until they had a full Board. The vote will be put off until the May 28th meeting. In the mean time she hopes to get a first meeting date with them and Ted Fink.

Planning Board Alternates – Supervisor Crane said the Board has not yet nominated the Planning Board alternate. We have resumes from Robert Tourtelot, Will LaBossier, and Paul Laibach. Supervisor Crane said Robert Tourtelot and Will LaBossier were interviewed by Sam Phelan, Dave Wright and Christine Kane. They are recommended by Christine Kane.

On a motion of Supervisor Crane, seconded by Councilman Colgan, move to appoint Robert Troutelot and Will LaBossier as Planning Board Alternates term to expire December 31, 2009.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

CORRESPONDENCE

Supervisor Crane read correspondence she received.

- There is a meeting of the Dutchess County Supervisors and Mayors on June 3, 2008 at 6:00 pm at Coppola's in Hyde Park.
- On June 11, 2008 there is an affordable workforce housing conference. Councilwoman Strawinski and Councilman Colgan will attend.

Councilman Colgan attended a meeting in the Village and Mayor Cohen asked him to bring a request to the Town Board. To take the next step in the process of designing and moving the sewer system forward, there is a need to go further with engineering. They've had a difficult time getting money together. The Village put forth \$7500 and found some other sources of money but they are still short \$7000. They asked if the Town would add that \$7000 to go through the next engineering step with the design for the Town/Village sewer system.

Councilman Ross asked Supervisor Crane if the Village discussed it with her at all.

Supervisor Crane answered they have not discussed it with her. She is very dubious about the CT Male study so she is not giving a rousing endorsement. She would have to know a lot more about the study and what they are investigating.

Councilman Ross would like them to come to the Board to discuss what they are thinking and what the plan is at this point.

Councilman Colgan said the plan is much more specific now and probably scaled back to some degree with a much more specific approach in mind. At this point they are going to piggy back on the Red Hook Commons system which is up and running. It has considerable excess capacity and by working with that system, which has the ability of being expanded, they plan on running pipes from the Village and Town into it.

Councilman Ross said that is a completely different project than the last one the Board heard about.

Supervisor Crane is concerned that CT Male is still involved when it's possible that County Planning and Dutchess County Water and Wastewater might in fact be an agency that could bring the necessary expertise to the table.

Councilwoman Strawinski thinks it is reasonable that Supervisor Crane speak with the Village Mayor.

Supervisor Crane has a meeting with Village Mayor Dave Cohen next Tuesday and will discuss the matter then.

Attorney Chale told the Board that it is important for them to understand the scope of the proposed work, what portion of the Town would be involved and the cost.

Councilwoman Strawinski explained that this is an important piece to move on with the Centers and Greenspace Plan.

On a motion of Supervisor Crane, seconded by Councilman Colgan move to go into Executive Attorney/Client session at 9:00 p.m.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

On a motion of Supervisor Crane, seconded by Councilman Colgan, move to close the Executive Attorney/Client Session.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

On a motion of Supervisor Crane, seconded by Councilman Colgan, move to adjourn the meeting at 10:22 p.m.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Absent	1	Latimer

Respectfully submitted,

Sue McCann, Town Clerk