

RED HOOK TOWN BOARD MEETING
September 24, 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
Councilwoman Micki Strawinski
Councilman Harry Colgan
Councilman Robert Latimer
Town Clerk Sue McCann

Absent: Councilman James Ross

Also Present: Attorney for the Town Christine Chale
Jack Gilfeather, Village Trustee of Red Hook
Jay Trapp, Village Trustee of Red Hook
David Cohen, Village Mayor of Red Hook

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She announced that the Anderson Center for Autism withdrew their interest in locating on Route 199 this afternoon. Therefore the Public Hearing for the Anderson Center for Autism was cancelled. The Public Hearing for the Community Development Block Grant – 2009 Application Town and Village of Red Hook is scheduled for 7:45 p.m.

PUBLIC COMMENT PERIOD

Linda Keeling referred to the Community Development Block Grant for 2006. She asked the status of the extension road behind Hannaford.

Supervisor Crane answered that there is nothing in the works for that at the moment. What we applied for was completed behind Hannaford. What has not been done is the extension through Hardscrabble through to Metzger. There is no money for that at the moment; we will have to reapply for additional funds. The money we applied for in 2008 was for the sidewalk project on the west side of Route 9 from Old Farm Rd. to Rokeby Rd.

Jay Trapp explained that the plans for that sidewalk project are completed. The NY State DOT has not responded but we are not waiting for their review. They are preparing the packages to go out to bid. The contract information was sent to Attorney Chale's office, they received comments back and revisions were made. The specification is ready and as soon as they get communication from Attorney Chale's office they will be ready to go. Everything else is pretty much in place.

Supervisor Crane asked if it is anticipated they start this fall.

Jay Trapp answered yes. Maybe by the second week in October they should be opening bids. This whole process should not take more than 30 to 45 days. It is not a complicated process. For the most part they are providing an 8 foot green space and a 5 foot sidewalk. The 8 foot green space is for trees and also so that the DOT can plow snow without it going on the sidewalk.

Robert McKeon read a press release from the Democratic Caucus of the Dutchess County Legislature. The press release was concerning the delay of processing of voter registrations. For further information contact Chairman Roger Higgins.

Councilwoman Strawinski wants the Board to send a message to the Board of Election that this needs to be taken care of.

Councilman Colgan agrees. The names have to be in the books for Election Day.

Supervisor Crane said citizens have the right to send letters to the Commissioners, but she is not willing to write a letter on behalf of the Board. She will contact the Commissioner's Office and express her concerns and she hopes local citizens will do the same.

Supervisor Crane held off the meeting for a few more minutes until there was a quorum of Village Trustees. She asked the Board to check their calendars for meetings for the budget. The

proposed budget has to be in the Town Clerk's office by September 30, 2008. She proposed devoting the Tuesday, October 7th meeting to budget review. That will include Business Manager Deb Marks and Accountant Ted Eglit and will be a budget workshop. She asked the Board to schedule another budget workshop for Saturday, October 18, 2008, from 9:00 a.m. to 12:00 p.m., Wednesday, October 22 at 7:30, and if needed Saturday, October 25th from 9:00 a.m. to 12:00 p.m. The Town Board will not meet on Election Day November 4th. She asked that the Board meet on Tuesday, October 29th for a Public Hearing on the budget.

Supervisor Crane received a letter from the Red Hook Fire Company requesting that our negotiators meet with members of the Red Hook Fire Company because their two year contract expires on December 31, 2008. Early on the Board asked Councilman Ross and Councilman Latimer to negotiate. When Councilman Ross gets back she asked Councilman Latimer to get together with him and contact the Fire Company to set up a date to meet with them.

PUBLIC HEARING

Supervisor Crane opened the Public Hearing at 7:55 p.m. to hear all interested parties regarding the Community Development Block Grant application for 2009 with the reading of the notice of Public Hearing. Supervisor Crane asked Jay Trapp to describe the grant application.

