

RED HOOK TOWN BOARD MEETING

April 13, 2010

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 pm.

Present: Supervisor Sue Crane
Councilwoman Micki Strawinski
Councilman Harry Colgan
Councilman William O'Neill
Town Clerk Sue McCann
Absent: Councilman James Ross
Also Present: Attorney for the Town Christine Chale

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

SUPERVISOR'S REPORT

Supervisor Crane presented a revised report for the period ending February 28, 2010. There were some deductibles for the health insurance plan that was revised. The Supervisor's statement was read as follows: Opening balance - \$1,619,716.78; Receipts - \$1,925,519.20; Disbursed - \$638,285.35; Balance - \$2,906,950.63. The revised Supervisor's report for the period ending March 31, 2010 was read as follows: Opening balance - \$2,906,950.63; Receipts - \$1,707,915.57; Disbursed - \$1,375,466.01; Balance - \$3,239,400.19. Supervisor Crane asked Business Manager Deb Marks to review the budget adjustments and the suggestion for the capital reserve fund the Board talked about establishing.

Business Manager Deb Marks referred to a memo she sent to the Board. She explained that the Town Board recently authorized the appropriation of \$50,000 from the General A Fund – fund balance to create a Capital Reserve for Buildings. She explained the balance on record and said she would like to reduce that amount, using \$50,000 for the new Capital Reserve for Buildings.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to reduce the amount by \$50,000 to create a Capital Reserve for Buildings.

Adopted Ayes 4 Crane, Strawinski, Colgan, O'Neill
Nays 0
Absent 1 Ross

Business Manager Deb Marks explained the budget adjustments prior to close the month of February in the General A Fund, the General B Fund and the DB Fund. For the month of March there were also adjustments made in the General A Fund and the DB Fund.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to approve the budget adjustments provided for the month of February 2010 and for the month of March 2010.

Adopted Ayes 4 Crane, Strawinski, Colgan, O'Neill
Nays 0
Absent 1 Ross

Copy Attached

On a motion of Councilwoman Strawinski seconded by Councilman Colgan moved to accept the Supervisor's reports for the month of February 2010 and the month of March 2010.

Adopted Ayes 4 Crane, Strawinski, Colgan, O'Neill
Nays 0
Absent 1 Ross

Copy Attached

TOWN CLERK'S REPORT

The Town Clerk's report for the period February 1 to February 28, 2010 was read as follows: Total local shares remitted to the Supervisor - \$3,546.75; amount remitted to the County Treasurer for Dog Licenses - \$63.45; amount remitted to NYS Ag. & Markets - \$3.00; amount remitted to NYS Dept. of Health for Marriage Licenses - \$22.50; amount remitted to NYS Environmental Conservation - \$102.05; Total State, County & Local revenues - \$3,737.75. The Town Clerk's report for the period March 1 to March 31, 2010 was read as follows:

Total local shares remitted to the Supervisor - \$2,325.36; amount remitted to the County Treasurer for Dog Licenses - \$59.92; amount remitted to NYS Dept. of Health for Marriage Licenses - \$22.50; amount remitted to NYS Environmental Conservation - \$527.22; Total State, County & Local revenues \$2,935.00.

Town Clerk Sue McCann announced that Recycle Stickers are on sale. 742 have been sold so far. She called and expressed interest in having the Hazardous Waste Day in Red Hook again, but unfortunately it won't be held here. She provided a phone number for anyone interested.

PUBLIC COMMENT PERIOD

Lisa Pullaro commented about the Town Clean-Up Day. She asked if this is an official Town event. She is not against a Town clean up as she participates herself. A notice did go home through the school district and it does not indicate that it is a Town sponsored event, but we had this discussion last September about the same thing. If this is a Town sponsored event it should go out with the Town Clerk as the contact and not an individual's personal e-mail and personal cell phone number. She asked if the school Superintendent believes this is a Town sponsored event but she doesn't think he does. If this is on the agenda, proposed to be a Town event, the Town is entitled to an accounting as to what resources, what services and what cost it will be to the taxpayers.

Councilwoman Strawinski told Mrs. Pullaro that the flyer was sent by Henry Christopher from the Northern Dutchess Communities That Care. He had his own flyer that he inadvertently sent before she actually gave him clearance to send it.

Lisa Pullaro thinks we need clarification about this. We have a notification that goes out saying the second annual Red Hook clean up. If the Board is not aware of this, that is a disservice to our school Superintendent who went through the same thing last year. Here we are discussing this again. This should be in a much more transparent manner.

Councilwoman Strawinski said she is misinterpreting.

Supervisor Crane interrupted and said it is on the agenda and it will be discussed later. There will be ample opportunity to talk about it then. We do not debate during public comment period.

Councilwoman Strawinski repeated that the flyer that went home is part of the Northern Dutchess Communities That Care.

Lisa Pullaro stated the flyer had Councilwoman Strawinski and Robert McKeon as personal contacts. If it is Town sponsored, it should go through the Town Clerk's office.

Councilwoman Strawinski responded that the Town Clerk's office is very busy.

Dutchess County Legislator Ben Traudt gave an update regarding the last meeting of the Dutchess County Legislature. They had the second Public Hearing on the Red Hook sewer district and adopted the final two resolutions to approve that unanimously. He thanked Councilman O'Neill and Councilman Colgan for attending the meeting and voicing support. He explained they are in the final stages of getting it done. This Saturday there will be an adolescent mental health forum at St. Christopher's Gym from 10:30 a.m. to 3:00 p.m. Daycare will be provided and all are welcome.

ANNOUNCEMENTS

Supervisor Crane informed the Board that at the next meeting there will be a resolution on the agenda to include those people who wish to participate in the New York State Employees Retirement System who are elected officials. The Board will need to be in touch with Business Manager Deb Marks and log the hours they spent so they can be attached to that resolution.

Councilman O'Neill announced that the agricultural round table will take place at the Rokeby Farm at 7:00 p.m. on April 21. It is an association of farmers in the Town of Red Hook and is centered on farm infrastructure.

Councilwoman Strawinski made announcements that were advertised in the About Town newspaper.

CENTERS & GREENSPACE UPDATE – MICHELLE GREIG

Supervisor Crane introduced Michelle Greig, Planner for the Town of Red Hook, who will be giving an update on the Centers and Greenspace Plan.

Michelle Greig reported that the Environmental Impact Statement will be ready by the next Town Board meeting on April 28th. She reviewed the SEQRA process in order for everyone to understand what was coming up. She presented the Board with a handout. At the next meeting the Board will be able to review the preliminary draft EIS for completeness. She explained the

completeness review which is the responsibility of the lead agency. Michelle reviewed the SEQR process for Municipal Boards. Hopefully, by the May 11th meeting, the Board will actually be able to deem it complete. It is a formal action by the Town Board and she will prepare a resolution. Once the EIS is deemed complete the Town will be able to take three very important steps. First, it gets sent to Dutchess County Planning for their formal review, next is to send it to the Town Planning Board, third is setting a public hearing. It will be a combined hearing on the draft EIS and the proposed action. She suggested that she prepare a red lined version of the proposed local law for the Board to see the changes.

Supervisor Crane received comments and asked if those will be included in the changes. Michelle responded that if she did not receive them, they wouldn't be in the changes but she will keep the comments for the final review. She said the EIS does explain in great detail what the proposed action is.

Attorney Chale referred to a resolution establishing a date for a Public Hearing regarding the adoption by the Town Board. She explained what is involved when you are making such a broad zoning change as this will be. This will amend the one little provision in the current code. She explained that the Board could call a Public Hearing to get the process started. The Board discussed the issue of zoning code changes with Attorney Chale. She explained that in the case of a deletion, you would follow the State process.

Supervisor Crane suggested holding the Public Hearing on April 28th at 7:45 p.m.

RESOLUTION 2010 #18

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. 1 OF 2010 (PROPOSED)

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to hold the Public Hearing on April 28, 2010 at 7:45 p.m.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

Copy Attached

NOISE ORDINANCE

Supervisor Crane explained that we've had some complaints and the question arose for the Board's consideration whether or not we need a noise ordinance. Village of Red Hook Police Chief Truitt told the Board that he has responded to noise complaints many times and generally he has been able to take care of them by going to the home. It seems to her that it is best to keep it as simple as possible and not adopt an enormous law that sometimes is awkward if not impossible to enforce. She told the Board that Attorney Chale has prepared and researched two noise ordinances. One that was adopted and used by the Village of Tivoli and one that was adopted and used by the Town of Poughkeepsie. They are comprehensive. She recommended that the Board familiarize themselves with the ordinances provided.

Councilman Colgan suggested asking the ZRC to look at it.

Supervisor Crane agrees.

Attorney Chale said that both of the ordinances she provided as examples are similar in approach and explained the similarities.

Supervisor Crane will send a note to the ZRC along with copies of the two ordinances and ask them to put it on their agenda for their next meeting.

SURPLUS HIGHWAY EQUIPMENT RESOLUTION

Supervisor Crane explained that Highway Superintendent Bucky Coon has provided information about surplus at the Highway Garage. He is asking the Board to authorize the sale of surplus items which she listed.

Highway Superintendent Bucky Coon explained the items and said that one was replaced last year. Some of the items could be sold for parts.

Supervisor Crane read the resolution.

RESOLUTION 2010 #19

RE: AUTHORIZING THE SALE OF SURPLUS ITEMS BY THE TOWN BOARD OF THE TOWN OF RED HOOK

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

Copy Attached

HIGHWAY OFFICE MODULAR LEASING – BUCKY COON

Highway Superintendent Bucky Coon lead the discussion regarding leasing a modular office. He explained the situation in the present office. The fumes, exhaust and dirt from the vehicles he feels are a health issue. Office space outside would alleviate them. He got four different prices and suggested Williams Scotsman who was the best price at \$295 per month. A handicapped ramp would have to be added which he could install himself. He is proposing this for the year and it would be located alongside the garage.

Business Manager Deb Marks asked if it would have to be insured.

Bucky responded yes.

Supervisor Crane asked if the Highway Dept. had a budget line that could offset the expense.

Business Manager Marks explained where funding could come from. \$3,000 could come from the garage general line and appropriate \$4,000 from the fund balance.

RESOLUTION 2010 #20

RE: AUTHORIZING THE SUPERVISOR TO ENTER INTO A LEASE AGREEMENT WITH WILLIAMS SCOTSMAN FOR A 60 x 12 MOBILE OFFICE FOR THE HIGHWAY DEPARTMENT

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

Copy Attached

Attorney Chale explained there is one other item to address. Highway Superintendent Bucky Coon asked her to create an intermunicipal agreement to reflect what has been current practice with respect to an informal sharing of equipment.

Highway Superintendent Coon explained the services that are shared among the Town of Red Hook, Village of Tivoli, Village of Red Hook and the Town of Pine Plains. Since the Highway Superintendent is responsible he feels a resolution would be in order.

Attorney Chale explained the resolution. It is open ended and is a vehicle for a practical sharing of what is available. There is a provision for maintaining records and logs.

RESOLUTION 2010 #21

RE: AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT REGARDING HIGHWAY DEPARTMENT SHARED SERVICES

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

Copy Attached

DEER RUN DRAINAGE EASEMENT REPORT – CHRISTINE CHALE

Supervisor Crane referred to a memo from Attorney Chale regarding the drainage easements on Deer Run Road.

Attorney Chale explained that she is not ready to ask the Board for action yet but told the Board that we were contacted by an Attorney for the current owner. She and Bucky have been doing research. There were some areas that were not accepted by the Town. Bucky and Town Engineer Dan Wheeler preliminarily looked at those easements and think we should have them for Town purposes. She asked the owners Attorney to provide a legal description of those proposed easements. If the Town so chooses, they can take an action to accept those drainages based on Dan and Bucky’s recommendations. Bucky would like to have access.

TOWN EVENTS – CLEAN UP DAY AND TOUR DE RED HOOK

Clean Up Day – Councilwoman Strawinski said there was an oversight at our last Board meeting when we did discuss the Clean up Day and we should have voted to have it as a sanctioned event. She thought there was a general understanding that this would be a Town event. She suggested that the Town designate two days as Town Clean up Days.

Councilman Colgan thought the Fall Clean up Day was a Bard College event.

Councilwoman Strawinski suggested one Clean up Day in April the Saturday before Earth Day and the other is in September, the Saturday before Clean up the Earth Day. She would like the days scheduled every year on our calendar so we don’t have to vote each year.

Attorney Chale, concerned about risk management, asked if there is going to be a committee or is the Board itself going to take responsibility.

Councilwoman Strawinski would like to have the motion say that there should be one Board member who is part of the leadership and organization of Clean up Day along with a volunteer from the community.

Supervisor Crane asked if that would satisfy the risk management issue.

Councilwoman Strawinski explained that the Northern Dutchess Communities that Care spoke to the Senior Services Committee about the possibility of helping senior citizens with spring clean up, the issue of liability came up.

Councilman O’Neill asked who was going to pay for all this.

Councilman Colgan stated liability would be covered under the insurance we have as a municipality.

Attorney Chale explained that if it is a Town sponsored event insurance would cover the Town for its own negligence but it doesn’t answer all questions.

Supervisor Crane, directing her comment to Attorney Chale, stated that she sent a generic release for minors.

Attorney Chale told her that was from the Town’s insurance representative Gerry Haight. She thinks we will modify it when we actually do the event.

Supervisor Crane asked if she is suggesting we get people who are participating to sign releases. Attorney Chale responded that is what Gerry suggested, yes.

Councilman O’Neill asked if the insurance liability includes the Villages.

Attorney Chale responded no, our insurance is for us. If it is an event that we are going to sponsor our insurance is for the Town’s liability. She passed on information from our insurance man about risk management. They should be addressed in methodical way.

Councilwoman Strawinski commented that this is subject to change given that our time on the Board is limited or ends and it would mean someone else on the Board would have to be willing to lead the effort.

Attorney Chale stated that it is important that someone takes responsibility for coordinating, monitoring and making sure that some of these issues are addressed.

On a motion of Councilwoman Crane seconded by Councilman Colgan moved to schedule two Town clean up days, one on the Saturday prior to Earth Day and one on the Saturday prior to Hardscrabble Day with a Town Board contact name and email as part of advertising.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O’Neill
	Nays	0	
	Absent	1	Ross

Supervisor Crane noted that NYMIR, our New York Municipal Insurance Reciprocal, Director of Risk Management suggested that we speak to the police and emergency service people about whether or not they can provide lead and tail police cars and an ambulance in the vicinity. It is also a good idea to get a permit in which the Town would have to submit a route plan.

Attorney Chale stated that is for the next issue coming up, the bike plan.

Tour De Red Hook – Councilwoman Strawinski said the Greenway & Trails Committee is proposing a bike ride on Sunday, May 16th. Howie Callies, Chair of the committee, provided a memo and map of the proposed route. The plan is to start at the Recreation Park and is approximately 6.5 miles round trip. It would require police presence. There is a need for a number of volunteers.

Howie Callies told the Board that until he hears that the issues the Board discussed are resolved they don't know if and how they can proceed. He said he cautioned everyone not to promote this until everything is resolved.

Recreation Chair Doug Strawinski said they chose a Sunday afternoon from 1:00 to 3:00. They are going to try to get as many volunteers as possible.

Councilwoman Strawinski said they spoke with Red Hook Village Police Chief Truitt who said they have an hourly rate for their services. The Greenway & Trails Committee and the Rec. Committee have some money in their budgets which, when combined, could cover the cost. The Board discussed the issue of volunteers and safety.

Supervisor Crane is comfortable trying this as an event. It seems like a reasonable two hour event. She would endorse it and hopes that it grows every year.

Howie Callies told the Board that if some areas are too problematic, he could make some modifications.

On a motion of Councilwoman Strawinski seconded by Councilman Colgan moved to authorize May 16th as a Town sponsored event called Tour de Red Hook sponsored by the Greenway and Trails Committee.

Adopted	Ayes 4	Crane, Strawinski, Colgan, O'Neill
	Nays 0	
	Absent 1	Ross

RESOLUTION TO APPOINT SPECIAL PROSECUTOR

Supervisor Crane explained that the Board reviewed the concept of hiring a special prosecutor. They went out for proposals and received a number of applications. The Town Board reviewed them thoroughly, and at the March 24th Town Board meeting decided to appoint James P. Kelley of the firm Rizzo and Kelley of Poughkeepsie to the position of Special Prosecutor for the Town.

RESOLUTION 2010 #22

RE: TO APPOINT JAMES P. KELLEY, ESQ. TO THE POSITION OF SPECIAL PROSECUTOR FOR THE TOWN OF RED HOOK FOR LITIGATION IN THE COURTS OF THE TOWN OF RED HOOK IN THE MATTER OF VEHICLE AND TRAFFIC VIOLATIONS FOR THE N.Y. STATE POLICE, DUTCHESS COUNTY SHERIFF'S DEPARTMENT AND RED HOOK VILLAGE POLICE DEPARTMENT

On a motion of Supervisor Sue Crane seconded by Councilwoman Micki Strawinski moved to adopt the resolution as read.

Adopted	Ayes 4	Crane, Strawinski, Colgan, O'Neill
	Nays 0	
	Absent 1	Ross

Copy Attached

The vote was taken after the following discussion:

Business Manager Deborah Marks asked if the fees will come out of the Justice Court line in the budget.

Supervisor Crane responded they will come out of the A Fund and will be against Court revenue. She will get his information to Deb Marks.

MOTION TO APPOINT MEMBER TO THE BOARD OF ASSESSMENT REVIEW

Supervisor Crane received a memo from Town Assessor Jeff Churchill regarding the Board of Assessment Review (BAR) appointment. There is a training class for the new person to attend in early May. He asked to authorize the appointment in order for the new member to be notified in time for the training. He and Carl Dowden, Chairman of the BAR, met with three people who expressed interest in serving on the BAR. After careful consideration they recommended Janina Biezynski be offered the position.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to appoint Janina Biezynski to the Board of Assessment Review.

Adopted	Ayes	4	Crane, Colgan, O'Neill
	Nays	1	Strawinski
	Absent	1	Ross

The vote was taken after the following discussion:

Councilwoman Strawinski was concerned because she said she did not see any of the resumes except for one. She would like to see all three resumes.

Supervisor Crane responded that Town Assessor Jeff Churchill offered for any of the Board members to go to his office to discuss the interviews.

Councilwoman Strawinski thinks the Board should consider what the Assessor has to say but she said it is the Town Board's final decision. She can't make a decision without seeing someone's credentials, she thinks it is due diligence. Until she see's in black and white what her credentials are she can't agree.

Supervisor Crane will notify Jeff Churchill of the Board's decision.

CORRESPONDENCE

Supervisor Crane referred to the following correspondence:

- The US Census Bureau wants to make sure residents return their census forms.
- NY State DEC sponsored workshop which qualifies for Board training - Trees and Urban Community Landscape on May 4th from 7 – 9 p.m.
- Hendrick Hudson Lodge – will celebrate their 100th year on June 19.
- DC Executive William Steinhaus invites everyone to a Celebration of Aging on May 17th to celebrate senior citizens of the year and senior achievement awards.
- Letter from Elizabeth Avis written to Village of Red Hook Mayor David Cohen regarding the recent demolition of the historic saltbox caretakers house on the Lutheran Church property on South Broadway. Citizens should have gotten involved and prevented its demolition.
- Friends of the Public Library are having a "Big Read" kickoff ceremony on May 8 at 1:00 pm
- Letters from students in Linden Avenue School with various concerns
- A letter regarding the application of Champlain Hudson Power Express, Inc. talking about the intent to run a circuit 319 miles from the Canadian border to Yonkers. They are notifying the Town of their intent.

Attorney Chale suggested the Board ask someone to review the specific proposal to determine if they want to offer comments.

Councilman Colgan feels it is the Town's responsibility to pay attention to it.

Town Clerk Sue McCann asked if the Community Preservation Fund Committee and Greenway & Trails Committee could look for another night for their meetings due to a conflict with court nights. Judge Triebwasser asked that no other meetings be scheduled on court nights.

Councilwoman Strawinski will contact the Trails Committee and Councilman Colgan will contact the CPF Committee.

PUBLIC COMMENT PERIOD

There were no comments.

On a motion of Supervisor Crane seconded by Councilwoman Strawinski moved to go into Attorney/Client session at 9:40 p.m.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

On a motion of Councilman O'Neill seconded by Councilman Colgan moved to close Attorney/Client session.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

On a motion of Councilman Colgan seconded by Supervisor Crane moved to authorize the Building Department and Attorney Chale's office to prosecute a violation order issued against Levine and Stritzler for Building Department violations.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

On a motion of Supervisor Crane seconded by Councilman Colgan moved to adjourn the meeting at 10:15 pm.

Adopted	Ayes	4	Crane, Strawinski, Colgan, O'Neill
	Nays	0	
	Absent	1	Ross

Respectfully submitted,

Sue McCann, Town Clerk