

## **RED HOOK TOWN BOARD MEETING**

**May 14, 2013**

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: Deputy Supervisor James Ross  
Councilman Harry Colgan  
Councilman William O'Neill  
Councilwoman Brenda Cagle  
Town Clerk Sue McCann  
Absent: Supervisor Sue Crane  
Also Present: Attorney for the Town Christine Chale

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

### **PRESENTATION OF DEC CAMP SCHOLARSHIPS BY COMMANDER MOORE**

VFW 7765 Commander William Moore presented the scholarship awards to Helena O'Shea and Hanlon Crane.

Deputy Supervisor Ross congratulated the girls and thanked the VFW for raising the money to send two children to the DEC camp every summer.

Commander Moore mentioned that on May 27 there will be a Memorial Day parade and service.

Deputy Supervisor Ross thanked the CAC for their input in the decision making process.

### **RED HOOK CENTRAL SCHOOL DISTRICT BUDGET PRESENTATION**

Deputy Supervisor Ross introduced Business Administrator Bruce Martin, School Superintendent Paul Finch and Director of Facilities and Operations Perry Sheldon of the Red Hook Central School District.

Superintendent Finch explained the issues the school district faces in regard to the budget. The tax levy is at 3.42% and the expenditure is at 2.54%. There will be a capital project on the ballot. Business Administrator Bruce Martin explained balancing the budget and the school's fiscal position. The vote is on Tuesday, May 21<sup>st</sup> noon – 9:00 p.m. at Mill Road School's 3-5 gym. Director of Facilities & Operations Perry Sheldon explained the capital project that will be on the ballot. Boilers at the Mill Road Elementary School are in need of replacement. Other issues are security, phone system replacement throughout the district, camera system upgrade to provide better security, and wireless internet to provide for a better learning environment.

Superintendent Finch explained the debt service plan and the percentage of the cost taxpayers are responsible for.

### **SUPERVISOR'S REPORT**

The Supervisor's Report dated April 30, 2013 was read as follows: Opening balance - \$4,234,176.58; Receipts - \$3,428,551.10; Disbursed - \$4,177,684.65; Balance - \$3,485,043.03. There were the following budget adjustments: General A Fund: Total increase revenues - \$3,802; Total reduce appropriations - \$9,439; Total increase appropriations - \$13,241; General B Fund: Total increase appropriations - \$60,400; Highway DB Fund: Total increase appropriations - \$32,000, Appropriate fund balance - \$32,000; Water Works O & M Fund: Total increase revenues - \$6,250, Total increase appropriations - \$6,250. Other Funds & Capital Projects: Total reduce revenue - \$72,272; Total increase revenue - \$478,000; Total reduce appropriations - \$30,000; Total increase appropriations - \$486,379; Offset, appropriate fund balance - \$42,272 and \$8,379.

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

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

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### **TOWN CLERK'S REPORT**

The Town Clerk's report for the period April 1 – April 30, 2013 was read as follows: Total local shares remitted to Supervisor - \$2,458.47; Amount remitted to NYS Ag. & Markets - \$82.00;

Amount remitted to NYS Dept. of Health - \$90.00; Amount remitted to NYS DEC - \$1,531.53; Total State, County and Local revenue - \$4,162.00.  
Town Clerk/Tax Receiver McCann announced that she is collecting taxes until May 31<sup>st</sup>.

April 2013 Abstract – General A - \$527,389.87; General B - \$37,779.18; Highway DB - \$76,693.83, HA PDR - \$213,817.00; HB Cap. Scism Rd. Bridge - \$175.00; HS Cap. Highway Garage - \$2,449.61; SF Fire - \$17,270.00; SL Lighting - \$4,483.42; SW Water O & M - \$5,882.56; Total abstract - \$885,940.47. Vouchers # 16030 through #16228 were processed in the month of April, 2013 and are an accurate reporting.

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## **DUTCHESS COUNTY LEGISLATOR BEN TRAUDT RE: LOCAL SOLID WASTE MANAGEMENT PLAN**

Deputy Supervisor Ross introduced DC Legislator Ben Traudt.

Dutchess County Legislator Traudt attended the meeting to give an update of the direction of the solid waste management plan in the County. He explained some of the amendments to the plan. He will try to get a copy to keep in the Town Clerk's Office for anyone who might be interested. Councilwoman Cagle asked DC Legislator Traudt about the conversation they had about the fact that the contract is up on the burn plant in 2014.

DC Legislator Traudt explained that the contract is up in 2014 then will go to the legislature for approval.

Councilwoman Cagle asked if the facility could be reused for something else like some newer technology.

Legislator Traudt said it is possible. It is something to submit for consideration to the Solid Waste Department.

## **PUBLIC HEARINGS**

### **-ADOPTION OF LOCAL LAW A PROHIBITING BRINE ON TOWN ROADS**

### **-ADOPTION OF LOCAL LAW B AMENDING CHAPTER 84 OF THE TOWN CODE TO PROHIBIT THE DISPOSAL OF NATURAL GAS OR OIL DRILLING WASTE PRODUCTS IN THE TOWN OF RED HOOK**

### **-ADOPTION OF LOCAL LAW C PROHIBITING HEAVY INDUSTRY IN RED HOOK**

Deputy Supervisor Ross referred to the public hearings and explained each.

Town Clerk McCann read the public hearing notices. The notices were posted in the official newspapers, on the Town's website, the bulletin board in Town Hall, sent to the two Villages and sent to the surrounding towns of Clermont, Milan and Rhinebeck.

Deputy Supervisor Ross opened the first public hearing.

Harold Ekblom asked where the notices were published, how many times and when.

Town Clerk McCann explained it was published on April 25 in the official Town newspapers the Daily Freeman, the Poughkeepsie Journal posted on the Town's bulletin board, the Town's website, Red Hook and Tivoli Village and to surrounding towns.

Deputy Supervisor Ross explained the issues.

David Russo appreciates the spirit of the proposed law regarding brine on Town roads but the wording concerns him. The word "brine" is too broad, it is salt water. It sounds that the industry is pulling a fast one on local municipalities. To use the word "brine" to describe hydraulic fracturing waste without calling it hydraulic fracturing brine is a mistake. He referred to a copy of a law from Ulster County Legislator Craig Perez who had their law amended for a more specific definition. The city of Kingston cut costs by making a salt water solution to spread on their roads. Our law, as worded, looks like it could prohibit our Town from doing what Kingston does to prepare for storms with salt water products.

Councilman Colgan referred to a section of the proposed Brine Law.

Attorney Chale addressed the prohibition of the law and the substance of the law. The provisions to cover natural gas or oil production by-products clearly do not include salt or salt brine.

Deputy Supervisor Ross pointed out another aspect of the wording.

David Russo wants to make sure that this does not exclude salt water to be used on roads.

Councilman Colgan said they did spend a lot of time on the wording.

Attorney Chale said we are not prohibiting brine, we are prohibiting natural gas and oil production waste. That is the prohibition.

Councilman Colgan said that they did extensive research.

Lori Urban appreciates the Town Board being proactive about the potential dangers of hydraulic fracturing. It is an excellent move and she is very supportive of it.

Linda Conroy recently returned to the area, spent time upstate where this issue is a huge topic. She strongly advocates for passing this and moving it forward. It is a very proactive move. Ross Gould thanked the Board for bringing this to the table. It is very important to be proactive. He listed the chemicals used in fracking. He is very supportive of the law and feels this is taking a great step to protect the health of our children.

Dick Franklin, who was unable to stay at the meeting, asked Deputy Supervisor Ross to read three paragraphs of an article he highlighted, addressing this issue and the hazard of radon in natural gas.

Harold Ekblom asked if information will be available.

Deputy Supervisor Ross told him what is available, where it is available and that the minutes, when completed will be available to the public.

David Russo asked if written comments will still be allowed.

Deputy Supervisor Ross told him that the plan was to close the public hearings tonight.

Councilman Colgan explained the research involved in the law. He is certain they've done the best job they can.

Councilwoman Cagle said that at least three Town committees reviewed the law, the Attorney worked hard on it and we are comfortable with the wording the way it is.

David Russo appreciates the law, he doesn't know why the word brine is not defined and it should be.

David Russo feels the penalties are too low for the infractions. They should be \$25,000 to \$50,000 instead of \$1,000.

Deputy Supervisor Ross asked if there were any more comments.

There were none.

On a motion of Deputy Supervisor Ross, seconded by Councilwoman Cagle moved to close the public hearings.

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

#### **PROPOSAL OF LOCAL LAW D AMENDING CHAPTER 143 OF THE CODE OF THE TOWN OF RED HOOK ENTITLED "ZONING"**

Deputy Supervisor Ross asked Town Clerk McCann to read the public hearing notice.

Deputy Supervisor Ross opened the public hearing for comments.

There were none.

Councilman O'Neill commented on the minor changes in the Traditional Neighborhood District (TND) to allow for practical situations.

Deputy Supervisor Ross asked if there were any more comments.

There were none.

On a motion of Deputy Supervisor Ross seconded by Councilwoman Cagle moved to close the public hearing.

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

#### **PUBLIC COMMENT PERIOD**

Deputy Supervisor Ross opened for public comments.

Harold Ekblom commented that the public hearings were closed and should be left open for those people who could not get here.

Councilman Colgan told Mr. Ekblom that this has been discussed for about a year. All discussions are on PANDA. We try to be as transparent and open as possible. He is convinced that the public knew what was going on.

Deputy Supervisor Ross said the Board did their best to notify everyone. The meetings are always open to the general public.

Ross Gould asked about the Climate Action Plan. Where is that in the process and will we vote on it to be part of the Town Planning process?

Councilwoman Cagle said that it was accepted.

Councilman Colgan said the environmental impact statement is on line for the zoning passed on July 11, 2011.

Deputy Supervisor Ross asked if there were more comments.

There were none.



Attorney Chale explained the next resolution regarding heavy industry.  
Councilwoman Cagle read the resolution.

**RESOLUTION 2013 #35**

RE: AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW C (PROPOSED) OF 2013

On a motion of Councilwoman Brenda Cagle seconded by Councilman Harry Colgan moved to approve the resolution.

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

Copy attached

Attorney Chale explained the next two resolutions relating to the TND.  
Deputy Supervisor Ross read the resolution.

**RESOLUTON 2013 #36**

RE: DETERMINING SIGNIFICANCE AND AUTHORIZING FILING OF NOTICE OF NEGATIVE DECLARATION FOR LOCAL LAW NO. D (PROPOSED) OF 2013

On a motion of Deputy Supervisor James Ross seconded by Councilman William O'Neill moved to approve the resolution.

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

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Deputy Supervisor Ross read the resolution.

**RESOLUTION 2013 #37**

RE: AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW D (PROPOSED) OF 2013

On a motion of Deputy Supervisor James Ross seconded by Councilman Harry Colgan moved to approve the resolution.

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

Copy attached

Attorney Chale explained the next resolution regarding the required votes for actions of the ZBA.

**RESOLUTION 2013 #38**

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. F (PROPOSED) OF 2013, A LOCAL LAW TO CORRECT INCONSISTENT PROVISIONS OF THE ZONING LAW REGARDING REQUIRED VOTES FOR ACTIONS OF THE TOWN OF RED HOOK ZONING BOARD OF APPEALS

On a motion of Councilman William O'Neill seconded by Councilman Harry Colgan moved to set the public hearing for June 11, 2013 at 7:45 p.m.

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

Copy attached

**DISCUSSION ON ADOPTING CHAPTER 64 OF THE CODE OF THE TOWN OF RED HOOK ENTITLED “DOG PARKS”**

Councilwoman Cagle explained that the Town of Rhinebeck already adopted a dog park law and the plan is to have a shared dog park with the Town of Red Hook on Stone Church Road by the soccer fields. She explained the fees, tags and maintenance.

Attorney Chale explained the resolution and the suggested provisions.

Deputy Supervisor Ross read the resolution.

**RESOLUTION 2013 #39**

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 2013, A LOCAL LAW TO ADOPT A NEW CHAPTER 64 OF THE CODE OF THE TOWN OF RED HOOK ENTITLED “DOG PARKS”

On a motion of Deputy Supervisor James Ross seconded by Councilman William O’Neill moved to set the public hearing for June 11, 2013 at 7:50 p.m.

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

Copy attached

**MOTION TO SUBMIT APPLICATION TO DUTCHESS COUNTY FOR WORKERS COMPENSATION INSURANCE CONSORTIUM**

Councilman Colgan said this is a vote to authorize the Supervisor to move forward with the application.

On a motion of Councilman Colgan seconded by Councilwoman Cagle moved to authorize the Supervisor to move forward with the application to Dutchess County for the Workers Compensation Insurance Consortium.

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

**HUDSON VALLEY SWAT TREE INVENTORY REPORT**

Councilwoman Cagle gave a power point presentation for a street tree inventory that was done by Cornell Cooperative Extension. She is making the presentation as a Cooperative Extension employee. The inventory is considered a necessary management tool. In summary they inventoried 675 sites, 450 had trees, 225 were identified as planting sites, there were 114 sugar maples, 33 trees required further consult, 74 trees needed immediate pruning, there were 30 dead trees and eco-benefits were over \$70,000. She presented a page from their inventory showing where it was done and she pointed out the top ten species. Maintenance and management plans were discussed.

Tree Commission Chair Nancy Guski said they will be doing an inventory of the recreation park in about a week.

**ANNOUNCEMENTS**

Councilwoman Cagle announced the following:

-Tour de Red Hook will be May 19<sup>th</sup> from 1 – 3 p.m.

- Senior Committee Food Drive at the Firehouse on June 11 from 1 – 3 p.m. and 6 – 8 p.m.

On a motion of Deputy Supervisor Ross seconded by Councilman Colgan moved to adjourn the meeting at 10:12 p.m.

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

Respectfully submitted,  
Sue McCann, Town Clerk