

## RED HOOK TOWN BOARD MEETING

February 10, 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

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

### SUPERVISOR'S REPORT

The Supervisor's monthly statement dated January 31, 2009 was read as follows: Opening Balance - \$1,892,244.15; Receipts - \$529,261.22; Disbursed - \$867,465.34; Balance - \$1,554,040.03.

On a motion of Councilman Ross, seconded by Councilman Colgan, moved to accept the Supervisor's report as read.

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

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Supervisor Crane explained that there were end of the year budget adjustments to review. She passed copies to the Board. She introduced the Town Business Manager, Deborah Marks and Budget Officer, Rose Rider.

Business Manager Deb Marks explained that revenues and expenditures from the previous year are still coming in. Once she is comfortable that all of the revenues are in and that all the expenditures have been appropriated she reviews the books and drafts the budget adjustments for year end. In the General A Fund: Total Reduce Revenues -\$24,185.00; Total Increase Revenues -\$18,299.00; Total Reduce Appropriations -\$49,387.00; Increase in Appropriations - \$40,982.00; Offset to the Fund Balance Reduce the Appropriated Fund Balance - \$2,519.00 In the General B Fund: Total Reduce Revenues - CR \$22,175.00; Total Increase Revenues - \$61,605.00; Total Reduce Appropriations -\$15,439.00; Total Increase Appropriations - \$29,141.00; Offset to the Fund Balance Reduce the Appropriated Fund Balance -\$25,728.00. Highway DB Fund: Total Reduce Revenues -\$5,300.00; Total Increase Revenues -\$1,850.00; Total Reduce Appropriations -\$5,650.00; Total Increase Appropriations -\$26,865.00; Offset to the Fund Balance Appropriate Fund Balance -\$24,665.00. In Other Funds: Total Reduce Revenues - 0.00; Total Increase Revenues - \$18,961.00; Total Reduce Appropriations -0.00; Total Increase Revenue - \$3,575.00; Offset to the Fund Balance Reduce the Appropriated Fund Balance -\$15,386.00.

Budget Office Rose Rider stated that she was gratified to see that we received \$413,000.00 from sales tax.

Supervisor Crane thanked them for their work.

Councilman McKeon asked them if they derived any predictions or if they have any recommendations about what areas they can make adjustments to in the future.

Budget Officer Rose Rider explained that it is very hard to make recommendations.

Councilman McKeon is concerned that we are budgeted much higher than what will turn out to be the case and he asked if they can take a look at it.

Business Manager Deb Marks explained that will be addressed when the Board works on the budget for 2010. We've already projected for 2009 and we base our taxes on that figure. You can certainly do a budget adjustment but it won't impact the taxes for this year. Councilman McKeon said he understands but it will impact where we have to pull from in order to get that budget the way it was. We would have to pull from the reserve. What are we taking from the reserve in order to balance 2009?

Budget Officer Rose Rider answered \$116,000.

Councilman McKeon is concerned that we might have to draw more than that.

Business Manager Deb Marks said this is the beginning of the year.

Councilman McKeon would rather take a look at what may be a closer estimate of how the revenues come in.

Deb Marks explained that you estimate your revenues; you estimate your expenditures and whatever the difference is you appropriate the fund balance. She said the Town is in real good fiscal shape.

Councilman Ross explained that they work to maintain a healthy fund balance and by State law you're only allowed a certain percentage over your budget by a fund balance. We maintain a healthy fund balance for unexpected downturns in our revenue.

On a motion of Councilman Ross, seconded by Councilman McKeon, moved to accept the budget adjustments.

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

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#### **TOWN CLERK'S REPORT**

The Town Clerk's monthly report was read as follows: Total Local Shares Remitted to Supervisor - \$5,474.50; Amount Remitted to County Treasurer for Dog Licenses - \$141.00; Amount Remitted to New York Ag. & Markets - \$57.00; Amount Remitted to NYS Dept. of Health for Marriage Licenses - \$45.00; Amount Remitted to NY State Environmental Conservation - \$89.75; Total State, County & Local Revenues - \$5,807.25.

Town Clerk Sue McCann announced the free AARP Tax Aid at the Rhinebeck Reformed Church Library. The service is available every Thursday from February 5th to April 9th from 9:00 a.m. to 1:00 p.m. She also announced a free rabies clinic at the Milan Town Hall on March 29th from 11:00 a.m. to 3:00 p.m.

#### **PUBLIC COMMENT**

*Linda Keeling* asked if there will be a public comment period at the end of the meeting.

Supervisor Crane responded probably not because it is going to be a long meeting. She wouldn't be opposed to it if there is time. She asked Linda if there was something she wanted to comment on.

*Linda Keeling* would like a public comment period at the end of the meeting because it gives the opportunity to comment on what occurred during the meeting.

*Diana Picciano* referred to a comment made at a previous meeting by Councilwoman Strawinski regarding the employees getting around NY City while at the Association of Towns conference. She clarified that sometimes after classes if they go out to dinner they sometimes take town cars, they sometimes take cabs. She wanted everyone to know that the employees do pay for that out of their own pockets it does not come from the taxpayers.

Councilwoman Strawinski thanked her for clarifying that.

*Frank Stoppenbach* commented about the highway garage. He suggested that the current site is fine commercial property and that the garage could be placed on another site. He asked about the sewer system and asked where the sewage is going to go. He hopes the Board considers this.

*Rosemarie Zengen* checked the agenda for the last couple of meetings and she saw nothing on the agenda that she really wanted to address. She found out later that different items were covered that were not on the agenda. She asked that the Board stick to the agenda and not bring new issues up at the meeting. She also stated that she was told that it would cost taxpayer's 12 cents to send the Town officials to the Association of Towns meeting. She thinks these meetings are not only important for education but for building of moral.

#### **ANNOUNCEMENTS**

Supervisor Crane announced that the property adjacent to the Town Recreation Park has had a huge amount of debris dumping in the wetlands near Apple Ring Road. The Town has undertaken cleaning that up and posted no dumping signs, yet it continues to go on. It is estimated that the hours of labor were 15 and the equipment to clear it could have amounted to \$3,000 in expense to the Town. She read a letter that will be sent to residents in that area notifying them of the dumping and asking that they notify the Town of Red Hook if they observe anyone dumping in the protected wetlands.

Supervisor Crane acknowledged that the Recreation Department received a donation of a 3,000 watt generator from Mr. Richard Hansen for use at the recreation park. She thanked Mr. Hansen for the generous offer.

Supervisor Crane also acknowledged a donation of in kind services from Mr. Mark Graminski who is a surveyor and engineer. He offered to perform, free of charge, a new survey of the new Red Hook recreation land west of Linden Avenue. The survey would replace the certified survey of the former owners. He would also provide, free of charge, a topographical map of the land. She said the recreation department is willing and grateful to take him up on his offer. He can do it in a few days once the weather clears and he can get out on the land. We are extremely grateful to Mr. Graminski and thank him very much.

#### **OPENING OF BIDS FOR RECREATION PARK DESIGN**

Supervisor Crane opened the following bids for the design of the new recreation park on the west side of Linden Avenue:

Brian Higley, Landscape Architect Cold Spring, NY	\$36,020.00 - Total
Hudson Land Design Professional Engineering, PC	\$85,200.00 - Total
DF Wheeler Engineers Red Hook, NY	\$2,940.00 - Concept Plans plus \$14,300.00 - Working Drawing
Weston & Sampson	\$9,900.00 – Lump Sum Total and additional \$2,200.00 – Park Master Plan Concept
Crawford & Associates Engineering PC Hudson, NY	\$7,500.00 – Concept Drawing
Chazen Companies Troy, NY	\$3,200.00 – Concept Design plus \$400.00 – per meeting, plus Estimated drawings are 7% of construction costs
LAN Associates Goshen, NY	\$14,700.00 – lump sum fee
Pouder Design Group Pawling, NY	\$18,355.00 plus reimbursable expenses

LA Group Landscape Architecture & Engineering Saratoga Springs, NY	\$27,295.00 – lump sum fee
J. Paul Vosburgh Architects Rhinebeck, NY 12572	\$17,500.00 – lump sum fee
Hudson & Pacific Design Saugerties, NY	\$29,500.00 – lump sum Phase I \$60,000.00 - \$70,000.00 – Budget range to complete design plans & obtain permit approvals

On a motion of Councilwoman Strawinski, seconded by Councilman Colgan, moved to accept the bids and turn them over to the Recreation Director and to Purchasing Agent Ted Kudzy for their review and recommendation.

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

Councilman McKeon suggested opening bids at the end of the meeting.

Town Clerk McCann explained that there are bidders in the audience and they appreciate following the schedule on the agenda.

Supervisor Crane reminded everyone of the scoping session for the new draft of the Zoning and Planning document known as Centers and Greenspaces on March 10th at 7:45 p.m. A Public Hearing on the Energy Star Program is scheduled for March 10<sup>th</sup> at 7:30 p.m.

Supervisor Crane referred to several longstanding Zoning violations that have a call for action. She referred to documents giving the background of the violations. Supervisor Crane read the following resolution.

**RESOLUTION 2009 #10**

RE: AUTHORIZING COMMENCEMENT OF LITIGATION AGAINST GORDON SAULPAUGH FOR ZONING AND OTHER VIOLATIONS.

On a motion of Councilman Harry Colgan, seconded by Councilwoman Micki Strawinski for discussion moved to approve the resolution.

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

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The vote was taken after the following discussion:

Councilwoman Strawinski asked how many written notices residents get with regard to this kind of action.

Supervisor Crane explained that this particular violation has been going on for several years.

Councilman Ross said our Zoning Enforcement Officer has been working on this. He asked if he feels he exhausted all means.

Supervisor Crane responded he does. The neighbors are affected and there have been remarks about it for a long time. She read a letter from the Zoning Enforcement Officer explaining the situation then read the resolution regarding another violation.

**RESOLUTION 2009 # 11**

RE: AUTHORIZING COMMENCEMENT OF LITIGATION AGAINST RALPH CHOINSKY FOR ZONING AND OTHER VIOLATIONS

On a motion of Councilman Harry Colgan, seconded by Councilwoman Micki Strawinski, moved to approve the resolution.

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

Copy Attached

The vote was taken after the following discussion:

Councilman McKeon asked if the residents have been provided an opportunity to explain why they have not been able to comply.

Attorney Chale said in general our Zoning Officer does a very good job communicating to owners. A resident can always come to a meeting.

Supervisor Crane read a resolution consenting to the provision of sewer service. The Town believes that the best avenue for the creation of the proposed Sewer System is by means of ownership and operation by the Dutchess County Water and Wastewater Authority. The Town recognizes that the ability of the Authority to construct the Sewer System and to provide sewer services to the identified properties within the Town will require the creation by the County of Dutchess of a Part-County Sewer encompassing all properties identified to receive sewer service in the facility plan.

**RESOLUTION 2009 # 12**

RE: CONSENTING TO THE PROVISION OF SEWER SERVICE BY THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY TO INDIVIDUAL CONSUMERS WITHIN A SPECIFIED AREA OF THE TOWN

On a motion of Councilman Harry Colgan, seconded by Councilwoman Micki Strawinski, moved to accept the resolution as read.

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

Copy Attached

Supervisor Crane referred to a resolution she drafted that is a result of a previous discussion regarding the support to town employees and volunteers to attend the annual meeting of the Association of Towns. She said that Councilman McKeon stated there is no policy regarding this and that is true. We never felt the need for policy in the past but it is something to consider and talk about tonight. She read the proposal she prepared.

**RESOLUTION 2009 # 13**

RE: THE APPOINTMENT OF TOWN COUNCILMEN ROBERT MC KEON AND JAMES ROSS TOGETHER WITH BUDGET OFFICER ROSE RIDER TO REVIEW, STUDY AND MAKE RECOMMENDATIONS THAT WOULD BE THE FOUNDATION OF A POLICY FOR PARTICIPATION AND REIMBURSEMENT FOR ATTENDENCE AT THE ANNUAL MEETING OF THE ASSOCIATION OF TOWNS

On a motion of Supervisor Sue Crane, seconded by Councilwoman Micki Strawinski, moved to accept the resolution as stated.

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

The vote was taken after the following discussion:

Councilwoman Strawinski had information about training available on line for Zoning and Planning members. She had correspondence from Kevin Crawford who is the Executive Director of the New York Municipal Insurance Reciprocal who said members can be trained

online and that many are doing their training on line. They will provide a certificate for anyone who completes a tutorial and sends the test answers.

Supervisor Crane explained that her resolution pertains to the annual meeting of the Association of Towns. Out of the recommendations may come some alternative choices. Last week it was a very difficult conversation and she thinks it is not a bad idea to propose a policy.

Councilman Colgan explained that members of the Planning Board and Zoning Board are required to have training. Dutchess County Planning provides training and he suggested looking into what local free training is available.

Councilman McKeon thought that possibly education could be brought to us.

Councilman Ross was not aware of this resolution and he has no problem coming up with the charge of the resolution.

### **REORGANIZATION**

Supervisor Crane referred to the reorganization and started with a discussion about salaries and benefits. Sometimes the Town Board has discussion and makes decisions that have unintended consequences. She thinks some of the discussions from the previous meeting had an unintended consequence. That is to cause anxiety, angst, and concern on the part of employees who work for the Town that the Town could in fact reduce their salaries if they wish.

On a motion of Supervisor Crane, second by Councilman Colgan, moved to accept all the remaining salaries for the 2009 budget.

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

Supervisor Crane explained that Business Manager Deb Marks contacted all Towns in Dutchess County and got county wide salary comparisons. Several things came out of this. There was a question last week as to whether the Town Board should receive the benefit of either the medical plan or a buy out for that medical plan. Reviewing the various Towns and their policies showed that they are pretty much all over the board. Some do pay, some don't, some pay 100%, and some pay 80%. She thinks that the Board should say that the benefits in place remain in place and that we study this for the next fiscal year. She asked for comments from the Board.

Councilman Colgan said coming from the old school of equal pay for equal work everyone should receive the same amount. That is muddled by the cost of medical benefits that vary from person to person. It is something that should take a great deal of thought. Looking at Deb Marks charts comparing salaries from municipality to municipality, they are all over the place. It is difficult to rationalize. The Board should look into this in the future.

Supervisor Crane's understanding regarding the buyout is that it apparently comes down from the State Comptroller's office that a buyout was required for persons who did not require medical insurance because, were they to receive nothing, that meant that their compensation was less than those who received the medical insurance. It was an attempt to equalize those salaries through a buyout or medical insurance. The purpose of the buyout was to attempt to be fair.

Councilman Ross said when we started that policy they voted for 33% which was on the conservative side of buyouts in any other municipality and school districts. Many of them were 50 % and some were 100%. 100% made no sense because then it would cost the Town. They came up with 33% because it was conservative at the time and fiscally fair to the Town. This past fall we reduced it to 25% because the cost of insurance has gone up considerably.

Councilman McKeon hasn't heard anything to change his position. He doesn't think it is fair that part time positions (Town Board) receive health care when others who work here don't receive health care benefits. He will not accept the buyout. He'd like someone to make a motion to do away with the healthcare benefits.

Councilwoman Strawinski agrees with Councilman McKeon. She received the buyout while she gets medical insurance through her employer. She felt like she was cheating the Townspeople. It can be construed as adding to a salary.

Councilman Colgan suggested a volunteer basis individually. He doesn't think we need a motion, he suggested deciding individually whether or not to take it.

Supervisor Crane thinks that is responsible. She told the Board that she received notification from both judges, Justice Martin and Justice Triebwasser, that in fact, by law, the Magistrates Association holds that any reduction in indirect compensation during the terms of office is unconstitutional therefore unenforceable. They discussed this and they will voluntarily agree to such a reduction in the health care benefits. They too will do this on a voluntary basis and she thanked them for their consideration.

Councilman Ross clarified that was for the budget reduction from 33% to 25%. In actuality they say case law says we can't do that.

Supervisor Crane will keep the reorganization on the agenda until the Board gets it done. She moved on to the issue of the Economic Development Committee and asked Councilman Colgan to lead that discussion.

Councilman Colgan thinks that the EDC might broaden its scope, set specific goals and that we might include on the committee some people who each have very specific and different skills. He spoke to MaryAnn Johnson who is working with Northern Dutchess Alliance, Jim Brudvig, Vice President of Bard College and Beth Jones who has worked on this type of thing in Poughkeepsie. He had conversation with Michelle Martin who works for Smith Barney and is very active in the Chamber of Commerce. Ed Pruitt, the manager of Rhinebeck Savings Bank is another person he spoke to. Michelle Martin and Councilman Colgan feel they should have a committee of five who might develop an agenda and a mission statement that would lead us in the right direction to fulfill our economic needs. With Centers and Greenspace there will be many opportunities that will provide commercial areas. There is a lot of opportunity here. He thinks a three month period would be adequate to come up with a plan and present it to the Board.

On a motion of Councilman Colgan, seconded by Councilman McKeon, moved to have a committee of five people together Chaired by Michelle Martin to research, evaluate and determine the agenda of the Economic Development Committee and come back to the Board with their suggestions as to how to implement that in a period of three months.

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

The vote was taken after the following discussion:

Councilman Ross asked if this is another committee to recommend to the Economic Development Committee.

Supervisor Crane explained it would be a task force.

Councilman Ross doesn't understand why the EDC doesn't make the charge themselves.

The Board continued the discussion of the relevance of a task force.

Supervisor Crane isn't sure she agrees with the strategy of putting a task force together of their liking. She spoke to Michelle Martin who told her she doesn't think it is a good idea to have a task force in lieu of an Economic Development Committee.

Councilman Ross agrees. He feels the Board should appoint the EDC and let them get back to the Board with their charge in three months.

Councilman McKeon thinks the EDC could use some guidance and should come up with a mission statement. He supports Councilman Colgan's idea.

Supervisor Crane told the Board that the EDC worked hard to develop a mission statement and she went on to read it.

The five members of the task force will be Michelle Martin, Ed Pruitt, Mary Ann Johnson, Jim Brudvig, and Beth Jones. The Board will not complete the appointment of the EDC for three months.

Supervisor Crane will not communicate this decision to the EDC since she does not agree with it.

Councilwoman Strawinski, as the EDC's liaison, will talk to them.

### **COMMITTEE APPOINTMENTS**

Supervisor Crane explained that there are some committees that the Board can appoint.

Community Preservation Fund Committee – the committee proposed a new Chair, Susan Ezrati.

On a motion of Supervisor Crane, motion not seconded, moved to accept Susan Ezrati as Chair of that committee.

Councilman McKeon wasn't aware the Board was going to do this.

Supervisor Crane is uneasy not having the reorganization. She suggests reviewing the committees; recognize the vacancies and whose terms are up to consider this for the next discussion.

Ag & Open Space Committee – three terms are up. The committee proposed Mary Ann Johnson and Larry Thetford. There is one vacancy.

Conservation Advisory Committee – Brenda Cagle is the Chair, Mary Ann Johnson resigned. Ellis, Riel, Ferguson and Rubin are to be reappointed. There is one vacancy. Brenda Cagle has two candidates in mind.

Design Review/Hamlet Committee – has not been active. They have been consulted at the Planning Board level. Supervisor Crane has not heard from any of the members.

Disaster Preparedness Committee – all memberships are up in 2008. Councilwoman Strawinski will contact them to see who is still interested. John Douglas resigned from the committee.

Ethics Board – The Chair, Fred Cartier, is the only decision. The other members' terms do not expire. The Ethics Board members expect Fred to remain as Chair.

Farmland Protection Committee – status is unknown. There are five vacancies. Councilman Ross will contact those members to see who is willing to stay on.

Greenway & Trails Committee – the proposed Chair is Howie Callies. There has been some outside interest in the committee. Five are up for reappointment.

IT Committee – Wayne Hildenbrand is proposed as Chair, five memberships are up.

Planning Board – Christine Kane's term is up as well as her appointment of Chair. Paul Telesca's term is up.

Recreation Committee – proposed Doug Strawinski as Chair. All terms are recommended to reappointment. They will stagger the appointments.

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to reappoint to the Recreation Committee Hollis Cochran and Tom Gilbert terms to expire December 31, 2009 and Doug Strawinski, Barbara Fiore and Shannon Miller terms to expire December 31, 2010.

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

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to reappoint Doug Strawinski as Chair of the Recreation Commission term to expire December 31, 2009.

Adopted	Ayes	4	Crane, Ross, Colgan, McKeon
	Nays	0	
	Recuse	1	Strawinski

St. Margaret's Task Force – they are waiting for decisions to come from the State regarding the grant funding. Projects have been suggested to be undertaken when the weather breaks.

Supervisor Crane suggested increasing their membership. There has been a lot of interest. Winthrop Aldrich submitted his resignation.

Councilman Ross suggested increasing the membership to seven.

Senior Services Committee – two year appointments and have a number of openings. Andrew Kehr is recommended as Chair again. There are two vacancies. She asked that the committee make recommendations for those vacancies. Andrew Kehr is working on it.

Transportation Committee – Councilman McKeon is working on getting members

Tree Commission – Nancy Guski is recommended as Chair. Two member's terms are up, Rosemarie Zengen and Karen Cardorette. Rosemarie expressed interest in returning.

On a motion of Supervisor Crane seconded by Councilwoman Strawinski, moved to reappoint Nancy Guski as Chair of the Tree Commission term to expire December 31, 2009.

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

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to reappoint Rosemarie Zengen to the Tree Commission term to expire December 31, 2010.

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

Water District – Chair needs reappointment. There are three to be appointed and there is once vacancy. Gerry Gilnack is recommended to fill the vacancy.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to appoint Gerry Gilnack and reappoint Henry Van Parys, Nick Annas and Dick Franklin to the Water Board terms to expire December 31, 2010.

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

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, move to reappoint Hank VanParys as Chair of the Water Board term to expire December 31, 2009.

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

Zoning Board of Appeals– Mike Mosher resigned. There is one vacancy and two terms up. A Chair needs to be appointed. John Douglas and Tim Ross are interested in remaining.

Councilman Colgan wants to hold off on the appointments until they can look at it. There are a number of people whose terms expire in the same year and he doesn't understand it.

Supervisor Crane thinks that is a function of the number of people who resigned in off years.

Councilwoman Strawinski wants to look at the attendance.

Attorney Chale suggested correcting the staggered terms. There are supposed to be seven year staggered terms. One could expire in 2010, one in 2011 and so on.

Supervisor Crane suggested the vacancy to expire in 2010. John Douglas in 2011 and Tim Ross in 2015.

Councilman Colgan asked to keep the ZBA on hold because he wants to think about it.

Supervisor Crane suggested moving Craig Christensen into the vacancy.

Councilwoman Strawinski asked if the alternates are subject to the 2/3<sup>rd</sup> attendance.

Attorney Chale responded that she doesn't think that policy was part of their appointment but she thinks they are subject to the training requirements.

Supervisor Crane asked if enough of the Board members were willing to vote on the appointment. Councilmen Colgan, McKeon and Councilwoman Strawinski were not willing to vote.

Zoning Review Committee – terms have to be staggered. Only one term is not up and there is one vacancy. Susan Simon is interested in remaining as Chair.

Councilman McKeon wants to hold off until those people whose terms expired are asked if they are interested in reappointment. He asked Susan Simon if she will ask if they want to keep on representation from the Village liaisons.

Ethics – The Board decided to move forward with appointing the Chair of the Ethics Board.

On a motion of Councilwoman Strawinski, seconded by Councilman Colgan, moved to reappoint Fred Cartier as Chair of the Ethics Board term to expire December 31, 2009.

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

## **ENERGY STAR**

Supervisor Crane referred to the proposed local law entitled “Fire Prevention and Building Construction”. The law would require that certain new residential construction comply with Energy Star standards.

Attorney Chale said this is a slightly revised version. She explained the contents of the proposal.

Supervisor Crane said the Public Hearing is set for the March 10th meeting. She suggested everyone review the draft in order to have the final version available.

The Board discussed the contents of the draft proposed Local Law.

Attorney Chale explained that NYSERDA has various programs and the Board needs to decide what program to target.

Brenda Cagle, CAC Chair, said they thought that having New York Energy Star labeled homes was sufficient. That is a defined program.

The Board continued to discuss Energy Star definitions for the proposed Local Law.

Laurie Husted suggested referring to the 2008/2009 version.

Attorney Chale explained that the CAC decided to stick with the scoring system that NYSERDA is using.

Supervisor Crane suggested postponing until the meeting of February 25th for reconsidering the proposal.

Attorney Chale forwarded the draft to the Building Department for their input.

## **TOWN BOARD RULES OF ORDER DISCUSSION**

Supervisor Crane announced that in March, 2008 the Town Board moved to approve rules of order for meetings of the Town Board. There has been a slight revision of that. It consists of noting in the order of business that there will be a public comment period at every Town Board meeting, business or otherwise. She said that Councilman Colgan wished to add that Town Board members may add motions or resolutions to the agenda. They must be provided in writing to the Supervisor, Board Members and the Town Clerk by noon on the Friday before the Board meeting. They will be on the website at noon the Monday before the meeting.

Councilman Colgan explained that these rules are what were recommended by the Association of Towns.

Supervisor Crane read number 5 titled Motions and Resolutions which was an addition to the rules of order passed last year.

The Board discussed the intent of the addition to the present rules of order.

Attorney Chale explained there are existing procedures that were approved by the Board so if those procedures are going to be varied she strongly recommends doing so by resolution.

On a motion of Councilman Colgan, seconded by Supervisor Crane, moved to approve the new Rules of Order with in mind they can be changed at any time.

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

The vote was taken after the following discussion:

Councilman McKeon would like to see an agenda available on Friday

Supervisor Crane would like to see it too, but it is not possible. She can get it out on Monday morning or she can give the Board what she has on Thursday.

Councilman McKeon would rather have a draft agenda recognizing there may be things added. He'd rather see a draft early for the public.

Supervisor Crane will do the best she can to get the agenda out as early as she can.

Councilman McKeon would like to amend the rules to have sufficient notice in the form of a draft agenda whenever possible on the Thursday preceding any Town Board meeting.

Councilwoman Strawinski agreed.

Councilman Ross does not agree, because our Supervisor works hard to make the Board members well aware of what is going on and he feels the previous rules are sufficient.

Supervisor Crane can't agree to something she cannot uphold.

#### **PUBLIC CONTRACT REFORM ORDINANCE DISCUSSION**

Supervisor Crane addressed Councilman Colgan about the fact that he wanted the Public Contract Reform Ordinance discussed at tonight's meeting.

Councilman Colgan deferred to Councilman McKeon.

Councilman McKeon presented a draft based upon discussions he's had with people. The proposal is a law that would govern who we would do business with based upon campaign contributions. The goal of this ordinance would be to try and prevent any type of appearance of influence based upon contributions for actual influence. He made a couple of minor changes and passed out the latest draft. He reviewed the changes that he made to his second draft.

Councilman Colgan suggested that Councilman McKeon summarize this in a broad way as to how it would function and what its impacts would be.

Councilman McKeon gave examples of the types of firms his proposal affects. He explained that while he was campaigning he found that some voters think decisions are being made in a way that might suggest that there is some influence. Since he's been working on this he's had people who used to do business in Red Hook come to him and express their concern that they believe there may be some relationship between the awarding of contracts and contributions. Everyone is entitled to their opinion. It is not the Town Board's job to determine whether or not it is going on in our Town. He stated that we need the necessary safeguards in place.

Councilman Ross doesn't see the need for this because it overlaps the State election laws. It is not under our purvey. We have a very strict bidding process, we have sealed bids, and in the twenty years he's been on the Board no decision has ever been made or was it known if any of the bidders or contractors donated to any political party at all. It was never in question when it came to the decision making process of the Town Board.

Councilwoman Strawinski thinks we should consider it. She questioned a date in section two of the proposal.

Supervisor Crane commented that she believes that current campaign finance law, combined with a strong procurement policy and Red Hook's strict code of ethics adequately protects our community from undue influence. She explained campaign finance law and explained that campaign contributions are available to the public at any given time. Any contributions over \$99.00 are required to be revealed. She asked if Councilman Colgan and Councilwoman Strawinski don't believe that we are strongly protected through our procurement policy which is based strictly on New York State procurement policy and our Code of Ethics which happens to probably the strictest Code of Ethics around. If they don't believe this is true, that they are protected in those ways, she asked them to tell her what contract or purchases they approved during their year in office that has resulted in undue influence. She asked what contracts they could use as an example.

Councilman Colgan said he couldn't answer that. He can only answer in terms of his own thoughts. He can't think of anything specific. If he could have he wouldn't have done it. He sees this as a minimal law making a statement of who we are. It only affects appointment circumstances; most of the business we do is by competitive bid that is not affected. It is just a statement of who we are. He doesn't find it onerous or that it has a substantial affect on how we do business. It says we are concerned about appearances as well as actual facts.

Councilwoman Strawinski responded that though she doesn't know this with 100% certainty she thinks the appointed positions don't have contracts. We have some with regard to attorneys but she's never seen a contract with our engineers, webmaster or the cleaning company. She thinks the proposed ordinance could be the beginning of much needed campaign finance reform with regard to how much a candidate should be able to raise.

Supervisor Crane confirmed that Councilwoman Strawinski doesn't feel that our current policies and laws protect the Town of Red Hook and its residents from undue influence.

Councilwoman Strawinski said we can do more to eliminate perception of favoritism to any of these people that contract with the Town.

Supervisor Crane asked her if she ever experienced any undue influence from any contractor, professional or vendor that we have done business with.

Councilwoman Strawinski responded that she knows there is a vendor who has made substantial contributions to one particular party over the other in the past two years in her reviewing campaign contributions, yes.

Councilman Ross asked who the vendor was, it should be public information.

Councilwoman Strawinski responded our current engineer, Morris and Associates.

Supervisor Crane asked who they contributed to.

Councilwoman Strawinski said although they didn't make a direct contribution to their campaigns there is a way for that to filter down to various local campaigns.

Councilman McKeon thinks it is inappropriate to talk about any particular vendor because they work off of their reputations and deserve better than to have their names brought up. This is going to apply to everyone who either works for the Town in a professional service capacity or everyone who seeks to work for the Town. There is sufficient reason to wonder where money has come from. He wants to make sure that in no way we are restricting the ability of any candidate to mount an effective campaign. This is not going to affect all of the businesses in Town; it doesn't even affect all of the businesses we do business with. If we look at who we are doing business with, the majority of them are not local Red Hook businesses.

Supervisor Crane turned attention to the opinions of the Attorney General. She read Opinion #95-46 regarding local laws which would prohibit the award of municipal contracts to persons who have made political contributions to Town officials or candidates for Town office is preempted by State Law. This opinion has not been overturned, the opinion remains the same. She read more of the opinion. It concluded that a municipality may not adopt laws which are inconsistent with the constitution of general State laws. It is evident that the State intended to

occupy fully the area of campaign contribution limits leaving no room for additional local regulation. She read more of the opinion. She also provided an opinion from an attorney, , James Walsh, who specializes in election law and is counsel to the New York State Assembly minority who, in conclusion, advised against the implementation of this proposal. The opinion was dated February 9, 2009. Supervisor Crane explained that this opinion raises questions of litigations, violation of the First Amendment; the Supreme Court has held that the right to donate to political campaigns is equivalent to freedom of speech. There are limitations under New York State law different from New Jersey law and Connecticut law that govern our campaign contributions. The lack of enforceability frustrates her more than anything. She asked who is going to be responsible for all of this. What about intermunicipal contracts, the employee assistance contract that we have with St. Francis Hospital? St. Francis Hospital board members contribute to political campaigns. She asked what we do about employee assistance contracts. Who monitors it? Who do we pay to do this? This is so fraught with more questions than answers. We all abide by campaign election laws and register with that election board with our campaign finances. She is afraid this law will put us at risk of a libel situation. Both political parties are extremely concerned about the broad reaching effects of this law.

Councilman McKeon responded that there are court cases contrary to the first opinion she read. He knows of no courts in the state of New York who have overturned these regulations. Mr. Walsh may want to take a look at court cases which upheld ordinances that mirror the proposed legislation. He will bring them forward at a public hearing. He wants to get input from the public. The Federal District Courts have upheld this type of legislation and answered many of the questions raised by Supervisor Crane. He will make those cases available at a public hearing. When we get feedback from the public then we can decide at that point if we want to continue to move forward. He presented a draft proposal for a law to amend the Town's Code of Ethics, and it's Procurement Policy. He discussed the proposed legislation with Jim Cole of the Association of Towns and he told Councilman McKeon that he felt comfortable that we were on pretty firm ground and we should go ahead with the legislation.

Supervisor Crane reminded Councilman McKeon that he said he was going to bring something in writing.

Councilman McKeon apologized that he doesn't have it. He said he did have a conversation with Jim Cole and e-mailed Supervisor Crane to encourage her to have a conversation with him so she can hear what his thoughts were. Councilman McKeon said ordinances are in effect in NY and they have not been successfully legally challenged.

Supervisor Crane asked where.

Councilman McKeon will discuss that at the public hearing. He wants a public hearing on this at the February 25th meeting. He asked Attorney Chale if she had something in the form that we could have a public hearing on.

Attorney Chale indicated she just received a copy of the latest draft today and doesn't understand his question.

Councilman McKeon asks if it sufficient if we put a Local Law #2009B on his draft.

Supervisor Crane can not believe you are putting it out to the public like this.

Councilman McKeon stated he is putting this for a public hearing which I believe very strongly in hearing from the public. At that point we can decide whether or not to go forward.

Rosemarie Zengen, resident suggests putting it on the agenda first before a public hearing. If you know that culprits are out there this stuff is going on and you are not coming forward with that, don't go on a witch hunt.

Councilman McKeon feels it is inappropriate to use terms like culprits. It's not a thought that he has, he's talking about safeguards.

Councilwoman Strawinski asks the Supervisor to control the assembly.

Councilman McKeon stated he respects Rosemarie opinion.

Councilman McKeon asks Attorney Chale do you have something for Local Law 2009B and can we roll with that for a public hearing.

Attorney Chale explained she has nothing other than what you put down here but the Town Board can always call a public hearing on something whether or not it is in a form that is consistent with your current codes and how it will be incorporated is another issue. If you want to incorporate it in the current Code of Ethics you'd have to indicate how it gets incorporated. Your Code of Ethics is directed at public officers, it's not directed at contracts. If you are intending to amend your Code of Ethics she said he needs to explore what provisions he proposes to include in the Code of Ethics. This can affect your procurement policy. Textually it is not clear how you are proposing to effect public officers as opposed to contracts. This speaks to contracts.

Councilman McKeon said it does speak to contracts but it alerts elected officials. He said that Jim Cole said this should be included in our Code of Ethics.

Supervisor Crane said before this goes to public hearing this Board is owed the background materials Councilman McKeon has, where it exists in other Towns in New York State, how you propose to manage it, how we are going to monitor it, how we are going to enforce it.

On a motion of Councilman McKeon, seconded by Councilwoman Strawinski, moved to schedule a public hearing for February 25, 2009 at 7:30 p.m.

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

The vote was taken after the following discussion:

Councilman McKeon, again, stated that he wants to hear from the public at the next Board meeting.

Supervisor Crane reminded him that she will not be here for that meeting.

Councilman McKeon appreciates that she will not be here but since this is designed to solicit information from the public he wants input as soon as possible; it is now over a month since this was originally put forward.

Councilwoman Strawinski will second his motion as she wants to hear from the public as well.

Supervisor Crane said the final draft came tonight and she would hope that the Board would have the courtesy, if there is a public hearing about this proposal, that he would make sure that she was part of the discussion.

Councilman McKeon feels the people's business moves forward. He wants input from all avenues but he will not slow down an important initiative and wanted his motion to be voted on.

Councilman Ross commented that he agrees wholeheartedly with Supervisor Crane that there is no purpose in this. Our State election laws and campaign finance laws more than cover this subject and he doesn't understand Councilman McKeon's point.

Councilman Colgan stated he has no further comments.

Councilwoman Strawinski asked for the supporting detail that Councilman McKeon said he would bring forward at the public hearing.

Councilman McKeon answered that at the public hearing, when they discuss some of the court cases, he will be happy to provide the information he has. He stated that it is available for the general public. There has been a lot of decision making in this area.

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to go into Executive Session to discuss a particular matter relating to litigation at 10:55 p.m.

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

The vote was taken after the following announcement:

Councilman McKeon offered his condolences to the Bard family and the hardworking individuals of Taconic News as the paper is closing Thursday.

*Rosemarie Zengen* asked for a public comment period before the Board goes into Executive Session.

Supervisor Crane opened for public comments.

*Linda Keeling* commented that regarding the Saulpaugh incident, in the early 1990's he filled in a wetlands area.

*Rosemarie Zengen* stated that she is amazed at the number of people that have been insulted at tonight's meeting. The members of the Justice System, secretaries, employees going to the Association of Towns meeting, the conveyors who deal with the Town. The Supervisor herself has been upstaged several times by members of the Board. She thinks this is an exhilarating time for the Democrats in this country and she expected more from Councilman McKeon. For him to constantly vote in a block shows how insecure he is, and what happened tonight is not the democratic process. You don't come into office insulting people. This is a beautiful community and is not as bad as he is portraying it.

*Beth Jones* commended Councilman McKeon. She campaigned door to door for people and consistently got feedback from the citizens of Red Hook that they believe the only way to get to do business in this Town is if you support certain parties and certain candidates. She doesn't know that is true, and she is not saying it is her opinion. She thinks this ordinance is presenting to the citizens that we are above board and it only raises the level of integrity of our Town. She thinks it is a great idea.

*Richard Hansen* is concerned that, pending the outcome of this ordinance, it has put the reappointment of professionals on hold, particularly the attorney. As he understands it you sought out an attorney who would go on retainer. Right now we have a lot of business that is not being included in that retainer. Is he to understand that it is being incurred by the hour and per diem?

Supervisor Crane responded that she assumes so.

Councilman McKeon stated that is an assumption.

Supervisor Crane stated there has not been an agreement because an appointment has not been made.

*Richard Hansen* said we are piling up a lot of business that could go on the retainer fee rather than the current fee. Based on past history, the attorney fees for the ordinances are somewhere around \$7,000. It seems to him that with all the business we have on the table right now we are getting rid of a lot of money that could have been on retainer by holding up these appointments.

Councilman McKeon appreciates his input but he is making an assumption. It is an issue that he has raised and he is concerned with as well and I did discuss it with our current attorney. We are looking at every expense the Town has.

*Richard Hansen* said if he's making an assumption, can he put it in a direct question and asked if the attorney's fees are on retainer or per diem per hour.

Supervisor Crane assumes we are on hold with the arrangement we had with our attorney from 2008. There is no reason to think the 2009 agreement is effective until the attorney is appointed.

*Richard Hansen* responded then we are paying by the hour and that could wind up being \$25,000 just for what you have on the table right now and that is a great concern for the taxpayers.

Councilman McKeon told Mr. Hansen he was making an assumption but appreciates his opinion.

Supervisor Crane thanked everyone for coming then the Board moved to the Executive Session previously voted on.

After the Executive Session Attorney Chale proposed a motion by the Board to execute a confidential settlement agreement on file with the Town Clerk with respect to the Anthony and Sarah J. Barraco vs. Town of Red Hook matter as recommended by the Town's special counsel in this matter.

On a motion of Councilwoman Strawinski, seconded by Councilman Colgan, moved to execute the confidential settlement agreement proposed by Attorney Chale.

Adopted	Ayes	4	Crane, Ross, Strawinski, Colgan
	Nays	0	
	Abstain	1	McKeon

On a motion of Councilman Colgan, seconded by Councilman McKeon, moved to adjourn the meeting at 11:12 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk