

RED HOOK TOWN BOARD MEETING
December 30, 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 following the Public Hearings.

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

HIGHWAY GARAGE RESOLUTION (NEGATIVE DECLARATION)

Supervisor Crane referred the Board to a proposal for a negative declaration they received. She asked if anyone had any comments about Phase II of the SEQRA form before the Board voted on the Negative Declaration. Engineer Ray Jurkowski was present to answer any questions. The Phase II identified some issues and answered the questions of those issues.

Councilwoman Strawinski asked if the last vote was on just Phase I.

Engineer Ray Jurkowski responded that according to Engineer Pete Setaro the Board went item by item through the entire EAF.

Supervisor Crane agreed that we accepted the full EAF but we did not move on the Negative Declaration.

Ray Jurkowski explained the purpose of the Negative Declaration is to indicate that the project does not have any adverse environmental impact based on the information presented to date.

Supervisor Crane read the resolution authorizing the filing of Negative Declaration regarding the new Highway Garage and salt storage shed.

RESOLUTION 2008 #80

RE: AUTHORIZING FILING OF NEGATIVE DECLARATION REGARDING NEW
HIGHWAY GARAGE AND SALT STORAGE STRUCTURE

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

Adopted	Ayes	3	Crane, Ross, Latimer
	Nays	2	Strawinski, Colgan

Copy attached

The vote was taken after the following discussion:

Councilwoman Strawinski noted that they just got the information at the meeting.

Councilman Colgan has a hard time defending this because he doesn't believe the issues are clearly resolved.

Councilwoman Strawinski agrees with Councilman Colgan. She would like to read what this all entails. She is new to this kind of language and wants to take some time with it.

Supervisor Crane asked if there was any further discussion.

Councilman Ross felt that any questions they had were answered during the last discussion. The answers are just in print in their packets. He has no problem with this.

Councilman Latimer said the information they received just seems to be a summation of what they went over last time.

Supervisor Crane states that the packet they received is a summation of what was discussed then she called for the vote.

Supervisor Crane moved on to the next resolution. She read the resolution as it takes into account the nine factors set forth in *Matter of County of Monroe v. City of Rochester*. Based on that information the resolution resolved that the Town Board finds the construction of the proposed Highway Garage project is immune from the application of the Town's Zoning Law.

Councilwoman Strawinski questioned number 4 where it says "should the Town Board find that the Town's action is not immune from review under the Zoning Law". She asked for an explanation.

Attorney Polidaro explained that it used to be the case that any Town or municipal project was automatically exempt from the Zoning Laws. What started to happen was that neighboring municipalities would come in and say they were exempt then build big factories or big plants in the middle of the Town. The courts came up with a balancing test to balance the equities. It seems silly to apply it to a Town looking at its own Zoning Laws it was created for an outside Town coming in. Because Red Hook says in its Zoning Code that municipal facilities are subject to the Zoning Law, it doesn't state Red Hook so the Town needs to go through this balancing test. If it is found the Town is not exempt from its own Zoning Law then the Town has to follow the land use process as it is set forth in its code. That would require site plan review. If the Town is found that it is exempt they can just move forward.

Supervisor Crane understood that typically a Town is generally exempt from its own Code.

Attorney Polidaro explained that it used to be the case it was always exempt, but the problem is that term that Red Hook has of "municipal". It doesn't say "Red Hook", it says "municipal".

Councilwoman Strawinski asked if that means we are or are not exempt.

Attorney Polidaro explained that it is what the Town Board is figuring out now, whether or not you want to exempt yourself.

Councilman Colgan said the alternative is whether you want to go through the whole Zoning Appeals process.

Ray Jurkowski said site plan as well.

Attorney Polidaro said the Town could also amend the code to say "Red Hook" instead of "municipal". This is done on a case by case basis and is less drastic than a Zoning Code amendment.

Supervisor Crane continued reading the nine factors in the resolution. She explained the Town can resolve based on the foregoing answers to the issues that were brought forth, that the Town Board finds the construction of the proposed Highway Garage is immune from application of the Town Zoning Law.

RESOLUTION 2008 #81

RE: DETERMINING APPLICATION OF TOWN ZONING LAWS TO HIGHWAY GARAGE PROJECT

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

Adopted	Ayes	4	Crane, Ross, Colgan, Latimer
	Nays	1	Strawinski
			Copy attached

The vote was taken after the following discussion:

Councilman Colgan thinks some of the items were not answered consistently. He doesn't think some of the issues were fully investigated to the extent that they should be and that the Rokeby Road site has been fully investigated. He had a different answer from the State as to the sharing of their facility on Rokeby Road. We have an expenditure problem and we haven't resolved a system of having a cooperative single Highway Department. This would be paid for by both Villages, therefore the residents of the Villages will be paying for two Highway Garages. Those things should be resolved before we move forward.

Supervisor Crane referred to the letter the Town received from NY State DOT Resident Engineer Michael Temple who has denied any part of agreeing to share salt storage at that facility.

Councilwoman Strawinski said they did agree that we could have some sort of discussion with them about the possibility.

Councilman Colgan said that a few months ago he met with Mike Temple and the District Engineer and he said he would see that it was shared with us.

Supervisor Crane read a section of the letter to Highway Superintendent Wayne Hildenbrand dated November 26, 2008 that stated "I have in no way indicated that the New York State DOT would be able to have shared services agreement with the Town or the surrounding municipalities mentioned in your letter at our current facilities". She thinks that is without question a turndown. They are not interested in sharing salt storage.

Councilman Colgan told her that Pete Telesca told him they would definitely do that.

Supervisor Crane asked Councilman Colgan to get a letter from Pete Telesca. As far as she is concerned we have a definitive answer to that.

Councilwoman Strawinski referred to the concern of several residents about the location over the aquifer. She thinks our citizens are very uncomfortable with it being close to the well heads. We are in a recession. We all agree we need a new Highway Garage but this shows a lack of sensitivity to the needs of our residents and their financial constraints. We need to be very conscious of that.

Supervisor Crane is trying to satisfy one issue after another. She is not going to call for a vote to borrow money. She wants to resolve issues we brought forward that we covered and that we can put to bed. It is nonsensical to say we don't have control over land we own. She then called for the vote on the resolution.

Councilman Ross believes that all of the questions have been more than adequately addressed. The Rokeby Road site keeps coming up and that is a site that does not conform to zoning in that area. It has problems because it is an old dump site and the fresh water is contaminated to the point where they can't even wash their vehicles. Not to mention the cost of moving. It makes sense to upgrade and improve what we presently have at this site which has existed here for many years. We are all very much aware of the economy at this time and that may very well work with us. With construction at a low we might be able to get a price better than we would have a year ago and very likely better than we will a few years from now. This is the time to do it. None of us like it but the cost is spread out over many, many years and the economy will improve. He feels it is definitely time to pass this resolution and to move forward with our proposed project. We are discussing the zoning right now.

Councilwoman Strawinski asked if we consulted with the Zoning Review Board or Planning Board.

Councilman Latimer explained that they are about to decide that.

Supervisor Crane said there is no one on the Board that that wouldn't want to take advantage of input from Zoning, Planning, County Planning or from the CAC in order to get the best possible facility.

Attorney Polidaro explained that you don't have to follow the time frames, or wait for them to go through the whole process. It doesn't say that you can't ask them.

Judge Triebwasser explained that there are a variety of facility enhancements having to do with security. A large portion of the grant will go towards making the courtroom more secure for the public as well as court staff. The Town will be reimbursed for the judicial robes and the State also paid for a DVD player. It includes a large construction grant and also provides for office equipment, a New York State Flag and fireproof filing cabinet for important court records. The grant totaled \$15,597.93. When you add the computer equipment they received last year from the State and the nearly \$30,000 for the Village Courts, in the last two years we received about \$46,000 in grants.

Councilman Colgan asked how they plan to implement the changes.

Judge Triebwasser explained that he and Judge Martin spoke with Business Manager Deb Marks as well as Purchasing Agent Ted Kudzy and the work is already in progress. They will work closely with Ms. Marks and Mr. Kudzy.

SET PUBLIC HEARING FOR FIRE CONTRACTS

Supervisor Crane explained that Councilman Latimer consulted with the Village of Tivoli and the Village of Red Hook and we have reached a fair understanding with them. Language has been added to clarify the LOSAP program as it is represented in the document. She asked if any of the Town Board members had issues with the contract.

Councilman Colgan pointed out typographical errors which will be changed.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to set a Public Hearing for Fire Contracts for January 13, 2009 at 7:30 p.m.

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

TREE PRESERVATION COMMISSION

Supervisor Crane referred to a proposal from the Tree Committee that we extend some money from this year's tree budget (they have \$1400 not used). They are proposing \$800 from this year's budget line and \$200 from next year's budget line for a contractual agreement with Linda Keeling for grant writing for the Tree Preservation Committee. She asked Linda Keeling to explain.

Linda Keeling responded that the grant is the Urban and Community Forestry Grant and the idea is to do a survey of the trees in the Town and to plant trees, hopefully on this property as the Town develops it.

Councilman Ross asked if he read that our matching contribution of \$7500 can be in service or volunteering, not in actual cash.

Linda Keeling responded that the \$7500 can be matched in services.

Supervisor Crane said it seems like a good investment. Linda has had good success in the village of Red Hook and the Village and Town of Rhinebeck.

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to allocate the funding for grant writing, \$800 to come out of this year's budget and \$200 to come out of next year's budget.

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

PLANNING DEPARTMENT

Supervisor Crane received a memo from the Planning Board to the Town Board. She read the memo dated December 18, 2008 in which the Planning Board stated that they made a preliminary determination that they are the most appropriate agency to conduct the SEQR of Teviot, LLC Site Plan and Special Permit and requested the Town Boards consent to let the Planning Board serve as lead agency on that application. Supervisor Crane read the nature of the proposal for the project.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved that the Planning Board is the appropriate agency to serve as lead agency for Teviot, LLC-Site Plan and Special Permit.

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

CORRESPONDENCE

- Supervisor Crane received a request for proposals for municipalities from Congresswoman Kirsten Gillibrand regarding infrastructure projects. Supervisor Crane thought it was worthwhile to submit a proposal, a very simplified letter of proposal, through her office to the ultimate consideration for monies from the President elect's economic stimulus bill. She read her letter dated December 29, 2008 to Congresswoman Gillibrand requesting that the Capital Project Highway Garage and the Recreation Park Expansion be included in the economic stimulus bill that the President-elect is drafting.

Supervisor Crane said she sent the letter out at about 1:00 p.m. and about 1:03 p.m. she received a message back from Congresswoman Gillibrand's office saying "this is great, thank you very much".

- A letter of resignation was received on December 21, 2008 from Doug Moat as Chairman of the EDC. Supervisor Crane read the letter from Doug Moat.

- Bill O'Neill requested postponing the Centers and Greenspace presentation from January 6, 2009 to January 13, 2009.

Supervisor Crane will move the reorganization to January 6th to accommodate the presentation. She will send out a press release asking for volunteers.

Councilwoman Strawinski announced the second Winter Farm Market will be on January 10, 2009 then again on the second Saturday in February.

PUBLIC COMMENTS

Supervisor Crane opened for public comments.

Ann Rubin is asking for a global picture of what the costs of the Highway Garage would be and would like them itemized.

John Douglas stated that there seems to be concern about petroleum products being stored at the future Highway Garage. He reminded the Board that Mill Road Elementary School sits over the epicenter of the major aquifer. At one point there were over 80,000 gallons of petroleum products stored there in the ground and above ground. Those tanks were replaced with 32,000 gallons in ground. He doesn't remember the storage capabilities of the above ground tanks. He pointed out the storage of petroleum products at local Stewart's shops, gas stations, and a myriad of other facilities in the Town over the aquifer.

Supervisor Crane thanked them for their comments. She wished everyone a very happy new year and thanked everyone for their attention and cooperation.

On a motion of Councilman Ross, seconded by Councilwoman Strawinski, moved to adjourn the meeting at 8:50 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk