

RED HOOK TOWN BOARD MEETING
MINUTES
September 22, 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 p.m.

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

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

Public Hearing – Proposed Local Law D- Micro Hydropower Facilities

Supervisor McKeon opened the Public Hearing and explained the Bard College project and their grant. McKeon also mentioned some of the existing dams may need to come down, while others will need to stay in place to maintain the ponds.

On a motion of Supervisor McKeon seconded by Councilmember Hamel moved to hold open the Public Hearing until October 12, 2021.

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

Public Hearing – Proposed Sawkill Trail Project

Supervisor McKeon opened the Public Hearing.

Warren Rosenthal, Land Protection Manager of Winnakee Land Trust gave a presentation explaining the project.

- There are three different phases of the project.
- The surface of the trail will be grass or dirt.
- There will be no excavation nor surfacing at this time.
- A bridge will be manufactured offsite and in such a way to not affect the stream.
- Every effort will be made to minimize any impact to the wetlands.
- Attorney Chris Chale noted the trail was designed to stay away from the Sawkill due to the acquisition of the parcel and the Town's acquisition of the conservation easement subject to the DEC grant.
- Rosenthal confirmed the main purpose of the project was to protect the water quality of the Sawkill. Attempts were made to minimize impact to sensitive ecological areas.

Todd Natale, resident of the Town of Red Hook on Aspinwall Road, voiced his concerns about the direct impact of Phase 2 of the proposed trail.

- It is planned to be placed adjacent to his home.
- He requested maps of Phase 2 to be produced.
- He asked what year to expect Phase 2 to start, what efforts are being made to prevent parking along Aspinwall Road and what efforts are being made to protect privacy.
- He questioned the ownership of the section of land near his property on which the trail will be placed.

Rosenthal addressed these concerns

- The trail could not be moved more west due to the roads and wetlands.
- Efforts are being made to attempt to hide the trail with fences and fast-growing plants.
- Phase 1 would begin fall of 2021, Phase 3 would be completed in 2022, but it is unclear when Phase 2 would start.

Attorney Christine Chale address the ownership of the land.

- Confirmed that portion of land was dedicated in the subdivision as a right of way. A farmland protection plan was created identifying this section of land as a trail.

Mr. Mangat, resident of the Town of Red Hook on Aspinwall Road, also voiced concerns about parking, privacy, and the width of the trail.

- The proposed trail would also be adjacent to his property. The trail needs fast growing shrubs and plantings to provide privacy.
- Rosenthal confirmed fencing and plantings would be completed before the trail is done.

On a motion of Supervisor McKeon seconded by Councilmember Kane moved to hold open the Public Hearing until October 12, 2021.

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

SUPERVISOR'S REPORT

The Supervisor's Report for the period of ending August 31, 2021, was read as follows: Opening Balance - \$8,251,472.52; Receipts - \$112,384.01; Disbursed - \$199,791.79; Balance - \$8,164,064.74 with the Budget Adjustments and monthly Variance Reports.

On a motion of Councilmember Hamel and seconded by Councilmember Testa moved to approve the Supervisors report and budget adjustments.

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

TOWN CLERK'S REPORT

The Town Clerk's report for the period August 1, 2021 to August 31, 2021 was read as follows: Total Local Shares remitted to the Supervisor - \$6,024.42; Amount paid to NYS Ag. & Markets - \$29.00; Amount paid to NYS Dept. of Health for Marriage Licenses - \$202.50; Amount paid to NYS Environmental Conservation Dept for hunting & fishing licenses - \$1,082.08; Total State, County, and Local revenues \$7,338.00 Vouchers 27911 – 28068 were processed in July 2021 and Vouchers 28069-28151 were processed in August 2021.

On a motion of Councilmember Kane seconded by Councilmember Testa moved to approve the Town Clerk's report.

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

Presentation – Red Hook Responds

Dan Budd, Founder of Red Hook Responds, RHR, along with John Horiszny, President, and Jeung-il Tsumagari, Executive Director, gave a presentation VIA Videoconference and requested financial support from the Town for their organization.

- RHR has been operating for 17 months by helping the community through organizing volunteers and providing resources to those in need.
- The helpline is available every day by calling (845) 640-4788 or visiting RedHookResponds.org
- RHR is requesting support from the Town in the form of a budget line item of \$15,000 per year.
- RHR has procured a mobile kitchen to use to process foods directly from the fields and also for fundraising for the organization. This unit will need a docking station for the 26' x 8' trailer which requires electric hookup and a dry well for gray water. RHR is requesting from the Town Board the use of municipal property for this purpose.

Discussion - Local Law D – Microhydro Facilities

Attorney Christine Chale clarified that approval of this resolution is pending due to the review needed by the Planning Board. This review is scheduled for the next Planning Board meeting.

She reviewed the documents associated with this project.

- Part 2 of the Environmental Assessment Form, EAF, has identified small potential impacts. It is determined there will be an impact on noise, order, light and surface water.
- Part 3 of the EAF further analyzed the impact. It was determined the impact is not expected to be significant due to the scale of the facilities and the regulations, which includes specific design criteria and housing requirements.

Sawkill Trail Project – SEQRA

Attorney Christine Chale reviewed the documents associated with this project.

- Parts 2 and 3 of the EAF, discussed the limitations on disturbed areas. Part 3 addresses the nature of the trails, vegetation clearing width limitations and ground and wetlands disturbance requirements.
- Chale questioned if the Town Board would like to specifically incorporate requirements to mitigate disturbances to the neighbors such as fencing and plantings. Supervisor McKeon confirmed the board does.
- Chale explained the proposed Memorandum of Agreement.
 - The conservation easement establishes the right to establish a public access.
 - The trail will be constructed by Winnakee.
 - The Town will maintain the trail.
 - It details the description of the project, the easements, the phasing of the projects and any limitations on its use, such as prohibition on motorized vehicles.

Discussion – NYS Cannabis Legislation

Supervisor McKeon began the discussion.

- The Town needs to decide on whether to opt out of retail and/or consumption establishments in the township. This is separate from decisions the villages will make.
- McKeon is struggling with where to encourage or discourage retail stores. Opting out now gives time for more informed decisions.
- Councilmember Kane asked which options are available for opting out. McKeon confirmed the Town can allow retail stores, consumption establishments, neither, or both.
- A cannabis information session was held on September 21, 2021. A small number of people attended, many of whom seemed favorable to allowing cannabis dispensaries, but not all.

The Economic Development Committee, EDC, organized a questionnaire which was sent to local business owners in both the Town and the Villages. EDC member Marty Reilingh shared the results.

- Of the 180 questionnaires, 45, or 25%, of business owners completed it.
- It was found that 69% supported not opting out of dispensaries.
- By 51% to 49%, businesses are split on whether to opt out of consumption establishments.
- The EDC at this time has developed a consensus for the Town and two Villages to not opt out of dispensaries but are divided on whether to opt of consumption establishments.
- McKeon asked if any business owners felt it would detract or be incongruous with their business. Reilingh responded the EDC will have to look further into that topic.
- McKeon voiced concerns about placement and the size of a cannabis dispensary. He questioned where an establishment could be placed in the Township if the idea is to place them to best benefit downtown businesses.

Councilmember Hamel added he feels the way the law is structured there does not seem to be any downside to opting out immediately.

- Opting out at this time gives more time to evaluate issues to make informed decisions especially when considering the State will most likely not issue any licenses for at least 18 months. Therefore, there will be no benefit to the Town for at least 18 months.
- The more communities that opt in, the more it dilutes the amount of tax revenue that could come.

Councilmember Testa questioned what could be in this law the Town would not like to see. Details for operating dispensaries and consumption establishments seem like something that could be regulated by the Town.

- Hamel stated the state has yet to regulate the issue of how to determine if someone is driving while under the influence of cannabis.
- McKeon added the example of how late a dispensary can stay open would be established by State law. It is not yet known what the Town will be allowed to regulate.

Kane put forth the notion of concept vs. implementation causing unexpected issues. People who favor an idea at the time of conception may find they are not in favor when the implementation directly impacts them in an unexpected way.

- Respecting zoning, a retail location might require less parking, but have a greater impact on traffic flow, while a consumption establishment would have different requirements.
- Feels the State is attempting to gauge the demand of communities by requiring this decision to be made this early.
- McKeon stated the objective of zoning laws is to guide the type of activity you want to see in an area. It is never about just yes or no. It is about where and how.

Councilmember O'Neill asked the board members why they thought the state made it possible to opt out now/opt in later, but not the reverse.

- McKeon answered it could protect potential future cannabis business owners as well as limit discrimination against established cannabis business owners.

Michael Roomberg, a Town of Red Hook resident spoke.

- Empathizes with the opportunity costs associated with opting in.
- Commended the board for trying to do this right.
- Feels dispensaries are facilities that will generate high traffic and doesn't believe the economic development will be enough to solve those problems.
- Questioned if a consumption located would be a purpose-built location or could an existing establishment start providing cannabis for consumption.
 - McKeon answered it would be similar to having a liquor license.
 - Hamel added we do not yet know what the process from the state will be.

McKeon requested a Public Hearing for October 12, 2021.

Resolution Classifying Action and Establishing a Date for a Public Hearing regarding the Adoption of Local Law E

Councilmember Testa requested inviting representatives from the Villages.

**TOWN OF RED HOOK
RESOLUTION NO. 55
DATED SEPTEMBER 22, 2021**

RESOLUTION CLASSIFYING ACTION AND ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW E (PROPOSED) OF 2021, A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE

WHEREAS, a proposed form of Local Law No. E (Proposed) of 2021 entitled “**A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE**” has been submitted to the Town Board of the Town of Red Hook; and

WHEREAS, on March 31, 2021, the Governor signed into law the Marijuana Regulation and Taxation Act, Chapter 92 of the Laws of 2021 (the “Cannabis Law”), which, among other things, legalizes adult-use cannabis and authorizes the licensing and establishment of retail cannabis dispensaries and on-site cannabis consumption establishments, subject to the regulations and restrictions thereof; and

WHEREAS, pursuant to Section 131 of the Cannabis Law, local municipalities are authorized to opt out of the portion of the law authorizing such retail establishments within their jurisdiction by adoption of a local law subject to permissive referendum; and

WHEREAS, the Proposed Local Law would enact the determination of the Town of Red Hook to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), a Short Environmental Assessment Form regarding the Proposed Local Law, dated September 22, 2021, has been prepared and is on file with the Town Clerk; and

WHEREAS, the Town Board is required to determine the classification of the Proposed Local Law pursuant to SEQRA; and

WHEREAS, pursuant to Town Code Section. 68-12, the Town Board must refer a proposal for a direct action by the Town to the Town Planning Board for its recommendation on the proposal's consistency with the Local Waterfront Revitalization Program.

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) and Coastal Assessment Form (CAF), in the forms on file with the Town Clerk, the proposed action is an unlisted action, and there are no other involved agencies; and

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 Supervisor is hereby authorized and directed to execute the EAF and CAF in the form on file with the Town Clerk.
2. The Town Board hereby determines that the proposed action is an unlisted action under SEQRA and declares itself Lead Agency for the review of this action, as it is the only involved agency.
3. The Town Board of the Town of Red Hook shall hold a public hearing on October 12, 2021, at 7:55 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.
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 October 7, 2021, which is not less than five 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 E (Proposed) of 2021, to the Planning Board, together with a copy of the EAF and CAF, for a report and recommendation thereon pursuant to Section 68-12(c) of the Town Code, regarding consistency with the Local Waterfront Revitalization Plan.

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 via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on September 22, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	In Person	
Councilmember William Hamel	In Person	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	In Person	

ABSENT:

The following persons were ALSO PRESENT:

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

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

**RESOLUTION NO. 55
DATED SEPTEMBER 22, 2021**

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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>Aye</u>
Councilmember William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Discussion – Short Term Rentals

Supervisor McKeon began the discussion.

- Proposed to change the ITF recommendations to allow unhosted STR’s in the residential 3-5 acre zoning districts.
- STR’s in the R1- & R1.5 districts should be prohibited the in same way as the Hamlet district.

Marty Reilingh, from the EDC, commented.

- The EDC proposal would allow hosted and unhosted STR’s in all zoning districts with permitted or special permitted use.
- Encouraged the Town to revisit the comprehensive plan. It currently does not address how neighborhoods are to be maintained or stimulated economically.
- Prohibiting STR’s in the R1 & R1.5 would deprive residents to enhance or maintain their homes.

Board Reports – Board and committee reports are in the record and are available in the Town Clerk’s Office.

On a motion of Supervisor McKeon and seconded by Councilmember Hamel moved to go to **Executive Session** to discuss matters under negotiation

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

10:30 pm exited Executive Session.

On a motion of Supervisor McKeon and seconded by Councilmember O’Neill moved to authorize the Town Supervisor to begin negotiations regarding a specific real estate property.

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

On a motion of Supervisor McKeon and seconded by Councilmember Hamel moved to close the Town Board Meeting.

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

Respectfully submitted,

Deanna Cochran, Town Clerk