

**RED HOOK TOWN BOARD MEETING**  
**September 13, 2011**

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York, convened in public session at Red Hook Village Hall, 7467 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  
Business Manager Deborah Marks

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She thanked the Village of Red Hook Board for the use of their building. She also thanked Councilwoman Strawinski for the murals on display made by the children of Mas'ha, Palestine and the children of Red Hook. She spoke about remembering the victims of 9/11.

**SUPERVISOR'S REPORT**

The Supervisor's report dated August 31, 2011 was read as follows: Opening Balance - \$2,860,360.39; Receipts - \$394,807.14; Disbursed - \$492,622.71; Balance - \$2,762,544.82. She asked Business Manager Deborah Marks to explain the budget adjustments. Business Manager Deborah Marks began with the General A Fund. Total offset to the Fund Balance is to reduce the appropriated fund balance - \$28,336. In the General B Fund the offset is to appropriate the fund balance - \$3,442. In the Highway DB Fund the offset is to reduce the appropriated fund balance - \$7,842. She explained the changes in each fund. Supervisor Crane thanked Highway Superintendent Theresa Burke and Business Manger Deborah Marks for going through the costs of the storm and submitting to FEMA the documentation. We received funding as a result of that hard work.

On a motion of Councilwoman Strawinski seconded by Councilman Colgan moved to accept the Supervisor's report for August, 2011 with budget adjustments.

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

Copy Attached

**TOWN CLERK'S REPORT**

The Town Clerk's report for the period August 1 – August 31, 2011 was read as follows: amount remitted to Supervisor - \$1,457.21; amount remitted to NY State Ag. & Markets for the spay/neuter program - \$70.00; amount remitted to NYS Dept. of Health for marriage licenses - \$157.50; amount remitted to NYS Environmental Conservation - \$3,578.04; total State, County & Local revenue - \$5,262.75.

**ANNOUNCEMENTS**

Supervisor Crane explained that Dutchess County qualifies for and was approved for disaster assistance on an individual basis. Property owners can apply for FEMA damage reimbursement. She explained the four methods by which you can apply for assistance. Dutchess County encourages residents to document damages and apply as soon as possible. She described some of the road closures, bridge closures and flood damage that occurred.

**PUBLIC COMMENT PERIOD**

Supervisor Crane opened for public comments.

*Dan Wheeler*, DF Wheeler Engineers P.C., distributed a letter of resignation as Town Engineer. *Linda Keeling* explained that she is still running on the Save-Our-Town line despite the Board of Election correspondence. She explained the issue she had. Also addressed was the issue of Councilwoman Strawinski signing correspondence as Councilwoman as well as Candidate DC Legislature District 20. Ms. Keeling feels it is advertising her candidacy and is wrong. *Councilwoman Strawinski* said she will continue to do that.

*Pete Hubbell*, Co-Chair of the Ag. & Open Space Committee, said the committee has questions about what their roll is. He is looking at the application from the Coon's. It never went through their committee at all. Why hasn't it appeared before them? This should have been reviewed by the committee to ask what they think. He is frustrated as Chair and said they want to be useful.

### **BICENTENNIAL PRESENTATION – LORETTA CAMPAGNA**

Supervisor Crane introduced Loretta Campagna, President of the Bicentennial Committee. Loretta gave an update of what the Bicentennial Committee has been doing. On September 21 at 7:30 p.m. at the Elmendorph Inn there will be a community discussion about how you can get involved in the bicentennial. It is an informal discussion on what makes Red Hook's 200<sup>th</sup> year history unique. On September 24, Hardscrabble Day, there will be a preliminary announcement for the bicentennial. Three tables will be set up and will be selling bicentennial calendars and key chains. From 10 a.m. to 4 p.m. the Historical Society will host an open house. Between 1 p.m. and 3 p.m. Chris Klose and John Vincent will be at the Elmendorph taping 2 minute interviews from residents about what Red Hook means to them. At 4 p.m. they will participate in the Hardscrabble Parade. Their website will be up by the end of next week and the address is [www.redhook200.org](http://www.redhook200.org). There is also a formal video on PANDA.

The major events scheduled are:

May 12, 2012 – Bicentennial Kickoff on Apple Blossom Day

May 19, 2012 – Historic House and Barn Tour

June 2 – musical at Fisher Center, Bard College

July – two week community puppet workshop

July 14, 2012 – Community Day ending with puppet show

August 11, 2012 – West Point Band concert at Montgomery Place, 6:30 p.m.

Loretta explained that a lot of hard work goes into the projects. The Executive Committee is made up of Claudine Klose, Patsy Vogel, Sandy Martin, and Ellen Phelan.

*Linda Keeling* announced the St. Margaret's/Tree Committee Ice Cream Social during Hardscrabble Day. Holy Cow is donating the ice cream and there will also be a car show.

### **PUBLIC HEARING – 2% TAX CAP OVERRIDE**

Supervisor Crane asked Town Clerk Sue McCann to read the public hearing notice and opened the public hearing. She explained that the State is allowing this tax cap override to give municipalities one year to adjust their budget process to meet the needs they have. It allows municipalities to pass a local law to enable them to establish a budget for this coming year only that will supersede the 2% tax cap. She asked Attorney Chale to speak about it.

Attorney Chale provided documents from the Department of Taxation and the Comptroller's Office. It explains how it is computed and how it applies.

Supervisor Crane opened the public hearing for comments.

*Pete Hubbell* asked if the override would go to a public vote.

Supervisor Crane said it needs 60% approval of the Town Board.

*Pete Hubbell* commented that it is important for the Town to work within the 2%. He understands the challenges it presents. The real problem is not the Town, it is the school. The Town has done a good job keeping our tax burden to a reasonable amount. He feels if we have to start working within 2% we should start now and not wait another year.

*Dick Hansen* agrees with Pete Hubble especially in the area of the schools.

*Pete Hubbell* asked if there will be another opportunity to comment.

Supervisor Crane told him that the Board will wait until after hearing from the Town Attorney. We can keep the public hearing open, there is no urgency. We've been working on our budget and we have little relief from mandates so we are looking very carefully at our options. We can hold the public hearing open until September 28<sup>th</sup>.

*Pete Hubbell* thinks there are more people out there that have strong feelings about this.

Supervisor Crane asked Attorney Chale to speak.

Attorney Chale explained some of the technical aspects of the State law. One interpretation of the Association of Towns is that water districts and lighting districts are rolled into the Towns levy. They do not have a separate cap. The Association of Town's original understanding was that they were separate. You will be expected to look at the current levy for all of those then applying the 2% levy. It is clear that for towns there are no exceptions for capital projects such as the Town highway garage even if it has already been approved. That is different for school districts if a project has already received approval. She explained a revised version of the Local Law and that it now simply states that the purpose of the law is to allow the Town to adopt a budget that exceeds the cap for 2012. She believes that it is safer to adopt a local law sufficiently

in advance of budget adoption so that it can get filed with DOS to avoid any potential challenge. The Comptroller emphasized that the calculation of the cap is up to the municipalities and that in the event of any discrepancy, even if found later on audit, they would require the difference to be placed in reserve.

Councilman Colgan said we have a number of different funds. He asked if the 2% is for all funds in total.

Attorney Chale responded for the entire Town tax levy. She stressed not the budget, the tax levy. Supervisor Crane said we've already seen aid go down. We hoped for mandate relief. For the highway garage we are required to pay prevailing wage. The Board takes the budget process very seriously and we'll do the best we can to keep taxes as low as we can. 2% will be tough. Councilman Colgan added that the State has been aggressively motivating us to share services with other municipalities. One of the means to do that is to have an adequate facility in our highway operations which includes a highway garage. The highway garage we are working on now is designed with that in mind. The expected result is that there will be a net fiscal improvement for all three municipalities. We haven't moved as far with Tivoli but that is on the agenda as well. Without the expenditure on that facility to provide those services we are between a rock and a hard place. We need to save money but we need to spend a little money to make it possible to make an efficient operation Town wide. He is frustrated by this and by the fact that 2% covers all the accounts. There is an element of irrationality and illogic. Saving money is certainly a highlight of what we have been working on for the appropriate management of the community.

Councilwoman Strawinski would like to continue the public hearing until the next meeting. Councilman Ross said we have always been fiscally prudent within the Town. The Office of Budget Finance always recommended a minimum of a 3% to 4% increase every year just to keep the fund balance healthy. Now they make a rule that you can't go over 2% and we've done better than that most years. In light of that we have a lot of expenses we have to come to grips with. We are so bare bones right now, even if we cut everything down there is no way we can stay under the 2% because we've been so tight all these years. We have to be realistic about costs. Our highway crew has not gotten a raise in three years. They work hard and are true public servants and we need to keep that in consideration. We have contract obligations and we don't know what Central Hudson will tell us about our lighting district costs and that is part of the package. We are fortunate with our water district. Nobody wants to spend money but we have to be realistic about what we have to spend. It is prudent to listen to the public but we have to be realistic and pass this override if we intend to keep our budget sound and fund balance healthy. Sometimes you have to spend a dollar to save a lot more money.

*Pete Hubbell* understands Councilman Ross's point very well. He asked if we override, what will change between 2012 and 2013.

Councilman Ross explained if we override it this year its 2% of 2012 budget. We are doubly hurt because we have always kept our budget so low that 2% of a low budget is a lot less money than 2% of a high budget, which makes it even more difficult for us. We do this one time and consider our debt service for the coming years. Then it's 2%. You have to be prudent every year but this is just a onetime override.

Attorney Chale clarified that this is a Board decision and it is not subject to permissive referendum. That is clear. The 2% override is something that can be done each year but it is done one year at a time. It would have to be a new local law with a new public hearing. That is the way it stands today. She stressed that this is not a 2% cap on tax bills; it is a cap on the Town's entire levy.

Councilman Colgan said we have to sort all budget items into a single number and stay within a 2% increase.

Supervisor Crane said another reason to keep the public hearing open is that by the 28<sup>th</sup> she, Business Manager Deb Marks, and Budget Officer Rose Rider hope to have a chance to have the Supervisor's budget to look at by then. We should have a much clearer picture about what that tax levy might be.

Attorney Chale referred to a resolution she asked for the Board to adopt.

Supervisor Crane read the resolution.

Attorney Chale asked that a time be set for the public hearing.

Supervisor Crane suggested 8:00 p.m.

## RESOLUTION 2011 # 72

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. E (PROPOSED) OF 2011, A LOCAL LAW TO OVERRICE THE TAX LEVY LIMIT FOR FISCAL YEAR 2012

On a motion of Supervisor Sue Crane seconded by Councilwoman Micki Strawinski moved to set the public hearing for September 28, 2011 at 8:00 pm.

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

Copy Attached

### **APPLICATION TO INCLUDE ROKEBY ROAD PROPERTY IN AG. BUSINESS DISTRICT – ARVINE & WENDY COON**

Supervisor Crane read a letter from Arvine and Wendy Coon requesting a change in the zoning at 5 Rokeby Road and 7221 Albany Post Road to the newly formed Ag. Business District. They are requesting the change to allow them to sell greenhouse and nursery products as well as local produce and farm products produced on their farm. Included in their request was a map of the parcels with a site plan, an environmental assessment form and a copy of the resolution from the Dutchess County Legislature approving the inclusion in the Dutchess County Agricultural District. The parcels adjoin the Zietz property that is currently included in the Ag. Business District.

Attorney Chale referred to a zoning application from July 13.

Supervisor Crane commented that the Board is treading new ground since the passing of the new zoning law asking for consideration to be included in the Ag. Business District. She asked if Attorney Chale had comments about the County's resolution or the Negative Declaration in the Coon's application.

Attorney Chale said this doesn't have anything to do with the SEQRA process for the Town's consideration. She said that soil information is needed then forwarded to Planning. Also, what is proposed for each parcel? She explained the criteria. Who will assume lead agency?

Supervisor Crane thinks the Town should be lead agency.

Councilman Ross agrees that the Town should be lead agency.

Councilwoman Strawinski isn't sure. She wants to hear from the Ag. & Open Space Committee Councilman Colgan is comfortable either way.

Supervisor Crane commented that this is a straight forward request.

After much discussion the Board asked the Coon's to provide information on the soil and the site plan. After that information is provided Planning will make a recommendation to the Town Board.

Dick Hansen believes the property meets the criteria.

### **GRANTS**

#### Justice Court Assistance Program Grant Application 2012

Justice Jonah Triebwasser explained the request to pass a resolution for a grant to supply two shredders and a table.

Supervisor Crane read the resolution.

## RESOLUTION 2011 #73

RE: AUTHORIZING THE TOWN OF RED HOOK TO PURSUE A GRANT APPLICATION TO OBTAIN FUNDING FOR THE TOWN OF RED HOOK JUSTICE COURT.

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to approve the resolution securing grant monies not to exceed \$30,000.

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

Copy Attached

Community Development Block Grant 2012 - Red Hook Rec. Park II Water Extension  
Supervisor Crane explained the grant application for 2012- The project is the Red Hook Recreation Park Water Main Extension. She read the resolution regarding setting a public hearing for the Community Development Block Grant 2012

**RESOLUTION 2011 #74**

RE: SETTING A PUBLIC HEARING FOR THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On a motion of Supervisor Sue Crane seconded by Councilman Harry Colgan moved to set a public hearing for September 28, 2011 at 8:15 p.m.

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

Red Hook Town/Fire District NYSERDA Grant Update

Supervisor Crane explained the resolution authorizing the execution of an agreement between the Town and Kirchoff Green Energy, LLC for the photovoltaic panels for the Red Hook Fire Company.

**RESOLUTION 2011 #75**

RE: AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL SERVICES (RED HOOK FIRE HOUSE PHOTOVOLTAIC INSTALLATION) BETWEEN THE TOWN OF RED HOOK AND KIRCHHOFF GREEN ENERGY, LLC.

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

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

Copy Attached

**LOCAL LAW AMENDING CHAPTER 131 "VEHICLES & TRAFFIC" ADDING PROVISIONS FOR SEASONAL PARKING**

Supervisor Crane explained the local law amendment and explained the change. The Board discussed fine provisions and changes to that section of the proposed local law.

**RESOLUTION 2011 #76**

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW NO. F (PROPOSED) OF 2011, A LOCAL LAW AMENDING CHAPTER 131 ENTITLED VEHICLES AND TRAFFIC, ADDING PROVISIONS FOR SEASONAL PARKING

On a motion of Supervisor Sue Crane seconded by Councilman James Ross moved to set the public hearing for September 28, 2011 at 8:30 p.m.

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

Copy Attached

**RED HOOK FAIRWAYS**

Resolution to decline ownership and full responsibility, i.e. "right of first refusal" for the Fairway Water Corporation

Supervisor Crane explained the offer of first refusal and read the resolution.

**RESOLUTION 2011 #77**

RE: APPROVING REQUEST FOR WAIVER OF RIGHT TO ACQUIRE FAIRWAY WATER CORP. WATER FACILITIES

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

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

Copy Attached

Motion to petition NYS DOT to study speed limit on Fairway Lane and request reduction of speed limit to lowest allowable mph

Supervisor Crane explained the request for reduction in the speed limit.

**RESOLUTION 2011 #78**

RE: REQUESTING MODIFICATION OF SPEED LIMIT ON FAIRWAY LANE

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

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

Copy Attached

**RESOLUTIONS TO APPOINT MARRIAGE OFFICERS**

Supervisor Crane explained the appointment of marriage officers without compensation from the Town. She read the resolutions.

**RESOLUTION 2011 #79**

RE: APPOINTING MARIROSE BLUM BUMP WHO RESIDES AT 7 STEAMBOAT DOCK LANE, BARRYTOWN, COUNTY OF DUTCHESS, STATE OF NEW YORK TO BE A DULY AUTHORIZED MARRIAGE OFFICER WITHIN THE JURISDICTION OF THE TOWN OF RED HOOK, PURSUANT TO THE PROVISIONS OF SECTION 11-C OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK, FOR A TERM BEGINNING SEPTEMBER 14, 2011 TO SEPTEMBER 13, 2012

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

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

Copy Attached

**RESOLUTION 2011 #80**

RE: APPOINTING SUE T. CRANE, RED HOOK TOWN SUPERVISOR WHO RESIDES AT 62 W. MARKET STREET, RED HOOK, COUNTY OF DUTCHESS, STATE OF NEW YORK TO BE A DULY AUTHORIZED MARRIAGE OFFICER WITHIN THE JURISDICTION OF THE TOWN OF RED HOOK, PURSUANT TO THE PROVISIONS OF SECTION 11-C OF THE DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK, FOR A TERM BEGINNING SEPTEMBER 14, 2011 TO SEPTEMBER 13, 2012

On a motion of Councilman James Ross seconded by Councilwoman Micki Strawinski moved to approve the resolution.

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

Copy Attached

Business Manager Deb Marks, per Justice Jonah Triebwasser, brought up the Special Prosecutor line in the budget. Deb will check with the Comptroller.

**CORRESPONDENCE**

Supervisor Crane referred to a 5.27 acre parcel owned by David’s Island Development Corporation asking if the Town wants to accept the parcel. She feels we need more information and should have a beneficial purpose. It is a protected as a wetland.

On a motion of Councilman Ross seconded by Councilman Colgan moved to decline accepting the property.

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

Highway Superintendent Theresa Burke informed the Board that she will be meeting with the D.E.C. regarding the stone bridge on Aspinwall Road. In regard to the Barrytown Road issue, she spoke to the County who told her that it would be closed from two weeks to one month.

**PUBLIC COMMENT PERIOD**

Supervisor Crane opened for public comments.

*Linda Keeling* asked about the Community Development Block Grant for the water main extension to the new recreation park. Will there be an ADA compliant water fountain?

On a motion of Councilman Colgan seconded by Councilman O’Neill moved to adjourn the meeting at 10:00 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk