

RED HOOK TOWN BOARD MEETING

August 5, 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
Councilman Harry Colgan
Councilman Robert Latimer
Town Clerk Sue McCann
Absent: Councilwoman Micki Strawinski

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

PUBLIC COMMENT PERIOD

Fran Donahue brought an issue to the Board regarding a woman in Tivoli who complained about a Bard College van letting students off early in the morning who had a “rumpus”. He asked if that issue has been addressed.

Supervisor Crane answered that it has not been addressed by her. That evening it was discussed and Councilwoman Strawinski who works at Bard was asked to go to the administration about shortening the hours of bus delivery. She declined. Supervisor Crane believes that reporting to the police is the only way to handle that situation.

Councilman Colgan added that the Mayor of Tivoli has met with Bard, residents, and landlords in an attempt to address that. He is planning to continue to take action. It is a Village of Tivoli issue.

Linda Keeling asked for the agenda to be posted on the website at least 72 hours in advance.

Fran Donahue said that a couple of months ago four properties in the Tivoli area were being looked at. A Hudson Valley trust was here trying to convince the Board to provide the other 50% for the property’s purchase. It came up that the individual making the presentation stated that regarding one of the properties the assessment was too high and they were negotiating that. As a result it was stated that the party involved in the property was willing to make a fair donation to make up the difference. He asked how that was resolved.

Supervisor Crane recused herself because her family has a minor interest in one of the properties.

Councilman Ross asked if Mr. Donahue was talking about the PDR of the four properties in the northwest corner of Town.

Mr. Donahue responded yes.

Councilman Ross explained that the PDR’s were all granted. They were voted on one at a time. They all passed.

Mr. Donahue said the whole idea was that the Town pay 50% and the Trust pay 50%.

Councilman Ross explained that on one of the properties the Town and Trust each paid 50%. On the other three properties, the Town paid 50%, the Trust paid 25% and the owners gave an in-kind donation of 25% based on the appraised value by the appraiser Scenic Hudson hired.

Mr. Donahue didn’t understand the owner donation of 25%.

Councilman Ross explained that 25% is what the owners did not get from the Trust.

Councilman Colgan explained that they donated in effect to Scenic Hudson and he assumes got an income tax deduction for it. It had nothing to do with appraisals, they were never really questioned.

Mr. Donahue said it doesn't sound right.

Councilman Ross doesn't disagree with Mr. Donahue, but it was a Board action that was granted on all four of the properties.

Councilman Latimer said the question lies why the Town didn't have some of the benefit of owner concession. He has no idea why.

Councilman Ross told Mr. Donahue that issue was raised a number of times.

Mr. Donahue asked if anyone looked into that type of situation so that it doesn't happen again and again.

Councilman Ross questioned the legality of it from the beginning and our Town Attorney assured him that it was legal.

Mr. Donahue said then the taxpayers are paying two thirds of what the Trust is paying.

Councilman Latimer thinks that the Town should benefit from any owner concession that goes on in the future. In all fairness, all the work, all the preparation, and all that decision making was made prior to this Board. If we were to start on properties this afternoon that concession, in his opinion, should be divided. If the owner makes a concession, why would the Trust benefit 100% from that concession and the Town not get anything? It defies logic in his opinion.

Councilman Ross also felt that way and everyone knows how he voted, but the entire Board makes these decisions and that's the way it was made.

Mr. Donahue said that when taxpayers voted on the bond issue they understood it as a 50/50 proposition. Now they come along and allow something else to occur.

Councilman Latimer explained that there was a public hearing on this last year. The rules were not changed subsequent to the public hearing.

Mr. Donahue stated that just because it is public information doesn't make it right.

Councilman Latimer agrees, but the public voted to approve these at a public hearing.

Councilman Ross said the public doesn't vote at a public hearing. We had a public hearing and that very issue was raised. The general public at that public hearing did not seem to have a problem with it. One Board member did.

Supervisor Crane returned to the meeting. She asked if there were any further comments.

Richard Hansen said that two weeks ago he asked the Board to consider taking the lead in seeking a remedy to the groundwater contamination in the Rokeby area that the people are living with. He asked if the Board considered taking that lead.

Supervisor Crane responded no. She is not sure whether or not the Town would take the lead in that action or not.

Richard Hansen asked if the Board would recommend that action to someone else.

Supervisor Crane responded that we could recommend it to the DEC which is where it probably lies. She is not prepared to take the lead in that right now.

Councilman Ross explained that the Board could make Dutchess County Water and Wastewater aware of the situation and give them a little bit of a history of where this started. It started between the landowners and the State of New York ten or twelve years ago. Dutchess County Water and Wastewater wasn't even in existence at the time. We could give them the information. That is about all we can do.

Supervisor Crane said in the past when she dealt with a brown field situation like the former PERX property, a grant was received through the Department of Environmental Conservation. It is possible that we could work with the DEC regarding that. The Board has not discussed it. Her only experience has been with the DEC on the PERX property, and they were the granting agent regarding that site. She can ask the DEC if they are willing and she can contact DC Water and Wastewater Authority to see if they can be of any help.

Richard Hansen said there is reason to believe that action should be taken.

Councilman Colgan responded that the County Board of Health has records on the DOT facility site going back to 1963. There is abundant documentation.

Richard Hansen answered that the footprint of the DOT facility is the footprint of what the dump was, not the neighboring areas you're talking about.

Councilman Colgan is aware of that.

Supervisor Crane asked if Councilman Colgan had a sense that the DOT was going to step forward.

Councilman Colgan answered no.

Councilman Ross explained that when the homeowners first became aware of the problem (going back a number of years) they had considerable communication with the DOT. Then they had communication with the Town and the Board communicated with the DOT. The problem was by the time they realized the DOT was going to do nothing for them the statute of limitations for them to take DOT to court had expired. That's why the DOT dumped it at that point.

Richard Hansen hopes there is a direction the Board can go. There have been other areas that have had problems in the past.

Councilman Ross said it is a serious problem for those few people, but that's the problem, its a few people. It can be very expensive for them unless the State steps in with grants and helps them, he personally feels they should.

ANNOUNCEMENTS

Supervisor Crane announced that the engineer who has been assigned the responsibility of air quality testing of the Highway Garage will begin that task on August 20th.

Supervisor Crane referred the Board members to their packets. In it there are a series of photographs of Linden Avenue from Park Avenue north to the Recreation Park. She met with Village of Red Hook Mayor Cohen and they discussed the possibility of collaboration between the Town and Village of Red Hook to use Community Development Block Grant (CDBG) funding in the year ahead for sidewalks from Park Avenue to the Recreation Park. She welcomed everyone to look at the photographs to see that we need pedestrian solutions addressed. Dutchess County DOT put in a bit of a grade over the last several years, but it certainly is inadequate for safety for pedestrians and bikes. They looked at the CDBG application and it appears that one of the priorities would be that kind of project. They will meet with Beth Doyle of DC Planning to see if this qualifies for that application. She thinks it is a worthy project and the two communities, if they collaborate, could qualify for up to \$300,000 for it.

Supervisor Crane received a notice of the Town of Red Hook's sales tax distribution for the last quarter. It was in the amount of \$106,578.00. Year to date we received \$200,715.00 in sales tax revenue, with a balance for the last half of the year of \$159,284.00. The Town budgeted for adequate sales tax revenue.

HIGHWAY GARAGE

Supervisor Crane brought the Rokeby site to the attention of the Board. She asked the Board if they reviewed the material that Councilman Latimer assembled and distributed at the last meeting. She feels there is enough evidence to show that site is not appropriate for the Highway Garage especially since the Town has ownership of property that will be adequate for the

Highway Garage the Town is considering building. She asked for comments from the Board members.

Councilman Ross agrees with Supervisor Crane. He read through the report very thoroughly. He's felt strongly about it all along but he wanted to read the report to back up his feelings. He feels strongly that the Rokeby Road site is not a viable action for the Board to take, nor should the Town spend any more money pursuing that endeavor.

Councilman Latimer stands behind the information and feels we should not spend any more money exploring that option.

Councilman Colgan spent time reviewing the site. He sees this as a very important business decision as far as cost to the Town. There are substantial potential long term savings by using the Rokeby site. He looked at an extensive pile of information from the Board of Health that goes back to 1963 that indicates all the pollution is under the piece of land of the DOT, not the adjacent piece of land we would be considering. He's walked that land and there is a substantial amount of surface debris there and in talking to a number of professionals they seem to think there is a possibility that there could be good water there. He thinks from a business point of view it should be considered because of the potential substantial savings. In his mind, it is still a possibility.

