

## RED HOOK TOWN BOARD MEETING

July 23, 2008

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  
Councilman James Ross  
Councilwoman Micki Strawinski  
Councilman Harry Colgan  
Councilman Robert Latimer  
Town Clerk Sue McCann

Also Present: Attorney for the Town, Christine Chale

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

### PUBLIC COMMENT PERIOD

Supervisor Crane opened the meeting to a fifteen minute public comment period.

*Doug Moat* said that during the last several weeks we've been informed by the local newspapers that we've collected \$239,496 from our transfer tax. He recommended that we use the funds to reduce the outstanding debt for the purchase of development rights program. It would be consistent with the objective of the Community Preservation Act and he believes would be prudent. Mr. Moat read a provision that stated the plan for allocating funds "shall include the preservation of farmland as its highest priority". Repayment is consistent with this directive as it will allow us to increase the amount of funds for future purchase of desirable development rights. Currently the community owes \$1,000,023,000 plus accrued interest. There is no other source of repayment other than to charge our general fund which will then be reflected by an increase in our tax levy. He explained the costs of the transactions and said that sooner or later the taxpayers have to pay. That is why he feels the money from the transfer tax should be used to reduce the impact of the Town's obligations.

Councilman Latimer thought the properties were funded by low interest guaranteed loans.

*Doug Moat* responded that the answer in simple terms is yes. It is misleading to say they are federally guaranteed and that they are essentially low.

Attorney Chale clarified that the current note is a one year note. The notes and bonds are under the local finance law so they are guaranteed by the Town as general obligations of the Town. Typically they are issued as short term notes for a year until the full amount is known. In this case Business Manager Deb Marks will consult with the Financial Advisor as to what the best time is to take them as a group and do a serial bond financing. The current note is a term note that expires December 5, 2008.

*Doug Moat* understood that we also put up cash collateral for the purpose of guaranteeing this in a formal bond.

Attorney Chale thinks he misunderstood. By law we don't secure loans.

*Linda Keeling* went to the wetlands trail and she noticed a dip that needs to be filled in.

Someone in a wheelchair would have a problem with it.

Councilman Colgan asked if it was where the bridge meets the trail.

*Linda Keeling* said that the Apple Ring entrance needs to be wheelchair accessible.

Councilwoman Strawinski will call about it.

### ANNOUNCEMENTS

- Supervisor Crane announced that the August 27, 2008 meeting is cancelled.
- There will be a Public Hearing on August 12, 2008 at 7:30 regarding multifamily dwelling density regulations and central water density planning.
- The CPF Committee will hold its first meeting on August 7, 2008 at 7:30 p.m. in the Town Hall.

**DUTCHESS COUNTY LEGISLATOR- TOM MANSFIELD**

Mr. Mansfield thanked Supervisor Crane for adding him to the agenda. He reported on the activities going on at the County level. The major department he is working with is Roger Akeley of Dutchess County Planning. The big issue is the open space bond that was approved a couple of weeks ago. It included the final funding for the Mead Farm and the Wil-Hi Farm projects. Hopefully the closings on those PDR's will be by the end of the year. County Planning is also in support of our proposed Centers and Greenspace Plan. They have been very helpful. The next thing coming up is the Community Block Grant Application. They are due back on October 3rd, and they are for up to \$250,000. The Loop Bus service has been promising a new plan. The service is to be expanded and will include Red Hook and Tivoli. Dial-A-Ride will stay the same.

Supervisor Crane asked Mr. Mansfield to carry the message about picking up residents who wave the Loop Bus down.

Mr. Mansfield reported that he co-sponsored a recycling bill to take additional plastics, #'s 3, 5, and 7. It hasn't passed yet, but it looks positive. Another project is with the Water and Wastewater Authority. They've been working with the Town on the possible sewer service. The concept is in the early stages. Another issue is a tuition increase at Dutchess Community College and they are in discussion. It affects Red Hook because about a third of the graduating class went to Dutchess Community College. Building of dorms at DCC is also an issue. It was approved by one vote but is tied up right now for various reasons. Mr. Mansfield presented comparable tax rates for Dutchess County regarding fire tax. We are lucky to have a volunteer fire service. Regarding County finances, sales tax numbers are down 2%, the State funding is down a bit for the county but shouldn't affect the Town. The Town will be affected by the decrease in the mortgage transfer tax. The numbers are off substantially for the Town and the County. Mr. Mansfield is on the subcommittee of public works and capital projects and as part of that they are very cautious about approving some of the bonding. They've been keeping an eye on the expenses. He brought that information forward because he knows the Town is considering a Highway Garage. It is not a County "thing" but he's heard a few things about different bonds. He brought a two page document from the county talking about annual payments on different types of bonds. He thought it would be interesting for the Board to see in case there is any bonding down the road. He applauded the Board for bringing the Highway Garage to the front burner. It is clear that a new one is needed. There are a couple of controversial issues coming up in the County, one is to try to mandate private well testing and the other is electrical licensing. On August 6<sup>th</sup>, 2008 there will be a public forum at the Town Hall at 7:00 p.m. for Red Hook residents to voice their concerns.

