

**RED HOOK TOWN BOARD MEETING
MINUTES
August 10, 2021**

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 pm

Present: Supervisor Robert McKeon
Councilmember William Hamel
Councilmember William O'Neill
Councilmember Jacob Testa
Town Clerk Deanna Cochran
Also Present: Attorney Christine Chale

Supervisor McKeon opened with the Pledge of Allegiance and reviewed the agenda.

SUPERVISOR'S REPORT

The Supervisor's Report for the period of July 1, 2021 to July 31, 2021 was read as follows: Opening Balance - \$7,853,519.98; Receipts - \$1,080,703.90; Disbursed - \$682,751.36; Balance - \$8,251,472.52 with the Budget Adjustments and monthly Variance Reports.

Highway Superintendent, Theresa Burke submitted requests for the Highway Department:
Authorization to purchase a Bobcat Skid Steer with CHIPS funding.
Additional funding for signs for Metzger Road, Old Farm Road, and other traffic control issues.
Increase hours for the Highway Clerk Position.

Supervisor McKeon made a stipulation for the Highway Superintendent to look into an all-electric option for the Bobcat Skid Steer.

Supervisor McKeon addressed the request for additional funding for signs for Metzger Road, Old Farm Road, and other traffic control issues. Councilmember Hamel objected the need for Williams Road Graffiti and to remove that item reducing the request by \$500.00. Councilmember O'Neill agreed to reduce the cost by \$500.00. Supervisor McKeon noted the remaining amount needed for the remaining signage requests was \$628.00
Supervisor McKeon agreed to increase the Highway Clerk Position to 12 hours/week.

Supervisor McKeon made a motion to include all the requests from Highway Superintendent Burke when approving the Supervisor's Report and budget adjustments.

Attorney Chris Chale requested Supervisor McKeon and the Board determine if the 2003 Bobcat is surplus equipment to determine how the town will dispose of this piece of equipment; Either by auction or trade-in. Supervisor McKeon would like to trade-in the equipment.

On a motion of Councilmember O'Neill and seconded by Councilmember Hamel moved to approve the Supervisors report, budget adjustments, and budget requests from the Highway Department

Adopted Ayes 4 McKeon, Hamel, O'Neill, Testa
Nays 0

TOWN CLERK'S REPORT

The Town Clerk's report for the period July 1, 2021 to July 31, 2021 was read as follows: Total Local Shares remitted to the Supervisor - \$5,079.80; Total monies collected for Garbage – 4,112.00; Amount remitted to NYS Ag. & Markets - \$44.00; Amount remitted to NYS Dept. of Health for Marriage Licenses - \$202.50; Amount remitted to NYS Environmental Conservation Dept for hunting licenses - \$153.70; Total State, County, and Local revenues \$5,480.00

On a motion of Councilmember O'Neill seconded by Councilmember Hamel moved to approve the Town Clerk's report.

Adopted Ayes 4 McKeon, Hamel, O'Neill, Testa
Nays 0

ANNOUNCEMENTS

Community Action Partnership for Dutchess County is having a summer produce giveaway on 44 Market Street in Red Hook, NY on Wednesday August 18, 2021 and Wednesday September 22, 2021 from 1pm- 4pm.

Public Comment

Linda Keeling commented that St. Margaret's Home Committee needs to be reconstituted as it has not met since 2015. She wants to commend the Rec Park group, John Kuhn and Doug Strawinski especially, for taking down trees, keeping things in good shape and making sure the facilities are safe for the public.

She requested an ADA Ombudsman so people with a disability who need help specific help can get help and be treated properly.

She requested the status of the electric vans and wants it done each month to keep the public informed.

Linda Keeling also mentioned the passing of former Supervisor Jack Gilfeather on July 12, 2021, and former Highway Superintendent George Hildebrand on July 24, 2021.

She concluded that she would like to get rid of wearing masks stating they were not needed.

Resolution to go out to Bid for Highway Materials and Services

Supervisor McKeon explained the resolution

TOWN OF RED HOOK RESOLUTION NO. 43 DATED AUGUST 10, 2021

RESOLUTION AUTHORIZING THE TOWN CLERK TO ADVERTISE A REQUEST FOR SEALED BIDS FOR THE PURCHASE OF ICE CONTROL ABRASIVES, A REQUEST FOR SEALED BIDS FOR HOT MIX ASPHALT, AND A REQUEST FOR PROPOSALS FOR VARIOUS MATERIALS AND SERVICES FOR 2022

WHEREAS, the Highway Superintendent of the Town of Red Hook has requested that the Town proceed with advertising for highway materials and services required for 2022 including: (i) request for sealed bids for ice control abrasives; (ii) request for sealed bids for hot mix asphalt; and (iii) request for proposals for various materials and services, in each case pursuant to specifications substantially in the form on file with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Red Hook does hereby authorize and direct the Town Clerk to advertise for requests for sealed bids and a request for proposals as directed by the Highway Superintendent, in accordance with the foregoing specifications.

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 August 10, 2021 at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilman William O'Neill
Councilmember Jacob Testa

ABSENT:

Councilwoman Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon seconded by Councilmember Testa, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 43
DATED AUGUST 10, 2021**

RESOLUTION AUTHORIZING THE TOWN CLERK TO ADVERTISE A REQUEST FOR SEALED BIDS FOR THE PURCHASE OF ICE CONTROL ABRASIVES, A REQUEST FOR SEALED BIDS FOR HOT MIX ASPHALT, AND A REQUEST FOR PROPOSALS FOR VARIOUS MATERIALS AND SERVICES FOR 2022

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 <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Not Present</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Execution of an Intermunicipal Agreement with the Town of Clinton for Shared Services Regarding the Highway Department
Supervisor McKeon explained the resolution.

**RESOLUTION NO. 44
DATED AUGUST 10, 2021**

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF CLINTON FOR SHARED SERVICES REGARDING HIGHWAY DEPARTMENT/PUBLIC WORKS SERVICES

WHEREAS, the Town Board of the Town of Red Hook has determined that entering into an Intermunicipal Agreement for Municipal Shared Services regarding Highway Department/Public Works Services between the Town of Red Hook and the Town of Clinton in substantially the form on file with the Town Clerk (the “Intermunicipal Agreement”), is in the best interests of the Town; and

WHEREAS, the proposed action constitutes a Type II action which will not have an adverse effect on the environment;

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

1. The Supervisor is hereby authorized and directed to execute the Intermunicipal Agreement in substantially the form on file with the Town Clerk, with such changes as shall be approved by the Supervisor and which do not affect the substance thereof.
2. The Supervisor the Town Clerk, and the Town’s other officers, employees and agents are hereby authorized and directed for, and in the name and on behalf of the Town, to do all acts and things required or provided by the provisions of the Intermunicipal Agreement.

3. This resolution shall take effect immediately.

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 August 10, 2021, at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilmember William O'Neill
Councilmember Jacob Testa

ABSENT:

Councilmember Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Testa, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 44
DATED AUGUST 10, 2021**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL
AGREEMENT WITH THE TOWN OF CLINTON FOR SHARED SERVICES
REGARDING HIGHWAY DEPARTMENT/PUBLIC WORKS SERVICES**

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 William Hamel	VOTING AYE
Councilmember Christine Kane	VOTING NOT PRESENT
Councilmember William O'Neill	VOTING AYE
Councilmember Jacob Testa	VOTING AYE

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing Award of Bid for Well Rehab.

Supervisor McKeon explained the bids.

**TOWN OF RED HOOK
RESOLUTION NO. 45
DATED AUGUST 10, 2021**

**AUTHORIZING AWARD OF A CONTRACT FOR WELL NO. 1 AND
WELL NO. 2 REHABILITATION AND LEVEL SENSOR INSTALLATION PROJECT**

WHEREAS, the Town issued a notice of public bids dated July 12, 2021 for the acceptance of sealed bids for the construction of the Town of Red Hook, Well No. 1 and Well No. 2

Rehabilitation and Level Sensor Installation (the “Project”), to be opened at 2:00 p.m. on July 28, 2021 at Town Hall; and

WHEREAS, sealed bids for the Project were publicly opened and read on July 28, 2021, after due notice pursuant to Section 103 of the General Municipal Law, with bids received as set forth on the tabulation on file with the Town Clerk; and

WHEREAS, after review of bids and the letter prepared by Tighe & Bond dated August 5, 2021, the bid of Weston & Sampson CMR, Inc. d/b/a SB Church in the amount of \$69,780.00 for the Project has been determined to be the lowest responsible bid for such work as specified in the specifications on file with the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Red Hook does hereby authorize the Supervisor to accept the foregoing bid for the Project and execute a contract in substantially the form provided by the specifications, subject to the provision of a certificate of insurance and such further documentation as required by the bid specifications.

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 August 10, 2021, at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilmember William O’Neill
Councilmember Jacob Testa

ABSENT:

Councilmember Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

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

TOWN OF RED HOOK RESOLUTION NO. 45 DATED AUGUST 10, 2021

AUTHORIZING AWARD OF A CONTRACT FOR WELL NO. 1 AND WELL NO. 2 REHABILITATION AND LEVEL SENSOR INSTALLATION PROJECT

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 <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Not Present</u>
Councilmember William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Regarding Offers of Cession for Roads and Easements for Tradition at Red Hook Sections 4 & 5

Supervisor McKeon began discussion of Tradition Neighborhood Development located on Old Farm Road, which was approved by the Planning Board in 2015. The Planning Board approved the development in phases and now the development project is requesting approval to move on to phases 4 & 5. Tradition is now ready to build and sell homes in the development. These phases come with amenities for the community, such as a sidewalk from Route 9 to the development increasing the pedestrian nature and safety of that area. The cost of the sidewalk will be borne by the developer, which will be approximately \$60,000.00. The Town's agreement according to the Planning Board's Approval, is to move the drainage to accommodate the development, which will cost the Town approximately \$30,000.00. This Resolution will be approving the bond figures and incentive zoning fees.

In gaining approvals for this development, Tradition had the option of increasing the density in the same footprint, in exchange for paying additional zoning funds for each and every unit above what they were originally entitled to. Since Tradition has chosen this option, they need to contribute these incentive zoning fees. The maximum amount approved was 102 units and are now required to pay \$75,258.00 & \$61,574.00 for phases 4 & 5 totaling approximately \$137,000.00.

Attorney Chris Chale added that in these phases there are three public improvements that are being constructed which include: Remaining portions on Beekman Road and Schuyler Drive, an access easement to lighting and a storm over easement. She further explained the different bonds and how they are being collected to secure the completion of the improvements.

**TOWN OF RED HOOK
RESOLUTION NO. 46
DATED AUGUST 10, 2021**

**RESOLUTION REGARDING OFFERS OF CESSION FOR ROADS AND EASEMENTS
FOR TRADITION AT RED HOOK SECTIONS 4 AND 5**

WHEREAS, the Town of Red Hook Planning Board adopted a resolution on August 15, 2016, entitled, "Resolution Granting Site Plan Approval to Hoffman Property Traditional Neighborhood Development" and a resolution on August 15, 2016, entitled "Resolution Granting Approval to Final Subdivision Plan and Incentive Zoning for Hoffman Property Traditional Neighborhood Development Subdivision," for a 102-lot residential community development project known as the "Hoffman Property" (the "Hoffman TND Project"), which gave permission to file the subdivision plat in sections, and required that the section plats be filed in numerical order, and which resolutions were duly filed in the office of the Town Clerk on August 16, 2016; and

WHEREAS, Red Hook Acres, LLC, as part of its development plan for the Hoffman TND Project, offered to dedicate a certain parcel or parcels of land within the project for highway purposes and associated drainage easements, as shown on a drawing set prepared by LRC Group, Project Engineers, entitled "Final Site Plan and Overall Subdivision Plan Set for Hoffman Property," last revised on August 15, 2018, and as provided in the proposed subdivision for the for the 102 lot residential community and Lot 103 on drawings prepared by LRC Group, Project Engineers, entitled "Hoffman Property Final Subdivision Plat" last revised on August 15, 2018, including the "Hoffman Subdivision Section Plat #1," last revised on August 15, 2018; and

WHEREAS, the Hoffman TND Project is now referred to as "Tradition at Red Hook," which still contemplates the development of a 102-lot residential community with accompanying common areas (the "Project"); and

WHEREAS, the Town of Red Hook Planning Board adopted two Resolutions on April 1, 2019, entitled, respectively, "Resolution Granting Amended Site Plan Approval to Tradition of Red Hook (Formerly Hoffman TND)," (hereinafter referred to as "Amended Site Plan Approval Resolution") and "Resolution Granting Approval to the Amended Final Subdivision Plat for Tradition at Red Hook (Formerly Hoffman TND)," (hereinafter referred to as "Amended Subdivision Approval Resolution" and together with the Amended Site Plan Approval Resolution,

the “2019 Approval Resolutions”), which Amended Subdivision Approval Resolution gave permission to file the Subdivision Plat in Sections, and required that the Section Plats be filed in numerical order; both of which 2019 Approval Resolutions were duly filed in the office of the Town Clerk on April 2, 2019; and

WHEREAS, pursuant to the 2019 Approval Resolutions, 25 Old Farm Road Development, LLC (the “Owner”) has been granted conditional final approval by the Town of Red Hook Planning Board for the Project; and

WHEREAS, the Owner, as part of its development plan for the Project, has offered to dedicate a certain parcel or parcels of land within the Project for highway purposes and associated drainage easements, as shown on a drawing set prepared by LRC Group, Project Engineers, entitled “Site Plan Submission Set for Tradition at Red Hook,” last revised on May 7, 2019, and including an overall lot layout plan last revised May 7, 2019, and as provided in the proposed subdivision for the 102-lot residential community on drawings prepared by LRC Group, Project Engineers, entitled “Hoffman Property Final Subdivision Plat,” last revised on August 15, 2018 (“Overall Subdivision Plat”), and the “Tradition at Red Hook, Final Subdivision Plat, Section Plat #4,” last revised on May 25, 2021 (“Section 4 Plat”) and the “Tradition at Red Hook, Final Subdivision Plat, Section Plat #5,” last revised on May 25, 2021 (“Section 5 Plat”); and

WHEREAS, the Owner has submitted for approval the following:

Regarding Section 4:

- i) an Irrevocable Offer of Cession for the remaining portion of Beekman Road and Schuyler Drive Loop, collectively referred to in the plat as “S4- ROW-1”, with an attached draft deed for dedication of such roads;
- ii) an Irrevocable Offer of Cession for a Town Access Easement (S4-Town Access Easement-1), with an attached draft easement; and
- iii) an Irrevocable Offer of Cession for a Town Stormwater Easement (S-4 Town Stormwater Easement-2), with an attached draft easement;

Regarding Sections 4 and 5:

- iv) a letter of the Town Engineer dated August 6, 2021, regarding approval of plans and specifications and estimates of the cost of construction and inspection of certain improvements required by the 2019 Approval Resolutions; and
- v) a list of required easements by section prepared by LRC Group, Project Engineers, dated April 18, 2019.

WHEREAS, the acceptance of the Irrevocable Offers defined in (i) through (iii) above is in the best interests of the Town subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Red Hook as follows:

- 1) Acceptance of the Irrevocable Offers referred to in (i) through (iii) above and commencement of construction of the Sections 4 and 5 roads and improvements described in the Section 4 Plat and Section 5 Plat is authorized upon completion of the following conditions; provided, however, that this resolution shall be subject to receipt of a letter of the Highway Superintendent substantially in accordance with the letter of the Town Engineer dated August 6, 2021 regarding approval of plans and specifications for road and stormwater improvements; and provided further that the Town reserves the right to determine whether to accept said roads and easements described in the Irrevocable Offers in its sole discretion upon completion thereof, and the acceptance of said roads and easements described in the Irrevocable Offers shall be subject to the final approval of acceptance thereof by the Town Highway Superintendent:
 - a) Delivery to the Town Clerk of performance bonds or letters of credit in form and substance satisfactory to the Attorney for the Town and in the amount of \$272,527 for Sections 4 and 5, as reviewed and recommended by the Town Engineer, in full force and effect, conditioned on completion of the Section 4 ROW Roads and all other required improvements for Sections 4 and 5 in accordance with the Overall Subdivision Plat, the applicable Section Plat, all required plans, conditions and specifications, which bonds or letters of credit shall be for an initial period of not

less than 2 years renewable in one year increments, and subject to delivery of a maintenance bond;

- b) Delivery of the hold harmless agreement and evidence of the current general liability insurance policy in form satisfactory to the Attorney for the Town;
 - c) Delivery of a policy of title insurance, or commitment therefor with policy to be delivered at the time of acceptance, with respect to the interest of the Town in the proposed conveyances (or, in the case of the water and sewer improvements, with respect to the interest of DCWWA), subject to only such exceptions as shall be approved by the Attorney for the Town and as shall be consistent with the 2019 Approval Resolutions;
 - d) Delivery to the DCWWA under the terms of an executed memorandum of understanding, of one or more performance bonds or letters of credit with a dual obligee rider in favor of the Town, in form and substance satisfactory to the Attorney for the Town, and in the aggregate amount of \$450,875, of which \$141,684 is for water and \$309,192 is for sewer for Sections 4 and 5, as reviewed and recommended by the Town Engineer, in full force and effect, conditioned on completion of the applicable water and sewer improvements for Sections 4 and 5;
 - e) Receipt by the Town of payment for any and all outstanding consultant invoices included estimated costs, bringing the escrow account for development review costs fully up to date;
 - f) Deposit with the Town Clerk of the escrow for inspection fees for the roads and required improvements for the applicable Sections in the amounts specified in the Engineer's approval letter referred to in (v) above;
 - g) Receipt by the Town Clerk of the required incentive zoning fees for Sections 4 and 5, which are calculated as \$75,258.28 and \$61,574.95, respectively, as of the date hereof, or as it may be updated pursuant to §143-49.2 of the Town Code;
 - h) Final executed forms of the documents referred to in (i) through (iii) above with an undertaking for proper recording thereof approved by the Attorney for the Town; and
 - i) Filing of the approved stamped subdivision map(s) in the form referred to herein with only such changes with respect to the proposed roads and easements as shall be approved by this Board after approval by the Highway Superintendent and Town Engineer.
- 2) The Supervisor, Town Engineer, Attorney for the Town and the Superintendent of Highways may take all steps reasonable and necessary in consultation with the Attorney for the Town to implement the intent of this resolution.

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 August 10, 2021, 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
Councilman Bill Hamel
Councilman William O'Neill
Councilman Jacob Testa

ABSENT:

Councilwoman Christine Kane

The following persons were ALSO PRESENT:

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

**RESOLUTION NO. 46
DATED AUGUST 10, 2021**

**RESOLUTION REGARDING OFFERS OF CESSION FOR ROADS AND EASEMENTS
FOR TRADITION AT RED HOOK SECTIONS 4 AND 5**

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
Councilman Bill Hamel	VOTING Aye
Councilwoman Christine Kane	VOTING Absent
Councilman William O'Neill	VOTING Aye
Councilman Jacob Testa	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

Resolution Classifying Action & Establishing Lead Agency Winnakee Land Trust Saw Kill Trail Project

Supervisor McKeon explained the Town of Red Hook is working with Winnakee Land Trust to complete the Saw Kill link of the Village to the Village Trail, a pedestrian and bicycle friendly non-motorized trail. The Town needs to now do the related Environmental Review. The trail will come through Fir Street and continue towards the Bard owned property on 9G. At this point it is needed to designate the Town as Lead Agency. This will be a cooperative project pursuant to a proposed cooperative agreement and two easements. The town purchased a public access easement from the Winnakee Land Trust for these purposes previously. It has been determined, after examining the environmental review documents, there are other involved agencies: The Planning Board and the ZBA. The Town does find this to be an unlisted action and declares itself Lead Agency.

617.6

State Environmental Quality Review (SEQR)
Resolution Classifying Action & Establishing Lead Agency
Unlisted Action

Name of Action: Winnakee Land Trust Saw Kill Trail Project

Whereas, the Town Board of the Town of Red Hook is considering a proposal for the construction of the Saw Kill Trail Project as a cooperative project pursuant to a proposed cooperative agreement and two easements entitled “Deed of Conservation Easement and Public Access Easement” given by Winnakee Land Trust, Inc. to the Town, each dated February 14, 2020 and filed as Document No. 02-2020945 and 02-2020947, respectively; and

Whereas, Winnakee Land Trust, Inc. has prepared and submitted to the Town an Environmental Assessment Form (EAF) for the action dated August 10, 2021; and

Whereas, the Board has reviewed the thresholds for Type I and Type II actions set forth in 6 NYCRR 617.4 and 617.5; and

Whereas, after examining the EAF, the Town Board has determined that there are other involved and/or federal agencies on this matter including the Town of Red Hook Planning Board and Town of Red Hook Zoning Board of Appeals.

Now Therefore Be It Resolved, that the Board hereby determines that the proposed action is an unlisted action.

Be It Further Resolved, that the Town Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, the Town Board hereby authorizes the Town Supervisor to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Town Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Town Board will become lead agency for the review of this action.

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 August 10, 2021 at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilman William O'Neill
Councilmember Jacob Testa

ABSENT: Councilwoman Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

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

RESOLUTION NO. 47 DATED: AUGUST 10, 2021

Resolution Classifying Action & Establishing Lead Agency Unlisted Action Winnakee Land Trust Saw Kill Trail Project

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 William Hamel	VOTING Aye
Councilwoman Christine Kane	VOTING Absent
Councilman William O'Neill	VOTING Aye
Councilmember Jacob Testa	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

Resolution Establishing a Date for Public Hearing Regarding the Proposed Saw Kill Trail Project.

Supervisor McKeon explained the Public Hearing and set a proposed date of September 14, 2021 at 7:35 pm.

TOWN OF RED HOOK RESOLUTION NO. 48 DATED AUGUST 10, 2021

ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE PROPOSED SAW KILL TRAIL PROJECT

WHEREAS, the Town Board of the Town of Red Hook (“Town Board”) is considering a proposal for the construction of the Saw Kill Trail Project as a cooperative project pursuant to a proposed cooperative agreement and two easements entitled “Deed of Conservation Easement and Public Access Easement” given by Winnakee Land Trust, Inc. to the Town, each dated February 14, 2020 and filed as Document No. 02-2020945 and 02-2020947, respectively (the “Project”); and

WHEREAS, the Town Board has determined that the proposed action constitutes an unlisted action pursuant to the State Environmental Quality Review Act and has determined to act as lead agency in a coordinated review of the action; and

WHEREAS, as part of the consideration of the proposed construction of the Saw Kill Trail project, the Town Board will determine whether and to what extent Red Hook’s zoning laws apply to the construction; and as part of such review the Town Board will consider the following nine factors set forth in *Matter of County of Monroe v. City of Rochester*: the nature and scope of the instrumentality seeking immunity; the encroaching government’s legislative grant of authority; the kind of function or land use involved; the effect local land use regulation would have on the enterprise concerned; alternative locations for the facility in less restrictive zoning areas; the impact upon legitimate local interests; alternative methods of providing the proposed improvement; the extent of the public interest to be served by the improvements; and intergovernmental participation in the project development process and an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED, by the Town Board (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 public hearing on September 14, 2021, at 7:35 p.m., Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed project as described in the attached form of notice, including a review to determine whether and to what extent Red Hook’s zoning laws apply to the proposed action; and
2. 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, on or before August 18, 2021, which is not less than ten days prior to the date of said public hearing. The Town Clerk shall further provide notice of said public hearing to the Town of Red Hook Planning Board, the Town of Red Hook Zoning Board of Appeals, and the Dutchess County Department of Planning and Development.

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 August 10, 2021 at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilman William O’Neill
Councilmember Jacob Testa

ABSENT:

Councilwoman Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Testa, to wit;

**RESOLUTION NO. 48
DATED AUGUST 10, 2021**

**ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE
PROPOSED SAW KILL TRAIL PROJECT**

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 <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Not Present</u>
Councilman William O'Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Discussion of Short-Term Rentals-

Councilmember O'Neill began discussion of the recommendations from the Inter-Municipal Task Force (ITF) for Short Term Rentals (STR's). Currently STR's are not allowed in the Town of Red Hook and the proposed zoning amendments are to allow STR's in the Town of Red Hook. The ITF is submitting a proposed amendment in three parts to allow STR's in the Town of Red Hook. The ITF submitted these proposals which are all consistent with The Town's Comprehensive Plan. ITF proposed to require an Annual Operating Permit through the Town's Building Department for both hosted or unhosted STR's. The ITF recommends an annual one-time unhosted permitted exception for single family dwellings. The ITF proposes to take a conservative view of STR's but not dismiss STR's to both address economic concerns while preserving the rural character.

Supervisor McKeon mentioned the documents from the ITF have been available on our Town's website and invited people to view them and comment. The Town received written comments regarding STR's. McKeon talked about how Red Hook's constituents have very diverse opinions on how to address this issue and the Town invites public comments in order to come to a general consensus while also noting several potential negative and positive possibilities. McKeon also added that Red Hook has an advantage of having distinct zoning areas and neighborhoods which could provide guidance on how to move forward.

McKeon questioned how it is proposed to enforce the different classes of STR's. O'Neill responded that in New York State, once municipalities pass STR's laws, they qualify for association with Dutchess County. The County then, with host compliance, will provide the municipality with data and information such as who is running the STR and tax information. All STR's would pay some taxes to the County. He also clarified the proposed STR legislation only applies to the Town of Red Hook and would not apply to the Villages of Red Hook or Tivoli. This would also not apply to situations of house trading or swapping. These laws would only apply to situations involving commercial, money exchanging transactions.

McKeon asked for further explanation on what defines a proposed class 2 STR. O'Neill explained this was comparable to the Bed & Breakfast laws already in place. Class 1 is a hosted home with 1 or 2 bedrooms being rented needing a permit, but not a special permit. Class 2 is for hosted homes renting 3 or 4 bedrooms and would require a special permit but would be allowed in the same zoning districts as class 1. Class 3 STR's are strictly an accessory building requiring a special permit and are separate buildings located on the same lot as the primary residence. Councilmember Hamel added the thinking behind the special permitted class 2 is to accommodate issues like adequate parking or sewage.

McKeon asked for an explanation of the accessory building in the proposed class 3. Hamel answered the accessory building would be an existing building such as an apartment over the garage, or a mother daughter apartment. No new construction would be allowed. If it exists, it can be rented out as an STR. There would be Department of Health Requirements in the same way the

Planning Board approves accessory structures; They must make sure issues are covered such as active sewage or adequate parking. Councilmember Testa asked if this was prohibiting any new construction from being permitted as STR's in the future. Hamel clarified class 3 would apply to structures existing at the time of adoption of the legislation. Currently the zoning laws do not allow for more than three accessory buildings. Testa added the term "existing" is useless as it does not accomplish anything unless the Town is trying to prohibit future structures to be used as STR's. He added it did not seem fair that an accessory building otherwise permitted to be developed could not eventually be used as an STR. Hamel explained the ITF was concerned people would build a future accessory building claiming it was for personal use, but in fact, build it for a commercial purpose. Hamel added that getting an accessory building in the Town of Red Hook is not an easy process due to the Board of Health Requirements.

Supervisor McKeon asked why STR's would be allowed in the Hamlet District but not in the TND district. O'Neill did not have a clear answer and would like to explore why. Hamel explained the Hamlet district has different zoning regulations and there are no size designations for houses. O'Neill explained the rationale behind defining the different classes. Testa asked why class 3 is not allowed in certain districts or requires special permits in certain districts when class 3 is similar to class 1. O'Neill clarified and McKeon added there was different requirements like parking.

McKeon asked why unhosted STR's would not be allowed in RD3 & RD5. Hamel answered that the Town Board had previously made the decision to keep these districts residential and allowing unhosted STR's there would be in opposition to those decisions. Also, because these parcels were large and private, it could encourage large parties there. Hamel also added the members of the ITF were in disagreement about this decision. McKeon asked the ITF to look at the ABD to see if there can be any exceptions for unhosted STR's. He suggested to discuss this more at the September 14, 2021 Town Board Meeting.

Discussion of Legalization of Marijuana

Supervisor McKeon began discussion of dispensaries and lounges in the Town of Red Hook. Regulated sales of adult-use cannabis is not expected to begin until late 2022 or early 2023. The State regulatory framework is being created by the Alcoholic Beverage Control Law and the New York State Liquor Authority. Location of retail stores will be prohibited within 500 feet of a school and 200 feet of a house of worship. All sales will be subject to a 4% local sales tax which will be distributed to the county. The Town of Red Hook will get 3% of the local sales tax if the Town decides to not opt-out of having dispensaries and lounges. Under State law, cannabis smoking and vaping is treated the same as smoking and vaping tobacco products and Towns and Villages can pass additional local laws and regulations. Towns can opt-out then opt-in later on. Towns can opt-out of either retail sales or lounges unless a local law is passed and must be done before December 31, 2021. McKeon would like to schedule an info session on cannabis. Councilmember Testa would like to have a discussion with other municipalities. Councilmember Hamel asked if you opt-in, can you opt-out later. McKeon answered no. Once a municipality opts-in, they cannot opt-out. Testa added you can always adjust the zoning later on.

Hamel asked if there was any more information from New York State. McKeon answered there was little information from the State as there are no laws yet, however as with liquor applications municipalities can weigh in on these applications. Councilmember O'Neill added the focus should be whether the Town wants to opt-in or opt-out. Hamel said if the Town opts-in before the State finalizes their regulations, Red Hook could get stuck with regulations that won't work well for the Town. O'Neill added the Town will decide which zones dispensaries can be allowed.

McKeon discussed that Red Hook will not be able to regulate any growing, New York State is in charge of all Ag & Markets. The proposed cannabis laws allow for minimal personal cultivation. Adults 21 years or older can have 3 ounces of cannabis or up to 24 grams of concentrated cannabis. Individuals can grow 3 mature plants and 3 immature plants, with no more than 12 plants per property.

Testa wants to have a plan in place because of the December 31, 2021 deadline. Attorney Chris Chale added the Town should decide if it wants Permissive Referendum if it were petitioned by the end of the year as well. Testa asked if Permissive Referendum would affect the December 31st date. McKeon answered that in theory, it could impact. Chris Chale added the decision should happen sooner rather than later. McKeon wants input from the Villages as well as the public. Chale added if there is a public information session then there will also have to have a public hearing.

Resolution Establishing a Date for a Public Hearing for Local Law C

Supervisor McKeon explained the Resolution. Councilmember Testa asked if there were any applications that have come in for permits. McKeon responded that he did not know.

**TOWN OF RED HOOK
RESOLUTION NO. 49
DATED AUGUST 10, 2021**

**ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING
THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF
LOCAL LAW NO. C (PROPOSED) OF 2021**

WHEREAS, by Local Law No. 1 of 2021, the Town enacted a 6-month moratorium on the issuance of permits for work within the right of way of a Town Highway in the Town of Red Hook”, which is set to expire on or about August 31, 2021; and

WHEREAS, the Town has engaged Creighton Manning, professional engineers, to review and revise the Town’s Highway Specifications, such firm has made recommendations which are under review by the Town; and

WHEREAS, a proposed form of Local Law No. C (Proposed) of 2021 entitled “**A LOCAL LAW TO ENACT AN EXTENSION OF A MORATORIUM, ENDING February 28, 2022, ON THE ISSUANCE OF PERMITS FOR WORK WITHIN THE RIGHT OF WAY OF A TOWN HIGHWAY IN THE TOWN OF RED HOOK**” has been submitted to the Town Board of the Town of Red Hook; and

WHEREAS, the Town Board needs additional time to review the recommended revisions to the specifications and believes that it is necessary and in the best interests of the Town to consider a limited further extension of the moratorium for this purpose; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Proposed Local Law must be referred to the Department of Planning and Development for its review and report thereon; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(36), the Proposed Local Law constitutes a Type II action for purposes of the State Environmental Quality Review Act and will not have a significant adverse impact on the environment.

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:

3. The Town Board of the Town of Red Hook shall hold a public hearing on August 25, 2021, at 7:35p.m. in the manner provided in the notice of public hearing attached hereto to hear all interested parties on said Proposed Local Law; and
4. 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, on or before August 13, 2021, which is not less than ten calendar days prior to the date of said public hearing.
5. The Town Clerk is hereby authorized and directed to refer a copy of Local Law C (Proposed) of 2021, to the Dutchess County Department of Planning and Development for a report and recommendation thereon pursuant to Section 239-m of the General Municipal Law.
6. 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 August 10, 2021, at 7:30 p.m., local time.

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

PRESENT:

Supervisor Robert McKeon
Councilmember William Hamel
Councilmember William O'Neill
Councilmember Jacob Testa

ABSENT:

Councilmember Christine Kane

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Hamel, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 49
DATED AUGUST 10, 2021**

**ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING
THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF
LOCAL LAW NO. C (PROPOSED) OF 2021**

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 <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Not Present</u>
Councilmember William O'Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Correspondence: Laura Haight and Andrew Labruzzo wrote to the Town about their concerns about STR's. The Town received letters of support for STR's from Matthew Zucker & Brian Fuhr, Dee & George Karpal, Lisa & Bill Murray, and Sarah Carlson.

Public Comment: Linda Keeling had questions about the width of the Winnakee Trail and if motorized scooters would be allowed. Supervisor McKeon answered non-motorized trail prohibits vehicles like quads and cars. Attorney Chale added portions of the trail will be ADA accessible and motorized vehicles for disabled individuals are not considered to be motorized vehicles that are prohibited. This area has a DEC covenant and the primary concern for the DEC is watershed protection and as a result, there are some constraints.

On a motion of Councilmember Hamel seconded by Councilmember Testa moved to adjourn the meeting.

Adopted	Ayes	5	McKeon, Hamel, Kane, O'Neill, Testa
	Nays	0	

Respectfully submitted,

Deanna Cochran, Town Clerk