

**RED HOOK TOWN BOARD MEETING**  
**December 14, 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  
Councilman Harry Colgan  
Councilman William O'Neill  
Town Clerk Sue McCann  
Absent: Councilwoman Micki Strawinski  
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 November 30, 2010 was read as follows: Opening balance - \$1,874,018.82; Receipts - \$244,604.65; Disbursed - \$216,209.55; Balance - \$1,902,413.92. There were no budget adjustments.

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

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

**TOWN CLERK'S REPORT**

The Town Clerk's report for the period of November 1 to November 30, 2010 was read as follows: Total local shares remitted to Supervisor - \$1,198.52; amount remitted to County Treasurer for dog licenses - \$91.65; amount remitted to NYS Ag. & Markets - \$9.00; amount remitted to NYS Department of Health for marriage licenses - \$22.50; amount remitted to NYS Environmental Conservation - \$2,473.33; total State, County and Local revenue - \$3,795.00

Town Clerk Sue McCann announced that the new recycling permits for 2011 will be available beginning December 20, 2010. The Recycling Center will be open the Friday before Christmas and the Friday before New Year's Day from 8 a.m. to noon and the garbage truck will also be available.

**ANNOUNCEMENTS**

Supervisor Crane made the following announcements:

- We lost a dear friend of Red Hook. Richard Trotti who was the Town Assessor for more than 25 years died early this morning. She asked that he and his loved ones are kept in people's prayers. There will be a service on Friday at 10:00 a.m. at St. John's in Barrytown. She asked the Town Clerk to dedicate a page in the minute book in memory of Richard Trotti.
- The Assessor who has recently been with the Town has retired. We are in a search for a new Assessor and the process is underway. Dutchess County Personnel will review the personnel applications for qualified candidates to help sort the applications appropriately.
- The Community Development Block Grant 2009 Linden Avenue sidewalk project has been completed. The final inspection will be this Friday.
- The Hudson River Valley Greenway Grant for \$10,000 is a work in progress.
- NYS Department of State Grant for \$50,000 for Centers & Greenspace and update of our zoning amendment contract was signed by the Supervisor.
- The NYSERDA Grant for the Town Hall roof panels for saving energy – contract signed with Hudson Valley Clean Energy. Panels are back ordered.
- Energy Consultant Grant – the RFP is conforming to procurement standards. It should be ready to go out for the one year consultant soon.
- The Fire House solar panels – representatives will be meeting with Crawford and Associates. Pre-construction engineering discussion has taken place and NYSERDA is on board with that project. It will be a huge benefit to the fire company.
- Laurie Husted put the Town in touch with a grant opportunity sponsored by Central Hudson. CH has made available energy saving projects for businesses and municipalities. The energy

savings in this case is on the Highway garage. They are willing to replace the lights at no cost to the Town. Highway Superintendent Theresa Burke contacted the person who is representing the subcontractor and within a few days we had a proposal from him.

- The postage meter has been installed
- The staff luncheon is set for tomorrow at noon. There will be soup and salad and the Town Board members are invited. There will be a discussion about setting a date for insurance training on security measures in Town Hall and in the Highway Garage. We had an insurance representative visit and got a report back from him. Security is a big deal to the comp. alliance program that insures the Town. We will do our best to comply and meet their standards.
- On December 22, at our next Town Board meeting we will gather at 6:30 p.m. Everyone is invited to the open house. The purpose is to get us together and part of the meeting will be devoted to recognition of volunteers and staff.
- She passed out the executive summary for the new energy efficient lighting system.
- Dutchess County Community Development Action Plan announced the CDBG for 2011. She named the Towns that will receive the grants which include the Village of Red Hook and the Village of Tivoli. Sadly Red Hook's project did not make the cut this year.

Supervisor Crane referred to the executive summary she passed out to the Board. She read the summary. There will be no cost to the Town.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to accept Central Hudson's proposal and approve the Supervisor's signature.

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

- Regarding the New York State Department of Taxation and Finance Office of Real Property Tax Services. Supervisor Crane announced that we filled out that application and sent it in. We are going to enter into another round of reassessment.

### **PUBLIC HEARING – LOCAL LAW TO REPEAL AND RESTATE CHAPTER 63, FORMERLY ENTITLED “DOGS” OF THE TOWN CODE OF THE TOWN OF RED HOOK**

Supervisor Crane explained that this is a result of the State of New York Department of Agriculture and Markets passing down the governance of this law to local municipalities. Attorney Chale, Town Clerk Sue McCann and Councilman Colgan worked on the language of the proposed law. She asked if there were any concerns about the law as proposed.

Supervisor Crane had a question about the fee schedule.

Attorney Chale explained that there are two separate fee schedules. She explained the fee schedule put up for consideration.

Supervisor Crane explained the fees to the public. The fees would be \$15.00 for spayed or neutered dogs and \$22.00 for unspayed or neutered. Those fees include a mandatory surcharge of \$1.00 for spayed or neutered, and \$3.00 for unspayed or unneutered, required by New York State Ag. & Markets. There is also a purebred license fee intended for breeders.

Councilman Colgan explained the fee charge for breeders.

Supervisor Crane opened for public comments.

Dan Sepesi asked how the fees are comparable to other Towns.

Councilman Colgan thinks it is quite comparable. It is not much different than last year. Other Towns are probably writing their own laws right now as we are and said it is a work in progress. Rosemarie Zengen asked if there is a leash law in the Town.

Councilman Colgan told her that is not part of the dog licensing law it is a zoning law.

Supervisor Crane believes there is a leash law and asked Code Enforcement Officer Steve Cole. Code Enforcement Officer Steve Cole will check.

Supervisor Crane said we have a Dog Warden if anyone does see a dog running free.

With no further comments, Supervisor Crane closed the public hearing.

Attorney Chale explained the resolution which will be referred to on adoption as Local Law #2 of 2010. She also explained the separate resolution regarding licensing fees.

Councilman Colgan read the resolution.

**RESOLUTION 2010 #75**

RE: AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. 4 OF 2010 (PROPOSED) (NOW REFERRED TO AS LOCAL LAW NO. 2 OF 2010)

On a motion of Councilman Harry Colgan seconded by Councilman James Ross moved to accept the resolution as read.

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

Councilman Colgan read the resolution regarding dog licensing fees.

**RESOLUTION 2010 #76**

RE: AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF DOG LICENSING FEES

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

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

Code Enforcement Officer Steve Cole informed the Board that there is a leash law in the Town of Red Hook enforced by the Dog Control Officer. It is a separate section of the law. Supervisor Crane explained that residents may also call the local police who will in turn contact the Dog Control Officer.

**ZONING AMENDMENTS TO ARTICLE I CENTERS & GREENSPACE ZONING LAW DISCUSSION – SET PUBLIC HEARING**

Supervisor Crane introduced Town Planner Michele Greig.

Michele brought a list of revisions made to the local law subdivision and the zoning map. She discussed the five revisions made along with recommended revisions brought up by the Attorney for the Town. Those revisions she explained include:

- increasing the number of spectators permitted in an arena from 200 to 500
- added the definition of “brewery”
- site plan requirement for “cold storage facility” – threshold set at 1,000 sq. ft.
- Zoning Map – notes added for FF-O District, HL-O District and WC District, consistent with language in Zoning Law
- added new definition of “lot” to clarify that it is a single contiguous parcel of land, whether or not located in two or more zoning districts or municipalities
- clarified language for third party enforcement of conservation easements
- revised section outlining permitted number of uses in AB District to consistently refer to “agriculture” rather than “farm” as the principal use of the property that would allow for other uses.
- revised definition of “agriculture” to more closely reflect language in Ag. and Markets Law and to delete reference to parcels outside the AB District
- clarified language for incentive zoning fees for consistency with CPF language

Supervisor Crane asked about the definition of “agriculture” – the definition does not include the livestock operations involving swine.

Michele explained the other sections in the zoning law. She thinks it is a restriction already in the current zoning law. There are restrictions that would protect landowners where agriculture is in more of a residential neighborhood.

Attorney Chale said they are only modifying the definitions.

Michele continued explaining the revisions and said that they did break this into two local laws. The first includes the zoning and subdivision amendment and the second includes the zoning map. If the Board sets a hearing tonight she will send a digital copy to the Department of State to meet one of the requirements and she'll also send a copy to Dick Wambach to go on the Town's website and provide copies for the local libraries.

Bucky Coon would like to see the reference to swine kept in as agriculture.

Councilman Colgan said it is in as agricultural.

Michele explained that it is permitted in the agricultural business district.

Bucky Coon said people will question the zoning law and it could be a problem.

Supervisor Crane asked Michele if she tells the Board it can be struck how would that affect our plan to move forward.

Michele responded that it would not affect the plan you could set the public hearing on the local law as amended tonight.

Councilman Colgan said on the other hand you would not do something where we allow 100 swine on a two acre parcel of land.

Michele told him it would not be permitted because we have restrictions in the law already.

Those restrictions don't apply in the Ag. Business District.

Councilman Ross commented that we already have them in the other parcels there is no reason to have it here.

Michele said you could eliminate the phrase.

Attorney Chale suggested considering the issue in the context of the public hearing.

Supervisor Crane agreed that the issue will be brought up again at the public hearing. She is sure it will be amended so she suggested setting the public hearing with the documents as they appear now.

Michele referred to the resolutions prepared by Attorney Chale.

Supervisor Crane read the first resolution.

#### **RESOLUTION 2010 #77**

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. 2 OF 2010 (PROPOSED)

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan move to set the public hearing on January 20, 2011 at 7:00 p.m. in the Red Hook High School Cafeteria

Adopted      Ayes    4      Crane, Ross, Colgan, O'Neill

                 Nays    0

                 Absent 1      Strawinski

   Copy Attached

Attorney Chale explained the mailing requirement regarding the resolutions. These resolutions authorize the Town Clerk to notify all residents.

Supervisor Crane read the second resolution.

#### **RESOLUTION 2010 #78**

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. 3 OF 2010 (PROPOSED)

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to set the public hearing on January 20, 2011 at 7:00 p.m. in the Red Hook High School Cafeteria

Adopted      Ayes    4      Crane, Ross, Colgan, O'Neill

                 Nays    0

                 Absent 1      Strawinski

   Copy Attached

Councilman Colgan explained that the residents of the Villages do not need to be notified.

Supervisor Crane said that all property owners will be.

#### **PUBLIC COMMENT PERIOD**

Supervisor Crane opened for public comments.

*Rosemarie Zengen* asked that the notice the residents receive is explained very well so that they can understand what is going on.

*Supervisor Crane* explained that they are going to do the very best they can to have residents understand that it is an important zoning opportunity where they can weigh in. It will also be on the Town website.

*Linda Keeling* referred to a letter of complaint to the Ethics Board about Councilman O'Neill. She read the letter aloud and she also said that she is not a lobbyist but a prolific community activist and volunteer financially supported by her husband.

*Dan Sepesi* was at the meeting last month and brought up the issue of a public nuisance regarding noise. He was told it would be on the agenda for tonight's meeting and found that it isn't. He also told the Board that Councilman Colgan was kind enough to stop by his residence on his way to the meeting and was able to hear the noise Mr. Sepesi hears every two to three days. He is frustrated to have to keep coming to the meetings and nothing gets done. What happened to the issue of a noise ordinance?

*Supervisor Crane* apologized to him not realizing she made the commitment to put the issue on the agenda.

*Councilman Colgan* added that he could hear the noise even with the windows closed.

*Supervisor Crane* said we need direction from our Town Attorney. We will bring it to her in Attorney/Client session. It is a difficult law and we will do the best we can to provide some sort of a Town law.

*Attorney Chale* said she's drafted local laws in other jurisdictions that don't require a decibel meter that is enforceable. She believes there is support for that and the Town should consider its adoption. Requiring a use of a decibel meter can be problematic. Tivoli has a law.

*Supervisor Crane* asked her to provide that law to the Town Board for consideration and brought forward for a public hearing in January.

*Linda Page* lives on Route 9G and she also hears the noise. As far as she is concerned it is noise pollution. One property is annoying all of the other neighbors and it is time for the Board to do something about this. Tonight was quiet compared to most nights. It is brutal most nights and has been going on a long time. She looks forward to seeing something being done in January.

*Supervisor Crane* asked Attorney Chale if we were to address this next Wednesday night would there be time to call for a public hearing on January 11.

*Attorney Chale* asked her if she just wants her to prepare the law.

*Councilman Ross* would like to take a close look at it. He was given information from the Police Chief which said someone has to show intent to do harm. If these people making this noise have been told to stop and go ahead with it anyway, that to him is intent and he doesn't understand why the police can't do anything.

*Councilman Colgan* said you get different answers from different police groups.

*Attorney Chale* can prepare something and said the context is different for Villages and Towns.

The provisions that talk about unreasonable noise translate very well in the version developed for Tivoli. She thinks they should spend a little time talking about it.

*Supervisor Crane* asked Attorney Chale for a copy of the law and will bring it up at the next meeting and decide when they will call a public hearing for it. Unfortunately we don't have control over how the police interpret the law.

*Rosemarie Zengen* said Poughkeepsie has a noise ordinance using decibels. The problem is getting someone who is certified to use a decibel meter.

There were no further comments.

## **HIGHWAY GARAGE REPORT**

*Supervisor Crane* and Highway Superintendent Theresa Burke recently visited several highway garages. She told the Board that Highway Superintendent Theresa Burke had an impressive presentation to share.

Highway Superintendent Theresa Burke explained that she tried to get all the facts about costs and that they travelled around and compared a few buildings. She gave the presentation regarding various highway garages which included layout, truck parking areas, salt shed storage, rest (bunk) areas, type of heating and office space. She cited those from the Towns of Gallatin, Livingston, and Rhinebeck. Highway Superintendent Burke explained the present situation. The out building was just declared unsafe so that has been taken down. We have vehicles sitting outside and their replacement value is close to half million dollars. They are trying to salvage whatever they can in that shed and will cover what needs protection with a tarp. She continued describing conditions in the present garage and trailer. The highway building is not adequate so that is why they visited other Town's garages. We are going to have big problems if we don't try to replace it within a reasonable time from now.

Supervisor Crane thanked Supervisor Crane and told the Board that she, Highway Superintendent Burke, Deputy Highway Superintendent Rick Schloemer and Rob Taylor visited the different sites together. They spent two days visiting those highway departments. Part of it is a matter of simple business needs. We cannot overlook this need of our employees any longer. We had a visit from our Workers Comp. Alliance insurer on October 10 who gave a general loss control survey and recommendations. She received the result of that survey yesterday which begins with general safety in the highway department building. Supervisor Crane shared the results. The most important and damning issue was read as follows: "The large Quonset hut is inadequate for the needs of the highway department. Parking inside the building creates a serious pedestrian hazard for all employees who enter the building". She read further from the recommendation regarding the highway garage. After reviewing the report the insurer wants a written response within 60 days of a plan of action with regard to the recommendations. There were other safety issues cited in this building and general workplace safety. We have a huge file dating back five years. Laurie Husted indicated that the NYSERDA case opened years ago can be reopened. Supervisor Crane suggested that we contact NYSERDA and ask that they reopen the proposition of Red Hook's new construction for a highway garage immediately. We cannot shuffle this off to the side any longer.

On a motion of Supervisor Crane seconded by Councilman Ross moved to authorize the Supervisor to contact NYERDA and reopen that case for new highway construction.

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

The vote was taken after the following discussion:

Councilman Ross asked if we need a design before going to NYSERDA.

Supervisor Crane responded that they will know we are serious when we tell them we have an engineer looking at the plans. The engineers have what they need to begin. She is suggesting alerting NYSERDA now and in 2011 begin building a business case with our highway department, engineer and planners. We have already paid for the plans.

Councilman Colgan asked about the NYSERDA issue.

Supervisor Crane explained that they will explain energy saving features for the new highway garage as the development goes forward.

Supervisor Crane thanked Highway Superintendent Burke and asked her to thank the men for removing that shed.

#### **TOWN OF RED HOOK HEALTHCARE BENEFITS – BRAD PALMITER**

Supervisor Crane introduced Brad Palmiter who has been our broker for health insurance benefits for quite some time. She thanked him for his service to the Town.

Brad Palmiter discussed the upcoming renewal for March 1<sup>st</sup>, 2011. He presented a handout to the Board and explained that the rates are going up again. A high deductible plan was proposed. As a broker it is his job to shop the market and feels this is the most competitive option. He reviewed the handout with the Board and explained the costs of funding and premiums. If the Board wants he can come up with a spreadsheet with the different carriers for comparison. The suggestion is to go with the high deductible plan. Another "wrinkle" he mentioned is that MVP came out with a new underwriting guideline for groups with fewer than 50 employees and that is the employer can no longer fund more than 50% of the deductible. It is not a law, it is an underwriting guideline. He explained how the Town could work with that situation.

Supervisor Crane asked about the 50% deductible. How does it help the employee to make a more conservative choice?

Brad explained that it is really a partnership and we want employees to become more conscious consumers. He gave examples and suggested education on an annual basis.

Supervisor Crane asked if he will come back to talk with employees and answer their questions. The Board decided not to vote on it until after Brad reviews the plan with employees.

#### **AGRICULTURAL FENCES**

Councilman O'Neill told the Board that he and Code Enforcement Officer Steve Cole talked about it and they need to review it further. He hopes to have it on the agenda in January.

Supervisor Crane will table the discussion until January 11, 2011.

**LOCAL LAW TOWN PARKING REGULATIONS – REVISION**

Councilman O’Neill will follow up on the issue and will report at the January 11<sup>th</sup> meeting.

**CELL TOWER DISCUSSION**

Attorney Chale said they’ve been in discussion with Clearwire. They will read the review analysis and they’re also in discussion with AT&T to have them remove the antennas from the tower.

**RESOLUTION TO APPROVE GOING OUT TO BID FOR PHASE I: ST. MARGARET’S ROOF REPAIR AND RESTORATION PROJECT**

Supervisor Crane referred to the resolution to authorize and direct the solicitation of bids for the project in accordance with the specifications on file with the Town Clerk. She read the resolution.

**RESOLUTION 2010 #79**

RE: AUTHORIZING THE SOLICITATION OF PUBLIC BIDS FOR THE ST. MARGARET’S HOME

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

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

**VILLAGE OF RED HOOK WATER SYSTEM IMPROVEMENT PROJECT**

Supervisor Crane referred to a letter from the Village of Red Hook sent to potentially involved agencies. They are proposing a water system improvement project and are talking about redevelopment, and testing, reports and so on. The Village wishes to serve as lead agency; the Town is identified as an involved agency. They ask for the Supervisor’s signature agreeing to them acting as lead agency.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to authorize the Supervisor to sign the letter agreeing to the Village of Red Hook serving as lead agency.

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

Supervisor Crane referred to a request from our Water Department regarding the contract for Water System Operator. She read the request from Hank VanParys, Chairman of the Water Department.

On a motion of Councilman Ross seconded by Councilman Colgan moved to continue the contract with United Water.

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

**CORRESPONDENCE**

Supervisor Crane shared the following correspondence:

- Resignation letter from Larry Thetford from the Ag. & Open Space Committee
- Arthur Fenaroli thanked Red Hook for providing funding for Dial-A-Ride.
- Supervisor Crane explained that we are working on an alternative method of transportation for seniors since the cost of Dial-A-Ride has become prohibitive.
- Letter from Dr. Glen Brent dated November 16<sup>th</sup> regarding the topic of wood smoke.
- Letter from R.V. Howland regarding comments made to Linda Keeling, Rosemarie Zengen and their opposition to the sewer district.
- Letter from Michele Greig that the grant has gone to the Department of State
- A letter from Elizabeth Avis regarding school hours at the High School and Middle School.
- Notice of Public Hearing from Saugerties involving environmental significance of a zoning law

- DCC Youth Bureau Programs Analyst letter sent to Chelsea Brooks regarding the Conflict Resolution Program.

Councilman Colgan commented about how we are handling some correspondence that comes to us. He is uncomfortable with the Board being asked to read negative commentary. He asked that the Board not read those types of correspondence but have the person writing it to read it themselves.

Councilman Ross sees Councilman Colgan's perspective. The trouble is where we draw the line. Do we have to edit our correspondence? That's the problem unless we say that whoever writes a letter has to read it themselves regardless of the content. He is fine with that. We should not be the censure here.

Councilman Colgan said informational is fine. Opinion letters can perhaps be categorized. He doesn't think it adds to the demeanor of our meetings, it creates a negative image of what we do. Councilman Ross does not disagree but how do we determine which letters we can read and which we cannot.

Supervisor Crane said it is difficult. She said she can edit what she receives and ask the writer to come to the next meeting. She doesn't know what our obligation is other than to be open and that is what she is trying to be. She's had several anonymous letters and she will not read those. There are other circumstances under which she would not read letters. She will take direction from the Board in this regard.

On a motion of Supervisor Crane seconded by Councilman Ross moved to go to Executive Session at 10:07 p.m. regarding the hiring and firing of a particular person.

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

On a motion of Supervisor Crane seconded by Councilman Colgan moved to adjourn Executive Session at 11:12 p.m.

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

### **RESOLUTION 2010 #80**

RE: AUTHORIZING SETTLEMENT OF ARTICLE 7 PROCEEDING WITH RED HOOK ESTATE PROPERTIES, LLC

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

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

Copy Attached

On a motion of Councilman Colgan seconded by Supervisor Crane moved to adjourn the meeting at 11:15 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk