

**RED HOOK TOWN BOARD MEETING**  
**September 15, 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  
Councilman James Ross  
Councilwoman Micki Strawinski  
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.

**SUPERVISOR'S REPORT**

The monthly statement of the Supervisor dated August 31, 2010 was read as follows: Opening balance - \$2,479,452.88; Receipts - \$798,689.19; Disbursed - \$1,253,424.00; Balance - \$2,024,718.07.

Business Manager Deborah Marks reviewed the budget adjustments prior to closing August 2010. In the General A Fund: Total reduction in revenues - \$8,798; Total increase in revenues - \$500; Total increase in appropriations - \$20,040. Deb asked the Board's permission to appropriate \$20,000 from the Con Ed money. Offset to the Fund Balance is to appropriate the fund balance \$28,338. In the General B Fund – Total increase in revenues - \$1,348, Total increase appropriations - \$475; Offset to the Fund Balance is reduce appropriated fund balance \$873. In the Highway DB Fund – Total increase in revenues - \$575; Total increase appropriations - \$500; In the Water Works O&M SW Fund – Total increase in revenues - \$20,000; Total increase in appropriations - \$5,400; Offset to the fund balance is to appropriate \$5,400 in the SW WW O&M and reduce appropriated fund balance in the HS capital project fund - \$20,000.

On a motion of Councilman Colgan seconded by Councilman Ross moved to approve the budget adjustments.

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

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On a motion of Councilman Ross seconded by Councilwoman Strawinski moved to accept the Supervisor's report.

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

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Business Manager Deborah Marks told the Board that the audit of the Supervisor's books and records by Councilmen O'Neill and Ross took place this weekend. They were quite thorough and they came away with a good understanding of where we stood at the end of the year. Supervisor Crane thanked Councilman O'Neill, Councilman Ross and Business Manager Deb Marks for coming in on Sunday for the audit.

**TOWN CLERK'S REPORT**

The Town Clerk's monthly report for the period August 1 through August 31, 2010 was read as follows: Total local shares remitted to Supervisor - \$1,153.37; amount remitted to the County Treasurer for dog licenses - \$72.85; amount remitted to NYS Ag. & Markets - \$24.00; amount remitted to NYS Dept. of Health for marriage licenses - \$67.50; amount remitted to NYS Environmental Conservation - \$4,225.28; Total State, County & Local revenue -\$5,543.00.

**ANNOUNCEMENTS**

Councilman O'Neill announced that on September 10, 2010 the special task force for the sewer project met at Red Hook Village Hall. A representative from the DC Water and Wastewater Authority and a representative from NY State Environmental Facilities Corporation were also in attendance. The current status of the project was discussed and the US Rural Development

Agency is submitting a letter to submit a proposed financing package. After the letter arrives a revised report will be prepared and the matter will then be presented to the DC Legislature for the purpose of creating the sewer district; then a Public Hearing would be scheduled perhaps in December 2010. There might be a proposed mandatory public referendum scheduled for March or April, 2011. That was the time line discussed at that meeting. It is all tentative. Another meeting will be scheduled as soon as that letter arrives.

Councilman O'Neill also announced a follow up to a Task Force report. An Agricultural Business District community survey was prepared in March of 2010 and submitted to parcel owners in that proposed district within the Centers and Greenspace Plan. Subsequently it was collected by the Ag. & Open Space Committee and a summary of the results of that survey were prepared. He presented the results to the Town Board and Town Clerk.

Town Clerk Sue McCann told Councilman O'Neill that if he sends her the results electronically she will get it on the Town's website.

Councilman Colgan announced that there was a meeting of the Northern Dutchess Alliance, the subject being water and wastewater. It was held at a sewage treatment plant for the Omega Institute. There was a great deal of interest of what we are doing in Red Hook as far as the proposed sewer project.

Councilwoman Strawinski is looking forward to Hardscrabble Day on September 25. The Average White Band is going to perform.

Supervisor Crane went to the Chamber of Commerce breakfast this morning which was well attended. The Senior Citizens picnic was held today in Tivoli. She thanked the local banks that helped support that picnic. Six banks each donated \$100 for a total of \$600. They were Key Bank, M&T Bank, Mid-Hudson Valley FCU, Trustco Bank, Ulster Savings and Rhinebeck Savings Bank.

#### **PUBLIC COMMENT PERIOD**

Paula Schoonmaker, Chair of the St. Margaret's Committee announced that the set of plans from the Preservation Architect were sent to the State for their approval. The historical marker plaques will be installed, one on the building and one by the road. St. Margaret's will have a tree dedication ceremony on Hardscrabble Day at 1:00 p.m. The tree will be dedicated to Hannaford as thanks for their donation of the building to the Town.

Denis Collet spoke about outdoor wood burning furnaces. He mentioned that he is directly affected by one that a neighbor has. Because of the winds, he thought he had a fire in his house. He told the neighbor of his concerns. It is an issue of public health and safety and it is about time to rescind permits for the outdoor wood burning stoves and close down the operation of those stoves until it such time that it is clear that the technology exists that it is as clean as other emissions under control and legislation.

Robert McKeon shared his first hand experience regarding the outdoor wood burning furnace. He said he has done research on them and feels they should be banned. They produce a tremendous amount of smoke. He shared the information he found. In 2006 he said his daughter was hospitalized with growths on her throat. His youngest daughter was diagnosed with Type I diabetes, which can be triggered by an event, pollutants or toxins. He went on to explain the issues with outdoor wood furnaces pollutants that he found in his research. It is a public health issue and asked the Board to take that into consideration soon and protect the public from this threat.

#### **RESOLUTION FOR CDBG APPLICATION 2011 FOR RECREATION PARK EXTENSION PAVILION**

Supervisor Crane introduced Brandee Nelson and Jay Trapp of Crawford & Associates Engineering. Crawford & Associates was selected for special projects. She asked them to share the CDBG application which is due October 1<sup>st</sup>.

Brandee Nelson explained that the application is for recreation projects and park improvements. They will apply for the maximum grant amount of \$100,000. The project would be for a pavilion at the Rec. Park extension. A draft application was prepared and Dutchess County is waiting for a resolution from the Town Board declaring interest in the grant application. She respectfully requested that the Board consider the resolution this evening because it is needed as part of the application package which is due in two weeks.

Councilman Colgan asked since they are breaking this into two grants, if they will be starting the perimeter building first then the interior sections later.

Jay Trapp said that they are trying to get under the \$100,000 ceiling which will probably mean the structure, the roof and dirt at this point. In the next phase they could pour a concrete floor, do preliminary plumbing, fixtures, etc. It is all according to cost.

Brandee confirmed that the engineering costs would be part of the grant. Jay said the actual layout was discussed with the Recreation Commission. The layout was also discussed with technicians to ensure ADA compliance. Supervisor Crane said it is a very competitive environment for grants this year and we are hopeful that we gain approval. A lot of children are served through our recreation programs. Brandee told her that is being emphasized in the grant application. They've been working on getting the project broken down into logical phases and they'll hopefully get it out next week.

### **NYSERDA GRANTS**

#### Red Hook Town Hall Photovoltaic Roof Panels, RFP Release for Construction Bid

Supervisor Crane explained that we have photovoltaic panels on part of Town Hall now and decided to apply for more. In order to meet the guidelines of the contract we have to reinforce the roof. That has gone out to bid and we are waiting for those figures to come back from contractors. NYSERDA is extremely cautious about how contracts are administered and we must conform to their stringent rules. Crawford & Associates helped us prepare a Request for Proposal for a construction bid and it is ready to go. She asked Jay Trapp to give them more information.

Jay explained the process and how carefully the documentation has to be done. He explained the situations that have to be satisfied and the requirements for the RFP. The length of time can be two to three months. The RFP will be released on September 17, on September 30 there will be a pre-proposal meeting, October 14 there is a question and answer meeting, October 19 is the deadline for proposal and October 27 will be the selection by the Town Board. He explained that part of the whole process is follow up as well. They hope to have the commencement of the project on November 10<sup>th</sup>. They set December 31<sup>st</sup> as the deadline to finish. In April or May everything should be completed and the December 31<sup>st</sup> date gives us a grace period to make sure everything is ok.

Councilwoman Strawinski asked if there is concern about cost over runs.

Jay told her that they are asking for design and installation costs and that everyone knows a lot about the system before they leave.

Supervisor Crane explained that the Town has very stringent procurement policies we must follow if we are to be the contractor. The timeline sounds good and she is hoping we get very competitive bids. She read the resolution.

### **RESOLUTION 2010 # 49**

RE: AUTHORIZING SUBMISSION OF APPLICATION FOR THE FISCAL YEAR 2011 DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

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

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

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#### Red Hook Firehouse Photovoltaic Roof Panels Discussion

Supervisor Crane explained that there was a meeting with a representative from the Firehouse to make sure that they understood that the Town was the contracting party and that we want to make sure our relationship with them is transparent and that our procurement policies reigned. Some concerns arose at the meeting when they learned that we had to structurally strengthen our roof to handle the load of the panels. They were very concerned about that additional expense. She received a letter from them September 9<sup>th</sup> about their concerns of the costs not built into the grant application. The President of the Firehouse Board of Directors expressed their concerns saying they feel it is a responsible decision to decline the option to participate because of the costs. We were concerned and felt it is an opportunity that may not come again. They started having conversations with Sarah Browne who is representing us. We received some encouraging information in which she answered several questions we had having to do with engineering fees and designs. Expenses can be considered part of the project costs and the project size can be reduced. She felt some of the concerns can be negotiated with NYSERDA. Supervisor Crane shared the information she received and thinks they are feeling more optimistic that they can work through this. We are being encouraged to keep working with it.

Brandee Nelson said the Town has done a lot of leg work to get these applications in. It is a one shot infusion of money for energy efficient projects. There is no guarantee this will come up again so it would be a positive thing if they can tailor the project to their fiscal concerns. Denis Collet, CAC member said that in his discussion with the firehouse, they raised concerns they had based on the first meeting. He feels that one of the reasons they refused this is because they felt there was an open ended undetermined amount of hidden costs. When it was introduced originally, they didn't factor in the possibility that there was a problem with the structure. He is one of the primary authors of the grant proposal. They assumed it would be a turnkey proposition. It became much more complex than they anticipated. They question if they are required to use the same engineers that the Town Hall contracted. Supervisor Crane responded that if they want to meet the deadline they would. We went through a very stringent search for engineers and our procurement process is such that we must meet all of those procurement guidelines as well the intent of the Town Board hiring Crawford & Associates to oversee these grants that we knew were coming up. They are familiar with NYSERDA and the Community Development Block Grant applications and so on. Brandee Nelson clarified the three components of engineering in regard the project. Supervisor Crane said they will meet on September 22<sup>nd</sup> and between now and then she hopes to have a clear understanding with the Fire Company and be able to move forward on time.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to proceed with the RFP as it was developed by our Town Engineer, Crawford & Associates.

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

#### Energy Personnel

Supervisor Crane received notification today that the energy personnel grant contract has been sent to us. She asked CAC Chair Brenda Cagle who is doing the Request for Proposal if there will be any additional costs to the Town.

CAC Chair Brenda Cagle is hoping to talk to Purchasing Agent Ted Kudzy.

Supervisor Crane asked Brenda to report to the Board at the September 22 meeting.

#### **CDBG 2009 – LINDEN AVENUE SIDEWALK CONSTRUCTION BID**

Supervisor Crane introduced Mark DelBalzo from DF Wheeler Engineering. She explained that we went out for bids which were opened Friday. Mark reviewed the bids and will make a recommendation.

Mark DelBalzo announced that the bids were reviewed and the lowest bidder was Linda Holding Corp. Based on the bid, a check of their records and all the required documents for the bid, it was recommended that Linda Holding Corp. be awarded the contract.

Attorney Chale referred to a resolution that authorizes the Supervisor to accept the bid on behalf of both the Town and the Village of Red Hook. She explained the resolution.

Councilman Colgan read the resolution.

#### **RESOLUTION 2010 # 50**

RE: AUTHORIZING AWARD OF BIDS FOR CDBG 2009 – NEW SIDEWALKS ALONG LINDEN AVENUE PROJECT

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, O'Neill  
                     Nays    0

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#### **WOOD BURNING FURNACES DISCUSSION – COUNCILWOMAN STRAWINSKI**

Councilwoman Strawinski passed out a packet which included information from Sustainable Hudson Valley, State Department of Environmental Conservation, NY State Office of the Attorney General, the American Heart Association and the American Lung Association. She presented a power point presentation regarding the health concerns resulting from the use of outdoor wood boilers. She did include a disclaimer that this is not the opinion of the members of this or previous Town Board members. The reason she is revisiting this is because of the 10% challenge Red Hook is involved with which includes reducing emissions by 10%. A law was passed on August 8, 2006 in Red Hook banning the outdoor wood boilers because they are a

public health issue. She stated that they create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizen's health and can deprive neighboring residents of the enjoyment of their premises. Public safety and residents health is the biggest charge of the Town Board. She described an outdoor wood burning furnace/boiler. She questioned the number of permitted outdoor wood furnaces in Red Hook. She wants to shut down any of those that are not properly permitted. She asked if anyone had any questions.

Councilman O'Neill asked how we legally shut them down in Red Hook.

Attorney Chale said there are some communities that banned them based on their findings. She suggested looking at the DEC website. They have quite a bit of information but are still in the rule making process.

Councilman O'Neill asked about changing the "grandfather" clause.

Attorney Chale is not certain about that but said it is something they have to look at.

Councilman Colgan said the DEC has a hearing in progress and they are still taking comments. There are strong comments from both sides of this issue. The DEC is still trying to decide what kind of boundaries to create. In his own research he found a list of various regulations through a study of the Attorney General's Office. He found only one Town that banned them. He questioned the difference between the outdoor and indoor wood furnaces.

Richard Hansen, resident, told Councilman Colgan that the indoor boilers that people had in their basements are different. They are a different technology than those outdoor wood boilers that are causing concern now. Those others work the same as a woodstove, they work on draft with a legitimate chimney. He explained the difference with combustion and draft. People don't use the outdoor ones correctly so they cause more smoke. Educate people to use them right.

Robert McKeon explained the DEC's rules for those built before 2005.

Supervisor Crane said a lot of information was given out. If the DEC is working on it and having hearings on it, we will need more than tonight to decide where to go with this. She suggested deferring the issue to another agenda and take time to think about some of the options. A lot of research is going to have to be done.

#### **PEACHTREE PLANTATION, INC. ARTICLE 7**

Supervisor Crane referred to an Article 7 Action entitled Peachtree Plantation, Inc.

Attorney Chale suggested going into Attorney/Client session to go over the terms.

Before moving on Supervisor Crane suggested passing a resolution allowing the Town Clerk to advertise a request for bids for highway materials.

#### **RESOLUTION AUTHORIZING TOWN CLERK TO ADVERTISE FOR SEALED HIGHWAY MATERIALS BIDS**

##### **RESOLUTION 2010 # 51**

RE: AUTHORIZING THE TOWN CLERK TO ADVERTISE A REQUEST FOR SEALED BIDS FOR THE PURCHASE OF ICE CONTROL ABRASIVES, A REQUEST FOR SEALED BIDS FOR HOT MIX ASPHALT, AND A REQUEST FOR PROPOSALS FOR VARIOUS MATERIALS & SERVICES FOR 2011

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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#### **FIREHOUSE CONTRACT NEGOTIATIONS**

Supervisor Crane explained that the fire contract negotiations have to be rescheduled because one of the Fire Company Board of Director's members is not able to attend this week. Attorney Chale explained that a public hearing is needed once an offer is determined.

Councilman Ross is available to meet on Fridays.

Supervisor Crane will make an estimate in order to have the information before the preliminary budget. She will try to schedule September 29<sup>th</sup> or 30<sup>th</sup> at 8:00 pm.

On a motion of Supervisor Crane seconded by Councilwoman Strawinski moved to go into attorney/client session at 9:40 for the discussion of an Article 7 with our Attorney for the Town.

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

On a motion of Supervisor Crane seconded by Councilman Ross moved to adjourn attorney/client session.

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

**PEACH TREE PLANTATION, INC. ARTICLE 7**

Supervisor Crane read the resolution.

**RESOLUTION 2010 # 52**

RE: AUTHORIZING SETTLEMENT OF ARTICLE 7 PROCEEDING WITH PEACH TREE PLANTATION, INC.

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

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

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

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

Respectfully submitted,

Sue McCann, Town Clerk