Supervisor Crane doesn't think it is an option and she doesn't see the potential for savings even though sharing salt with the DOT might be a possibility. The cost of the land and the cost of the cleanup would be prohibitive for us to undertake now, especially in light of the fact that we have land here and ready to go.

On a motion of Supervisor Crane, seconded by Councilman Ross move to take the Rokeby Road site off the table as a consideration for the Highway Garage.

Adopted	Ayes	3	Crane, Ross, Latimer
	Nays	1	Colgan
	Absent	1	Strawinski

DEPARTMENT REPORTS

Business Manager – Supervisor Crane referred to a report from Business Manager Deb Marks which relates to fund balances. Supervisor Crane asked her to produce a report on fund balances available at the end of the past several years. We have a total fund balance now, at the end of 2007 of \$1,219, 139 in the A, B and DB Fund. There is a total of \$531,530 in the SF, SL and SW Accounts. We will be looking at this as we go forward into the budget period.

Assessor – Supervisor Crane said no report other than to say there will be information about a new exemption available to citizens who have served in the Cold War period. If they served at least one year of active duty during that period of time, from the close of WW II to the Korean War, then from the close of the Korean War to the beginning of the Viet Nam War, they would qualify if we so choose. This is for the Board to consider. It would be a 15% exemption. She asked the Board to consider for discussion at next week's meeting.

Budget Officer – Rose Rider reported that she is continuing to meet with Department Heads and Committees.

Police Report – Councilman Latimer reported that during the month of June, 2008 there were 40 registered complaints (includes alarms & lock-outs), 30 uniform traffic tickets, 5 accidents investigated, 6 arrests made and 4 EMS/Aided calls.

Grant – Supervisor Crane reported that the Town received a grant for sidewalks on the west side of Route 9 from Old Farm Rd to Rokeby Road. Jay Trapp from DF Wheeler Engineering informed her that they received confirmation that there are no adverse affects from the construction of the sidewalks. DF Wheeler & Associates called the DOT to follow up and was told there was a change of command in the permitting office. They will be getting together about it. As for the time frame, the actual construction time is 3 to 4 weeks once construction is started. It should be completed by the end of the Fall. They do have to go out to bid which will be the next step.

Water Department Report – Councilman Ross reported that the wells are at 54 feet and one at 42 feet which is normal and stable. We’ve been pumping heavily because Bard College is reworking their water plant so they’ve been drawing a lot of water. The turbidity is next to nothing, the cartridges are working fine. A culvert in Ghost Road ROW will be replaced this summer. Duso Chemical sent a credit memo for \$450. Business Manager Deb Marks will notify the Water Department when the check is received. There are new reflective tape and flags on the hydrants. Supervisor Crane said that Water Department Chairman Hank VanParys announced they will be putting a new roof on the pump house.

Purchasing – Councilman Colgan reported there were 24 Purchase Orders issued in the amount of \$24,847.10, the largest, \$16,413.69 being to Colarusso Blacktop of Hudson for 7F blacktop. It was purchased under a Town bid. The RFP for a Preservation Architect for St. Margaret’s was issued. Purchasing Agent Ted Kudzy is in the process of obtaining estimates for a State Grant application for the work to be done in the Justices offices. He is also obtaining quotes to paint various Town Hall offices. We had Professional Computer Associates install additional memory in several of our computer workstations. Norton AntiVirus uses significant memory and has a tendency to slow down processing.

Recycling – no report

Dog Report – no report

Planning Board – Patrick Kelly reported that the Planning Board had two meetings in July. At the July 7th meeting the Board reviewed applications for a Certificate of Appropriateness and a Special Permit for an accessory apartment. The application for special permit was subsequently withdrawn. A public hearing for the Certificate of Appropriateness was set for August 4, 2008. At the July 21st meeting, the Board held a public hearing for the Red Hook Terminal Site Plan. This public hearing was continued to August 4th.

Zoning Board of Appeals - Councilman Ross reported the ZBA meets the second Wednesday of the month. In July they had a continuation of a public hearing, they had three public hearings and one review for an appeal which will be a public hearing at the next meeting.

COMMITTEE REPORTS

Agriculture and Open Space Committee – Councilman Colgan referred to a report dated August 5, 2008. The Committee had a meeting with residents of West Kerley Corners Road regarding the PDR program. It was a successful and productive meeting. The Wil-Hi and Mead projects are moving forward, the County approved funds and it is in the process of closing. Regarding Agriculture/Crop reports, there was discussion of the current business climate and needs assessment. Beth Mead reported that the farm stand business is increasing and that the buy local awareness is really making a difference. Sales are up. Ken Migliorelli reported on an increase in the number of his operations farm stands and that sales are holding strong. Rich Biezynski indicated that restaurants are still outperforming stores. He sees some decline in some of the grocery stores purchasing habits and he expressed concern about pricing given the huge escalation in feed costs. Miriam Latzer reported on the increase in membership of the CSA – they now have over 300 member shares and have added an additional location. Robert McKeon reported on the increase of available land being cultivated in the Town. A Winter Farmers Market is being proposed for the Elmendorph this year. The next meeting is scheduled for August 25th at 6:00 p.m.

CAC Report – Brenda Cagle reported that the CAC is steadily working on ICLEI’s climate change program, pursuing funding for a habitat mapping, and energy efficient building. With the cost of heating soaring, the possibility of revisiting the outdoor wood burning furnace law was discussed. The industry is supposedly working toward defining/meeting standards. Investigation is ongoing. Brenda met with the Highway Superintendent last week and he described how fuels, salt and other possible contaminants are handled at the site and some of the housekeeping procedures that the department uses. The next CAC meeting is August 13th at 7:00 p.m.

Intermunicipal Task Force – Councilman Latimer reported that the task force continued to review the Village/Town of Red Hook central sewer project, and the Agricultural Business District (ABD) component of the Centers and Greenspace Plan (CGP). A plan has been

submitted by Al Trezza and Rich Biezynski based on a group they put together about a different potential plan for preservation of open space and development. It discusses different brackets of zoning changes that can be used to control lot sizes.

Councilman Colgan added that the task force is very aggressively pursuing the sewer system. The options of the final design have apparently been done and we will begin to start talking about a real system.

Recreation Commission – Supervisor Crane reported that by August 8, 2008 most of the children’s recreation programs will be concluded. Some of the adult programs are still ongoing. By mid August, interscholastic sports will begin. The new scoreboard is being erected this week and repainting is taking place. They are awaiting engineering bids for the new recreation fields.

St. Margaret’s Home – Supervisor Crane reported there are two independent self contained appraisals required for the grant award for adaptive reuse. They have been submitted to Taconic and Palisades Region New York State Office of Parks and Recreation.

Senior Services – Councilman Colgan presented the Senior Services report. Progress has been made for the planning of the joint Rhinebeck/Red Hook Senior Expo that will be held at the Fairgrounds on Wednesday, September 24, 2008. Tentative time is 10:00 a.m. to 2:00 p.m. Progress has been made with the Red Hook Senior Newsletter. Approximately 120 Dial-A-Ride flyers are pending delivery to Margaret Sheehy at the Red Hook Commons for her to distribute to all of the residents. The flyers will have contact information for anyone interested in pursuing Dial-A-Ride.

Trails Committee – Howie Callies reported that they have looked into an alternate route to the Recreation Park with no success. They have come to the conclusion that a sidewalk should be looked into. We need safe access across Linden Avenue. Their next meeting is August 7th.

PUBLIC COMMENT

Supervisor Crane asked if anyone wished to speak.

Fran Donahue attended a public hearing meeting in June at Norrie Point. The purpose was to get input from citizens about the intention to eliminate fire permits. Everyone who attended objected to it because we have branches and brush, and how do we get rid of it. They gave no alternative to it and he asked if anyone received any information from the County on the subject.

Supervisor Crane did not receive any information.

Councilman Colgan said it is a pending issue as far as he knows from the State.

Linda Keeling asked if the wetlands walk area has been looked at.

Supervisor Crane asked Linda if she spoke to John Kuhn about it. Councilwoman Strawinski is on vacation. Supervisor Crane has not heard anything about it yet.

Linda Keeling did not speak to Recreation Director John Kuhn because Councilwoman Strawinski was going to look into it.

On a motion of Councilman Latimer, seconded by Councilman Colgan move to adjourn the meeting at 8:30 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk