

Public Hearing

A public hearing 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 on September 5, 2006 at 8:12 p.m.

Present Supervisor Marirose Blum Bump
 Councilman James Ross
 Councilwoman Sue Crane
 Councilwoman Jean Bordewich
 Councilman Harold Ramsey
 Town Clerk Sue McCann

Also present: Town Attorney, Christine Chale

Supervisor Blum Bump read the Public Hearing notice on the proposed adoption of the Open Space Plan and passed out a copy of the acknowledgement of the Open Space Plan. We are here tonight to ensure that the Open Space Plan is adopted properly. Supervisor Blum Bump opened the hearing to public comments.

Privilege of the floor:

Brenda Cagle of the CAC urged the Board to adopt the Open Space Plan.

Ruth Oja said that this plan protects our water, soils, and air. This plan has the information needed to make good decisions. It is a first step in a process. It can be changed, revised and added to. She hopes that the Board will vote to adopt it.

Councilwoman Bordewich said that it was great to see Ruth Oja, Susan Ellis and Marcy Appell. There was a tremendous amount of work going into this and thank you for your support of the formal adoption.

Supervisor Blum Bump...we are working hard for our community preservation act and this needs to be adopted in order for us to move forward.

Councilman Ross said that the plan was accepted but not adopted and the community should take a look at it.

Supervisor Blum Bump said that it's on the web site and encourages the community to read it.

Doug Moat said he compared the Towns Community Preservation Act with the States enabling legislation for a Community Preservation Act and the State set very specific requirements. Ours inserts a clause that's not in the States legislation that says if we have this Open Space Plan we don't have to follow all the detail.

Christine Chale said that's true for a short time then within a year other requirements need to be developed and used. It is only a temporary measure. The Open Space Plan had to be adopted before the referendum. It makes sense to adopt this first.

Councilman Ross feels we shouldn't rush to adopt it because the public isn't aware of it. Our working group with their new proposals for the zoning, talking about TDR and receiving zones north and south of the village; a lot of that does not coincide with our Open Space Plan and the aquifer protection so we all need to take a very good look at this.

Councilwoman Crane said she was a new member when this plan was being developed and thought when we accepted it we adopted it. This Town Board has taken this as a valid document we've been working from for almost 6 years. It feels like we've been living with this plan and this is just a formality.

Trilby Sieverding believes the Town Board needs to give residents more time to review and understand this material. It could be seen as an attempt to legitimize the Town Board and the Agricultural Advisory Committee recent actions as to the moratorium and the agricultural preserve. I feel the Town Board acted improperly by passing that law.

On a motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich, move to close the Public Hearing.

Councilman Ross offers an amendment to Supervisor Blum Bump's motion.

On a motion by Councilman Ross, seconded by Councilman Ramsey, move that we amend Supervisor Blum Bumps motion and pick a date in the not too distant future, and that we will receive and review written comments.

Councilwoman Crane wants to close the loop. She thought this was adopted six years ago. There are no nefarious objectives going on here in terms of adopting this Open Space Plan.

Councilwoman Bordewich said this has been a very public document. Delaying this right now is going to create a problem with the timetable we have on an important issue.

Christine Chale said that according to State law, a copy of the Community Preservation Plan shall be filed with the Town Clerk. Such plan shall be completed at least 60 days before the submission of the mandatory referendum required with respect to the transfer tax. If at the time of referendum the Town shall have in place an adopted Open Space Plan, such plan shall be deemed sufficient to waive the preservation plan requirements of this subdivision. You could read that to say that as long as the Open Space Plan, as opposed to the Community Preservation Plan, was adopted before the referendum date it would be ok. Christine would prefer that it would be done in a time frame. This was a document we were using.

Councilman Ramsey asked if Councilman Ross came up with an adequate date

Councilman Ross said the next meeting would be fine as long as the public would have time for any written comments. The Open Space Plan has not been discussed publicly for six years. It wasn't adopted then because there was public comment and many people felt the well head protection might be a little too restrictive in such places such as near the villages. Councilman Ross thinks we should all take a good look at that especially in light of the proposed development. He wants to make sure the public is aware of it.

Christine Chale reminds the Board that there is a Public Hearing in a couple of weeks on the CPA. We will also be spending a lot of time next year developing a Community Preservation Plan that does meet the requirements of the statute. That is a very detailed document.

Councilwoman Crane is concerned about our tight time schedule. How can we move forward with the public hearing on the 19th if this has not been adopted?

Councilwoman Bordewich said this has been out there for six years and doesn't see the need to wait.

On a motion by Councilman Ross, seconded by Councilman Ramsey, move to propose that the verbal comment portion of the Public Hearing be closed tonight but we allow written comments on our proposed Open Space Plan that was accepted but never approved or adopted six years ago, from the public for two weeks.

Robert McKeon is concerned about all the time dragging this on, it's just a policy document, let's get on with it and adopt it.

Richard Hansen suggested slowing down, taking your time and let people think about it. You should use it as a tool not a weapon. People are suspicious of all the laws the Board is bringing up.

Vote taken; the amendment to the resolution does not pass.

Not Adopted	Ayes 2	Ross, Ramsey
	Nays 3	Blum Bump, Crane, Bordewich

On a motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich move that we close the Public Hearing.

Adopted	Ayes 3	Blum Bump, Crane, Bordewich
	Nays 2	Ross, Ramsey

Respectfully submitted,
Susan McCann, Town Clerk