

RED HOOK TOWN BOARD MEETING

June 27, 2012

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 6:30 p.m.

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

Also Present: Attorney for the Town Christine Chale

The Town Board met with SUNY New Paltz representatives Jerry Benjamin and Josh Simons, who discussed a study they are conducting for the Northern Dutchess Alliance seeking opportunities in this part of the county for economies in local government's service delivery through increased intergovernmental collaboration.

The Town Board meeting began at 7:30 p.m.

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

ANNOUNCEMENTS

Supervisor Crane announced that there are still many Bicentennial events planned. On July 1 the Rhinebeck Aerodrome is celebrating Red Hook with free admission for Red Hook residents. On July 14, there will be a Community Heritage Day at Montgomery Place. It is free and open to the public. The Town Board will not meet the fourth Wednesday of the month in July or August.

PUBLIC COMMENT PERIOD

Supervisor Crane opened for public comments.

Ann Rubin spoke about hydrofracking and holding a moratorium against it. She has researched the issue and stated the reasons why she feels it is important for towns to give themselves time to consider the issue. She said we need a moratorium.

There were no more public comments.

FALL FESTIVAL MUSIC MASS GATHERING PROPOSAL – DAVE VOSBURGH

Supervisor Crane invited Dave Vosburgh to explain his proposal for small country concerts at his farm.

Dave Vosburgh introduced himself and John Resso. He explained their joint venture for summer concerts. They'd also like to hold two fall festivals. They reviewed the mass gathering law with the Code Enforcement Officer and since they expect only about 200 people for the first concert, they fall under the number allowed. The hours for the first concert are from 5:30 p.m. to 8:30 p.m. at 184 Middle Road. The dates are June 30, July 7, July 28 and possibly one in August. They want to see how the first ones go. There will be local bands, will be low key, and no huge sound systems. They have a 20 by 20 tent with a small stage and will contact the police department and EMT's for safety.

Supervisor Crane asked them to come back to the July 10th meeting to let the Board know how the concerts went and to update them on their intention for the fall. She wished them well.

NEW YORK STATE ORPS PRESENTATION – JOHN WOLHAM

Supervisor Crane introduced John Wolham from New York State Real Property Tax who will lead a discussion of assessment and what it means to the Town.

John Wolham introduced Customer Relationship Manager Victoria Costello and presented a power point presentation explaining what the law essentially requires. The law says that all property has to be assessed at the same percentage of value within each municipality. Red Hook assesses at full value. He gave background information, summarized the law and explained why revaluations need to happen. The Town has been doing revaluations since 2005. Reappraisals have to be no less than every four years. Another full reappraisal is being done for the 2013 roll but the Town could extend it one more year and perform the reappraisal in 2014. He went on to explain "non-reappraisal". Town Assessor Scott Hobson is doing some analysis right now. In the years in which a Town does a full reappraisal it is a much more in depth process with

every property being reviewed. Trending is different, there is an analysis of all properties but not every property is being reviewed individually. It saves more time and labor. He reviewed logistics and time frames for reappraisals and explained the requirement to keep up the physical inventory of all the properties in the Town's records. It is important that all properties are reappraised individually. He explained that there are three approaches in regard to value, those being market approach, cost approach and income approach. Relative to reappraisals is qualifying photography which can give people an idea of improvements. Photographs within three years of the roll can be used as a means to do review for evaluations or for existence of inventory. In discussion with Scott Hobson he is concerned about doing the full reappraisal by 2013.

Assessor Scott Hobson agrees that it should be postponed until 2014. He asked what needs to be done to accomplish the project and how does the Town Board feel they can assist Scott in accomplishing that.

Assessor Scott Hobson has concerns about meeting the requirements of physically reviewing all of the properties in the allotted time frame. For various reasons they've been delayed in actually doing a lot of the physical on site reviews that are a requirement of their plan. At this point he's seen about 1/3 of the properties in the Town. His concern is that he cannot do the data collection and keep the office open five days a week. Any assistance he could get on a part time basis he would appreciate.

John asked that if Scott could look back at the requirements, if that helps him out with that percentage of 1/3.

Scott explained the delay in the process.

Supervisor Crane asked about the six years prior to this. There had been some data collection, doesn't that help Scott so it doesn't have to be revisited.

Scott said there was a delay in that continuing process from the 2010 revaluation which met all requirements from six years prior. There is a photographic problem which can only go back three years.

Victoria Costello said that a photo allows you to just make an effort to see the property, it wouldn't necessarily entail complete data collection, and it just verifies the description of the property.

Scott Hobson added that there are a lot of properties that haven't changed over the years.

They discussed saving labor and revaluation at length.

Supervisor Crane said the Assessor's Office was able to get 1/3 done and asked if we could assume given that kind of dedication we can expect to see another 1/3 completed.

Scott explained the difference in the neighborhoods and developments. He does find that he needs to get to every commercial establishment this year.

Supervisor Crane was just trying to get a sense of his plans and to see if he can affect that plan.

John explained that realistically you are talking about data work being accomplished within the next year.

Supervisor Crane asked about multiple municipalities sharing Assessors.

John gave examples of communities that do have intermunicipal agreements with Assessors. It is called CAP (Coordinated Assessment Program).

Supervisor Crane thanked them for their presentation.

GREIG FARM AIRSTRIP

Supervisor Crane shared materials from the Planning Board. There was a discussion about the special permit and minutes of the public hearings. The Planning Board issued a special use permit to the Greig family farm airstrip with conditions. She referred to that section dated June 18, #10 and asked the Board to concentrate on that portion. Mr. Greig made a map available that shows delineation of the airstrip as it is on the land so it can go on record as the location of the airstrip. This will be a permanent record in graphic form.

Attorney Chale asked for the title of the map and who produced the map.

Supervisor Crane said it is from Dutchess County Soil & Water.

Attorney Chale responded that is not what the Planning Board was asking for.

Supervisor Crane asked the Board to go through specific conditions that the Planning Board asked to have fulfilled. She reviewed those conditions. The Planning Board voted for the resolution that this special use permit be approved with the conditions. She asked if the Board had anything to add.

Councilman Ross sees no problem. He's read the Planning Board minutes and attended some of the meetings and he has no objections.

Councilwoman Cagle asked Norman Greig that since the Planning Board did give special permit approval, if he clarified the part about the letter being required from Sky Park. The only

difference she sees is that our resolution talks about an engineer site plan. She assumes the Planning Board approved that.

Councilman Colgan asked if the map is adequate

Attorney Chale told him that the engineer asked for additional clarification of the map but it is up to the Town Board to decide.

Councilman Colgan said he doesn't have a problem with the map it seems to be to scale. The Planning Board did their homework on this.

Councilman O'Neill agrees with the Planning Board's determination and the review of the State DOT. He brought up the issue of a scaled map.

Norman Greig responded that the Planning Board asked him to write in the actual dimensions which he did. He asked for a section to be stricken because of the amount of information it holds to be reviewed. It is incredibly vague.

Attorney Chale told him that the Town Board does not have that authority and she said the Planning Board could clarify or modify that condition. This is a separate approval under the general business law provisions that the Town Board is considering. She explained that the Planning Board has special permit approval the Town Board has general business law approval. Both approvals are required to operate the proposed activity. She suggested going back to the Planning Board to clarify that condition that Mr. Greig is referring to. She reviewed and explained the conditions and the approval process between the Planning Board and Town Board. Supervisor Crane said the conditions are the Planning Board's conditions and if Mr. Greig chooses to he can go back to them and argue the conditions. She is satisfied that the Board could go through with the resolution.

Councilman O'Neill read the resolution with the changes discussed by the Town Board. Minor changes were made under conditions.

The Town Board granted the Planning Board lead agency.

RESOLUTION 2012 #34

RE: PURSUANT TO NEW YORK STATE GENERAL BUSINESS LAW SECTION 249 TO APPROVE THE LOCATION OF THE PRIVATELY OWNED GREIG RUNWAY

On a motion of Councilman William O'Neill seconded by Councilman James Ross moved to adopt the resolution granting the special use approval to the Greig Farm family airstrip

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

Copy Attached

HYDROFRACKING

Supervisor Crane referred to the Town of Germantown's local law of 2012 which reflects that Town's decision to pass a moratorium on natural gas and petroleum exploration activities.

Councilwoman Cagle said they got this from a Town in Orange County. She explained what it prohibits. It is an 18 month moratorium. They requested a 24 month moratorium but were advised by their attorney that it was too long. A natural gas company approached one of their residents asking permission to put up a staging area for hydrofracking on their property. The resident turned them down. Germantown wanted to time to review the risks and effects of hydrofracking.

Supervisor Crane asked Councilwoman Cagle if she felt comfortable with this moratorium as a first step. She asked if that is her suggestion.

Councilwoman Cagle said that the CAC initially recommended a ban and she thinks they are ok now with a moratorium. An unresolved question is that some maps show that Red Hook lies over the Utica Shale, others do not. We would like clarity on that and we are especially concerned about fracking waste. She explained reasons for the CAC's concern. Our properties held under conservation easement have prohibited extracting activities. In our Town extracting activities are allowed in RD 3. New Jersey has had problems with fracking waste and we would like to be cautious with our agricultural lands and open space.

Ann Rubin, CAC member pointed out that one of the largest challenges is what to do with the waste. We don't have any protection at the Federal or State level so it is important for us to take the time to learn as much as we can.

Councilman O'Neill encourages the study that would either prohibit or limit fracking. If we are proposing a moratorium his position is that one is an effective tool but he thinks that tool is applied when there is an imminent action on the table and he does not think that's happened yet. You have to limit the moratorium. He is not in the position today to vote for a moratorium on

hydrofracking in the town of Red Hook unless there is proof of imminent danger. Maybe if it is allowed in our zoning that is a way we can prepare. He is trying to study hydrofracking and thinks we have to be educated.

Ann Rubin said in this case we have conflicting information on the maps. An adjacent Town acted quickly and she suggested an 18 month moratorium because a resident was approached to be a staging area. It could come through Red Hook.

Councilman O'Neill asked her how long she would suggest a moratorium.

Ann Rubin suggested 18 months. It would give us time to see what is happening at the Federal and State levels as well.

Councilman O'Neill reiterated his position.

Councilman Colgan asked how we would deal with a situation if a resident has a contract with someone in the hydrofracking business and we find out about it after the fact.

Councilwoman Cagle asked if we want to be prepared. At what point do you consider it too late? Do we wait until the first person sells rights or do we be proactive?

Councilman O'Neill said we would need a public hearing before bringing this to the Board. The plan of attack has to be at the State level with the DEC. It would be more effective there.

Ann Rubin called the Board's attention to the transportation issue with regard to waste or damage to roads, etc.

Supervisor Crane said we only have control within our own borders. She asked if the Board is comfortable sending a letter to New York State about preventing hydrofracking in the Marcellus Shale. She would invite the CAC to craft a letter for us to send to New York State with language we could support and hold the issue of a moratorium for a later date.

Councilman Ross commented that after reading Germantown's local law he would not vote for a ban but could entertain a vote for a moratorium. He would not want the Board to act on it until it was also reviewed by our Town Attorney. He intends to read the details first so he would not vote for a moratorium tonight.

Supervisor Crane commented that there are too many questions in the science for her to feel comfortable and would like more information. We need to take an action and the Board will discuss the moratorium at the next meeting.

Laurie Husted, CAC Chair asked for a ban on disposal of brine from hydrofracking in our community. More people should start looking at hydrofracking.

Supervisor Crane explained that the Board is going to need time to decide and she is not uncomfortable about voting for a moratorium.

Councilwoman Cagle pointed out the Germantown's moratorium specifics.

Attorney Chale suggested that the Board think about what the Town's authority would be and the impact to the community.

Supervisor Crane wants to look at the RD 3 section of zoning regarding mining rights.

Councilman O'Neill said to propose a moratorium looks good but in reality it is going to take time. An effective way to deal with this is for a Town to pass zoning legislation. He recommended a zoning approach.

Supervisor Crane agreed and again suggested taking a look at the RD 3. There are three things to do. Get a letter from the CAC to ask the State to not permit fracking in the Marcellus Shale, a letter regarding the ban of the material on our roadways, and third is to look at the RD 3 zoning in order to prevent any damage to our infrastructure.

Ann Rubin requested including the Utica and Trenton Shale's along with the Marcellus Shale.

Supervisor Crane asked the CAC to share the letters with the Board in order for them to act.

Councilman O'Neill, regarding the ban of brine, asked the CAC if they would check with the State and County to see if they allow brine on the roads in Red Hook.

DAVID'S ISLAND PARCEL

Supervisor Crane explained that this was reviewed and discussed. Councilwoman Cagle had asked for one more meeting because she wanted to look into a few more aspects of it.

Councilwoman Cagle said it is 5.7 acres and this eliminates interest from outside groups. It is not developable or near any planned trails or recreation facilities. She is ok with not accepting the parcel.

On a motion of Councilwoman Cagle seconded by Councilman Colgan moved to reject the donation of the David's Island parcel.

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

ZONING CHANGES – CENTERS & GREENSPACE UPDATE ANNUAL REVIEW

Supervisor Crane referred to a draft of recommended revisions and clarifications. Attorney Chale explained the packet to the Board. The Task Force outlined the changes they thought were necessary for clarification purposes. Michele Greig prepared the outline and resolutions. She also provided a list of the changes and a draft local law to reflect those changes. When the Board is ready to consider the changes they'd have to classify the action, and then consider a resolution setting a public hearing on the local law and referring it to the Planning Board for comments and to County Planning. Supervisor Crane asked the Board if they were willing to review at the meeting. The Board agreed to review the revisions. Attorney Chale reviewed the proposed local law along with the recommended revisions and clarifications dated June 11, 2012.

RESOLUTION 2012 #35

RE: STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) RESOLUTION CLASSIFYING ACTION AND ESTABLISHING LEAD AGENCY TYPE 1 ACTION

On a motion of Councilman William O'Neill seconded by Councilman Harry Colgan moved to accept the resolution.

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

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RESOLUTION 2012 #36

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN OF RED HOOK OF LOCAL LAW D (PROPOSED) OF 2012

On a motion of Councilman William O'Neill seconded by Councilman Harry Colgan moved to establish the date of July 10, 2012 for a public hearing at 8:00 p.m.

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

Copy Attached

Town Clerk McCann will submit notice to the Planning Board, Dutchess County Planning and neighboring municipalities.

RECREATION PROGRAM DOCUMENTATION

Councilman Colgan presented Recreation Program Director John Kuhn's recreation program documentation. The Town Board acknowledged receipt of the documentation.

ANNOUNCEMENTS

Councilwoman Cagle announced a rain barrel building workshop on July 29, 2012 at 1:00 p.m. at the Red Hook Recreation Park. It is sponsored by the CAC and there is a \$45 fee. Supervisor Crane acknowledged the Red Hook Seniors and the Red Hook Senior Services Committee for the food drive. There was an enormous amount of food collected for the children in the Red Hook school district.

On a motion of Councilman O'Neill seconded by Councilman Colgan moved to adjourn the meeting at 10:16 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk