

## RED HOOK TOWN BOARD MEETING

May 11, 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 p.m.

Present: Supervisor Sue Crane  
Councilwoman Micki Strawinski  
Councilman James Ross  
Councilman Harry Colgan  
Councilman William O'Neill  
Town Clerk Sue McCann

Also Present: Attorney for the Town Christine Chale

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

### DEDICATION

Supervisor Crane asked Town Clerk Sue McCann to dedicate a page in the minutes of this meeting to a former Town Board member George M. Reid who passed away last week. He was a well known community activist and dedicated volunteer for many causes. He served on the Town Board, Planning Board, School Board, ZBA, active in Scouting and was specifically involved in the creation of the Red Hook Recreation Park. We owe our gratitude to him.

### SUPERVISOR'S REPORT

The Supervisor's monthly report dated April 30, 2010, was read as follows: Opening balance - \$3,239,400.19; Receipts - \$416,621.21; Disbursed - \$532,157.53; Balance - \$3,123,863.87.

Supervisor Crane asked Business Manager Deborah Marks to comment on the adjustments to budgeted expenditures for the period January 2010 to April 2010.

*Business Manager Deb Marks* reviewed and explained the adjustments prior to closing April 2010. In the General A Fund – total offset appropriation to the fund balance: \$1,543; General B Fund – reduce appropriation to the fund balance: \$85.00; Highway DB Fund – reduced \$2,000; Water Works O & M Fund & Other Funds – total offset of appropriations - \$3,345.

Deb informed the Board that we received our first check for the sales tax revenue in the amount of \$89,500.

On a motion of Councilman Ross seconded by Councilman Colgan moved to accept the Supervisor's report with budget adjustments.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

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### TOWN CLERK'S REPORT

The Town Clerk's report for the period April 1, 2010 to April 30, 2010 was read as follows:

Total local shares remitted to the Supervisor - \$1,404.86; total local shares remitted to County Treasurer for Dog Licenses - \$70.10; amount remitted to NYS Ag. & Markets - \$9.00; amount remitted to NYS Dept. of Health for Marriage Licenses - \$180.00; amount remitted to NYS Environmental Conservation - \$1,988.04; Total State, County & Local Revenues – \$3,652.00.

*Town Clerk Sue McCann* attended the NYS Town Clerk's Association Annual meeting and they heard that NY State is going to eliminate the dog licensing unit from their budget. All the functions would be given to the municipalities. She passed out a copy of the power point presentation explaining the new licensing. The Town Board will probably have to either amend or develop a new local law. We will have to be responsible for purchasing tags and probably additional computer software. It has not yet been approved by the NY State Legislature but has been approved by the Governor. If it passes it will start up as of January. She explained the difference between the revenue now and if the proposal gets approved. She also wanted the Board to realize the costs when the budget is up for discussion.

### ANNOUNCEMENTS

*Councilman O'Neill* announced a Hudson Heritage fund raiser. Town Historian J. Winthrop Aldrich and Professor Nicholas Robinson will be speakers.

*Supervisor Crane* gave the dates of the event. It will take place on May 13<sup>th</sup> and 14<sup>th</sup>. One day admission is \$75 and two day admission is \$135.

*Councilman Colgan* announced that the Northern Dutchess Alliance has a similar presentation on June 16<sup>th</sup> at 4:00 on preserving our heritage.

*Councilwoman Strawinski* thanked the Rotary for sponsoring Apple Blossom Day. The Big Read kickoff was held at the Red Hook library and the Tour de Red Hook bicycle tour will be Sunday from 1:00 – 3:00 starting at the Rec. Park.

### **PUBLIC HEARING CONTINUATION – LOCAL LAW #1 AMENDMENT**

Supervisor Crane opened the public hearing at 7:45 p.m.

There were no comments.

On a motion of Supervisor Crane seconded by Councilwoman Strawinski moved to close the public hearing.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

### **PUBLIC COMMENT PERIOD**

Supervisor Crane opened for public comments.

*Linda Keeling* directed her question to Town Clerk Sue McCann. She asked if the burn ban will be lifted soon.

