

RED HOOK TOWN BOARD MEETING

September 9, 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 Christine Chale

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She explained that two Public Hearings were scheduled but the Public Hearing on North Wind Farm was cancelled. Supervisor Crane read a letter from the owner, Mr. Richard Biezynski who indicated that there is not enough time for them to get all the needed information to be able to make the proper decision.

SUPERVISORS REPORT

The Supervisor's report for the period ending August 31, 2008 was read as follows: Opening balance - \$2,755,054.01; Receipts - \$387,376.52; Disbursed - \$468,270.58; Balance - \$2,674,160.05. Budget Adjustments: General A Fund – Revenue Debit - \$9,785.00; Appropriation increase - \$17,725.00; General B Fund – Revenue reduced - \$15,000; Total Increase in Revenue - \$22,976.00; Highway DB Fund – Increase in revenue - \$19,509.00; Appropriations - \$19,509.00

On a motion of Councilman Ross, seconded by Councilwoman Micki Strawinski, moved to accept the Supervisor's report/budget adjustments as read.

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

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TOWN CLERK'S REPORT

The Town Clerk's report for the period of August 1 to August 31, 2008 was read as follows: Total local shares remitted to the Supervisor - \$1,502.09; Amount remitted to County Treasurer for dog licenses - \$87.07; Amount remitted to NYS Ag & Markets - \$21.00; Amount remitted to NYS Department of Health for marriage licenses - \$247.50; Amount remitted to NYS Environmental Conservation - \$4,756.49; Total State, County & Local revenues - \$6,614.15.

Town Clerk/Water Rents Collector Sue McCann read the second quarter water report. The total warrant collected for the second quarter - \$31,035.99.

COMMUNITY DEVELOPMENT BLOCK GRANT

Supervisor Crane read a letter that Town Engineer Dan Wheeler is sending to residents whose property abuts the new sidewalk that will be extended on the west side of Route 9, south of Old Farm Road extending south to Rokeby Road. It explained the general concept of the sidewalk plan.

Councilman Ross commented that the responsibility of snow removal is the Town's and we put that out to bid. The Highway Department does not maintain that.

PUBLIC HEARING – 7:45 PM

OMNIPOINT LEASE AGREEMENT

Supervisor Crane opened the Public Hearing at 7:45 p.m. to hear all interested parties regarding the lease with Omnipoint for cell tower locations. She read the Public Hearing notice.

Attorney Chale asked if the Town Clerk received any written comments or comments from the Planning Board.

Town Clerk Sue McCann answered no.
Supervisor Crane asked if there were any public comments.

Kevin Savage, of Omnipoint Communications, was at the meeting to answer any questions and to see if there could be consideration made at the meeting to grant an additional six month period to the requested option.

Supervisor Crane asked if there were any further comments, since there were none, the Public Hearing was closed.

On a motion of Councilwoman Strawinski, seconded by Councilman Ross, moved to close the Public Hearing.

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

COMMUNITY DEVELOPMENT BLOCK GRANT (continued)

Supervisor Crane turned the Board's attention to a prepared resolution authorizing a CDBG application for 2009 regarding a sidewalk expansion from Park Ave in the Village of Red Hook to the Recreation Park in the Town of Red Hook which is about 1500 feet. The application would be for up to the maximum of \$150,000.00. The resolution included a joint Public Hearing with Village of Red Hook officials be held at 7:30 p.m. on September 24, 2008 at the Red Hook Town Hall, 7340 South Broadway. The resolution authorized the application to Dutchess County Department of Planning. Supervisor Crane explained that the Village Board met and agreed that this is a project they are enthusiastic in joining with the Town. The Town would take lead agency status. Each municipality has decided to apply for up to \$150,000.00, for a total of \$300,000.00 if we were to need that amount.

Supervisor Crane spoke with Beth Doyle from Dutchess County Planning and Development, the person in charge of the grant who said that area does qualify. We will have to have an engineer estimate what the project will entail in terms of funding.

Supervisor Crane opened for comments from the Board regarding the resolution.

Councilwoman Strawinski spoke on behalf of the Greenway and Trails Committee. They are quite pleased we are considering the area. It will be a real improvement.

Councilman Latimer said it will be an improvement from a public safety aspect for both the medical side and the law enforcement side.

RESOLUTION 2008 #58

RE: AUTHORIZING THE SUBMISSION OF THE FISCAL YEAR 2009 DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION FOR THE RED HOOK SIDEWALK EXPANSION PROJECT

On a motion of Supervisor Sue Crane, seconded by Councilman James Ross, moved to approve the resolution with changes.

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

Copy Attached

OMNIPOINT COMMUNICATIONS

Attorney Chale reviewed the lease agreement. The terms are very similar to the other leases we have on the tower but this provides for a ten foot extension on the tower and the addition of another six month option. The lease term is initially five years, for an automatic five year extension. In terms of the environmental assessment Attorney Chale and the Board went over the physical changes for the project site with Kevin Savage of Omnipoint.

Mr. Savage explained that as an FCC Licensee, they are obligated to do an assessment regarding the National Historic Designated Corridor, under the National Environmental Protection Office. They will provide a lease agreement, will proceed with due diligence, and will submit a NEPA

report with information to New York State Historic Preservation Office for review and consideration.

Attorney Chale and the Board continued reviewing the environmental assessment.

There were no comments or questions from the Board.

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to accept the Negative Declaration.

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

On a motion of Councilman Ross, seconded by Councilman Colgan, moved to approve the terms of the lease subject to applicable Planning and Zoning approval.

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

Attorney Chale told Mr. Savage that the approval included two six months options with two separate payment amounts.

Town Clerk Sue McCann pointed out that a Public Hearing has already been scheduled for September 24th at 7:30 for the Anderson Center for Autism. She suggested changing the time of the Public Hearing for the Community Development Block Grant.

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to amend the Resolution for the Public Hearing for the CDBG to 7:45 p.m. on September 24th at Town Hall.

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

ENERGY STAR DISCUSSION

Supervisor Crane received a telephone call from CAC Chair Brenda Cagle that they were not prepared to present at this time therefore the presentation will be postponed until a meeting in October.

HIGHWAY GARAGE SITE PLAN

Supervisor Crane received a memo from Ray Jurkowski from Morris Associates. Supervisor Crane met with him last Wednesday with the change request. He has not had enough time to make revisions in the sketch plans the Board would like to see. He will have copies delivered to Town Hall Thursday morning and as soon as we get them they will be distributed in the Board's mailboxes.

ELECTRICIAN LICENSING

Supervisor Crane announced that last night the Dutchess County Legislature had a vote to pass the electrical licensing law. She referred to a resolution that was sent to her by Richard Morse who wanted the Board to see how the Town of Clinton reacted to this local law requiring the licensing of Master Electricians within Dutchess County. Tom Mansfield told Supervisor Crane that the Legislature has passed it and it will move on to the County Executive. It is expected that the County Executive will veto that proposal and send it back to the Legislature. At that point the Legislature will need a total of 17 votes. She asked the Board to publicly review the resolution on PANDA so that we can go on record as saying how we feel about it. She asked if anyone read the resolution.

Councilman Ross is strongly opposed to it and always has been. There has never been a fire in Dutchess County started by faulty wiring because it has to be inspected by the underwriter. He feels it is another layer not needed, and it could put a lot of small electricians out of work or jeopardize their jobs, therefore making it costlier for homeowners.

Councilwoman Strawinski supports the law as written by the County. It provides some sort of protection for the consumer in the event of even one uncalled for fire. She doesn't feel we need to do anything on the local level.

Councilman Colgan doesn't feel we need to do anything at the local level. He does not feel strongly about the law. He built and wired his house himself. He appreciates the difficulty of a contractor who is building an addition and needs to put in three outlets and a couple of switches. It is a very simple thing to do. He is hard pressed to go on record in support of the law, and on the other hand does not see the need for us to go with a resolution either.

Councilman Latimer is vehemently opposed to the law as it was passed in the Legislature. There is a procedure in place for the safe inspection of any electrical work done and as a person who has done heavy power three phase electric in a commercial building and had it inspected to an electrical inspector's satisfaction, it would prohibit that sort of work done by him. We do need to voice our opposition.

Supervisor Crane thinks there is no reason to do it and that it is exclusionary and anti-competitive. She opened for public comments regarding the issue.

Bob Baker is a contractor. He was at the County Legislature meeting last night. The law has been put down for about the last 20 years for various reasons. The proponents behind it are trying to limit the competitiveness of the industry. In the initial draft there was no provision for grandfathering any local contractors in or out of the County unless you worked for an electrician and had an apprenticeship for 7 years prior. Last night he was told that was changed that there is a grandfather clause. He doesn't know how it would be implemented. As contractors, we are not opposed to licensing, but the way the draft was written will limit them. He doesn't feel the need for it. Contractors have liability insurance. It is an unnecessary law.

Mike Hericourt and his father are general contractors. His father spoke at the Legislature meeting last night in opposition to how the law is written. It is very prohibitive. Presently, there is the underwriter where all work has to be inspected otherwise they don't get their seal, they don't get their final paperwork, they don't get a final payment. There is a checks and balance system that is already built in. There is protection for the consumer. The inspector is on the line as well. They have a lot hanging on this law just as much as the contractors do. He appreciates the Board taking time to consider this. This should be taken seriously because there are a lot of contractors this will affect.

Frank Vitolo owns Capstone Plumbing and Heating and is in opposition to this legislation because it is prohibitive and it will add costs for the consumers. He is a licensed plumber in the City of Poughkeepsie. He applied to the Town of Poughkeepsie at the same time. The Town of Poughkeepsie required that you were an apprentice for 10 years under a Town of Poughkeepsie licensed plumber and it was very prohibitive. It just illustrated that you can know what you are doing and still be shut out of the license process. Most local business and tradesmen know their customers and the customers know them. From a plumbing and heating standpoint, sometimes there is an emergency and it isn't always convenient to get a licensed electrician from the city or somewhere else to come to your aid. The contractors know what they are doing and stand behind their work. Their work is always inspected and they are held to code. There is enough protection in place for the consumer as it is. It will add another layer of bureaucracy and cost. It is just not necessary.

Supervisor Crane commented that she personally is not in favor of this law because she believes it will raise costs for the consumer and the inspections we have in place protect the consumers. She suggested the Board read through the Town of Clinton's resolution to see if they wanted to make any changes. The Board reviewed the Clinton resolution. They struck the last paragraph and changed the Town name to Red Hook.

Supervisor Crane read the corrected Resolution aloud.

RESOLUTION 2008 # 59

On a motion of Supervisor Sue Crane, seconded by Councilman Rob Latimer, moved that the Town Clerk is hereby authorized to forward a copy of this resolution to the Clerk of the County Legislature and to the County Executive.

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

Copy Attached

The vote was taken after the following discussion:

Councilman Colgan stated that he does not support their legislation or this legislation in that he does not understand their legislation, and doesn't know the debates they had. He hasn't read the law. He said he thinks this overstates what he is willing to vote for, but he wouldn't be willing to vote against it either.

Councilwoman Strawinski is not in support of the Town doing a Resolution. She doesn't think we should tell another governmental body as to what they should or shouldn't do.

Councilman Ross said this is sending a message from the Town of Red Hook about how we feel to our County Legislators.

Supervisor Crane thanked the speakers for taking the time to come in and let the Board know their feelings. She said the Resolution will be forwarded to both the County Legislature and the County Executive.

DEPARTMENT REPORTS

Police Report – Councilman Latimer gave the police report for the month of August, 2008. Registered complaints – 23; Uniform traffic tickets – 18; Parking tickets – 0; Accidents investigated – 6; Arrests made – 1; EMS/Aided calls – 2

Highway - Highway Superintendent Wayne Hildenbrand sent a letter to Supervisor Crane requesting authorization to advertise for the vacancy created by the last retiree. He would like to fill that position no later than the end of October.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to authorize Highway Superintendent Hildenbrand to begin the process of a search for the new Highway employee.

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

Water District Report – Councilman Ross said the important thing is the water levels of the wells. Our wells have always been stable. The filter is operating satisfactorily and two culverts on Ghost Road were replaced. Bard College is using the water currently. There is a PO for the storage shed roof repairs.

Supervisor Crane said the Water Board works diligently and they meet twice a month with the Water Systems Manager that sometimes meets for hours with them.

Councilman Ross said we've been very fortunate. Before Hank VanParys we had Ray Rhodes and they are both very good leaders. They are members of the community who are very interested and the water district runs very smoothly.

Building Department – Supervisor Crane gave the Board copies of this very extensive report. There is an incredible amount of activity the two men in that department are responsible for.

Tree Commission – Nancy Guski thanked the Board for allowing her to participate in the 2008 New York State Urban & Community Forestry Council Conference. One of the overarching themes was collaboration of a community's committees and public works departments to make trees part of the infrastructure. The Structural Soil and Porous Pavement tour was particularly interesting. The Tree Commission continues to read forestry management plans as they prepare to write their own. The Recreation Park did a wonderful job of taking care of the trees the Tree Commission planted. The Commission wants to inventory the Town trees, apply for the Urban Forestry Grant and investigate other fund raising opportunities. They want to educate residents and would like to have a connection with the schools. They plan on having an Arbor Day poster contest for 5th Graders. The Commission wants to collaborate with other committees. They'd love to get involved. Nancy and Brenda Cagle have been developing a master tree list. It would be helpful to have information to share about insured certified arborists. They are going to re-apply for Tree City status. They would like to set up a website and research specimen trees or

trees of historical significance located in our community. The Committee is working on designing a permit for tree removal and asked if they have a role concerning the three forested areas in the Open Space Plan. Nancy said they will start prioritizing what they should do first, and what they should eliminate. The Committee meets tomorrow.

St. Margaret's Committee – Supervisor Crane reported that the Committee met tonight. They are going to be limited in their funding because the appraisals came in lower than they anticipated. They have a wish list that they will put in order of priority. The architect selection process will take place before the end of the month. Purchasing Agent Ted Kudzy has created a St. Margaret's Architect Selection Decision Analysis. It is a way of weighting the architect's applications.

CORRESPONDENCE

- Supervisor Crane received an anonymous letter regarding a barking dog in the Willow Park Vicinity. The Board discussed the issue. Supervisor Crane explained that if letters are to be read they should be signed and identify where they're from.
- Doug Moat, Chair of the EDC met with Ted Saad and Ed Guski for an hour and they are still interested in the airport property. They are discussing ways for them to secure an option. They will speak with the brokers. Doug put them in touch with the Small Business Development Agency to see if they can get funding for a feasibility plan. He is going to join them in a meeting with the SBD staff next week. In the meantime they are working on a feasibility plan themselves. They have a copy of the report done for Bard and plan to update it. They will approach the firm that did the original report for Bard and see if they will edit it then put their name on it. If not the EDC will find some way to give it credibility so that Ted can approach his investors. The Committee has a date with Dutchess County EDC next week to see what help they can give, and Doug will accompany Ted and Ed when they meet with their architects and New York investors.
- Supervisor Crane received a letter from Diane Ferris thanking the Town for the prompt attention to the drainage problem she's been having at the beginning of her driveway. She said there has been satisfactory runoff during the recent heavy rains. She appreciates the attention given to that and she will carefully monitor the situation and keep the Town posted.
- Denise Barton met a person from Johnson Controls who is one of several companies who offer performance contracts. It is where a company is hired to find ways to save energy for an organization or business and the contract is paid for by the savings realized. Red Hook is relatively small compared to the school district, who is engaging Johnson Controls to develop programs for the school. She wonders if we wish to dovetail into any meetings with the school district. Supervisor Crane thinks we've come a long way in our efforts for energy savings in Town Hall. We've replaced all of the lights and we have solar panels going in this week. NYSERDA inspected the Town Hall and out of that came the recommendation for the solar panels and the lights. She asked if the Board thought there were any other energy saving things we could do.

Councilman Ross would like them to evaluate the duct work in the attic.

Councilman Colgan asked about the insulation and the payback.

Supervisor Crane will be in touch with them and see what they have to say.

Councilman Ross suggested looking at the heat pump air source too.

Councilman Colgan said eventually with the new Highway Garage, we should look at more efficient highway equipment. It is something we should watch for.

Supervisor Crane will be in touch with the representative from Johnson Controls and see if he would come to meet with us. She asked if Councilman Colgan would be able to meet with them too.

Councilman Colgan agreed to meet with the representative too.

- Supervisor Crane and Attorney Chale had a four hour meeting with Noela Hooper from Dutchess Count Planning Department and Michelle Greig regarding the zoning amendment. They came to some agreement on a number of items they will bring forward for the Board's

consideration at the September 24th meeting. One is in regard to the accessory structure setback issue. That law could move forward as it stands, but Attorney Chale advised that we move ahead with that as a separate law, have a Public Hearing for that only, and move it forward. The second issue was the nine bedroom count. She thinks that they all agreed that the nine bedroom count for a bonus for multiple housing was not the way to go. They agreed to propose they strike the nine bedroom bonus and instead have a 50% bonus for a multifamily dwelling. The largest concern was that the nine bedroom count would be almost impossible to enforce. They would not recommend, at this time, touching the density on the water. Instead, they proposed to change the zoning in the R 1 and R1.5, Town wide, for the density to be based on the buildable acreage.

Attorney Chale explained that Michelle Greig's description of this is to use the concept that's been already drafted for the proposed Centers and Greenspace Plan. To list that language and incorporate that into this proposed law to address the area of immediate concern.

Councilman Ross stated that our present zoning has buildable acres but you get a little bit of a percentage bonus of the non-buildable.

Attorney Chale answered that Michelle's definition is different from the one that is currently in there. It addresses wetlands, deep slopes and a number of issues.

Councilman Ross wants to make sure the changes coordinate with the rest of our zoning. The idea is to encourage people around the central water.

Councilman Colgan said in dealing with the sewer the more density we can force in and around the community sewer, the better that district will work and the less costly it will be for use. The sewers are a big element, more so than the water.

Attorney Chale said that issue can be wrapped into the Traditional Neighborhood Development discussion. A Public Hearing could be called just on the setback section.

Supervisor Crane would like to move ahead with this. The ZBA has the most problem with the accessory issue. It won't solve their problem but it should help.

RESOLUTION 2008 #60

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW #8 (PROPOSED) OF 2008, CLASSIFYING THE ACTION AND REFERRING PROPOSED LAW TO COUNTY AND TOWN PLANNING BOARD

On a motion of Supervisor Sue Crane, seconded by Councilman James Ross, moved to set the Public Hearing for October 14, 2008 at 7:30 pm.

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

Copy Attached

PUBLIC COMMENTS

Frank Stoppenbach is dissatisfied with his drainage issue. Water drains into his driveway and would like it remedied.

Councilman Latimer will talk to Highway Superintendent Hildenbrand about the issue.

On a motion of Councilman Ross, seconded by Councilman Colgan, moved to adjourn the meeting at 9:30 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk