

A workshop 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 9:00 p.m.

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

Also Present: Deputy Supervisor Bill O'Neill and Town Attorney
Christine Chale

Supervisor Blum Bump opened the meeting with an announcement that there will be a second Intermunicipal Task Force Community Meeting on Red Hook Centers and Green Spaces Plan - The Tools, on September 27, 2006 at the Linden Avenue Middle School at 7:30 p.m. The agenda says September 20, so please note the correction.

Councilwoman Bordewich brought up the fact that September 27 is the High School Open House which may cause a conflict.

After some discussion, the meeting was returned to the date of September 20, 2006.

PRESENTATION OF PROPOSAL REGARDING RED HOOK TOWN AQUIFER PROTECTION

Deputy Supervisor O'Neill introduces Russell Urban Mead who spoke at the Intermunicipal Task Force meeting last week. He presented the April 2006 report on the aquifers in Dutchess County. Mr. Urban Mead worked about 20 years ago in Red Hook in protecting the well heads. Russell was asked to report strictly for the Town of Red Hook on aquifers, the protection of the aquifers and wellheads.

Russell Urban Mead thanked everyone for inviting him to speak. He discussed a study under County funding identifying aquifer recharge rates throughout Dutchess County. They are fundamental to understanding the amount of water available for any purpose. He told of Planning advice for septic systems and sewers. Mr. Mead gave a "menu" of things he thought would be useful for Red Hook to evaluate to make sure their ideas are going to work. He handed out an outline of items for the Board to consider. Mr. Mead said that Red Hook could look at Amenia's model regulation which is under consideration for adoption. A Municipal level aquifer report would be useful to our Town Board. Another circumstance to consider is if the Town and Village wellfield can meet the proposed new demand. It is a question that might be asked. Do the wellhead protection areas for those two well fields need to be revised given increased takings. I must have misunderstand that I was to come here tonight with a finalized proposal, I didn't I was hoping to receive some feedback as to which one of these topics I was supposed to focus on.

Bill O'Neill said that the Task Force was going to look at this again on Friday. He feels whatever Russell Urban Mead suggests should be done.

Supervisor Blum Bump suggested that if the any of the Town Board members had any questions they could get them to the Intermunicipal Task Force by Friday.

Harry Colgan, member of the Intermunicipal Task Force suggested we consider these facts in relation to Tivoli too. The issue is important there as well.

Russell Urban Mead said that Tivoli is mentioned in what he passed out. Tivoli has just expanded its well fields so they might have documents in hand to help make this more efficient. He doesn't know about their reserve capacity but it should help.

Councilwoman Bordewich asks how this relates to private water systems, i.e.; Bard, UTS, etc, and if there is any anticipation that we are going to need to designate additional well areas. Do we need to identify and protect those now as part of this plan.

Russell said we would not impose an additional demand on them. The aquifer protection ordinance being considered for adoption in Amenia, which is based upon the County's recommended aquifer model recommends that the well head recharge area from any community water systems be designated on the municipal map and be afforded the higher level of protection.

Councilwoman Crane asked how we calculate the numbers when we come up with a water budget.

Mr. Urban Mead thought he'd be given numbers and then could tell if our centers would work. He wasn't sure what he was going to present to the Board tonight. The Health Department's allocation of water for dwelling units is conservative they assume that every bedroom is full.

Councilman Ramsey asked about central sewage system. Is C.T. Male who is doing the feasibility study looking at the finances or the report?

Deputy Supervisor O'Neill sent them the aquifer report a couple of weeks ago.

Mr. Urban Mead said they're probably not looking at the aquifer, but are figuring out the cheapest way to put the pipes in.

Deputy Supervisor O'Neill...we have those potential wells on the Leone/Migliorelli property. We are trying to give Mr. Urban Mead everything... the sewers, alternatives to sewers, then the impact on the aquifer and protecting the wellheads. We will give Russell as much detail as he is going to need for him to make his dollar and cents proposal.

Councilwoman Bordewich recommended contacting Ted Kudzy to make sure that we will be following contract procedures.

RELIEF FROM THE PROVISIONS FROM LOCAL LAW #2 2006 FOR TIM AND IRENE HOURIHAN.

Supervisor Blum Bump asks for comments from the Board

Councilman Ross said he is familiar with the Hourihan's plans. They have spent a lot of time, effort and money before the Planning Board prior to the enactment of the moratorium and he is satisfied with what they have provided for their need for relief.

Councilwoman Crane said this is a tough one. What troubles her more than anything about this proposal is that because they have been required to cluster, they are coming in with 7 lots instead of 5 lots. It seems to fly in the face of what it is that we are hoping to achieve with the clustering. As far as requiring relief, the section is there for a reason, and it's up to the Board to decide if they deserve relief. In this case, she believes they've demonstrated hardship and enough investment that we should consider this as deserving a relief.

Councilman Ramsey agrees with Councilwoman Crane. He understands clustering has benefits, but when we start increasing lots in order to cluster, there is something wrong here. However, the questions we heard tonight should go to the Planning Board. I think they've shown a financial hardship, and I have no problem allowing this to go forward to the Planning Board.

Councilwoman Bordewich thinks the relief provisions are there for a reason and she tries to take each request separately and consider it on its merits against the criteria they are asked to weigh. The moratorium was enacted specifically to give the Town time to consider how to address very intense public concern about proposals exactly of this type, which are residential subdivisions on or adjacent to significant agricultural land. She

thinks this proposal is different because it is a business investment. Business deals have their ups and downs. She feels she has to protect the public's interest. We will not take the risk out of business. Hardship should be an exception, not just a carte blanche. It's not meant to be a giant loophole in the moratorium. She does not see convincing evidence of extreme financial hardship.

Supervisor Blum Bump feels it's good for people to exercise their right, but doesn't think this application is based on an extreme financial hardship, but on a fear that something might happen with the zoning changes. It doesn't meet the requirements. The neighbors made very intelligent remarks. There is no saying that this is going to please the Planning Board. They have been known to go through more than three versions. Subdivision is a long term investment. The moratorium is only for two months more. Based on the proposal, nothing personal, she will be voting no.

On a motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich, move that we deny the relief of this application.

Councilwoman Bordewich is concerned that we are letting significant subdivisions with houses plopped down on them and she doesn't think that is what the public wants. We are sending the wrong signals to the public. We are not allowing the moratorium to allow us to think it through.

Councilman Ramsey said that none of these are new applications. All of these applications have been stopped mid-stream from the Planning Board. We stopped all of them mid-stream knowing that we were going to cause them some kind of financial hardship.

Vote taken.

Motion denied	Ayes 2	Blum Bump, Bordewich
	Nays 3	Ross, Crane, Ramsey

On a motion by Councilman Ross, seconded by Councilman Ramsey, move to grant moratorium relief to Tim and Irene Hourihan

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

LARGE ASSEMBLIES

Supervisor Blum Bump reads the State Environmental Quality Review Resolution authorizing the filing of negative declaration. The name of the action is "Amendments to Chapter 44 of the Town of Red Hook Code".

RESOLUTION 2006 #50

RE: Authorizing Filing of Negative Declaration

On a motion by Councilman Harold Ramsey, seconded by Councilwoman Sue Crane move to accept the negative declaration to the Chapter 44 amendment.

Adopted	Ayes 5	Blum Bump, Ross, Crane, Bordewich, Ramsey
	Nays 0	

Copy Attached

Supervisor Blum Bump reads the authorization of adoption by the Town Board of the Town of Red Hook of Local Law #5, 2006, entitled "A Local Law Amending Chapter 44 of the Code of the Town of Red Hook, entitled "Assemblies, Public".

RESOLUTION # 51

RE: Adoption of Local Law #5, 2006

On a motion by Supervisor Marirose Blum Bump, seconded by Councilman Harold Ramsey, move to authorize the adoption by the Town Board of Local Law #5, 2006.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
Nays 0

Copy Attached

OPEN SPACE PLAN

Supervisor Blum Bump reads a Resolution authorizing the filing of negative declaration regarding Town of Red Hook's Open Space Plan dated September 5, 2006.

Town Attorney Christine Chale goes over the EAF (narrative) prepared by the Planner (Greenplan, Inc.). All impacts are small so we can vote on the negative declaration.

RESOLUTION # 52

RE: Authorizing Filing of Negative Declaration Regarding Town of Red Hook Open Space.

On a motion by Supervisor Marirose Blum Bump, seconded by Councilwoman Sue Crane move to authorize the filing of the negative declaration regarding the Town of Red Hook Open Space Plan.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
Nays 0

Copy Attached

RESOLUTION #53

RE: Approving Adoption of the Town of Red Hook Open Space Plan

On a motion by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich, move to adopt the Town of Red Hook's Open Space Plan.

Copy Attached

Councilman Ross feels we should put off adopting this resolution for a week or so. There has not been enough public information given out at all. The general public doesn't know anything about it.

Councilman Ramsey agrees with Councilman Ross that the public should have more of a say in this, but he is concerned though that if this does not go through the Community Preservation Act that we work hard for has the possibility of also not going through. He has minor concerns and wished we had more time to give it to the public.

Councilwoman Crane said that we can amend this, it is never final. She thinks that in order to go ahead with the Community Preservation Act, it is very important to go through with this tonight. It's also important to say, we can look at it again if the public decides they don't like a section. This has been referred to; it's not new news.

Councilman Ross said he hopes that if the public doesn't like sections of it that doesn't encourage them to vote against the Community Preservation Act in November.

Councilwoman Bordewich said that in the six years we've been working with this document we haven't had any objections. That is the purpose of the Public Hearing tonight. We have a greater risk by postponing.

Supervisor Blum Bump thanked Christine Chale for discovering that there was some clarification needed.

Vote taken.

Adopted Ayes 4 Blum Bump, Crane, Bordewich, Ramsey
Nays 1 Ross

LOCAL LAW REGARDING COMMUNITY PRESERVATION ACT

Supervisor Blum Bump opens a discussion of the local law regarding the Community Preservation Act.

Town Attorney Chale said we actually have two different local laws. The first one is entitled “Proposed Local Law #6 – A Local Law establishing a Community Preservation Fund and creating a Community Preservation Fund Advisory Board as authorized by Chapter 443 of the laws of 2006 for the purpose of preserving open space, agriculture and historic places within the Town”. In regard to the Advisory Board, we have to identify if you want a Board of 5 or 7 members. Local Law # 7 has to do with the Transfer tax and that would be subject to referendum. The state law doesn’t dictate the terms.

On a motion by Councilwoman Bordewich, seconded by Councilwoman Crane, move to have a 7 member board with 5 year terms on the Advisory Board.

Robert McKeon said there are requirements on that Board. The majority of the Advisory Board must have a land preservation background. There really aren’t that many people in the Town of Red Hook with a land preservation background. You may want to bear that in mind. They must also have an active farmer on the committee. The original language in the bill suggests staggered terms

Councilman Ross said the State Board modeled the Board after the State Planning Board.

Councilwoman Bordewich wants to amend her motion.

Councilman Ross agrees with 7 members. He would rather see shorter terms.

Councilwoman Bordewich suggests that a shorter term may get more people to commit.

On a motion by Councilwoman Bordewich, seconded by Councilwoman Crane, moves to have a 7 member Advisory Board, with three year staggered terms. Two members, 1 year, two the second year, and three for three years.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
 Nays 0

RESOLUTION #54

RE: Establishing a Date for a Public Hearing regarding the adoption of Local Law #6 (Proposed) of 2006 Relating to Establishing a Community Preservation Fund and Creating a Community Preservation Fund Advisory Board.

On a motion by Councilman Harold Ramsey, seconded by Councilwoman Jean Bordewich, move to establish a date for a public hearing regarding the adoption of proposed Local Law #6 related to establishing a Community Preservation Fund and establishing a community Preservation Fund Advisory Board.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
 Nays 0

Copy Attached

Town Attorney Chale points out Local Law #7 for consideration. The title is Local Law imposing a two percent real estate transfer tax on the conveyance of interests of property in the Town subject to an exemption equal to the median sales price of residential property within Dutchess County with the revenues derived from this tax to be deposited in the Town of Red Hook Community Preservation Fund for the purpose of preserving open space, agricultural and historic places within the Town.

Christine suggested making the effective date of April 1, 2007 instead of the February 1, 2007 date from the original version of the law. The County has not dealt with this type of

local law before and it would give them a little more time to implement procedures to get it into place.

RESOLUTION #55

RE: Establishing A Date for a Public Hearing Regarding the Adoption by the Town Board of the Town of Red Hook of Local Law (proposed) of 2006 Relating to a Real Estate Transfer Tax for the Community Preservation Fund.

On a motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich, move to hold a public hearing on September 19, 2006, at 7:15 pm at the Town Hall, 7340 South Broadway, Red Hook, NY on the proposed Local Law #7.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
Nays 0

Copy Attached

Supervisor Blum Bump announced that we need to set a Public Hearing for Sam and Arlene Harkins requesting relief from the moratorium.

Councilman Ramsey said this is a lot line change and suggests we put this in place as soon as possible. It's been to the Planning Board and came back to us.

On a motion by Supervisor Blum Bump, seconded by Councilman Ramsey, move to set a Public Hearing for Sam and Arlene Harkins requesting relief from Local Law #2, 2006, for October 3, 2006, at 7:00 p.m.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
Nays 0

On a motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich, move to appoint Ginger Hagan to replace resigning member Jim Rapoli on the CAC.

Adopted Ayes 5 Blum Bump, Ross, Crane, Bordewich, Ramsey
Nays 0

Supervisor Blum Bump asks Christine Chale to comment on setting a Public Hearing for a proposed amendment to our Highway Specifications. Our Community Development Block Grant was due in August, but what's holding us up is getting our Highway Specs amended. We sent them to the County Planning and we did receive their comments back. We haven't received the comments from our own Planning Board. She asks Christine to get a sequence for the Highway Specs. The Highway Specs are not in the form of a Local Law. They have only been adopted by resolution, not local law, so the specs have to be amended by resolution.

Councilman Ramsey said Michelle Greig was not in Town so she sent our Town Planner Ted Fink. He sat with Wayne Hildenbrand our Highway Superintendent, Ted Fink, and Jay Trapp from the Village of Red Hook. They ironed out most issues but one issue was left open that Jay and Ted were going back to look at. He spoke to Ted and before Labor Day he'd have that issue written up to go back to Wayne with.

Supervisor Blum Bump said we have to send copies to Dutchess County Planning Board. She would like to get it back for the Board to consider so that we can accept the funds from Dutchess County.

Town Attorney Chale will reach out to Michelle Greig about design and planning issues and will see how quickly she can get a revised version.

Supervisor Blum Bump asked Christine to double check to see if she received a commentary from Dutchess County Planning. I think our Planning Board has 30 days to respond.

CORRESPONDENCE RECEIVED

Michael Brown and Stephen Frost letter dated September 5, 2006
re: Support for the moratorium on new developments

Copy of map of the Hourihan property dated 1930 from Robert McKeon

On a motion by Councilwoman Crane, seconded by Supervisor Blum Bump, move to go into Executive Session to discuss the particular performance of an employee.

Adopted Ayes 5 Blum Bump, Crane, Ross, Bordewich, Ramsey
 Nays 0

On a motion by Supervisor Blum Bump, seconded by Councilman Ramsey, move to close the Executive Session.

Adopted Ayes 5 Blum Bump, Crane, Ross, Bordewich, Ramsey
 Nays 0

On a motion by Supervisor Blum Bump seconded by Councilwoman Bordewich, move to close the meeting at 11:40 p.m.

Respectfully submitted,

Susan McCann, Town Clerk