

**RED HOOK TOWN BOARD MEETING**

**May 29, 2019**

A special 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 Robert McKeon  
Councilmember Harry Colgan  
Councilmember William O'Neill  
Councilmember Sarah Imboden  
Town Clerk Sue McCann  
Absent: Councilmember Christine Kane  
Also Present: Attorney for the Town Christine Chale  
Ted Fink, Greenplan

Supervisor McKeon called the meeting to order and opened with the Pledge of Allegiance.

**PUBLIC HEARING**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT, AMENDING THE  
SUBHEADING "LIGHT INDUSTRIAL USE" WHICH WOULD ELIMINATE THE  
FLOATING LIGHT INDUSTRIAL ZONE DISTRICT**

Town Clerk McCann read the public hearing notice.

Supervisor McKeon opened the public hearing for comments. There were none.

**TOWN OF RED HOOK  
RESOLUTION NO. 56  
DATED MAY 29, 2019**

**ESTABLISHING A DATE FOR A SECOND PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN  
BOARD OF THE TOWN OF RED HOOK OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS**

WHEREAS, a proposed amendment to the Comprehensive Plan has been proposed in the form on file with the Town Clerk; and

WHEREAS, a public hearing on proposed amendments to the Town of Red Hook's Comprehensive Plan was held on May 29, 2019; and

WHEREAS, pursuant to Town Law Section 272-a(6), the Town Board is required to hold public hearings or other meetings as it deems necessary in connection with proposed amendments to the Town's Comprehensive Plan;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

0. The Town Board of the Town of Red Hook shall hold a public hearing on June 11, 2019 at 7:35 p.m. at the Red Hook Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed Comprehensive Plan amendments; and

3. The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the Poughkeepsie Journal, the official newspaper of said Town, and to provide notice of the public hearing to the Clerks of all adjacent municipalities on or before June 1, 2019, which is not less than ten days prior to the date of said public hearing.

**EXTRACT OF MINUTES**

A regular 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 May 29, 2019 at 7:30 p.m., local time.

The meeting was called to order by Supervisor McKeon, and, upon roll being called, the following members were:

PRESENT:

Supervisor Robert McKeon  
Councilmember Harry Colgan  
Councilmember Sarah Imboden  
Councilmember Christine Kane -absent  
Councilmember William O'Neill

ABSENT: Councilmember Christine Kane

The following persons were ALSO PRESENT: Christine Chale, Attorney for the Town

The following resolution was offered by O'Neill, seconded by Imboden, to wit;

**RESOLUTION NO. 56  
DATED MAY 29, 2019**

**ESTABLISHING A DATE FOR A SECOND PUBLIC HEARING REGARDING THE  
ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF PROPOSED  
COMPREHENSIVE PLAN AMENDMENTS**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING: Aye
Councilmember Harry Colgan	VOTING: Aye
Councilmember Sarah Imboden	VOTING: Aye
Councilmember Christine Kane	VOTING: Absent
Councilmember William O'Neill	VOTING: Aye

The foregoing resolution was thereupon declared duly adopted.

**CERTIFICATE OF RECORDING OFFICER**

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Red Hook, Dutchess County, New York (hereinafter called the "Town ") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 29th day of May, 2019 and entitled:

**RESOLUTION NO. 56  
DATED MAY 29, 2019**

**ESTABLISHING A DATE FOR A SECOND PUBLIC HEARING REGARDING THE  
ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF PROPOSED  
COMPREHENSIVE PLAN AMENDMENTS**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 30 day of May, 2019.

-SEAL- \_\_\_\_\_  
Sue McCann, Town Clerk

**PUBLIC HEARING**  
**A LOCAL LAW TO AMEND THE ZONING LAW ADDRESSING NATURAL  
RESOURCE PROTECTION**

Town Clerk McCann read the public hearing notice.

Supervisor McKeon opened the public hearing to comments.

*Ken Migliorelli* thinks this is a good law. He asked if everyone read the letter he submitted.

The Board members did.

*Ken* commented on Section 143-11 about special permits. He asked why the AB (Agriculture Business) isn't included in that section.

Supervisor McKeon explained that the AB district doesn't go in the use table. There is a separate section for it. The ABD is section 143.39.1

*Ken* has an issue with what was stated in his letter. He asked the Board if they had questions for him.

Supervisor McKeon shared his thoughts. He finds it challenging to figure a way to allow the important soils to be sold off of farmlands. In many cases they are preserved farmland, preserved with taxpayer money. It is even further complicated when you look how the State runs its assessment program. It's all based upon soil characteristics. We don't have the enforcement potential even if we wanted to enforce it.

*Ken* added that the DEC enforces. To get a pond permit is not easy. You have to hire someone and it is costly. They monitor and they are good at knowing what you can do. He explained the process. When he had a one-acre pond dug in the mid 90's it cost \$25,000. He did not have room for the 10,000 cubic yards of dirt. We keep the important soils, it was nice that he was able to sell the sub-soil as fill and recoup some of the money, approximately \$14,000. He is asking to allow it with bona fide farmers.

Councilmember Colgan said if you are in the AB district you are on a bona fide farm.

*Ken* responded no. In New York State in order to recoup your school tax, you have to be a bona fide farmer. He explained that a bona fide farmer is one who has 80% of his income come from agriculture. Then they get a substantial amount of school tax back on their State income taxes. He asked Supervisor McKeon if he gets that.

Supervisor McKeon answered, no, he does not. He does not qualify. The point is about the soil.

*Ken* said bona fide farms should be allowed to sell 1,000 tons or 750 cubic yards a year.

Supervisor McKeon said that zoning does not regulate individuals or operations.

*Ken* said "you can".

Supervisor McKeon explained that this type of zoning regulates the parcels, the property, and the characteristics. We can't say that if a farmer qualifies for school tax relief than he can move soils. That is not what zoning is all about.

*Ken* referred to other local farm operations. To be organic, economically it is unfeasible for bona fide farms to move in that direction. Why hasn't the Ag. & Open Space Committee looked at this law?

Councilmember O'Neill said they haven't met for almost two years.

*Ken* knows that because there hasn't been anything to meet about. Once the fence law was done, they were burnt out.

Supervisor McKeon asked Mr. Robertson if he would be willing to Chair and get it going again and we haven't heard anything.

*Ken* said this is not a big issue but this locks in bona fide farms. He doesn't know specifically why you can't put in what a bona fide farm is.

Councilmember Imboden asked Ted Fink if he could define specifically when someone would be able to do what *Ken* suggested. Could it be defined, maybe tie it into a State definition of a farm operation.

Ted Fink, Greenplan, said there are already exemptions. In terms of how activities are defined, it is all a question of how it is worded. There are specific exemptions.

*Ken* said on that one pond, around 10,000 cubic yards came out. It took him time to be able to sell it.

Councilmember Colgan asked *Ken* what they did with the topsoil.

*Ken* said he spread it back on the field. The sub-soil was used as fill and was used to cap a dump because it was clay. The DEC would give a special permit to sell over that 750 cubic yards quicker. The DEC is a regulatory agency that monitors. Why overstep their boundaries?

Supervisor McKeon said we made it clear that we are trying to protect our soils. He explained the Town's actions so far.

*Ken* shared ideas. We should have the Ag. & Open Space Committee look at this.

The Board discussed different issues regarding the farm soils. Bona fide farm stipulation was also discussed.

Supervisor McKeon asked if there were any other comments. There were none.

**TOWN OF RED HOOK  
RESOLUTION NO. 57  
DATED MAY 29, 2019**

ESTABLISHING A DATE FOR A CONTINUED PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. E (PROPOSED) OF 2019 REGARDING NATURAL RESOURCE PROTECTION

**WHEREAS**, a proposed form of Local Law No. E (Proposed) of 2019 entitled **“A LOCAL LAW TO AMEND THE ZONING LAW ADDRESSING NATURAL RESOURCE PROTECTION”** was submitted to the Town Board of the Town of Red Hook and is on file with the Town Clerk;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

1 The Town Board of the Town of Red Hook shall hold a continued public hearing on June 11, 2019, at 7:40 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed local law and at which time and place the Town Board may determine whether to adopt the proposed local law.

1. The Town Clerk is hereby authorized and directed to publish notice of said continued public hearing in the Poughkeepsie Journal, the official newspaper of said Town, on or before June 1, 2019, which is not less than ten calendar days prior to the date of said public hearing.

2. The Town Clerk is hereby authorized and directed to send notice of said public hearing to the clerks of adjacent municipalities.

**EXTRACT OF MINUTES**

A regular 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 May 29, 2019 at 7:30 p.m., local time.

The meeting was called to order by Supervisor McKeon, and, upon roll being called, the following members were:

PRESENT:

Supervisor Robert McKeon  
Councilmember Harry Colgan  
Councilmember Sarah Imboden  
Councilmember Christine Kane - absent  
Councilmember William O’Neill

ABSENT: Councilmember Christine Kane

The following persons were ALSO PRESENT: Christine Chale, Attorney for the Town

The following resolution was offered by McKeon, seconded by Imboden, to wit;

**RESOLUTION NO. 57  
DATED MAY 29, 2019**

**ESTABLISHING A DATE FOR A CONTINUED PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. E (PROPOSED) OF 2019 REGARDING NATURAL RESOURCE PROTECTION**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING: Aye
Councilmember Harry Colgan	VOTING: Aye
Councilmember Sarah Imboden	VOTING: Aye
Councilmember Christine Kane	VOTING: Absent
Councilmember William O'Neill	VOTING: Aye

The foregoing resolution was thereupon declared duly adopted.

**CERTIFICATE OF RECORDING OFFICER**

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Red Hook, Dutchess County, New York (hereinafter called the "Town ") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 29th day of May, 2019 and entitled:

**RESOLUTION NO. 57  
DATED MAY 29, 2019**

**ESTABLISHING A DATE FOR A CONTINUED PUBLIC HEARING REGARDING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. E (PROPOSED) OF 2019 REGARDING NATURAL RESOURCE PROTECTION**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 30 day of May, 2019.

-SEAL-

\_\_\_\_\_  
Sue McCann, Town Clerk

**ATTORNEY/CLIENT SESSION**

On a motion of Supervisor McKeon seconded by Councilmember Colgan moved to go into Attorney/Client session at 8:04 p.m.

Adopted	Ayes 4	McKeon, Colgan, O'Neill, Imboden
	Nays 0	
	Absent 1	Kane

On a motion of Supervisor McKeon seconded by Councilmember O'Neill moved to exit Attorney/Client session at 8:38 p.m.

Adopted	Ayes 4	McKeon, Colgan, O'Neill, Imboden
	Nays 0	
	Absent 1	Kane

Supervisor McKeon presented a draft comment letter regarding the Solar Farm project at the Village well site.

On a motion of Councilmember O'Neill seconded by Councilmember Imboden moved to authorize the Supervisor to submit a comment letter to the Village of Red Hook substantially in accordance with the draft comments.

Adopted	Ayes	4	McKeon, Colgan, O'Neill, Imboden
	Nays	0	
	Absent	1	Kane

On a motion of Supervisor McKeon seconded by Councilmember O'Neill moved to enter an Attorney/Client session at 8:45 p.m.

Adopted	Ayes	4	McKeon, Colgan, O'Neill, Imboden
	Nays	0	
	Absent	1	Kane

On a motion of Supervisor McKeon seconded by Councilmember Colgan moved to exit the Attorney/Client session at 8:53 p.m.

Adopted	Ayes	4	McKeon, Colgan, O'Neill, Imboden
	Nays	0	
	Absent	1	Kane

On a motion of Supervisor McKeon seconded by Councilmember Colgan moved to adjourn the Town Board meeting at 8:54 p.m.

Adopted	Ayes	4	McKeon, Colgan, O'Neill, Imboden
	Nays	0	
	Absent	1	Kane

Respectfully submitted,

Sue McCann, Town Clerk