*Town Clerk Sue McCann* responded that the ban ran from March 15<sup>th</sup> through May 14<sup>th</sup>. On May 15<sup>th</sup> residents will be allowed to burn. That rule will be yearly and is through New York State DEC.

### **RED HOOK CENTRAL SCHOOL DISTRICT BUDGET PRESENTATION: BRUCE MARTIN AND PAUL FINCH**

*Supervisor Crane* introduced Red Hook School District Superintendent Paul Finch and School District Business Manager Bruce Martin who were in attendance to discuss the upcoming school budget.

*Superintendent Paul Finch* explained that they've come to talk about preservation of what makes the district special in Red Hook. We are facing an unprecedented reduction in State aid under the Governors proposal. This year taking into account reduced State aid we were looking at a double digit tax levy increase. The School Board and Administrative team said that is absolutely unacceptable and looked at areas to trim and/or eliminate. He explained the actions the School Board took to reduce the tax levy increase until they reached 5.9% which represents a 1.37% expenditure increase, the lowest that anyone can remember. Because of our relative dependence on State aid, that drives the 5.9% tax levy increase. To get to that 5.9% they had to make significant cuts. He shared the cuts and eliminations the school district made. He calculated that about 22 positions are affected, either reduced or eliminated and represent about 5% of the total workforce. That was to get down to the 5.9%.

*School District Business Manager Bruce Martin* explained that Paul Finch did a good job summarizing how they got to the point they are now. He sees three things that made this a difficult budget year. Red Hook's share of State aid represents a \$1.1 million reduction. He explained how that relates to the tax levy. The second factor is that if we are unable to gain community support and we have to adopt a contingency budget for the 2010/2011 school year that contingent budget is based on a strict percentage cap. That cap is driven by the consumer price index measure from the previously completed calendar year. He explained the measures the district used last year. In the event that the Red Hook Central School District has to develop a contingent budget the contingent budget this year would be required to have a 0% increase compared to the 2009/2010 budget. He explained those items that are exempt from that cap. The third factor is less tangible. There is anxiety over the economy, government entities and school district. They are concerned that those anxieties will make people more reluctant to come out and support the budget. He explained how they tried to take all into consideration.

*Superintendent Paul Finch* explained the difference between the proposed budget and contingent budget. It would be a difference of 1.7%. He feels that if more cuts were made due to a contingent budget those cuts would be destructive to our organization. He listed the cuts that would be necessary and the impacts they would make. The district feels this is more than just a one year problem and they will have to be very strategic about how they move forward in the future to maintain the quality of the school system. He reviewed the successes of students in testing and in other programs. The vote will take place on May 18<sup>th</sup> from noon to 9:00 pm at Mill Road School.

*Councilwoman Strawinski* is curious about the five teaching assistants. She asked if they were needed in special education.

*Paul Finch* explained the responsibilities of the teaching assistants. They will have to figure out a way to accommodate the loss of those positions.

*Councilwoman Strawinski* urged voters not to take out their frustrations in the voting booth next week, the responsibility lies in Albany to get funding for our schools.

*Councilman Colgan* asked if PANDA has recorded the presentation.

*Paul Finch* responded that they gave their presentation at the Red Hook Village Hall where they were recorded on PANDA as well as in the Town of Clermont.

*Supervisor Crane* said the Superintendent mentioned that his salary was frozen and she asked if other administrator's salaries were too. How are their salaries handled?

*Paul Finch* responded that the administrators have their own bargaining unit. Their contracts expire on June 30<sup>th</sup> and unlike the teachers, they do not have built in incremental steps. They have expressed a willingness to talk about a salary freeze going into the negotiation process. They do have longevity built into their contracts but no increments. They are essentially frozen until there is a settlement reached.

*Linda Keeling* asked how many teachers are retiring.

*Paul Finch* responded that two or three teachers are retiring and one teacher aide is retiring.

*Supervisor Crane* asked about the population of students they are anticipating and how that affects State aid.

*Paul Finch* explained a recent demographic survey and what they are experiencing. Over the long term they expect a moderate decline.

*Bruce Martin* explained the State aid formulas. This year the aid will be kept flat, enrollment factors have not been considered.

*Larry Thetford* commented that in the mid 70's when inflation was double digits the Nixon administration mandated no pay raise for three years and three years of no price increases. In the corporate world he experienced 10% mandated reductions numerous times. Yes, it is not a pleasant thing. People will not get Social Security increases and will have to come up with increases that are approved. It is time to knuckle under.

## **LOCAL LAW AMENDMENT DISCUSSION**

*Supervisor Crane* referred to the public hearing that was just closed. She told the Board that they have a decision to make. For discussion purposes she started by saying from her point of view they heard that the public was well informed about the importance of notifying the public and knew that certified mail is law as it stands for notification of zoning changes. She was impressed that people thought it was important enough to pay for certified mail. She asked how the Board felt after having the chance to talk with people since that meeting.

*Councilman O'Neill's* reaction was to respect what people said and that it seems like a good idea to notify everybody. He doesn't think that we need to do it with certified mail because it is too costly. His thought would be to modify the resolution so that we notify everybody by first class mail.

*Councilman Colgan* spoke to many people. Most of the Towns that did have this law removed it. There are only two Towns left in Dutchess County that have notification by certified mail. The cost seems immense. He does think it is very important that everybody be notified and he is inclined to send information by regular mail. We are dealing with thousands of dollars of additional costs.

*Councilwoman Strawinski* thinks safety and security of our residents is important. Ongoing communication so they can know what is going on in the Town is also important. All of those people who got up and spoke felt that it was important to be notified about zoning changes. She agrees that certified mail is very expensive. She asked about the cost of certified mail.

*Town Clerk Sue McCann* informed her that it is \$5.54 per letter. For that mailing there will be at least 3,000 letters to go out.

*Councilman Ross* feels very strongly about the importance of notification. He does not like to spend money, however if we are proposing zoning changes he feels that any property owner who will be drastically effected deserves notification. It is a small cost compared to what we the taxpayers have spent on the whole thing all together. He believes we should go with whatever mail assures us that the residents received it.

*Supervisor Crane* thinks the best way is probably the highest cost. That would be certified mail that requires a signature and return receipt.

*Councilman Ross* commented that we are specifically talking about Centers and Greenspace. He asked how many parcels are affected.

*Town Clerk Sue McCann* responded that she talked to Town Assessor Jeff Churchill and he guessed around three thousand.

*Supervisor Crane* said there is also registered mail which is slightly less expensive.

*Councilman Ross* suggested talking directly with the Post Office before making a decision.

*Supervisor Crane* asked Town Clerk Sue McCann if she looked into the cost of registered mail.

*Town Clerk Sue McCann* told her she just checked certified mail costs.

*Supervisor Crane* said that what we are looking at then is .44 cents versus \$5.54. She suggested that because so many people spoke out to follow the law that this mailing would be covered by the funding we will receive from the NY State grant.

*Attorney Chale* said no, she is not sure it can be paid for through the grant.

*Supervisor Crane* asked what the Board wants to do. This is an important change to zoning that people have the right to be notified about. She would like to get more information and come back to this.

*Councilman Colgan* does not think there is a rush on this.

*Attorney Chale* said this is for a zoning map amendment.

*Councilman Ross* said we need to know the exact number of parcels. He suggested checking with the post office about the exact figures and the types of mailings.

*Attorney Chale* said this might not be a onetime process.

*Supervisor Crane* thinks it is important to do it in the most effective way possible. If it takes another couple of weeks to get the estimate we will do that. She asked Michele Greig if she could figure out by the map how many residents might be affected.

*Attorney Chale* suggested asking the Assessor's advice on the properties that are affected.

*Councilman Colgan* feels we should notify everyone in Town of this particular situation.

*Supervisor Crane* thinks so too. We need the actual number of parcels affected within 200 feet.

*Town Clerk Sue McCann* explained that the three thousand parcels she told the Board about is just the Town, it did not include the Villages.

The Board discussed mailings and returned mail.

*Attorney Chale* explained the process that is required by the code now. She explained that we have to have a process that is clear that we are able to follow correctly.

*Supervisor Crane* suggested revisiting this at the May 26<sup>th</sup> meeting.

## **NOTICE OF COMPLETENESS – MICHELE GREIG**

*Michele Greig* of Greenplan, Inc. distributed copies of recommended revisions to the local law based on the preliminary comments received so far. She explained and reviewed the changes with the Board. In terms of the EIS, the only thing that she needs to do if the Board agrees to the revisions is amend the description of the action for the subdivision law. She gave examples of inconsistencies that she fixed. Michele suggested that when the EIS is deemed complete and made public that we put the local law redlined on the Town website so people can see the changes that were proposed.

The Board discussed the revisions.

*Supervisor Crane* suggested that the Town Board review the recommendations. She thanked Michele for the work she put into all of this.

*Councilman Colgan* has read this cover to cover with a great deal of interest because the impact is very interesting. The most interesting part is Section I, the summary that goes over the impact, the issues and summarizes everything. It is the essence of the analysis.

*Michele Greig* said the High School gym is available on Thursday, June 10<sup>th</sup> and Tuesday June 15<sup>th</sup>.

*Supervisor Crane* asked if everyone was satisfied with the completeness of the document.

*Councilwoman Strawinski* thinks everyone is pretty well educated as to what the plan involves. She feels we are at a point where we need to hear from the public.

*Supervisor Crane* asked if Town Clerk found any other options available.

*Town Clerk Sue McCann* told her that she called and left a message with Fred Cartier about using the firehouse because when she talked Donna Slater at the School District Office, she recommended July because they are pretty booked in June.

*Michele* explained the hearing on the EIS should be continued.

*Attorney Chale* suggested the Board schedule the first Public Hearing, then before the May 26<sup>th</sup> meeting look at other days and come up with potential follow up dates.

*Michele* suggested announcing the second Public Hearing date the night of the first one. There is ten day required period for written comments on the EIF.

*Supervisor Crane* commented that there will be at least two Public Hearings then a ten day period after the last one. There can be more than two hearings if necessary. Two is the minimum.

**RESOLUTION 2010 # 28**

RE: ADOPTING NOTICE OF COMPLETION OF DRAFT GEIS AND NOTICE OF PUBLIC HEARING FOR JUNE 10<sup>TH</sup> 2010 AT 7:30 P.M. AT THE RED HOOK HIGH SCHOOL GYMNASIUM

On a motion of Councilman William O’Neill seconded by Councilwoman Micki Strawinski moved to accept the resolution.

Adopted      Ayes    5      Crane, Ross, Strawinski, Colgan, O’Neill  
                  Nays    0

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**RESOLUTIONS-MEAD ORCHARDS**

*Supervisor Crane* referred to a resolution regarding the Mead Orchard PDR.

*Attorney Chale* provided copies of the resolution for the Board and explained the process of the PDR for Mead Orchards.

**RESOLUTION 2010 # 29**

RE: AUTHORIZING THE COUNTY OF DUTCHESS AS LEAD AGENCY REGARDING PURCHASE AND DEVELOPMENT RIGHTS OF FARMLAND PROPERTY OWNED BY MEAD ORCHARDS, LLC

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

Adopted      Ayes    5      Crane, Ross, Strawinski, Colgan, O’Neill  
                  Nays    0

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**RESOLUTION – TO UPDATE APPENDIX G OF DEIS**

*Supervisor Crane* explained that she, *Attorney Chale* and *Michele Greig* talked regarding engaging *Russell Urban Mead*. She summarized a note from *Attorney Chale* suggesting having the scope of the work done by *Russell Urban Mead* determined after the first round of public hearings so we can address any water issues once the final has been done.

*Attorney Chale* had a conversation with *Michele Greig* to that effect and she thought it made sense.

The Board discussed the issues around the addendum to the aquifer report that will be done by *Russell Urban Mead*.

The resolution was tabled until after the Public Hearing.

**RESOLUTION – STANDARD WORK DAY: ELECTED OFFICIALS NYS RETIREMENT SYSTEM**

*Supervisor Crane* informed the Board that there is one more meeting date before *Business Manager Deb Marks* must submit to New York State, the resolution for standard work day and reporting for elected and appointed Town officials. She named those that have been received so far. It will be addressed at the May 26<sup>th</sup> meeting.

**RESOLUTION HONORING FRANCIS RICCI – EAGLE SCOUT**

*Supervisor Crane* asked the Board to consider the resolution honoring an Eagle Scout, *Francis Ricci*. She read the resolution.

**RESOLUTION 2010 # 30**

RE: HONORING FRANCIS RICCI FOR ACHIEVING THE RANK OF EAGLE SCOUT

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

Adopted      Ayes    5      Crane, Ross, Strawinski, Colgan, O’Neill  
                  Nays    0

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## **WATER CONTRACT PROPOSAL**

Supervisor Crane explained that because this is a contract discussion it will take place during Attorney/Client session at the end of the meeting before adjournment.

## **REORGANIZATION**

Planning Board Alternate – *Supervisor Crane* said that Brian Walker was interviewed by the Planning Board for the Alternate member. She asked Mr. Walker to introduce himself.

*Brian Walker* said that he has been a resident for 2 ½ years and is an architect. He is looking for an opportunity to participate more in the Town and to serve in the community.

*Supervisor Crane* received a letter from the Planning Board to the Town Board that they have talked to Mr. Walker and are happy with the interview. She recommended his appointment as alternate to the Planning Board.

On a motion of Supervisor Crane seconded by Councilman Ross moved to appoint Brian Walker as Planning Board Alternate term to expire December 31, 2011.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

Agriculture and Open Space Committee – *Supervisor Crane* explained that the Town Board received a letter of interest from Jim Stagias, a farmer who is offering his experience for consideration to serve on the Ag. & Open Space Committee.

Some members of the Board said they did not receive the letter of interest.

*Supervisor Crane* will re-send a copy to the Board members and tabled the appointment.

*Larry Thetford*, Co-Chair of the Ag. & Open Space Committee told the Board that someone else verbally expressed interest. The committee has not interviewed Jim Stagias yet.

*Supervisor Crane* will make sure everyone gets a copy of the letter of interest from Mr. Stagias.

At the May 26<sup>th</sup> meeting she asked that the other interested individual submit a letter. She asked that both interested parties attend the meeting so that the Board can meet them.

*Councilwoman Strawinski* said the EDC would like to have a workshop on a Saturday. It would be an offsite working seminar. She understands that Committees are not subject to the same open meeting requirements but Red Hook has made different regulations.

*Attorney Chale* clarified that the Zoning Board, the Planning Board, the Ethics Board and the Board of Assessment Review are all Boards that are directly subject to the open meetings law. Probably the CPA Committee and the Farmland Protection Committee too. Any committee that is delegated authority by the Board or who has decision making authority would be subject to the open meetings law. Advisory committee's procedures are up to the Board to determine. If the Board asks them to follow the same type of procedures that the other Boards follow then that is what they are expected to do. The question that was raised to her was whether they have to follow the open meetings law. She said it depends. An advisory committee is not directly covered by the open meetings law because it is not delegated as a Board. It is really up to the Town Board to determine the procedures for its advisory committees to follow.

*Councilwoman Strawinski* said it would not be a secret meeting but the EDC wants to hold a working meeting of the members only so that they can set some missions and goals.

*Supervisor Crane* thought their mission was determined. The mission statement has been presented.

*Councilwoman Strawinski* stated they want a Saturday morning meeting of just the members and then present their action plan at a Board meeting. She would like to ease the requirements on the advisory committees. If they want to set a meeting it doesn't have to be posted legally.

Mr. Klose wants to have the meeting at his farm and welcome his fellow committee members to his home.

*Supervisor Crane* is personally not fond of having meetings that are Town committee meetings of any kind elsewhere. She knows they happen but to ask the Board to approve that as an official Town meeting opens a lot of opportunity for a lot of committees to go off and do their own thing and she is not in favor of it. We can't stop people from talking to each other.

*Councilwoman Strawinski* said another issue is if a conference call would constitute attendance.

*Supervisor Crane* said this is the first time she's heard about it and wants time to think about it. A conference call has not typically been accepted as attendance throughout her history with the Board.

*Councilman Ross* stated that a conference call cannot be open to the public because it is a phone call. As far as the meetings off site, he doesn't have a problem with that for an advisory committee. His only concern is if they come forward from that meeting with recommendations to the Town Board. How many members of that committee participated in that discussion where

they might have come up with something? Was it because a few members wanted to meet without a few of the others so they met at a private spot? He is just giving examples of what could concern people.

*Councilwoman Strawinski* will bring the information back to the EDC.

*Attorney Chale* suggested that the Board think about the fact that advisory committees in general are not subject to the open meetings law. You might not want to impose all of the procedures that are imposed on public boards.

The Board discussed some issues regarding ideas and conference calls.

*Supervisor Crane* commented that at the end of the year the Board can evaluate committee participation and whether the members of the committee are sincere members by virtue of their attendance. If minutes were kept one can establish that is a casual meeting. When minutes aren't kept in her opinion, it is not an official meeting and out of it shouldn't come recommendations to the Board.

*Councilwoman Strawinski* responded that makes sense. She doesn't think we've let people go from committees because of lack of attendance.

*Councilman Ross* commented that there are committees that just make recommendations to us and we as a Board very often have gone along with those recommendations.

*Supervisor Crane* received communication from Susan Ezrati, Chair of the CPF Advisory Committee. She is offering the name of Geoff Carter to fill the seat vacated by Miriam Latzer. She will move this forward to the next meeting until we get a letter of interest from Geoff Carter. She doesn't know if putting him on the committee fulfills the intent of the Board to have representation of many facets of experience in the Town.

*Councilwoman Strawinski* questioned the reasons for going to Executive Session for the water contract. She doesn't think that it goes along with the Right to Know laws.

*Attorney Chale* thinks that it should be considered for Attorney/Client session.

*Supervisor Crane* explained that the Town needs the Attorney's advice on the particular issue of this contract.

*Attorney Chale* explained that Attorney/Client is different than Executive Session. It is certainly permissible.

## **CORRESPONDENCE**

Supervisor Crane shared the following correspondence:

- A letter from Margaret Mondello thanking the Town Board for the decision authorizing the Highway Department to take over the drainage easement.
- Hudson River Express, Inc. – Councilman Colgan will review the DVD and get back to the Board at the May 26<sup>th</sup> meeting.
- A letter from Mr. Wallace indicating that he has hired a contractor to do some work under the driveway to open the trench that will help drain his property.
- A letter from a Conservation Easement Manager regarding trash on the Feller Farm. The conservation easement monitoring done by Scenic Hudson shows the conditions on the property are not in compliance.

## **PUBLIC COMMENT PERIOD**

*Dave Fell* asked Councilman O'Neill if there will be more open Town meetings regarding the proposed sewer project.

*Councilman O'Neill* responded that none are scheduled. He invited him to meet with the Task Force on Friday mornings or with Brent Kovalchik and Village Trustees to discuss it.

*Councilman Colgan* told him that all meetings are open.

*Dave Fell* is a business owner and has a business to run. The meetings are at 8:00 a.m.

*Councilman O'Neill* said anyone would be willing to meet with him at his convenience.

*Dave Fell* would prefer an open meeting. He does not feel comfortable meeting alone about the issue.

*Councilwoman Strawinski* informed him that the 8:00 a.m. meeting will be a meeting of the Intermunicipal Task Force which are these people. There have been several open meetings.

*Councilman O'Neill* doesn't know how he fell through the loop. He asked Dave to come to the Task Force meeting on Friday. They will explain the economic benefits to him.

On a motion of Supervisor Crane seconded by Councilman Ross moved to go to Attorney/Client session at 9:55 p.m.

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

On a motion of Supervisor Crane seconded by Councilman Ross moved to adjourn the Attorney/Client session.

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

On a motion of Councilman Colgan seconded by Supervisor Crane moved to adjourn the meeting at 10:45 p.m.

Adopted	Ayes	5	Crane, Strawinski, Ross, Colgan, O'Neill
	Nays	0	

Respectfully submitted,

Sue McCann, Town Clerk