#### **HIGHWAY GARAGE UPDATE**

Supervisor Crane shared a letter dated July 17, 2008 she received from Morris Associates' Ray Jurkowski regarding the Town Highway Garage. In the letter Mr. Jurkowski recounts a number of contacts he made regarding the Village water supply as well as the Health Department and NY State Department of Environmental Conservation. Essentially the letter talks about the current location of the facility being on this property for 40 years. He referred to the proposed garage in 2003, and having that site plan reviewed by the Dutchess County Department of Health as part of the approval process. On July 14, 2007 Morris Associates spoke with Jim Napoli of the Dutchess County Dept. of Health who indicated that the plans were reviewed by him and found to be acceptable. It was pending approval subject to the issuance of a Discharge Permit from the NY State DEC for the floor drain system in the new facility. Regarding the water supply, the existing Village of Red Hook water supply has been at its current location on Fire House Lane since 1936. During the past several years the water system has had several improvements. The distances of the wells exceed the minimum guidelines provided by the NY State Department of Health. As part of a permitting process for the new wells, a review was conducted by both the Dutchess County Department of Health and the NY State Department of Environmental Conservation prior to the wells being allowed to be placed into service. Supervisor Crane read the results of the analytical testing data which were well below acceptable levels. Based on those results the new wells were placed into service. Since the initial testing in January 2006, additional water samples had been tested and the results were found to be well within the requirements of the NY State Department of Health.

Supervisor Crane will forward the report to Brenda Cagle from the CAC. She hopes it will eliminate any concerns that the CAC and anyone else have regarding the contamination of Village well water. She has been contacted by consultants to NYSERDA for their new construction program. They are very eager to begin discussion with the Town about the Highway Garage and sustainable systems plans for the garage. She put them in touch with

Morris Associates to begin discussions with them. She will continue to report on that as she receives information.

Supervisor Crane turned the topic of discussion to Councilman Latimer.

Councilman Latimer presented a report entitled “Rokeby Road – Elimination as a candidate for a Highway Garage site”. Councilman Latimer compiled the information because of the many opinions and not enough hard evidence. With the help of members of the DEC, the State DOT and the Clerk from the Red Hook Assessor’s Office, he was able to put together a concise group of studies from 1980 to 1994 or so that will put the issue to rest. The facts contained in the report will put it to rest that we are not going to consider the Rokeby Road site. There is compelling evidence not to consider that site not the least of which is the fact that the groundwater there is in very bad shape.

Supervisor Crane explained that the Board should take time to consider the report.

Councilman Colgan explained that he said he would pursue the Rokeby Road site and he met with DOT people twice. From a business point of view, the State has agreed to share their salt shed and fuel facilities with the Town. He got information from the DEC from 1990 that delisted that site as a brown field. From a technical point of view, pollution is moving east from the DOT site, but the potential site we have in mind is to the west of that.

Councilman Latimer said that is not true there is a fair amount of contaminant coming from the west property on to the Buttenhoff property.

Councilman Colgan prefers we take a business approach to this and have a third party make a technical evaluation of the property.

Councilman Latimer suggested looking at his report, there are about a dozen of them.

Councilman Colgan talked to Russell Urban Mead about the availability of water on that site. He doesn’t see a problem getting water on the site. There was some dumping on the site and he suggested having a professional evaluate the site.

Councilman Latimer explained we have a report.

Councilman Colgan said that is just a preliminary report. The DEC person he went to the site with said the dumping looks like it is just on the surface.

Councilman Latimer said that Chazen says there is sub-surface dumping based on the fact that uprooted trees show debris. He just read the report.

Councilman Colgan said he too spoke with Chazen and there may be some sub-surface there, but he wants a definitive business decision with a professional. It could potentially save us a great deal of money on an annual basis if we could use their fuel and salt facilities.

Councilman Latimer said if you are looking for a professional to do an analysis, E.A. Science and Technology of Middletown prepared an engineering investigation for the Division of Solid and Hazardous Waste for the NY State Department of Environmental Conservation in 1986. The depth of the municipal landfill was at least five feet. He read more of the report regarding the dumping. It is hardly the kind of thing you could get out with a shovel.