Jay Trapp explained that the applications are pretty consistent year to year. They provide information to discuss the effects, the benefits and about the low and middle income families in the areas that will benefit from this. He has to explain how it will promote access and how it concerns safety. There will be several ADA declines and inclines as you hit several driveways. The sidewalk will be five feet wide. They put together an initial estimate of \$135,000, almost evenly distributed between the Town and Village. A draft of the grant application should be available this Friday for the Village and Town to read through and make comments, and it is due by October 3, 2008.

Councilman Colgan questioned the sidewalk on the bridge.

Jay Trapp explained they will have to ask the County exactly how to approach the bridge. They'll have to deal with the DPW.

Supervisor Crane asked if fill was considered for some of the areas.

Jay Trapp responded they did look at that and provided cost estimates for the hauling, excavation and any materials removed. They are planning on hydro-seeding and five or six trees will be planted.

Linda Keeling asked about the trees and if they would communicate with the Tree Commission.

Mr. Trapp responded they would take the Tree Commission's recommendations.

Linda Keeling asked about signage and walkways to the new recreational area.

Jay Trapp responded that he understands her concern, but at this point no.

Supervisor Crane received e-mails in July and August with concerns about the safety of Linden Avenue from Park Avenue to the Recreation Park. She asked John Kuhn to weigh in because he is most familiar with children walking and riding bikes in that area and said a sidewalk is needed. He's spoken to the County DOT in the past regarding the sidewalk. They did add a larger shoulder on the east side of Linden Avenue but would not put in a sidewalk. He would also like to see a guardrail to divide the sidewalk from the roadway, especially on the turn.

Linda Keeling asked who would be responsible for removing the snow on that sidewalk.

Supervisor Crane was not sure. We'd have to identify who would be responsible.

Village Mayor Dave Cohen explained the school uses the fields for games and practices and the students walk there. It is pretty important to get the job done and soon.

On a motion of Supervisor Crane, seconded by Councilman Latimer moved to close the Public Hearing.

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

ANDERSON COMMONS

Attorney Scott Volkman and Engineer Pete Setaro were representing Anderson Commons. Scott passed out a letter dated September 24th with a copy of Resolution #34 dated March 26, 2008. They are faced with a dilemma and a deadline and are looking for assistance from the Town Board. It relates to the issue of recreation fees associated with the Anderson Commons project. The resolution required the plat to be signed within 6 months, which would be September 26th, 2008. Unfortunately they have been unable to complete all the work to get that plat signed. The project has been going on for a number of years. They do have approval from the Planning Board that dates back to December of 2006. It has been extended and expires in December of 2008. They can meet that deadline but this project has gone through a number of reviews and approvals. The project is in the Town and in the Village and requires action by both communities. The project has gone through and received all of the major agency approvals required. In July the Board approved the transportation corporation giving the Village lead authority on that aspect of the project and the Town as lead authority with respect to the roads. He referred to the last three pages of the document he presented. He was looking for a way to allow the documents to be submitted without penalizing the applicant. He expects to have a binder to the Attorneys by the end of next week with virtually all the documents for final review and approval.

Pete Setaro explained the project consists of 52 or 53 lots. Seven lots (single family) are along a proposed road that will tie in with Glen Ridge Rd. and Fisk. One lot has frontage directly on Fisk Street. The other lots are smaller clustered lots that are more of the traditional neighborhood. They've discussed this conceptually with the Planning Board in several meetings with Attorney Chale. It was important that the Planning Board formalize the phasing plan by an actual approval. They will want to file the subdivision map in sections.

Scott Volkman explained that there are a number of issues and all concerns are being resolved. The documentation should reflect a solid and final project and it is being put together. He asked why a six month deadline was picked. There was no discussion in the minutes and he is asking to amend the March 26, 2008 resolution by three months or to December 18th. There has been a substantial amount of effort but they just need a little bit more time.

Pete Setaro added that he's been involved with this project from the start and that they have all been working very hard on this. They never contemplated that there would be this much discussion. They've had at least two joint meetings with Attorney Chale, Jeff Martin, the engineers, and mayor just trying to make sure everyone was on the same page and understood the policies and everything they were asking for. It was a lot more complicated than they thought it would be. The County is happy with the project. The Planning Board has been excellent and worked with them every step of the way. We received all of the regulatory approvals. We are just finalizing documents.

Attorney Chale asked about the Planning Board's conditions and asked what other major conditions are outstanding on the Planning Board's final conditional approval.

Pete Setaro answered that most of it centered on the transportation corporation. It is primarily the documentation.

Attorney Chale asked what they are looking for from the Planning Board for their approval.

Pete Setaro explained that they have approval for the whole project. He spoke to the Planning Board about the phase in plan but it was never formalized. He wants approval for the first plat showing 8 lots, then for section two.

Attorney Chale asked the reason for filing separately.

Peter Setaro explained not to pay taxes on the individual lot if it is not ready to be built on. It is the economy. He is asking the Planning Board to approve the first plat of 8 lots.

Attorney Chale asked to clarify that the transportation corporation bonds would not be put up until they move forward with the second phase.

Peter Setaro did not know the answer but they would have to talk about it. He thought the transportation corporation would have to be formed for the sewage for the 44 lots in the common area before the formal permit could be issued. Some lots will have their own septic systems.

Supervisor Crane would be comfortable grandfathering the \$900 recreation fees until December 18, 2008.

On a motion of Supervisor Crane, seconded by Councilman Latimer, moved to extend the \$900 per lot recreation fee for Anderson Commons until the deadline of December 18th after when all things must be complete. The final signed plat to be December 18th.

Failed	Ayes	2	Crane, Latimer
	Nays	2	Strawinski, Colgan
	Absent	1	Ross

The vote was taken after the following discussion:

Councilman Colgan was not on the Board when those recreation fees were changed. It seems there was a specific deadline and they are asking the deadline be extended again. He is uncomfortable extending the reduced fee.

Scott Volkman said there is a question about the manner of how the increased fee was adopted initially. It lead to extensive conversation in March of this year in which several attempts were made by the applicant to get clarification about where his project stood in respect to the fees.

Councilwoman Strawinski referred to Planning Board documentation she had from September 11, 2006. She also had documents from the Recreation Commission and the Greenway and Trails Commission, all supporting the recreation fees in place for Anderson Commons. She read from the Planning Board minutes. Councilwoman Strawinski said the Board waived the decision by granting the extension. She commented “talk about a disservice to the community. We’re denying the children and the people who use our recreation facilities a huge amount of money”. The Planning Board said the recreation fees are applied at the time of conditional final approval.

Scott Volkman said that is what the Planning Board suggested, it is not their purview it is the Town Board’s purview. Over time the issue was flushed out and this Board made a decision regarding the fees. It is the Town Board’s prerogative to do so.

Councilman Latimer stated that there was a great amount of consideration given to the amount of fees that were going to be charged for this project. This project is huge. He seconded the motion because it brings the recreation fee date and the Planning Board approval date into sync. He is not comfortable though with them asking two days before the expiration date. The complexity of the project is huge. He said that after December 18, 2008 there would be no more considerations in his opinion. It is a little insulting to be asked, but he understands given the magnitude of the project.

Scott Volkman asked where the 6 month date came from originally.

Councilman Latimer explained that doesn’t matter, they deliberated whether they were going to give any extension at all. The Board made a decision to allow an extension. He thought six months was extremely gratuitous.

Supervisor Crane said the applicants were grateful for the six month period as well.

Scott Volkman explained that finalizing documents is the issue. There is no more physical work to do. We have to clarify this two point phasing plan. They just need a little more time to wrap things up.

Councilman Colgan said his recollection is that this was based on a difference of opinion as to what fee should be charged. The new fee was set some time ago. Anderson Commons felt they should have the old fee because they had moved forward with their project to a point that would justify the old fee. We agreed to the old fee but they were given six months. Now you're coming forward that you're not there yet, but still want the assurance they will receive the lower fee. Councilman Colgan feels they were given special consideration and he is very uncomfortable giving a single project that kind of ongoing consideration. He doesn't think it is fair to the citizens of Red Hook.

Scott Volkman explained that this is an issue of the professionals working out the details. The applicant is not responsible for this issue at this point in time. It is a question of finalizing documents which are complex. We are trying to pull this together to satisfy two different communities. It has become a stumbling block in the process. There is a substantial amount of review and provisions. They are simply requesting an extension, nothing more than that.

Councilman Colgan said it is more than requesting an extension; it is a substantially reduced fee from what was passed by the Town Board in 2006.

Scott Volkman said that is a legal dispute that occurred between two attorneys representing the Town at one time as to whether or not the fee was or was not applicable. We don't feel they were applicable. We are not looking for special exception. We feel we weren't subject to that. We are working diligently to try to meet the deadline. Too many people have to review too many things.

Supervisor Crane said she's sure that made it all the more complicated to begin with. To have it reside in two municipalities has got to have more complications. She clarified that by December 18th the entire project will be approved.

Pete Setaro told her that the project is already approved. They have conditional approval. They discussed this with the Planning Board and they had no issue with it.

Supervisor Crane proposed that the Board offer an extension on Phase I until December 18th, thereafter the remaining lots will fall under the new recreation fee. She asked the Board's reaction to that.

Councilman Colgan questioned how that would play out in terms of fairness to other projects that have gone forth and paid the higher fee. This is difficult to do without time to think it through. No matter what we do it is a compromise not founded in very good logic.

Attorney Chale recommended waiting until after the Planning Board meeting so that the Board can have the benefit of their discussion.

Scott Volkman submitted information to the Planning Board on September 3, 2008 in anticipation of being on the agenda for one of the September meetings but they cancelled their September meetings. The Planning Board is having a meeting on October 15th and he was told the agenda was full and they would be put off until November. Their approval expires in December and they need to get on that October 15th meeting. He doesn't know when he will be on the Planning Board's agenda; he hopes it will be on October 15th.

Supervisor Crane suggested considering the discussion at the October 22nd meeting after the Planning Board meets on October 15th.

Attorney Chale said it might be helpful to have the Planning Boards input on what they are doing, and then it will become clearer.

Supervisor Crane is willing to add this to the October 22nd agenda hoping that the applicants will get on the Planning Board agenda so we can get some clarification between now and then.

Attorney Chale suggested the applicants discuss those phasing issues and press forward with how that will work to the Planning Board.

Scott Volkman will iron that out with Michelle Greig.

REORGANIZATON

ZRC Liaison - Supervisor Crane met with Tivoli Mayor Tom Cordier who asked to be relieved of his representation on the ZRC because he is overextended. He proposed a new liaison, Doug Dundas, who was in attendance. She read his list of experiences then asked if he would like to share why he is interested in serving on the ZRC.

Doug Dundas told the Board that he’s lived in Tivoli for a year and a half. He and his family were weekenders until then. They decided this would be a better place to raise a child. He wanted to get involved in the community in whatever way would be useful.

Supervisor Crane suggested Mr. Dundas speak with the Chair of the Zoning Review Committee to get up to speed on what they do. It is a committee that is made up of representatives of various committees. She thanked him for his willingness to serve.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to accept Doug Dundas to represent the Village of Tivoli as liaison to the Zoning Board of Review.

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

Information Technology Committee – Supervisor Crane proposed instituting the committee. Their mission is to serve as a planning function. It identifies IT needs/problems, and it proposes network equipment/program solutions. The role of the committee is to audit replacement of equipment (through Purchasing Agent Ted Kudzy), select financial, building, legal, etc. systems (input from Jay Greenblatt), identify operating, network and work station problems, training decisions, manage IT security, and develop disaster preparedness for the IT system. The committee members are Steve Cole, Wayne Hildenbrand, Claire Horst, Ted Kudzy and Deb Marks, with input from Jay Greenblatt and Richard Wambach who manages our web site. Supervisor Crane wants to propose this as part of our 2008 reorganization.

Attorney Chale recommended that Jay Greenblatt and Richard Wambach act as consultants to the Town, not as committee members.

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to adopt the IT Committee as an active committee for the remainder of 2008 and for 2009 with staggered membership. Terms are: Steve Cole - 1 year, Wayne Hildenbrand – 2 years, Claire Horst – 1 year, Ted Kudzy – 2 years and Deb Marks – 1 year.

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

ZONING AMENDMENT DISCUSSION

Supervisor Crane asked if the Board had a chance to read over the proposed changes. The discussion was postponed until the October 7th meeting.

L.O.S.A.P. AUDIT

Supervisor Crane deferred to Councilman Latimer. Councilman Latimer and Rose Rider met with the Chief and some of the administration of the Red Hook Fire Department to audit their records on the LOSAP program. Councilman Latimer said the Fire Department came up with a very precise and well kept set of records. The Village has not received a bill from PENFLEX yet so we don’t know what our cost is. They hope to have it soon.

Rose Rider said we expect to get that information within the next day or so.

Councilman Colgan asked if they’ve worked with Tivoli and Susan Ezrati.

Rose Rider explained that Tivoli’s bill has been paid. We just have not gotten the bill from the Village of Red Hook yet. We can’t get a good estimate until we get that bill.

Attorney Chale explained that we do have a formal intermunicipal committee and she suggested that Councilman Latimer and Susan Ezrati meet with representatives from both fire departments so that everyone administers in the same way. It is important to make sure the programs are operating in parallel.

Supervisor Crane explained that the Village of Red Hook is the actual facilitator for the contract for the Town and Village of Red Hook. In regard to the fire contract we were informed by Attorney Chale that we are required by statute to have a ten day Public Hearing before we approve a new fire contract. We will hold the resolution until the completion of negotiations.

Attorney Chale wants to make sure we know the amount that is being proposed before we set a Public Hearing.

CORRESPONDENCE

- Supervisor Crane referred to a letter from Doug Wicks asking about tax assessment matters. She will respond to the letter and share it with the Board.
- Letter from Van de Water and Van de Water, operating on a pro bono basis, to see if members of the Dutchess County Supervisors and Mayors would join to form a buying group to purchase fuel. Supervisor Crane explained that we purchase under State contract and doesn't know if negotiation is involved. She will find out and pursue that possibility.
- The Beacon Institute for Rivers and Estuaries will open on October 4 from 5 – 7 p.m.
- The Dutchess County Regional Chamber of Commerce and the American Cancer Society invite everyone to attend the lighting of the Mid-Hudson Bridge, kicking off the “Think Pink Campaign” to highlight the American Cancer Society’s efforts to raise awareness of breast cancer. It will take place on October 7th from 6 – 8 p.m. at the River Station with a good view of the Poughkeepsie Bridge.
- The third annual tour of Historic Barns sponsored by Winnakee Land Trust is on October 11th. The barns open at 10:00 a.m. and close at 3:30 p.m.
- Milan Community Day is Saturday, September 27th.

Councilwoman Strawinski thanked Hardscrabble Committee members Doug Strawinski and Town Clerk Sue McCann for the wonderful job they did on Hardscrabble Day.

PUBLIC COMMENT PERIOD

Doug Strawinski commented on the CDBG. He said it is a great opportunity. The Trails Committee as well as the Recreation Committee has always wanted to get a path from the school to the Recreation Park. He also said that Councilwoman Strawinski contacted the School Superintendent to try to get a school zone established on Linden Avenue as well as Route 199 to slow the cars down during school hours. Mr. Strawinski commented on the Anderson Commons project. He thinks the Board has been very fair to them. To come two days before expiration saying it is a complicated project, at this point enough is enough. Those funds (recreation fees) are very important. We have land we would like to develop. With the numbers of properties coming in, the recreation facilities have to expand.

Robert McKeon agrees with everything Doug Strawinski said. There is an equity and fairness to both the developer and the community

Linda Keeling attended the Senior Expo today and felt it was very valuable. There were a lot of vendors there but she felt it was not well attended. It is important to focus on how to get senior citizens out.

Town Clerk Sue McCann said there are a number of volunteers in Red Hook who help seniors get to doctor appointments, etc.

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

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

Respectfully submitted,
Sue McCann, Town Clerk