

RED HOOK TOWN BOARD MEETING

April 14, 2009

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
Councilwoman Micki Strawinski
Councilman Harry Colgan
Councilman Robert McKeon
Town Clerk Sue McCann
Absent: Councilman James Ross
Also Present: Attorney for the Town Christine Chale

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

ENERGY STAR PUBLIC HEARING (CONTINUED)

Supervisor Crane opened the final session of the Energy Star Public Hearing.

Phil Seymour explained that a lot of Towns had individual codes and a few years ago the State said they all had to adopt the New York State Energy Building Code so that everyone was on a level playing field. In that code is what is called a "Res-Check", a residential check which requires the engineer or architect to input a computer program with information about the windows, insulation, etc. If the summation does not meet the energy standards then additional insulation and/or other remedial design work is required to meet those standards. Much of what we are talking about is already incorporated into the code. Getting back to the modular, which for the most part is much of what the first time homebuyer is purchasing because of cost factor, his research of energy costs showed that a typical sized home even back in 1988 were built to higher energy standards. The amount of savings shown in the brochure is physically impossible with the way modulars are built. They have to be built with a third party inspector in the plant and before they can even be built they have an engineer that has to stamp plans to make sure the energy code is being met. Then it has to be inspected to meet building codes by an outside inspection service which ensures all codes are met. In the comparison they talk about zero down mortgage which is not readily available to every homebuyer for several reasons. Going back to the approximately \$3000 for the Energy Star home, only on a modular, not stick built, it puts additional financial pressure on the ones most needing help. The zero down mortgage is becoming harder to come by. Many institutions don't have them available. He wants the Board to remember the younger people and all those who need affordable housing.

Bruce Williams questioned who in the Town is a certified rater that would be able to verify that codes are met. If the Town Board is going to vote on this it is an aspect that the Board should be prepared to answer.

Councilman McKeon responded that on the NYSERDA website you can find a list of raters and where they are located. The State has their own requirements and they are the ones to make sure the raters have the proper training.

Bruce Williams asked what it cost for the raters to come out.

Councilman McKeon asked Jack Christman to respond.

Jack Christman responded that he is a rater in Ulster County. There are several raters he knows in and around Red Hook. There are more HERS raters coming on board. The average fee is between \$750 to \$1200 depending on the house and complexity of the system.

Bruce Williams confirmed that would be an additional cost.

Jack Christman said that there are incentives paid by NYSERDA, up to \$3500 that would help offset costs.

Bruce Williams asked that once the house is built and you want to add on a room, do you have to go back for approval.

Jack Christman explained that once the house is Energy Star labeled that stays with the house. He doesn't know the answer to that question.

Bruce Williams would hope the Board would know the answer because they are voting on this tonight. It seems like there are so many holes and variations for the sake of a label, to make this mandatory is ridiculous as far as he is concerned.

Denise Barton, CAC member, explained that Mr. Seymour's concern regarding why this is necessary when building to code should get you to Energy Star. The requirement for Energy Star is attaining at least 30% greater energy efficiency than New York State building codes.

Phil Seymour answered that Tier I will not save 30% of your energy costs, it is physically impossible. Everybody is talking about stick built, not modular. Modular's, at the low end, is a totally different ballgame.

Denise Barton responded that low end people are the ones who really need to save on their energy bills during the life of the home, not just the upfront costs.

Councilman Colgan asked if it is true that the difference in an Energy Star house is in the tightness of the house so that if even a conventional house has the same insulation, the difference is in air infiltration.

Denise Barton responded yes.

Councilman Colgan said you can't even buy a window that is not Energy Star rated. The same is true of appliances, including furnaces and air conditioners.

Denis Collet said the spirit of the law is that there is a building science that applies best practice. We are taking that practice to protect the homeowner and consumer. With all the research that is done there is at least a double digit improvement in efficiency. All of these arguments about the cost are silly. We create laws to protect the welfare of the public as a whole. Energy Star addresses a holistic approach. This is a vehicle that levels the playing field with builders as well. Everyone has the same baseline.

Al Trezza thinks it is a viable thing and over time it will pay for itself. The issue of initial cost for any young person is substantial. He suggested making it incentive based rather than mandatory. He thinks the issue of an addition on to an Energy Star home should be answered.

Rosemarie Zengen thinks Energy Star is a great idea. If she had to make her 200 year old home energy efficient, what will that cost? Will there come a day when a law is made that will say what kind of windows she has to put in?

Denise Barton responded that Energy Star is just for new construction. There is a program you can participate in to upgrade.

Rick Litton said Energy Star is good thing but we are talking about big government creeping more into our lives mandating more and more. He thinks if you want to be progressive and put Red Hook on the map, why not give a good tax incentive for people to not only build an Energy Star rated home but to upgrade their homes. He doesn't see more government as the answer.

Molly Williams spoke about global warming solutions. In Washington the debate is not over whether to regulate global warming, but how to do it. In the near future there will be some sort of legislation to regulate global warming emissions. The EPA is starting to look at how to document CO2 from being emitted for future policy decisions. She went on to explain energy conservation and ways to curb global warning. If federal legislation for global warming takes place in Washington, which is being proposed and the EPA is working on it, then to protect our homeowners, passing legislation like Energy Star safeguards the homeowners. If fuel prices go up, their home will be energy efficient and fuel bills will be lower. It is really looking ahead. She spoke to someone from the Town of Greenburg who said as soon as the law was mandated, people went out to get certified to do HERS ratings. She thinks we should pass this law.

Phil Seymour explained that regarding additions, you still have to go by the code.

Bruce Williams asked what the alternate fuel is and when it will become available.

Rob Latimer commented that what the Board proposes tonight will in essence put you into the Energy Star management business if you are going to mandate this for new construction. There was discussion about incentives versus mandating. If you would create incentives for an Energy Star compliance program you would make it more palatable and it would include people who may want to go back and retrofit their homes. Regarding the person who spoke about the Town of Greenburg, it is one of the highest per capita income communities in Rockland County. It seems clear that this is a fantastic program, but he would like incentive to meet the requirements.

Laurie Husted stated that incentives have been in place for 15 years.

Lisa Pullaro asked what the local incentives are for those who want to build Energy Star homes today.

Laurie Husted stated there are State incentives.

Lisa Pullaro said this is an opportune time to consider local incentives. There have been a lot of comments not in disagreement with Energy Star, but are we going to mandate or encourage. She would like people to be encouraged to participate and not put in place a potentially punitive program to those on the cusp of financial ability to build a home in our area. She asked that the Board take into account the input they received and be creative about encouraging people to do this rather than be heavy handed and tell people they have to do it.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to close the Public Hearing on Energy Star.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

SUPERVISOR'S REPORT

Supervisor Crane read the monthly Supervisors report for March 2009. Opening Balance - \$2,705,500.67; Receipts - \$1,575,476.23; Disbursed - \$1,129,833.07; Balance - \$3,151,143.83. Business Manager Deb Marks prepared budget adjustments that needed to be made. In the General A Fund – increase to \$10,000; reduce appropriations - \$2,000 for medical insurance, and \$20 for Greenway & Trails equipment. Increase appropriations - \$17,500 from the Assessor General Fund; \$2,000 clerical appropriation; \$20 Greenway/Trails Committee General; Offset to the Fund Balance – appropriating \$7,500.

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to make the cited budget adjustments.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

In the Highway DB Fund – reduce appropriations - \$1,025; increase appropriations - \$1,025 for Brazier Drainage; Kelly Rd/Sawkill and North Drive.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to make the transfers.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

On motion of Councilman Colgan, seconded by Councilwoman Strawinski, moved to approve the Supervisor's report as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Copy Attached

TOWN'S CLERK REPORT

Town Clerk Sue McCann read the monthly report for the period March 1 to March 31, 2009. Total local shares remitted to Supervisor - \$1,972.15; Amount remitted to County Treasurer for dog licenses - \$74.02; amount remitted to NYS Ag. & Markets - \$3.00; Amount remitted to NYS Dept. of Health for Marriage Licenses - \$22.50; Amount remitted to NYS Environmental Conservation - \$275.83; Total State, County & Local Revenues - \$2,347.50.

Town Clerk Sue McCann alerted residents that there is a mailing from a New York City company informing residents that they can obtain a certified copy of their deed for \$59.50. Town Clerk McCann told residents that for \$6.00 residents can purchase a certified copy of their deed from the Dutchess County Clerk's Office. It is \$11.00 if done by mail. It is unfortunate that there are companies who try and take advantage of hard working residents.

Town Clerk McCann informed residents about information she received from the Dutchess County Clerk's Office regarding renewing driver's licenses and registrations right in Dutchess County. If renewals are sent directly to New York State, no money filters down to the County. When renewing locally, the County keeps 12.7% of the transactions. She has information in her office of the five Dutchess County DMV offices.

Town Clerk McCann announced that this year recycling of electronics will be at the Dutchess County Fairgrounds on April 25th and 26th. The cost is \$10.00 per carload.

Supervisor Crane introduced Village of Red Hook Officer in Charge, Patrick Hildenbrand. She invited him to give information regarding the recent break-ins.

Officer in Charge Pat Hildenbrand told about commercial burglaries in the Village and Town of Red Hook. The incidents being investigated by the State Police he cannot comment on. The burglaries are basically commercial. He warned people to take safety measures and report any suspicious activity. They have been working on following up on leads. Check the Town's website for update information.

Richard Biezynski heard this is also going on in Germantown.

Al Trezza asked if they actually broke in.

Officer Hildenbrand responded that all were forced entry.

Supervisor Crane offered the telephone numbers to report unusual behaviors or suspicious activity in your neighborhood. 845 758-4710, 845 758-6780 for the Red Hook Police Department. The DC Sheriff can be reached at 845 486-3800.

Paul Fredricks said the police did a great job and was very pleased at how quickly they notified him.

Officer Hildenbrand explained that the police are doing random checks on businesses to make sure they are secure. He asked that if he doesn't get to the owners, that they give him their contact information to keep on file.

Supervisor Crane thanked Officer Hildenbrand.

ANNOUNCEMENTS

Supervisor Crane clarified a subject they spoke about last week. They talked about an intermunicipal agreement between the Village of Tivoli and the Town of Red Hook regarding our Building Inspector and Zoning Enforcement Officer. We've entered an agreement with Tivoli and we will be sharing services in that regard. That is not the first of intermunicipal agreements that have been entered into. We have an intermunicipal agreement with the Village of Red Hook and the Village Tivoli regarding the firefighters pension fund, we have a shared services between the Town's recreation program and the Red Hook School District, shared services on the part of the Highway Department for storage of sand and salt with the Village of Red Hook the Village of Tivoli and the Red Hook Central School District. The Town is a central fueling depot for the Village of Red Hook, Village of Tivoli, Red Hook Fire Department and the Tivoli Fire Department. The Town Highway Department sweeps streets and parking lots for the

Village of Red Hook, the Village of Tivoli and the Red Hook School District. The Village of Red Hook uses Town mowers for roadside mowing and the Town Highway Department does roadside mowing on the Village of Tivoli streets. The Town Highway Department provides tree stump grinding for both of the Villages. Supervisor Crane wanted everyone to realize there are a lot of shared services and we are attempting to save money.

- There will be a community informational meeting regarding the proposed Red Hook sewer project on Thursday, April 23rd at 7:30 at the Firehouse.

- She asked that people keep Bob Bowman and former Supervisor Marirose Blum Bump's husband Robert Bump in their prayers.

- Ruth Oja is going to be honored by Dutchess County Office of the Aging with a Senior Achievement Award. Supervisor Crane said that no one is more deserving than Ruth Oja and she congratulated her

- Red Hook Senior Citizens are invited to a free performance of the final dress rehearsal of Red Hook High Schools Spring Musical, Peter Pan. It is on Wednesday, April 22nd at 7:30 at the High School.

Councilman McKeon announced the Red Hook Seniors and the Town of Red Hook Senior Services Committee are organizing two food drives on Tuesday April 21st and April 28th from 1:00 – 3:00 PM. Goods can be dropped off at the Red Hook Firehouse.

- Town of Red Hook cleanup days, April 19th & April 26. Meet at the Elmendorph at 2:00 p.m. Supplies will be provided.

PUBLIC COMMENTS

Supervisor Crane opened for a 15 minute public comment period.

Richard Biezyński spoke about the scoping document. He read it and doesn't have much of a problem with it. He had some questions but he wanted to offer alternatives. He presented the Board with a list of alternatives. He asked if Town Clerk Sue McCann will put them on the Town website.

Al Trezza had the opportunity to read it. He thanked the Town Board and the Planner for the adoption of the additional alternatives. He appreciated the simplifying of the development rights program. He asked Michele Greig if residents would be given the opportunity to address issues as to the specifics of the law itself.

Michele recommended that Al write up his questions and submit them for the Planner's consideration one by one. The public hearing will be on both the GEIF and the proposal itself. It is a combined Public Hearing and all the comments will be responded to in writing. It may take place over a number of meetings. A document will be prepared that analyzes all things all of the things in the scoping document. The Town Board has to review it then the EIF will be posted on the internet and available at Town Hall. Then there will be a Public Hearing to comment on that document. All of the substantive comments on the draft environmental impact are responded to in writing by the Town Board in the final environmental impact. Questions or comments are submitted then the Town Board responds to them.

Al Trezza asked when the Town Board reviews the generic environmental impact statement, if that will be done on paper or will there be meetings where the public can be in attendance.

Michele responded yes the public will be in attendance. The Town Board has to deem it complete before they can receive public comments on it. Everything submitted to the Town Board is a public document.

Rosemarie Zengen announced the Tree Preservation Commission's schedule. April 25th will be an Arbor Day observance, spring planting at the Recreation Park starting at 9:00 AM., and at the Red Hook Public Library seedlings, guide books, tree magnets and tree information will be distributed from 10 am to 1 pm. May is watershed month and on May 6th, (Trees for Tribes) 150 trees will be planted along the Sawkill at the Recreation Park. Planting starts at 10 am and more volunteers are needed. On May 16th there will be a Rain Garden presentation at 2 pm at Town Hall, and on May 23rd Hudson Talbot, author of River Dreams, will do a book signing at Village Hall at 2 pm.

Marcy Appell mentioned the passing of Craig Vogel and said it is a great loss to our community.

ENERGY STAR

Supervisor Crane reviewed the Full Environmental Assessment Form which finds there will be no significant impact on the environment, therefore a negative declaration will be prepared.

Attorney Chale referred to Part II of Section 16. There will be a minor impact with respect to the community's sources of fuel or energy supply by reducing energy consumption. The draft for the review indicates no other impacts.

Supervisor Crane read the resolution determining significance and authorizing filing of notice of Negative Declaration for Local Law No 2009A to require certain new residential construction to comply with ENERGY STAR standards.

RESOLUTION 2009 #16

RE: DETERMINING SIGNIFICANCE AND AUTHORIZING FILING OF NOTICE OF NEGATIVE DECLARATION FOR LOCAL LAW NO. 2009A

On a motion of Councilman Robert McKeon, seconded by Councilwoman Micki Strawinski, moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Copy Attached

Supervisor Crane explained that the proposed Local Law 2009A has been vetted publicly for months at public hearings, has been posted on the website and has been discussed. She read the resolution to adopt a local law that requires certain new residential construction to comply with ENERGY STAR standards

RESOLUTION 2009 #17

RE: AUTHORIZING ADOPTION BY THE TOWN BOARD OF TH TOWN OF RED HOOK OF LOCAL LAW NO. 2009A

On a motion of Councilman Robert McKeon, seconded by Councilwoman Micki Strawinski, moved to accept the resolution as read.

Adopted	Ayes	3	Strawinski, Colgan, McKeon
	Nays	1	Crane
	Absent	1	Ross

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The vote was taken after the following discussion:

Councilwoman Strawinski understands people's concern about using the term "mandated" but it has been presented since 2004, the law is about the health and safety of this planet. So many laws over the years have benefitted the health and safety of the American public. She thinks that is what we have to look at with this local law, it is something that is only going to help the health of our planet and community.

Councilman McKeon is looking at the big picture. He is confident and comfortable voting for this new law. He's done research and spoken to residents that support his confidence in this vote. He was told by the builders and the raters that Energy Star is very flexible. He doesn't like more government either. To him this is not more government; it is better government because it is simply saying that you need to build a product that performs at a minimal level. They are not telling you how to do that. By doing this now it is a wonderful opportunity for our local builders. Once they start building Energy Star homes they have a competitive advantage. He's been in favor of this legislation and continues to be in favor the more he finds out about it.

Councilman Colgan has a memo from the Building Inspectors that say they are very comfortable dealing with Energy Star. In terms of it being a regulation, he too is comfortable adding it to our

building code. He sees it as a continuation of the concept of our building codes. It also adds to the reputation of the buildings and builders in our Town.

Supervisor Crane thanked the CAC bringing this forward for consideration. They did an enormous amount of work. It has educated a lot of people. To her, this comes down to a philosophical question. It is not that Energy Star isn't worth it, it would certainly be her choice, it should be everyone's consideration when they build or when they buy. For her it is a philosophical choice of mandating something such as home building. That is very hard for her to do.

CENTERS AND GREENSPACE PROGRAM

Michele Greig explained that Rich Biezynski gave her some alternatives that were presented at the Task Force. She discussed some of the alternatives submitted and explained that they studied them. Regarding cluster development, she advised the Board not to include too many alternatives when they make changes. One alternative included was the large lot option. Large lots are something we are trying to get away from. Increasing the minimum lot size creates lots too large to mow and too small to plow. It is better to separate density from lot size in terms of how many units should be permitted on a parcel and create very small lots with those units than to think in terms of a larger minimum lot size. She continued to explain some alternative options to preserve agricultural land.

Councilman McKeon recommended keeping it 1 to 40.

Michele asked if there were other aspects of the scoping document the Board had questions about.

Attorney Chale said the Board has a draft resolution regarding the adoption of the scoping document.

Supervisor Crane read the resolution.

RESOLUTION 2009 #18

RE: ADOPTING THE FINAL SCOPING DOCUMENT

On a motion of Councilwoman Micki Strawinski, seconded by Councilman Harry Colgan, moved to accept the resolution as read.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Copy Attached

Michele Greig explained that the adoption of the final scoping document allows for the preparation of further documents for a public hearing. Information will be posted on the Town's website.

REORGANIZATION

Recreation Department – Supervisor Crane announced that Recreation Park Director, John Kuhn, proposed Jeffrey Tremper for Recreation Park Head Facilities Maintenance and Groundskeeper.

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to appoint Jeffrey Tremper as Head Facilities Maintenance & Groundskeeper.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

On a motion of Supervisor Crane, seconded by Councilwoman Strawinski, moved to appoint Don Whipple as Assistant Maintenance Groundskeeper.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Supervisor Crane said that Brian Moore's title will be Recreation Park Assistant Director.

Agriculture & Open Space Committee - there are two vacancies on the committee.

Councilman McKeon told the Board that Karen Schneller-McDonald expressed interest in serving.

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to appoint Karen Schneller-McDonald to the Ag. & Open Space Committee term to expire December 31, 2010.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Elizabeth Wilkins will remain as clerk for the Ag. & Open Space Committee.

Community Preservation Fund Committee – Supervisor Crane introduced Robin Adair Logan who submitted a resume for consideration. She read Ms. Logan's resume.

On a motion of Councilman McKeon, seconded by Supervisor Crane, moved to appoint Robin Adair Logan to the Community Preservation Fund Committee term to expire December 31, 2011.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Councilwoman Strawinski will speak to Jay Levine about one of the vacancies on the Farmland Protection Committee.

Ethics Committee – the Ethics Board would like to see the resumes that come in and make a recommendation to the Town Board for the vacancy.

LOSAP -Supervisor Crane met with Susan Ezrati and Mayor Cohen regarding LOSAP. In looking at the guidelines, we need a program advisory group. She asked the Board to approve her and Rose Rider to represent the Town of Red Hook. Mayor Cohen will get representatives from the Red Hook Fire Company and the Village Board. Susan Ezrati will serve as a Tivoli representative and will get someone from the Tivoli Fire Department to serve.

On a motion of Councilman Colgan, seconded by Councilwoman Strawinski, moved to approve Supervisor Crane and Rose Rider to serve on the LOSAP advisory committee.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

On a motion of Councilwoman Strawinski, seconded by Supervisor Crane, moved to go into Attorney Client at 9:30 pm.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

On a motion of Supervisor Crane, seconded by Councilman Colgan, moved to adjourn at 9:50 pm.

Adopted	Ayes	4	Crane, Strawinski, Colgan, McKeon
	Nays	0	
	Absent	1	Ross

Respectfully submitted,

Sue McCann, Town Clerk