

RED HOOK TOWN BOARD MEETING

March 10, 2015

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
Councilwoman Brenda Cagle
Town Clerk Sue McCann
Absent: Councilman William O'Neill
Also Present: Attorney for the Town Christine Chale

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She read a report item left by Bookkeeper Ann Conway. In order to keep the Board fully informed on Shared Services Account Activity she submitted balances for their review. The Statement of Outstanding Accounts Receivables showed balances due from Red Hook Central School, Village of Tivoli, Village of Red Hook, Red Hook Fire Department, and Art Haddad.

TOWN CLERK'S REPORT

The Town Clerk's report for the period February 1 –February 28, 2015 was read as follows: Total local shares remitted to the Supervisor - \$1,508.89; Amount remitted to NYS Ag. & Markets - \$57.00; Amount remitted to NYS Dept. of Health - \$22.50; Amount remitted to NYS DEC - \$4.72; Total State, County and Local revenue - \$1,593.11

ANNOUNCEMENTS

Councilwoman Cagle asked for volunteers for the Senior Services Committee. They will need help for the Senior Expo in October.

Councilman Colgan reminded Village residents that elections are next week on March 18 from noon to 9 p.m.

PUBLIC COMMENT PERIOD

Supervisor Crane opened for public comments.

Chris Klose spoke representing Historic Red Hook regarding the tentative decision of reduction of speed limit on Feller-Newmark Road. They are firmly opposed to the development. Feller-Newmark is one of the most historic roads in the Town of Red Hook. He gave reasons for not supporting the development.

WILLMS PETITION FOR REZONING

Supervisor Crane asked Attorney Chale to lead the discussion regarding this petition.

Attorney Chale referred to a request from Doug Wicks on behalf of Marty Willms who owns property east of Town Hall. He provided sketches which indicate that a portion of his property was rezoned in the context of the Centers and Greenspaces Plan, and he believes it was rezoned incorrectly. She pointed out the area on a map and explained. A lot line adjustment was done in 2007 that took that parcel and put it with the property that has the storage buildings. That was zoned residential instead of commercial.

Supervisor Crane clarified that the owner chose to move a segment of one lot to a segment of another lot?

Attorney Chale responded it was merged with another lot. The filed map was 2007.

Councilman Colgan was of the understanding that the change was made by DC land people because the property line went diagonally through that parcel. Half was zoned residential and half was zoned commercial and that is very clear if you look at the map from 1999.

Attorney Chale said the applicant was informed about the process of requesting a zoning change and he is objecting because he doesn't want to pay for it. He thinks it should not have been zoned that way.

Supervisor Crane asked if he requested that the change be made or was it DC Planning.

Attorney Chale said this was a change in his own lot line adjustment so he would have.

Supervisor Crane commented that in 2007 the owner filed that map with the change and that was about the time we were going through the zoning examination in front of the public. If he himself filed the map, it looks like he was aware then and before we passed the legislation he had

ample time to say to us ‘wait, this is what is filed, this is what I want or don’t want’. She doesn’t recall him speaking to the Town Board in any of the public hearings. Councilman Colgan said the public hearings were in 2010 and 2011. Supervisor Crane said if he made the change and he was given notice of the public hearings because his property was affected, there was time for him to comment. She will check to see if he made an objection. The Board will look into whether the Town takes action on his behalf or if he is willing to accept that he must petition the Town to make that change with all incumbent costs associated with it. Was it our error, his error, or both?

REQUEST FOR REDUCTION IN POSTED SPEED LIMIT ON SEGMENT OF FELLER-NEWMARK ROAD IN THE VICINITY OF “THE PRESERVE AT LAKES KILL”

Supervisor Crane asked if John Wagner was in attendance. Mike Bodendorf, Engineer for the applicant explained that John Wagner was stuck in traffic and asked they could be moved down the agenda. Supervisor Crane agreed.

RESOLUTION RE: RED HOOK TREE COMMISSION

Town Clerk McCann read the resolution. Supervisor Crane asked Tree Commission Chair Nancy Guski to speak. Chair Nancy Guski said the commission would like to increase the membership from five to seven members.

RESOLUTION 2015 #7

RE: ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW B (PROPOSED) OF 2015 REGARDING THE RED HOOK TREE PRESERVATION COMMISSION

On a motion of Councilman Harry Colgan seconded by Councilman James Ross moved to set the public hearing for 7:50 p.m. on April 14, 2015.

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

Copy attached

Councilwoman Cagle proposed adding the adoption of the Tree Commission’s Forestry Management Plan to the agenda for the April 14, 2015 meeting.

On a motion of Supervisor Crane seconded by Councilwoman Cagle moved to add the Tree Commission’s Forestry Management Plan to the agenda for the April 14 meeting.

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

TOWN OF RED HOOK EMPLOYEE HANDBOOK

Supervisor Crane suggested having maybe two Town Board members look at the employee handbook and make modifications or additions. It will have policy and procedures attached as policies are developed. She asked Councilman Colgan and Councilwoman Cagle to meet with Bookkeeper Ann Conway to review the handbook.

On a motion of Supervisor Crane seconded by Councilwoman Cagle moved to have Councilwoman Cagle and Councilman Colgan review the employee handbook.

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

REORGANIZATION

Tree Preservation Commission– The members agreed to ask the Board to appoint Mr. Doug Traudt.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to appoint Doug Traudt to the Tree Preservation Commission for a term to expire December 31, 2016.

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

St. Margaret's Committee – A letter was received from Michael Brown expressing interest in serving as the Chair of the committee. Former Chair Paul Fredricks who recently passed away, requested that Michael serve as Chair in his absence. The Board will hold off until they check to see if he lives in the Town of Red Hook.

IT Committee – discussion is tabled until they meet. It will be recommended that the committee come up with a cyber security policy.

CORRESPONDENCE

Supervisor Crane referred to two resolutions she received. She asked Councilman Colgan to present and discuss them.

Councilman Colgan explained the resolutions. He started with one that refers to an agenda at the State level to provide \$20 million dollars for the purchase of agricultural development rights in the Hudson Valley from a windfall of \$5.1 billion that was received by the State. He feels it would be great for the Hudson Valley but it leaves him concerned. We as a Town purchased development rights at the expense of the taxpayers. We spent over \$2 million and he feels there should be some consideration there. The second item to be considered has to do with a Circuit Breaker. The concept is that State funds are used to help out lower income family's pay their property taxes. He explained the Circuit Breaker and his concern is our constituents. At this point he is reluctant to move forward with supporting it.

Councilwoman Cagle reviewed some figures she received from Assembly member Cahill's office. She thinks a circuit breaker is a good idea but she wants to research it to be satisfied. She'd like to "tweak" the resolution before she gives her support.

Supervisor Crane is curious about the tax cut numbers. It doesn't feel right to her. She thinks the Board's concern is our own constituents. If only 6% of our residents have a net income of over \$250,000, in her opinion, this needs serious revision.

Councilman Ross said it could be a good way to spend that money because the Hudson Valley has one of the highest taxes in the State. In essence the trickle down could help everybody. As far as what Councilman Colgan said, he feels that it should be scaled back, that \$250,000 is probably higher than it should be.

Councilman Colgan said that is his point.

Councilman Ross would rather see the State spend that excess on infrastructure in the State rather than something like this. He sees this as a way of getting more votes for the incumbents. He agrees with Councilman Colgan that he would roll that top figure back a bit.

Councilman Colgan said details are on line by zip code and by Town.

The Board continued discussion about issues regarding the circuit breaker. They decided to wait until they receive more information from contacts in Albany.

Supervisor Crane turned attention to the Farmland Preservation resolution.

Councilman Colgan feels that resolution is one the Board should pass.

Supervisor Crane asked Councilman Colgan if he is saying that the Board should modify the circuit breaker and in regard to the Farmland Preservation resolution we should ask for consideration that the Towns investment that we already made be part of it.

Councilman Colgan answered yes. There are several ways to approach that.

Councilwoman Cagle thinks the resolution is fine as it is, and suggested more research.

RESOLUTION 2015 #8

RE: IN SUPPORT OF NEW YORK STATE FUNDING FOR FARMLAND PRESERVATION IN THE HUDSON VALLEY

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

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

Copy attached

Supervisor Crane received correspondence from the Dutchess County Executive that our program for ADA handicapped accessible improvements has been recommended in the amount of almost \$100,000. The grant project will run from March 2015 – March 2016.

Correspondence was received from Hudson Valley Area Labor Federation asking the Town to support a resolution requesting that the U.S. Congress prohibit the U.S. Postal Service from closing (or “consolidating”) its mail processing center in Newburgh-Mid-Hudson P & DC. She read the letter that explained the situation.

RESOLUTION 2015 #9

RE: REQUESTING THAT THE U.S. CONGRESS PROHIBIT THE U.S. POSTAL SERVICE FROM CLOSING (OR “CONSOLIDATING”) IT’S MAIL PROCESSING CENTER IN NEWBURGH-MID-HUDSON P & DC

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

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

Copy attached

Supervisor Crane shared more correspondence:

- Explained that the Town is part of the Dutchess County Multi-Jurisdictional Hazards Mitigation Plan. The Chair of our Disaster Preparedness Committee, Vincent Coluccio, has attended the kickoff at the DC Headquarters on Creek Road. On March 12 members of our staff along with Vin Coluccio will look at the format for submitting our piece of a county wide hazardous mitigation plan update. On March 24 after they’ve compiled information, he will take it to our local Emergency Response Committee at Mill Road School in order to have the application in by March 27. What it means is that the County has enlisted the support of the municipalities in a County wide disaster preparedness mitigation plan. After completion of that plan we will qualify for money from the federal government for mitigation.
- A letter was received from NYSDEC congratulating the Town for becoming a Tree City, USA. She thanked the Chair, Nancy Guski and members of the committee for their work. They are invited to the 9th annual ceremony and recognition workshop on Thursday, March 26.
- Correspondence from Barbara Donagan, Chair of Dutchess County Youth Board and Coordinating Council. The 2015 NYS Office of Children & Family Services funding allocations have not been issued yet from the State. Based on projected funding we are being recommended for up to \$5,000 for the recreation program.
- Notification to Mayors and Supervisors from the DC Executive that the County is sponsoring an informational session regarding the property tax freeze credit program and government efficiencies plan on March 27 at 10 a.m.
- Letter from Senator Sue Serino who talked about being a member on various Senate committees. She is looking forward to hearing from us if we need her help.

REQUEST FOR REDUCTION IN POSTED SPEED LIMINT ON SEGMENT OF FELLER-NEWMARK ROAD IN VICINTY OF “PRESERVE AT LAKES KILL”

Supervisor Crane introduced John Wagner, Attorney for Landmark Properties of Suffolk, Ltd. and PB Developers, Inc.

John Wagner explained the issue regarding the request for reduction of the speed limit on Feller-Newmark Road where the subdivision access road will tie in. He cited Section 1622 of the New York State Vehicle and Traffic Law (entitled “speed limits on county roads and town highways”).

Michael Bodendorf, Engineer for the applicant, familiarized the Board with the proposed subdivision. He pointed out the area of concern on a map and explained the changes they are requesting for a speed limit reduction instead of an advisory speed limit sign.

Supervisor Crane asked if the Board had questions or comments.

Councilman Ross feels the request seems easy and understandable.

Supervisor Crane read the resolution.

RESOLUTION 2015 #10

RE: REQUESTING MODIFICATION OF SPEED LIMIT ON FELLER-NEWMARK ROAD IN THE VICINITY OF SUBDIVISION OF “THE PRESERVE AT LAKES KILL”

On a motion of Councilman James Ross seconded by Councilman Harry Colgan (for further discussion) moved to approve the resolution.

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|---------|----------|---------------------|
| Adopted | Ayes 3 | Crane, Ross, Colgan |
| | Nays 1 | Cagle |
| | Absent 1 | O’Neill |

Copy attached

The vote was taken after the following discussion:

Councilwoman Cagle asked if this requires a SEQRA review.

Attorney Chale explained the Planning Board is the lead agency

John Wagner said the Planning Board had the SEQRA review conducted. The conditions of prior approval are based upon the SEQRA review.

Councilman Colgan directed his question to Michael Bodendorf asking if he came to the conclusion that it is the appropriate speed limit.

John Wagner said it is the lowest speed limit that they can propose by law.

Attorney Chale explained the law.

Highway Superintendent Theresa Burke explained the process of requesting a speed limit reduction. The process is to send the request to the County, they do their own engineering study, and then it goes to the State DOT for the final decision.

PUBLIC COMMENT PERIOD

Supervisor Crane opened for public comments.

Robert McKeon said that SEQRA didn’t review the speed limit. He pointed out the two points where the speed limit would be changed. One point were drivers would have to decelerate, and the other where the driver will have to accelerate. Neither point has been studied by the Planning Board’s consulting engineer or the Town Board’s engineer. You took an action without studying the implications of what that action is.

Councilman Colgan responded saying that what the Board did was send it to the experts to make the decision. He doesn’t feel capable of making that decision. As a casual driver on that road, he doesn’t want to go over 25 mph anywhere, and probably can’t even go that fast. It seems to make sense to make the speed limit for the benefit of all people substantially lower than it is.

Robert McKeon commented that under SEQRA a Board is required to study alternatives to an action. You took an action to recommend without even adopting lead agency apart from what the Planning Board studied.

Councilman Colgan said the Board didn’t take an action, they are asking the experts from the State to make the decision.

Linda Keeling commented that the IT management plan be updated.

John Wagner commented that the SEQRA process that was conducted was a multi-year event during which time the project was modified quite extensively to address some of the concerns that were raised. There is a whole section of the ultimate Negative Declaration that deals with the traffic issues. Some of the modifications that were made was the suggestion by the applicant that the posted speed limit be reduced to 25 mph, so it was all part of the SEQRA process of what we are here for. The Town Board is essentially making a recommendation for a follow up by the appropriate agency to act upon this. This Town Board doesn’t have any approval authority over the reduction of speed limit therefore there really is no action for SEQRA purposes here. The resolution adopted tonight is a recommendation and has no impact on the environment.

Supervisor Crane will send a cover letter with the resolution to the county.

On a motion of Councilman Colgan seconded by Councilwoman Cagle moved to adjourn the meeting at 9:00 p.m.

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

Respectfully submitted
Sue McCann, Town Clerk