Councilman Colgan said that was on the DOT site, not the piece of land he is suggesting.

Councilman Latimer went on to read that the Red Hook Rokeby site is an inactive municipal landfill located west of the Village.

Councilman Colgan again said the site was “delisted” as a brown field.

Councilman Latimer said define “delisted”. Delisted doesn’t mean it is safe, delisted means they’re no longer paying attention to it. Ask Mr. Buttenhoff if he pays attention to it.

Mr. Peter Buttenhoff cannot drink his water. They buy bottled water and they have for years. The site the Town is looking at was an old Rhinebeck dump. The DEC did extensive investigation on the site, the most recent about 7 years ago.

Councilman Colgan had a report from 1990 that delists the site and indicates that things are getting better at the site.

Mr. Buttenhoff said the property east of the DOT had a new well drilled 500 feet down. Within a year the salt contaminated it and it can no longer be used. The DOT can't even wash their trucks with that water because it turns them white. They can't use it.

Councilman Colgan said it is because there is an inadequate well. They don't even know how deep their well is and they don't have enough of a flow for their purposes. They would have to dig a new well.

Mr. Buttenhoff said there is plenty of water, it is contaminated.

Councilman Latimer referred to letters to Mr. Buttenhoff from 1993 and 1994 saying there is no question there is a problem in the area. He read highlights from those reports one stating there are high levels of cyanide in the water and it should be monitored. Councilman Latimer asked if anyone wants to drink water that has hydrolyzed cyanide in it. All cyanide levels are considered dangerous. He continued reviewing the reports. To summarize, it can be concluded that the levels of contaminants found in the wells are due to the former landfills and not to the DOT salt storage practices. He went on to read a letter from 1994 regarding contamination. There are probably a dozen reports from various agencies from local up to the State.

Supervisor Crane explained since the Board just received the report she recommended they take time to review the entire compilation. If anyone has any additional information she asked they get it to the Board and it can be discussed at a future meeting.

Councilman Colgan said the summary of the letter from the DEC delisting the site in 1990, reads that in conclusion, each of the contaminants detected in the nearby property owners well can be linked to the uncovered DOT salt piles from 1968 to 1970 or other sources not related to the landfill. The site should be delisted because there is no evidence that it has any impact on the environment or any evidence of hazardous waste disposal. Any further investigation or immediate work should be undertaken by the Division of Solid Waste.

Councilman Colgan said that in the face of conflicting information and having the opportunity to save a substantial amount of money by using that site we should look at it.

Supervisor Crane asked how he sees purchasing a property that we do not own, and facing a cleanup saves us money. The State is not going to give us the salt they will share the cost of the salt so we are going to be paying for that. We are not going to be given that.

Councilman Colgan agreed that we are not going to be given the salt but we can save a few hundred thousand dollars on the salt shed.

Supervisor Crane responded that we would have to pay more than that to own the site, and to clean up the site which is the issue of the entire document.

Councilman Ross asked why we would even consider purchasing a property with those unknowns.

Councilwoman Strawinski said some of those reports are twenty years old. In the last 20 years we have all become much more environmentally conscious.

Councilman Ross asked how that will help us in purchasing contaminated property.

Councilman Ross was on the Board when Mr. Buttenhoff and his neighbor came in with this problem. The Board spent a couple of years trying to help them. What it amounted to, which is probably why the DEC delisted it, was that from the time they discovered they had a problem with their wells to the time they talked to the state, the statute of limitations ran out. If the State was the owner at that time it would be their responsibility to clean it up and their responsibility to

provide water to these people. The State just kept going around and around because they knew the statute of limitations expired. He asked Mr. Buttenhoff if that's about what happened.

Mr. Buttenhoff responded, yes.

Councilwoman Strawinski said she doesn't think the Department of Transportation would allow their employees to work at that facility if it were contaminated.

Councilman Ross asked why we would even consider buying a piece of property with unknown amounts of contaminants when we have a property that we have a plan for. First of all we have a sand/salt shed. There are problems with the timbers, not the salt. Do we repair or build a new one for about \$150,000? As far as contaminants on the site, we have a sand/salt shed and have letters saying there is no contamination on this site. We already own this site and we don't have to go to the expense of relocating everything should we want to purchase another site with unknown problems. It makes no sense.

Councilwoman Strawinski asked if we are willing to take the risk.

Councilman Ross is more willing to take the risk rather than take the unknown risk over there (Rokeby Road site), yes.

Councilwoman Strawinski said we should put that unknown risk to rest by having the testing done that Councilman Colgan suggests.

Councilman Ross said we did a Phase I test and he thinks we spent enough on the consideration of that property.

Supervisor Crane said there have been two separate studies done. She again asked the Board to review the report and if anyone has further information, come back to the Board and make recommendations.

#### **RESOLUTION – ANDERSON COMMONS**

Supervisor Crane read the resolutions regarding Anderson Commons Road dedication. Attorney Chale and Attorney Volkman discuss the proposed resolutions with the Town Board.

#### **RESOLUTION 2008 #52**

#### **RE: AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT REGARDING ANDERSON COMMONS ROAD DEDICATION**

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

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

Copy Attached

Supervisor Crane read the resolution regarding the execution of an intermunicipal agreement regarding Anderson Commons STP.

#### **RESOLUTION 2008 #53**

#### **RE: AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT REGARDING ANDERSON COMMONS STP**

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

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

Copy Attached

## **REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICES: PRESERVATION ARCHITECT – ST. MARGARET’S**

Supervisor Crane read a letter from Purchasing Agent Ted Kudzy. We received proposals from the following five architect firms:

Stephen Tilly, Dobbs Ferry, NY  
Walter Sedovic, Irvington, NY  
Marilyn Kaplan, Preservation Architects, Albany, NY  
LAN Associates, Goshen, NY  
Spire Architects, Standfordville, NY

Supervisor Crane, Town Clerk Sue McCann, Paula Schoonmaker and Purchasing Agent Ted Kudzy witnessed the opening of the proposals on July 22, 2008.

Mr. Kudzy said the next step will be for Paula and him to analyze the rather lengthy proposals, report to the Board, then have a selection committee review and interview the prospective architects if the Board wishes to proceed with the St. Margaret’s project.

### **COLD WAR VETERANS EXEMPTION (Discussion)**

Supervisor Crane referred to a packet for the Board’s consideration. It is a description of exemptions for tax parcels that are owned by Cold War Veterans. The Assessor brought this to the Boards attention. Some citizens that don’t enjoy tax exemptions, but are in fact Cold War Veterans, may be interested in applying for this. He checked with the Director of Dutchess County Veterans Affairs Office and found that there are about 15 veterans listed with his office from Red Hook who would qualify for this veteran’s exemption. Supervisor Crane asked the Board to read through the paperwork and give it some careful thought. She referred particularly to page 4 where it states that the exemption allows a Town, City, Village or County to adopt a local law exempting up to 15% of a qualified veteran’s primary residence. This exemption would not apply to school taxes, only to municipal taxes. She asked the Board for their consideration and they will get back to this at a future Town Board meeting.

### **INTERMUNICIPAL AGREEMENT – PANDA**

Supervisor Crane referred to an inter-municipal agreement between the Villages of Rhinebeck, Red Hook, and Tivoli and the Towns of Red Hook and Rhinebeck regarding the cable franchise renewal process with Time-Warner. She asked the Board if they had any concerns.

On a motion of Supervisor Crane, seconded by Councilman Colgan, move to accept this inter-municipal agreement to let the negotiating team move ahead with a franchising negotiation with Time Warner, and the Buske Group authorized to act as consultants to the Villages.

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

The vote was taken after the following discussion:

Supervisor Crane wanted to make it clear that they are not committing to any additional money by agreeing to sign this. If there are any additional funds needed they will have to come back to the Board for that.

### **CORRESPONDENCE**

- A resident who feels there should be a revision to our dog ordinance. She feels that it is unclear as to what constitutes barking and the time frame as to when there would be fining for a barking dog. She feels given that, our dog ordinance is inadequate.
- The Town has been informed by State Equalization that the Town of Red Hook equalization final rate is 100 and we will receive more documentation.

### **PUBLIC COMMENT PERIOD**

Supervisor Crane opened the floor to public comments.

*Richard Hansen* spoke in regard to the Rokeby Road site. Whether or not they put the garage on the Rokeby site should be immaterial. The Board, since there is a possibility of groundwater contamination, should take a position toward remedying it. On Route 9G there are subdivisions planned for more houses in that same area. Given the suspicion of groundwater contamination, it can be spread over a wider area that would affect a lot of people. If he could, he would charge

the Board to take some kind of lead in remedying it. People can find grant money to get things done he thinks this is a worthy cause. The Town has the responsibility to protect the people.

Supervisor Crane thanked Mr. Hansen for his comments.

The Board moved to Attorney/Client discussion.

On a motion of Councilman Colgan, seconded by Councilman Latimer, moved to adjourn the meeting at 10:00 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk