

RED HOOK TOWN BOARD MEETING
February 3, 2009

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 McKeon
Town Clerk Sue McCann

Also Present: Attorney for the Town Christine Chale

Town Clerk Sue McCann presented the 2008 Town Clerk yearly Financial Report and the 2008 Receiver of Taxes report.

Supervisor Crane submitted a revised December 31, 2008 Supervisor's Statement and a copy of the sales tax for 2008.

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

PUBLIC COMMENTS

There were no comments.

ANNOUNCEMENTS

Supervisor Crane announced that we had a tremendous representation at the Hudson Valley Economic Development Summit that was convened by Senator Designate Kirsten Gillibrand. The keynote speaker was Governor Paterson.

Supervisor Crane read the revised monthly Supervisor's Statement dated December 31, 2008. It reflects reclassified revenue in the SF Fund. It was originally filed in the DB Fund. She noted that the numbers don't change but the proper fund has been credited with that money.

Supervisor Crane reported that while we budgeted for \$360,000 in sales tax in 2008, we actually received \$413,844.24.

CONTRACT REFORM ORDINANCE

Councilman McKeon submitted a memo dated February 1, 2009. The memo states that the draft now proposes to define the elective offices and candidates to be of relevance to the legislation, it recommends a two year before and after period for any campaign contributions and provides for inclusion of partners of firms regardless of whether or not they own 10% of the company. He summarized the purpose of the legislation and what it seeks to accomplish. He explained that what this legislation seeks to do is ensure the integrity of the process for both determining who the Town does business with and also the elective process itself.

Supervisor Crane did research on this subject and explained what the Attorney General has said on this very issue. She read an opinion from the Office of the Attorney General of the State Of New York by James Cole, Assistant Attorney General in Charge of Opinions. It states that a local government is not authorized to enact local legislation requiring written disclosure of political contributions by vendors and private businesses that enter contracts to perform County work. This subject has been preempted by the provisions of the New York State Election Law. It goes on to say that while there is authority for the proposal, the power to enact local laws is not unlimited. Local laws must be consistent with the Constitution and the general State law. In our view, the proposal is preempted by State Law Article 14 of the Election Law requires reporting and disclosure of campaign receipts and expenditures and establishes individual contribution limits. The genesis of these requirements was Article 16-A of the prior Election Law, added by Laws of 1974 Chapter 604.466. Former Article 16-A included a declaration of legislative intent. That is, "the legislature intends by this law to create a New York state board of elections vested with authority and responsibility for the execution and enforcement of all laws relating to the elective franchise and to further mandate full and complete disclosure of campaign financing and practices, and to maintain citizen confidence in and full participation in the political process of

our state to the end that the government of this state be and remain ever responsive to the needs and dictates of its residents in the highest and noblest traditions of a free society.” In a prior opinion of that office they also concluded that current Article 14 of the Election Law preempts local legislation. Quote “It is evident from the comprehensive nature of the Election Law that the State intended to occupy fully the area of campaign contribution limits, leaving no room for additional local regulation. Article 14 provides for detailed reporting and disclosure of campaign receipts and expenditures and establishes individual contribution limits. These limits are designed to apply to elections for party positions and to elections for and nominations for all public offices, including those at the local level.”

Supervisor Crane read an opinion she received from Gellert & Klein, P.C. written by James Cole which is very similar. She read “While the above authorization encompasses your proposed local law, there are limitations on this grant of authority. First, a municipality may not adopt local laws which are inconsistent with the Constitution or general State laws.” Supervisor Crane went back to the opinion section that states “You inquire whether the Election Law preempts enactment of Town regulations which should prohibit the award of municipal contracts to persons who have made political contributions to Town officials or candidates for Town office. As part of your inquiry, you have transmitted to us for review a proposed amendment to (the Southampton Town Code). Specifically, the proposed amendment would preclude the awarding of Town contracts” ... it talks about the worth of those contracts. It goes on to say “It is evident from the comprehensive nature of the Election Law that the State intended to occupy fully the area of campaign contribution limits, leaving no room for additional local regulation. Article 14 provides for detailed reporting and disclosure of campaign receipts and expenditures and establishes individual contribution limits. These limits are designed to apply to elections for party positions and to elections for and nominations for all public offices including those at the local level.”

Supervisor Crane said she is left with no doubt that we are not in the position to supersede State Election Law.

Councilman McKeon commented that these opinions, one of which is not comparable, are very dated. They are quoted from matters over a decade old, 2000 and 1995. As recently as December 19th in Federal District Court, the Connecticut Law which bans all political contributions, in these instances was upheld. That is the current ruling regarding public contract reform. In addition, he checked with Attorney Jim Cole with the Association of Towns, who said we absolutely do have the right to enact this type of law. He recommended doing it as part of our Ethics Code.

Supervisor Crane asked if he has that in writing.

Councilman McKeon does not but will be happy to get it in writing.

Supervisor Crane said we need a definitive opinion from the Attorney General and asked to authorize Attorney Chale to request an opinion. Send them a copy of the latest version of the suggested law that Councilman McKeon provided and get an informal opinion from the Attorney General’s Office.

Councilman McKeon would like the Board to look at the proposed legislation to see how they’d like to have it constructed and have a discussion as to whether or not this legislation looks like the way we would want it to look. He feels it is very important to maintain the integrity of the process of awarding contracts. It is the taxpayer’s dollar. We’ve seen examples on the national level and on the State level, allegations and indictments regarding business interests by elected officials. He would like to put precautions in place to ensure our taxpayers are protected in the future. He thinks it is an important initiative, and he knows we want to appoint our consultants. He’d like to get on with discussing the specifics of it.

Supervisor Crane again stated that she intends to authorize Attorney Chale to get the Attorney General’s opinion on the Town’s behalf.

Councilman McKeon pointed out that our Attorney is one of the firms that would be affected by this proposed legislation.

Supervisor Crane said she did not want to hear that from him or anyone else. She has never taken funds from any of the vendors. She asked if Councilman McKeon ever did.

Councilman McKeon responded no.

Supervisor Crane said this does not apply to Red Hook as it stands. She asked if any of the Board members ever received funds from our Attorney, Planner, etc. She wants them to tell the Board if they have and step up and recuse themselves from any vote. We must proceed with the reorganization. She is not going to go over a law that will be struck down. She wants an opinion from the Attorney General's Office. She is not comfortable with tampering with New York State election law no matter how you reword it.

Councilman McKeon said it is not a legislation that proposes to regulate who firms can make donations to. It does regulate who we as the Town spend our taxpayer dollars on contracting with. He maintains the Board will dedicate time do doing this with or without Supervisor Crane's cooperation.

Councilwoman Strawinski agrees with Councilman McKeon and thinks we should have the language in place should this continue to move forward. This affects all of us who hold office and is an ethical law. Our constituents should know they are dealing with trustworthy elected officials.

Supervisor Crane responded that if we want to be worried about trustworthy officials we could craft a law that wouldn't fly in the face of election law and simply say no elected officials can accept contributions from these people.

Councilwoman Strawinski thinks that Councilman McKeon clarified that.

Councilman McKeon said we have to weigh perceived rights of individuals with the rights of the Town and in this instance the Town government. It is always a balancing act.

Councilman Colgan believes this is something we have to discuss, understand, and establish its legality. He has questions and thinks it is worthwhile to find out what the limits of our authority are in establishing such a law. He asked Attorney Chale if she thought it would be possible to have an answer from the Attorney General in a week.

Attorney Chale doubts that we could submit a question to him and get a written response in a week.

Councilman Ross asked what the rush is to get a response in a week. Councilman McKeon said he's never had a problem. He is proposing this to short circuit any possible problems. Councilman Ross personally doesn't see the need because our State Election Law is pretty stringent on all of this. We've never had a problem and he doesn't think we should create legislation that would supersede the Board of Elections or the State law. If we are going to ask an opinion from the State Attorney General's office, what is the rush on it?

Councilman McKeon said that can be done concurrently. We can discuss this proposal then put it up for a public hearing. We can do it in a couple of weeks and that will give us time to get as many opinions as we'd like. Then we can decide if we want to go forward with it.

Councilman Ross said we've never had a problem and every Attorney General's opinion we have so far says that we as a Town don't have the authority to supersede the State on this so why should we be in a rush to create a law that opens us up to a possible lawsuit on the first amendment and the State election law.

Councilman McKeon is referring to all of the businesses and contractors we do business with.

Councilman Ross asked where this came from. He's been on this Board for 20 years and the issue of political contributions has never been an issue. He wouldn't have a notion who our contractors, attorneys or planners are politically.

Supervisor Crane asked where the copy came from for this law.

Councilman McKeon got this from a model ordinance proposed by organizations Common Cause is one of them, used by communities in New Jersey who adopted this type of ordinance. This is to regulate who we do business with. We have the right to decide whether or not we want to do business with firms based upon the activity of their political contributions.

Councilman Strawinski said if you read this there are cures for it. We are a small community.

Councilman McKeon thinks this is worthy of consideration.

Councilman Ross received this proposal today. To go along with Supervisor Crane, why not digest this and continue this conversation next week. He asked if Councilman McKeon is unhappy with some of the consultants. What is the impetus of all this?

Councilman McKeon responded that the impetus is to put in safeguards into the awarding of contracts in the Town of Red Hook. He will make a motion that we put it up for public hearing. He'd like to discuss it.

Councilman Ross would like to hear from the Attorney General before it goes to a public hearing.

Councilwoman Strawinski suggested that Councilman McKeon follow up with Jim Cole on the advice that he had. Maybe we can get something from him in a timelier basis than trying to get something from the Attorney General.

Supervisor Crane is curious to know how to support local business people if we forbid them from making donations to the political process then deny them the opportunity to be hired by us. It looks like we'd have to hire from fifty miles away in order to be fair. I thought we were attempting to be local business friendly.

Councilman McKeon responded we do hire firms outside of the Town of Red Hook. In many respects this is very business friendly. There are many firms that feel undue obligation to make contributions to political parties. This is making it much more business friendly, it is making it politics neutral and there are many studies that show that "pay to play" adds to the cost of doing business in the community.

Supervisor Crane said this is getting grandiose. Are we saying we are going to take back our appointment of Key Bank, M&T Bank and JP Morgan Chase? Are we going to rescind that decision? That's what this (proposed legislation) would say.

Councilman McKeon stated those are depositories, we don't contract with them.

Councilman Ross stated that we do business with them.

Councilman McKeon interjected that there are limitations on this ordinance.

Councilman Colgan would like, at this point, to hear from the Attorney General if he has to call himself.

Councilman Ross thinks a letter from our Supervisor or our Attorney should go for an opinion and be returned to our Attorney or Supervisor. We should be consistent in that.

Councilman McKeon said legal opinions are not of one mind.

Councilman Ross would rather let the opinions come through our Supervisor or our Town Attorney.

Councilman McKeon is not satisfied with that. He proposed the legislation and he is going to do what he can to find out everything he can about the legality in the State of New York for enacting this type of legislation. He is not going to rely on somebody who is unhappy that it is even being proposed.

Councilwoman Strawinski appreciates getting this information. None of us want to go against any election law. We don't want to put ourselves into where we can get into any litigation, but she does think part of the discussion is looking at this and possibly making changes.

Supervisor Crane went on record saying "none of the contractors we've contracted with in my eleven years in office have ever donated to my campaign".

Councilwoman Strawinski gave the example if a contractor contributed to the Democratic State Party and she is up for reelection, the State Party could decide to contribute money to her campaign. That is in a way a contribution from a contractor that we could potentially do business with.

Supervisor Crane suggested moving on to the reorganization.

REORGANIZATION

Supervisor Crane suggested moving ahead with appointments as we know them to be and rescind them if we get a different opinion from the Attorney General.

Attorney for the Town:

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to appoint Rapport, Meyers, Whitbeck, Shaw, & Rodenhausen for Attorneys for the Town.

Denied	Ayes	2	Crane, Ross
	Nays	3	Strawinski, Colgan, McKeon

Town Engineer:

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to appoint Morris Associates and DF Wheeler as Town Engineers.

Denied	Ayes	2	Crane, Ross
	Nays	3	Strawinski, Colgan, McKeon

Recreation Pavilion Coordinator:

Councilwoman Strawinski explained there may be conflicting information about this appointment.

Chair Doug Strawinski explained the Recreation Committee is discussing those positions and are considering changes.

Councilman McKeon explained that when they vote "no" on these appointments it means they are held over. There is no change in who the Town is conducting business with at this time. He stated that he is going to continue to vote "no" on those firms throughout. If there is something else to do on reorganization he will be happy to look at it.

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to appoint the following:

Attorney for the Planning Board – Keane and Beane
Computer Software -Software Consulting Associates
Planner - Greenplan, Inc.
Ted Eglit, Independent Auditor
Pollards Cleaning Service

Denied	Ayes	2	Crane, Ross
	Nays	3	Strawinski, Colgan, McKeon

Councilman Colgan suggested at the beginning of the year the Board should set rules of order for the Town Board. He spoke to the Association of Towns about a set of rules. We have a set of rules of order to which he made a couple of changes. He expanded the agenda item so more of the Board can add items to the agenda. By the time the Board gets it on Friday afternoon all items are insured to be on the agenda in advance so that no one is blind sighted by issues coming up they are not aware of. Item 5 on page 2 is also proposed by the Association of Towns which approaches the same issue. Otherwise the rest of the rules are the same as what we've done previously. He presented copies to the Board.

Councilman McKeon said last year's rules had only one opportunity for Public Comment period. We want that changed in the rules of order for all the meetings.

Supervisor Crane said we can assume there will be a public comment period at every meeting.

Councilman McKeon is not ready to make any committee appointments because the Board has had many letters of interest for various committees. He wants to try to sort them out to make sure we include as many folks as possible and wait for any remaining letters. He would like to go back to salaries and fixing salaries for the Town Board, Town Supervisor and Deputy Supervisor. It is an outstanding obligation that was to be set at the first meeting in January of each year.

Supervisor Crane explained that was set at the final meeting of 2008.

Councilman McKeon said an outgoing Board cannot fix the salaries for an incoming Board and employees for upcoming year. It has to be done the first meeting of the year.

Supervisor Crane referred to the rules of order and told Councilman McKeon that if the Board agrees on the rules proposed, she wants notice that he is going to bring this up the Friday before the meeting we vote on it. She thinks it is incumbent upon Councilman McKeon that he gives her the same courtesy she gives him. Tell her what he will bring up without hitting her broadside which is exactly what he is doing.

Councilman McKeon reviewed the video from the last meeting where he said to expect it to be brought up in the near future. We are required by law to fix the salaries and suggested doing it this evening. He wanted to continue the discussion of the Deputy Supervisor's payroll line. He is uncomfortable with the line of over \$3,000.

Supervisor Crane excused herself to get her copy of the budget.

Councilman Colgan read that in the organizational meeting the salaries shall be fixed. They can't be fixed higher but they can be fixed at a lower rate.

Dick Hansen asked if the contract reform ordinance include contracts such as highway contracts, paving, materials, trucking, and everything that goes through this Town that is awarded as a contract and /or bid.

Councilman Ross answered that would be everything as proposed.

Councilman McKeon said that would be the subject of discussion.

Dick Hansen commented that you would be going a long way away to get service.

Councilman Colgan explained those are all purchased through competitive bidding.

Mr. Hansen said they are all contractors. He just asked how widespread that policy would be.

Councilman McKeon explained two ways it could be done. Again, he said it is a matter of discussion.

Mr. Hansen said if you're looking for integrity you should look for integrity across the board or none at all.

Supervisor Crane returned to the meeting and told Councilman McKeon that he apparently was going to lead this discussion so she offered him to do so.

Councilman McKeon expressed his opinion about the Deputy Supervisor payroll line. He doesn't see the need to have a significant payroll line and he proposed to make that line item \$500. He asked the other Board members their thoughts.

Councilwoman Strawinski thinks we should eliminate that budget line given the economic conditions.

Supervisor Crane asked her if she wanted to eliminate that line altogether.

Councilman Strawinski answered no she thinks the Board should discuss a reduction.

Councilman Ross clarified the budget line and asked that if Councilman McKeon wants to speak about things at least get the figures correct. He said he's been on the Board for many years, and none of the Board members do this for the money. However, he feels the Deputy Supervisor, whether it is himself or anyone else, should have a reasonable budget line. He's never been on the Town Board for the money, being on this Board cost him a lot more money out of his own business. He doesn't appreciate the connotation of Councilman McKeon's discussion either.

Councilman Colgan commented about the Towns fiscal situation. The last thing he wants to do is come out of this year in any kind of trouble. The history of this Town fiscally has been in good shape and he hopes we'll survive this economy. He thinks we should try to save as we can this year. He is aware of unevenness paid Countywide. At this point, this year, we should be very careful. Looking at the report we got tonight we exceeded our expectations of sales taxes for the first three quarters of this year. In the last quarter they clearly went down. He thinks we should be as cautious as possible. The Deputy Supervisor position is a legitimate position, but he thinks the salary is substantially higher than it is in other Towns.

Supervisor Crane said if something should happen to her and she was out of commission for a month or so, the \$3200 is not going to look very generous for the amount of work. It is less than 1% in that line. She doesn't argue that the 4% couldn't be reduced because she believes it could. She said so during the budget process. She has no problem with that.

Councilman Ross explained that when they kept the budget at 4% we didn't anticipate the CPI would be lower this year. That does not take into consideration the tax burdens on our Town employees. Given the increase in school taxes and the rise in property taxes you'd find the expenses for those families were considerably higher than that.

Councilman McKeon is dealing with the Deputy Supervisor's position.

The Board discussed the position and what it entailed.

On a motion of Councilman McKeon, seconded by Councilwoman Strawinski, moved to fix the salary of the Deputy Supervisor for the year 2009 at \$500.00.

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

Councilman McKeon questioned the Supervisor and Town Board increase of 4%. He asked why the Board picked 4%.

Rose Rider said the discussion centered on what would be fair for the employees of the Town in today's economy. That's where the 4% came from across the board.

On a motion of Councilman McKeon, seconded by Councilwoman Strawinski, moved to freeze the Town Board and Town Supervisor's salary at the 2008 level.

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

Councilwoman Strawinski wanted to go on record saying she made that recommendation during the budget process.

Councilman Colgan doesn't want the Town employees to feel at risk and he supports their salaries and positions. He'll do whatever he can to support their salaries this year and in the future, to hold them at an appropriate level.

Councilwoman Strawinski stated not only their salary, but in their positions as we are seeing lots of layoffs.

Councilman McKeon does not want to discuss other elected officials salaries. He hopes the financial situation doesn't get so bad that we have to consider cutting peoples hours and positions here at Town Hall.

Councilman Ross asked if we are making these salary freezes retroactive to February 1 or are we starting March 1? Councilman McKeon didn't state that in his proposal.

Councilman Colgan thinks it would be retroactive. In that category of salary, Town Board members can get medical insurance and if they don't they have a buyout which is a very substantial amount. Regular employees don't get medical insurance if they are part time, as all of the Board positions are determined to be. He is concerned that this is hypocrisy here in how we are functioning. He would prefer that the Board did not have medical insurance, therefore there would not be buyouts involved and it would save substantially on insurance premiums. He'd like to leave this open as a salary related issue. He'd like to ask Business Manager Deb Marks to compare that to other Towns.

Councilman McKeon does not support offering health insurance to the Town Board and Town Supervisor when it's available through other means. If he's mistaken, he stands corrected.

Councilwoman Strawinski said her concern is for future Board members who for whatever reason might not have health insurance. She does not want to see anyone in our community not having health insurance.

Councilman Colgan thinks in terms of salaries of Board members, they are too low in spite of what he said before. He thinks the salary should be enough to motivate people. The salary should be an adequate salary and we should address that in the coming year.

Councilman McKeon is comfortable eliminating health insurance benefits for the Town Board members and for the Supervisor position. He is also comfortable reopening that if in the event one of us doesn't have health insurance we can maybe take a look and see what may be an appropriate contribution on an individual basis.

Councilman Colgan wants more information before he makes a decision. He wouldn't want anyone to go without medical coverage and he'd like Business Manager Deb Marks to look into what other Towns do.

Councilwoman Strawinski agreed with Councilman Colgan. She'd like to see Deb Marks do some research as to what other Towns are doing.

ASSOCIATION OF TOWNS MEETING

Supervisor Crane shared a letter that was written in 2004 that speaks clearly of the staff's interest in going.

Councilman Colgan asked to bring up an issue regarding the reorganization of the committees. In regard to the EDC, he feels it could use a new direction. He thinks their mission statement should be revised and be more specific. He proposed putting a very small committee together to create a new mission statement and a new direction for the Town. Maybe reconfirm the direction that we've had of a different set of people. He's spoken to three people, one from the Northern Dutchess Alliance, Maryann Johnson, and Jim Brudwig an economist at Bard College. The other is Beth Jones who is part of the Chamber of Commerce and has worked in the past in small business development in Dutchess County. He would like to constitute that committee for a period of maybe three months.

Supervisor Crane is meeting with three members of the current EDC tomorrow and would like to table this discussion until next week.

Supervisor Crane returned attention to the Association of Towns. She referred to the letter from eleven employees and staff members who attended the meeting and what they get out of it. Business Manager Deb Marks also prepared a cost of attending. Supervisor Crane gave the Board a list of people who registered this year and asked if any of the Board have questions about those who plan to attend.

Councilwoman Strawinski emphasized that this year we should scale back on who attends the meeting. It appears we spend about \$12,000 a year. She thinks we've been lacking accountability and wants reports from those who attend. She recommends scaling it down to key people. Perhaps in the future we should have an annual resolution as to who should go. She feels the Supervisor, Town Board members, Town Clerk, Business Manager, Budget Manager, Purchasing Manager, one Building Inspector, Highway or Deputy Highway Superintendent, Planning Board Chair, Zoning Board Chair. The positions that get reimbursed by the State would be the Town Justices, Justice Clerks and Town Assessor. She would not have a problem with that being the list of people to go. If anyone else wants to go, they can foot the bill themselves. There are other committee members who can be on a case by case basis. One is Nick Annas, who is a new member on the ZBA. Town Attorneys and Town Engineers can attend at their company's expense.

Councilman McKeon said our volunteers work hard but it is not a good fiscal management practice not to have limitations on who can actually go. He would like it limited to Chairs of committees or boards.

Councilman Ross explained we have felt the education and experience for those who attend was a worthwhile expense. It is always money well spent. It is a once a year conference.

Councilman McKeon suggested enacting a policy regarding attendance to the Association of Towns meeting. There should be limitations on who can go.

Councilman Ross said this Town has functioned well and has been fiscally responsible because of the volunteerism and the feelings it creates. If you want a policy, then during the course of the year, let's sit down and draft a policy that will be reasonable and still be fair to our volunteers and committee members.

Councilwoman Strawinski feels we have to look at cuts that are not a deep hurt to any of our employees. Missing this meeting for a handful of people is not too much to ask.

Supervisor Crane said there are three people on the list that are not part of the list Councilwoman Strawinski named.

Councilman McKeon noticed three ZBA members in the list who want to go to the Association of Towns meeting. Fiscally we need to control this.

Councilman Ross reminded him that the ZBA and Planning Board are required to take so many courses by State law so we are required to educate them.

Councilman McKeon heard stories of Town employees taking limousines on the taxpayer's dime to NY City.

Supervisor Crane clarified that the practice of six or eight people taking a van is cost effective. It is more cost effective than everyone driving.

Town Clerk Sue McCann told the Board that taking the van is cheaper than taking the train.

Councilwoman Strawinski is referring to taking a limo in and around the city.

Councilman Ross stressed that is absolutely not true. Some employees took a van to get to the city which worked out to be a lot cheaper than taking a train or driving down individually. They went down collectively.

Councilman Colgan explained that this should be a good business decision. He sees four people from the ZBA and no one from Planning. He'd love to see someone from Planning.

Supervisor Crane explained that is their choice. She feels flattered and grateful that these people are willing to go.

Councilman McKeon would like to have a policy in place for this.

Supervisor Crane told Councilman McKeon that a policy is too late for this year but he can work on one and bring it forward. This year we have people who took off from work to attend a function they've been counting on and it would be a slap in the face to these people who have spent countless hours volunteering. There are a huge number of zoning topics that will be covered at this Association of Towns meeting. She thinks it is inappropriate to tell them now that they can't go. She asked who Councilman McKeon, Councilwoman Strawinski and Councilman Colgan who it is they want to turn down and asked them to vote on it.

Councilwoman Strawinski suggested eliminating Corinne Weber, Jim Hegstetter and Diana Picciano.

Supervisor Crane informed Councilwoman Strawinski that the Assessor is not attending so Diana Picciano is attending in his stead. The Assessor's office should be represented there and should be taking those classes. She disagrees with Councilwoman Strawinski regarding the Assessor's assistant attending.

Councilman Colgan agrees that someone from the Assessor's office should be there too.

Councilman Ross doesn't think the Board should eliminate anyone who is signed up to go this year. They volunteer for our committees.

On a motion of Councilman Ross, seconded by Supervisor Crane, moved that no one is eliminated who is already signed up to go to the Association of Towns Meeting this year.

Denied	Ayes	2	Crane, Ross
	Nays	3	Strawinski, Colgan, McKeon

On a motion of Councilwoman Strawinski, seconded by Councilman McKeon for discussion, moved to authorize the attendance of the 2009 Association of Towns meeting by the individuals holding the following positions: Town Supervisor, Town Board members, Town Clerk, Business Manager, Budget Manager, Purchasing Manager, one Building Inspector, either the Highway Superintendent or Deputy Highway Superintendent, Planning Board Chair, ZBA Chair and those positions that are reimbursed by the State, Town Justices, Court Clerk, Town Assessor, or Assessor's assistant.

The vote was taken after the following discussion:

Supervisor Crane said there is no one on Councilwoman Strawinski's list going from the Zoning Enforcement Office so that is eliminated. There is no one from the Highway Department attending. That is three people on her list that will not be attending.

Councilman Colgan thinks it is appropriate that in lieu of the Chair, if the Chair from ZBA or Planning can't go that they appoint a member to go, preferably the newest member to get the experience and exposure.

Councilman McKeon stated that until the State of New York adopts a fair taxation policy, there are people who are going to be impacted by the expenses of operating all levels of government. We need to be mindful of all of our expenses.

Councilman Ross said, for discussion purposes, with the money we spend on PDR's and everything that certainly are not necessary expenses, he thinks it is ludicrous to think that you want to deprive hard working volunteers to an educational conference.

The Board continued to discuss this issue then took the vote. The motion was amended to the following:

On a motion of Councilwoman Strawinski, seconded by Councilman McKeon, moved that Justice Jonah Triebwasser, Nancy Roberts, Micki Strawinski, Jim Ross, Nick Annas, Robert McKeon, Sue McCann, Kathy Fell, Sue Crane, Ted Kudzy, Harry Colgan, Diana Picciano, Jeff Martin, Deb Marks, Rose Rider, and John Douglas be allowed to attend the Association of Towns meeting.

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

Councilman Colgan suggested putting in procedure next year as to who can go.

Councilwoman Strawinski recommended that at the February 25th meeting or the first meeting of March, those who attended the Association of Towns meeting submit a written report as to what they've gained from this experience.

Councilman Colgan would just ask informally.

READOPTION OF OMNIPOINT NEGATIVE DECLARATION

Supervisor Crane told the Board that they have to re-adopt the negative declaration on the Omnipoint Communication application. She read the action regarding the communications facility.

RESOLUTION 2009 # 9

RE: RED HOOK COMMUNICATIONS FACILITY

On a motion of Supervisor Sue Crane, seconded by Councilman James Ross, moved to authorize the filing of a Negative Declaration dated February 3, 2009.

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

Copy Attached

ENERGY SMART DISCUSSION

Supervisor Crane asked if anyone in attendance wanted to discuss or make an energy proposal.

CAC member Laurie Husted passed out an Energy Star proposal.

Supervisor Crane read the draft proposal from the CAC regarding Energy Star. It is a draft proposal with legislative intent of the Town to protect the public health, safety and welfare of its residents by mandating that new dwellings comply with the NY Energy Star Labeled Homes Program guidelines.

Councilman Ross is a firm believer in the Energy Star Program. He is also a firm believer that our Building Inspectors should know exactly what the difference in cost is of building a structure complying with this as opposed to the State building code. He is very much in favor of them having all the details at hand and to be given to everyone who applies for a building permit. He is in strong opposition of us having a law requiring them to do so. If it is another financial burden he doesn't think we should make it a rule that they'd have to comply. The New York State building code is stringent and there is no choice but to comply. Although we should encourage builders to go with Energy Star and be as energy conscious as possible, he thinks establishing a law is the wrong thing to do.

Councilman McKeon attended a presentation at the Village Hall by Energy Star builders. The estimate to bring it up to Energy Star ratings is about \$3,000. He researched that the homeowner in most cases saved far in excess of the \$3,000 cost over the life of the mortgage in savings. It might be cheaper to buy an Energy Star home. He feels strongly that Red Hook should be the first community in the County to enact such an ordinance.

Councilman Colgan asked if what Councilman McKeon stated about a \$3,000 increase is accurate.

Laurie Husted responded that Steve Cornicini, who has been building Energy Star homes, says it's about \$5,000. He said you save in the very first year.

Councilman Colgan asked if the code is an addendum to the State Code.

CAC Chair Brenda Cagle said it is part of NYSERDA Energy Star Program.

Councilman Colgan responded that when you are building a house you'd have to look at the State Code and NYSERDA Code. The Building Department and contractor would have to deal with two codes.

Brenda Cagle said we wouldn't have to because there is an independent evaluator to do that work.

Laurie Husted said the people living in the homes are getting the benefits and are the ones paying for it. It is not robbing our taxpayers.

Councilman Ross said that is why he said our Building Inspector should have the details and encourage builders to use them. He strongly disagrees with mandating this. Give them all the information but we should not tell builders that they have to comply with anything more than our State Building Code.

Laurie Husted said having this voluntary is not enough. When builders learn to build this way they will build a better home without a lot more money.

Supervisor Crane asked how many Energy Star builders there are in Red Hook.

Brenda Cagle answered that she knows of only one doing it now. They had five or six builders attend the forum in December. They all seemed very positive.

Councilwoman Strawinski said a lot of builders just have to tweak what they are doing already. It wouldn't be a stretch for them.

Brenda Cagle explained if it doesn't work out it can be changed. They think the time is right and that the products are desirable as we become more aware of the importance of energy efficiency.

Councilman McKeon said it also goes to the demand of fossil fuel. The supply of oil reserves hasn't changed but the cost has. The more we reduce the demand, the more we'll benefit everyone else. It is important to point out that this requirement includes quality construction and performance ratings.

Supervisor Crane asked what a fair commencing date is. She is concerned about the builders that would have to educate themselves. The last thing they need is to be deprived of income especially now.

Brenda Cagle responded about ninety days and explained that there will be training opportunities.

Councilman McKeon said the Governor announced additional funding running through the BOCES program. Ulster BOCES offers these types of courses. We are talking about tweaking what builders are already doing. He thinks ninety days is sufficient notice.

Councilman Colgan feels we should move forward, have a Public Hearing and hear from the builders. He likes the idea of Red Hook being as green as possible. We should keep moving forward until we make a final determination.

Councilwoman Strawinski too, would like to hear from the public.

Supervisor Crane suggested having a Public Hearing regarding the concept on March 10, 2009 at 7:30 p.m. We should get feedback from builders before we engage in a local law.

Councilman McKeon would like to finalize the concept.

Attorney Chale will prepare a local law for review.

Councilman McKeon would like to see a draft in the form of a Local Law that the Board could approve next week. Then we can have a Public Hearing on the 10th.

On a motion of Supervisor Crane, seconded by Councilman McKeon, moved to hold a Public Hearing at 7:30 p.m. on March 10, 2009 regarding the concept of the local law.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	1	Ross

PLANNING BOARD – END OF YEAR ACCOUNTING

Supervisor Crane read the Planning Board 2008 report. Total fees collected - \$9,970.00; Recreation Park monies collected - \$23,700; Escrow monies received - \$45,536.25

DEPARTMENT REPORTS

Assessor – will report at the March 10 meeting

Recycling – Councilwoman Strawinski read the report from Recycling Manager TJ Hackett. He putting together wording for the necessary signs needed at the center. The platform for the high grade paper was damaged and is in need of repair. He believes they can do the repair for a material cost of under \$100. He explained the need of securing the center when they are closed. Installing a gate would be the safest and securest way to go. Finally he believes that the alignment of the containers on site is best and he asked the Board to trust his judgment. Councilwoman Strawinski went through TJ Hackett’s job description and she thinks we should revise it.

Police – Supervisor Crane read the Police report for January 2009 from Patrick Hildenbrand. There were 30 registered complaints (that included alarms and lockouts); 32 traffic tickets issued; no parking tickets; 5 accidents; 4 arrests made; 2 EMS assisted calls. Supervisor Crane told the Board that a local resident complained of speeding on their road. Officer Hildenbrand went and patrolled for several days in a row and found several speeders.

Purchasing – Councilman Colgan read the Purchasing Activity report for the period of January 6, to February 3, 2009. During that period 38 Purchase Orders were issued in the amount of \$75,454.66. The largest to Fairport Ford for \$19,382.07 to purchase a Ford 150 4X4 pickup for the Building Inspector and Zoning Office. The purchase was done under a New York State contract. Another large purchase was \$11,521.82 for road salt with the International Salt Co., also under State contract. We are receiving a large number of responses for a Park Designer/Engineer for the Recreation Park extension. Proposals are scheduled for opening at the Board meeting on February 10th. They are starting work on Requests for Proposals for roof stabilization work for St. Margaret’s. Regarding gasoline costs, in January 2009 the price was \$1.409 per gallon. In January 2008 the cost was \$2.50 per gallon. Gasoline is purchased under NY State Contract from Warex Terminals in Newburgh, NY. Our defibrillators arrived and are installed in the front lobby and in the garage. Purchasing Agent Ted Kudzy is arranging a CPR, defibrillator refresher course for our Town personnel.

Dog Control – Councilwoman Strawinski met with Dog Control Officer Cecil Moore and they designed a monthly report that he will use.

BOARD REPORTS

ZBA – Councilman Ross reported that they met on January 14th. They had two appeals approved and a review of an appeal is scheduled for a Public Hearing on February 11, 2009.

COMMITTEE REPORTS

Ag. & Open Space – Larry Thetford reported that three members attended the Economic Summit Conference on January 26th. The Committee elected two co-chairs, he and Maryann Johnson. They discussed the success of the Winter Farm Market and also the pros and cons of having a market every two weeks as opposed to once a month. Discussions were held regarding recommendations for distance of a buffer zone for buildings on agricultural land. No recommendations have been made as of yet. The Committee vacancy was discussed as to what expertise would be desirable. The Committee is also developing future projects and agenda topics.

C.A.C. - Chair Brenda Cagle reported that the CAC decided to do outreach based on several themes for different months. Zoie Riel volunteered to head the effort. Anne Rubin will be their representative for the organization of SAND a watershed group. Brenda and Laurie Husted did further research on Energy Star code from various communities. A graduate student from the Bard Center for Environmental Policy has agreed to work on climate change efforts. She will begin in mid-May. Grants options are being looked at for their water quality efforts and partial biodiversity mapping. Two applicants for the DEC Camp scholarships have been selected. They will be recognized at a future Town Board meeting. An update to the recycling brochure is in progress. A reference book, *Sustaining Life: how Human Health Depends on Biodiversity* has

been donated to the Red Hook Public Library. Another copy of the book has been placed in the conference room. Their next meeting is February 11, at 7:00 p.m. Agenda items include grant opportunities, outreach events and guest will be Middle School Science Teacher Mary Pat Budd. Ethics – Chair Fred Cartier reported that the Ethics code update is finished. He thanked Attorney Chale for her work with the committee. They are considering a training session regarding the Ethics Law.

Recreation – Chair Doug Strawinski reported that the biggest item is the Recreation Land development. The bid opening will be at next week's Town Board meeting. A community garden idea was brought up possibly at St. Margaret's. The committee is considering purchasing a small portable generator.

Trails – Doug Strawinski read Howie Callies' report. The committee met on January 8th. They invited Ruth Oja, Tom Cordier and Ken Cooper, Bard Security. They want to reestablish part of the Village to Village trail from Bard College to Tivoli, part of it through Tivoli Bays. They intend to clean up the trail. They will meet on February 12th to discuss that. The intent is to make the trail bike friendly. The projected cleanup date is March 28th when they hope to get community groups together. April 18th is the planned trail opening with a bike tour on April 25th.

St. Margaret's – Paula Schoonmaker reported that the committee has been working to fulfill the requirements of a Community Capital Assistance Program grant which was awarded to the Town last fall. The money will be used to repair and stabilize the leaking main roof and porch roofs. There was significant storm damage to some of the trees around the building and John Kuhn took the lead in organizing a small clean-up crew. They spoke to Nancy Guski of the Tree Committee about including the property on their plangent list once they develop a landscape plan. The committee is working to maximize the NYS Parks, Recreation and Historic Preservation grant money by trying to raise the appraised value of the site. Attorney Chale has been invaluable by talking to the real estate people and attorneys at Hannaford about several troublesome issues and they hope to see some results within the next few weeks.

Senior Services – Chair Andrew Kehr presented the report. The committee is updating the Senior News Brochure and they are looking for future distribution. Dick Wambach added a link to their news brochure and also created a page for the Senior Services Committee. The committee then decided to create a mission statement. Sponsoring a food drive for a local food pantry is being considered. Another project they are starting is a Senior Reading Program. In conjunction with Mrs. Donna Gaynor, principal of the Mill Road K-2 primary school, they hope to establish a program to have senior citizen community members read to primary school students. The committee is publicizing the 1st Annual Senior Citizen Snowflake Tea at the Mill Road K-2 cafeteria. The event takes place on Wednesday, February 11th from 1:45 to 2:30. Snow date is February 12th.

Councilman McKeon asked for Andrew Kehr's assistance for transportation committee. He would like some representation from the residents at Red Hook Commons.

ZRC – Chair Susan Simon reported the committee will meet next week.

ANNOUNCEMENTS

Councilwoman Strawinski announced the following:

- She, Councilman Ross, and Councilman McKeon attended a ziti dinner that helped out the Red Hook High School softball players. They are going to have a follow up with another fundraiser sponsored with Pannera Bread in Kingston on February 19th from 5 p.m. to 7 p.m.
- The school district's spring play is Peter Pan. It will take place April 23 – 26 at the High School.
- This Sunday the Friends of the Public Library will have their fifth annual trivia contest at 1 p.m. at Tin Pan Alley.
- On Sunday, March 1, an Irish band, Hair of the Dog will perform at 4:00 p.m. at Cappuccinos. Tickets are \$20.00. It is a fundraiser for the Red Hook Library.
- Farm Market is on February 14, from 10 a.m. – 2 p.m.

CORRESPONDENCE

Supervisor Crane reported the following correspondence:

- Letter from William Sanchez, DC Executive Director of the County Youth Bureau informing us that those funds are at risk and until the State budget is passed and until we know the traditional office of Children and Family Services funding streams will continue to be funded

they will hold the Town's application for recreation and/or service applications until further notice.

- Governor Paterson wrote to say FEMA funds have been expanded. We had extraordinary expenses due to the ice storm. Our road crew put in a lot of overtime and we're hoping we will get reimbursement from FEMA for those costs. We have applied and are waiting to be notified.

- There will be a seminar on Wednesday, February 18th, an overview of New York State Ag. District program and the Agricultural Assessment program for anyone who wishes to attend. It is at the Farm & Home Center on Route 44 in Millbrook from 7 – 9 p.m.

- A news release from the Office of the Dutchess County Executive offers services for those impacted by job loss. The telephone number for the financial management services is (845)677-8223. The DC Department of Mental Hygiene has a 24 hour, 7 days a week HELPLINE, toll free: 1-877-485-9700. The Department of Social Services line is (845)486-3000. It is for home energy assistance, food stamps, temporary assistance, Medicaid and child support. There are other lines available. If any resident needs further assistance, call Supervisor Crane and she will be glad to let them know what is available at the County level.

- A letter was received from a resident on Amherst Street in Red Hook who complained that our Highway Department did not pick up debris in their yard from down trees and limbs. She feels they should do so. We have not typically done that and Highway Superintendent Wayne Hildenbrand will handle this correspondence. She will get back to the Board with any results.

- She read a letter from a gentleman, dated January 28, 2009 who travels several counties on a regular basis who said he was pleased about the roads are cleared. He asked her to pass his gratitude to the Town Board and Highway Department.

Supervisor Crane sent two letters, one to Governor Paterson and to our Legislatures in Albany. One letter was in support of the preservation of Hudson River Greenway, its staff, programs and services. Governor Paterson has suggested merging it into the Department of State. The second letter is in regard to strong opposition to the Ravitch Commission recommending the imposition of a payroll tax on businesses, individuals, non-profits and municipalities within the Metropolitan Transportation Authority's service district. It is to support the MTA. For our Town this new payroll tax would equal \$4,434.24. As a small Town in the Hudson Valley, in these difficult economic times, implementing a new tax is the wrong strategy for New York. The proposed payroll tax is in addition to five other taxes and fees we already pay for the MTA.

Councilman McKeon asked the Board to send a letter of protest to BOCES in Dutchess County who is holding a bond referendum only in one polling site for all County residents. It disenfranchises voters and he asked for the Boards support.

Supervisor Crane already contacted Assemblyman Marc Molinaro in that regard. He is contacting them on the Board's behalf. Councilman McKeon is welcome to construct a letter.

Councilman McKeon said we have not yet set a date for a Scoping Session for the Centers and Greenspace Plan and he would like to move forward with it.

On a motion of Councilman McKeon, seconded by Councilwoman Strawinski, moved to set March 10th for a Public Scoping Session regarding the Centers and Greenspace proposed Local Law at 7:45 p.m. Comments will be accepted until March 16.

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

Councilman McKeon announced that he works with Hearty Roots Farm to do a harvest program for food pantries.

-The library is now offering an option where you can either pay your fine or pay your fine in food supplies which will be given to the food pantries.

-The food pantry at the Methodist Church is starting a program where they are taking recyclable crafts cloths and are working with weavers to produce goods to be sold in order to help fund the food pantry. If anyone is interested in learning about weaving leave a message with Pat Brammer or the Pastor at the church, telephone number 858-6283.

On a motion of Councilman Ross, seconded by Councilwoman Strawinski, moved to adjourn the meeting at 10:33 p.m.

Respectfully submitted,
Sue McCann, Town Clerk