

RED HOOK TOWN BOARD MEETING
February 14, 2023

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 and Via Videoconference at 7:30 p.m.

Present:	Councilmember William Hamel Councilmember Christine Kane Councilmember Jacob Testa Councilmember Julia Solomon Town Clerk Deanna Cochran
Via Videoconference:	Supervisor Robert McKeon
Also Present:	Attorney for the Town Christine Chale Esq.

Councilmember Hamel opened with the Pledge of Allegiance. Supervisor McKeon reviewed the agenda.

Supervisor's Report: The Supervisor's Report for the period of January 1, 2023 to January 31, 2023 was read as follows: Opening Balance - \$9,012,856.69; Receipts - \$602,947.38; Disbursed - \$910,369.48; Balance - \$8,705,434.59. Supervisor McKeon reviewed the variance reports and budget adjustments.

On a motion by Councilmember Hamel seconded by Councilmember Testa to accept the Supervisor's Report and Budget Adjustments

Adopted	Ayes	5	McKeon, Hamel, Kane, Solomon, Testa
	Nays	0	

Town Clerk's Report: The Town Clerk's report for the period January 1, 2023 to January 31, 2023 was read as follows: Total Local Shares remitted to the Supervisor - \$6,383.50; Amount remitted to NYS Ag. & Markets - \$37.00; Amount remitted to NYS Dept. of Health for Marriage Licenses - \$22.50; Total State, County, and Local revenues \$6,443.00. Abstracts reported and approved for payment with vouchers 29908-30176 totaling \$824,137.00 were processed in the months of December 2022 and January 2023.

On a motion by Councilmember Testa seconded by Councilmember Hamel to accept the Town Clerk's Report

Adopted	Ayes	5	McKeon, Hamel, Kane, Solomon, Testa
	Nays	0	

Announcements- There were no announcements.

Public Hearing Regarding Volunteer Firefighter and Ambulance Workers Property Tax Exemption

Supervisor McKeon opened the public hearing.

Public Comment: Robert Frey, representing Red Hook Fire Company, thanked the Town for considering this action and hoped the Red Hook Village and the Red Hook School Board will do the same. He stated the Length of Service Awards Program supported by both the Town and Village provides a \$500 a year benefit at age 65, but it is not guaranteed. This tax exemption will help volunteers keep money in their pockets with only a 2 year wait.

Robert Frey explained it has been difficult finding volunteers and the current membership is at its lowest in 25 years with roughly 30 members. The annual call volume has tripled to over 1000 calls per year and the State has increased the training requirements.

On a motion by Councilmember Hamel seconded by Councilmember Kane to close the Public Hearing

Adopted	Ayes	5	McKeon, Hamel, Kane, Solomon, Testa
	Nays	0	

Resolution to Approve the Adoption of Local Law A

Attorney Chris Chale explained the resolution.

Councilmember Solomon asked for clarification regarding the length of time to qualify for this exemption. Supervisor McKeon responded the Town was looking for consistency with keeping the requirements at 3 years.

**TOWN OF RED HOOK
RESOLUTION NO. 9
DATED FEBRUARY 14, 2023**

**AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED
HOOK OF LOCAL LAW NO. A (PROPOSED) OF 2023
REGARDING EXEMPTION FROM REAL PROPERTY TAXES
FOR FIREFIGHTERS AND AMBULANCE WORKERS**

WHEREAS, a proposed form of Local Law A (Proposed) of 2023 entitled “**Local Law No. A (Proposed) of 2023; A Local Law to amend Chapter 126 entitled ‘Taxation’ by enacting a new Article V entitled ‘Volunteer Firefighters and Ambulance Workers Exemption,’ regarding a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law**” was presented to the Town Board of the Town of Red Hook at a regular meeting held on January 25, 2023; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Red Hook on January 25, 2023, setting a public hearing to be held by said Town Board on February 14, 2023 at 7:35 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed local law; and

WHEREAS, pursuant to the State Environmental Quality Review Act, the Town Board has determined that the Proposed Local Law is best described as a local legislative decision concerning routine administration and management under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on January 29, 2023, which is not less than five calendar days prior to the date of said public hearing; and

WHEREAS, said public hearing was duly held on February 14, 2023 at said time and place, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Town Board of the Town of Red Hook, after due deliberation, finds it in the best interests of the Town to adopt said local law, in the form attached hereto.

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

1. The Town Board hereby adopts said Local Law A (Proposed) of 2023, now to be referred to as Local Law No. 1 of 2023, entitled “**Local Law No. 1 of 2023; A Local Law to amend Chapter 126 entitled ‘Taxation’ by enacting a new Article V entitled ‘Volunteer Firefighters and Ambulance Workers Exemption,’ regarding a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law**” in the form attached hereto and made a part of this resolution; and
2. The Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Red Hook, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

Town of Red Hook

Local Law No. A (Proposed) of 2023

A LOCAL LAW TO AMEND CHAPTER 126 ENTITLED TAXATION BY ENACTING A NEW ARTICLE V ENTITLED “VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS EXEMPTION,” REGARDING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. PURPOSE

The purpose of this local law is to exercise the Town’s right, pursuant to Section 466-a of the Real Property Tax Law, to enact legislation that will exempt up to 10% of assessed value of real property owned by an enrolled member of an incorporated volunteer fire company, department or voluntary ambulance service who has served a minimum number of years.

SECTION 2. AMENDMENT TO CHAPTER 126

A new Article V of Chapter 126 of the Town Code entitled “Volunteer Firefighters and Ambulance Workers Exemption” is hereby enacted to read as follows:

Article V

Volunteer Firefighters and Ambulance Workers Exemption

§126-20 Exemption Granted.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Red Hook as long as eligibility requirements are met.

§126-21 Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A.** The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B.** The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C.** The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant’s residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this law;
- D.** The volunteer firefighter or volunteer ambulance worker resides in the Town of Red Hook and the Town of Red Hook is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E.** The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F.** The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Red Hook, which is hereby established as three years.

§126-22 Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Red Hook, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Red Hook must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§126-23 Certification.

The Town of Red Hook must annually file or cause to be filed with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence. The Town may request and rely on lists provided by the Village of Red Hook and Village of Tivoli pursuant to applicable fire protection agreements.

§126-24 No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

§126-25 Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Red Hook.

§126-26 Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§126-27 Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

SECTION 3. STATEMENT OF AUTHORITY.

This local law is authorized by the New York State Constitution, Article IX, Section 2, the provisions of the New York Municipal Home Rule Law (MHRL), the provisions of the Statute of Local Governments, New York State Real Property Tax Law Section 466-a, the relevant provisions of the Town Law of the State of New York, and the laws of the Town of Red Hook.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

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 February 14, 2023 at 7:30 p.m. local time at the Town Hall, 7340 South Broadway, Red Hook NY.

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

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	In Person	
Councilmember Christine Kane	In Person	
Councilmember Julia Solomon	In Person	
Councilmember Jacob Testa	In Person	

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 Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 9
DATED FEBRUARY 14, 2023**

AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. A (PROPOSED) OF 2023 REGARDING EXEMPTION FROM REAL PROPERTY TAXES FOR FIREFIGHTERS AND AMBULANCE WORKERS

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 Julia Solomon	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Public Hearing Regarding Incentive Zoning Amendments

Supervisor McKeon opened the public hearing.

Public Comment: There was no public comment.

Supervisor McKeon stated this was submitted to both Dutchess County Planning and the Town’s Planning Board.

Public Hearing Regarding Open Space Conservation

Supervisor McKeon opened the public hearing.

Public Comment: Supervisor McKeon noted public comment was submitted from the Conservation Advisory Committee and the Audubon Sustainability Group via email and would be available on the Town’s Website.

Attorney Chris Chale reviewed the SEQRA determination and the Coastal Assessment Form.

On a motion by Councilmember Hamel seconded by Councilmember Testa to close the Public Hearing regarding Incentive Zoning Amendments and the Public Hearing regarding Open Space Conservation

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

Attorney Chris Chale explained the Negative Declaration under the SEQRA determined the action will have not have significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to declare the action will have no adverse effect

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

On a motion by Supervisor McKeon seconded by Councilmember Hamel to determine the action is consistent with the LWRP.

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

Resolution Authorizing the Adoption of Local Law No. B (Proposed) of 2023 to Amend the Zoning Law, Chapter 143 Regarding Incentive Zoning

**TOWN OF RED HOOK
RESOLUTION NO. 10
DATED FEBRUARY 14, 2023**

AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. B (PROPOSED) OF 2023 TO AMEND THE ZONING LAW, CHAPTER 143 OF THE TOWN CODE OF THE TOWN OF RED HOOK REGARDING INCENTIVE ZONING

WHEREAS, a proposed form of Local Law B (Proposed) of 2023 entitled “**Local Law No. B (Proposed) of 2023; A Local Law to amend the Zoning Law, Chapter 143, of the Town Code of the Town of Red Hook regarding Incentive Zoning**” (the “Local Law”) was presented to the Town Board of the Town of Red Hook at a regular meeting held on January 25, 2023; and

WHEREAS, on January 25, 2023, the Town Board reviewed a Full Environmental Assessment Form (“FEAF”) and Coastal Assessment Form (“CAF”) and classified the proposed action as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Red Hook on January 25, 2023, setting a public hearing to be held by said Town Board on February 14, 2023 at 7:45 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on January 29, 2023, which is not less than ten calendar days prior to the date of said public hearing; and

WHEREAS, notice of the February 14, 2023, public hearing was sent to the clerks of adjacent municipalities; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, a copy of the Local Law, together with a copy of the EAF and CAF, was referred to the Dutchess County Department of Planning and Development which responded on February 10, 2023, that it was a matter of local concern; and

WHEREAS, pursuant to Section 143-141 of the Red Hook Zoning Law, a copy of the proposed Local Law, together with a copy of the EAF and CAF, was referred to the Town Planning Board which reviewed the matter at its February 6, 2023 meeting, recommended a finding that it is consistent with the Town's Local Waterfront Revitalization Plan, and has provided a report of such recommendation to the Town; and

WHEREAS, on February 14, 2023, the Town Board adopted a negative declaration under SEQRA, determining that the proposed adoption of the Local Law will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, on February 14, 2023, the Town Board determined that the proposed Local Law is consistent with the Town's Local Waterfront Revitalization Plan; and

WHEREAS, the Town Board of the Town of Red Hook, after due deliberation, finds it in the best interests of the Town to adopt said local law, in the form attached hereto.

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

1. The Town Board hereby adopts said Local Law B (Proposed) of 2023, now to be referred to as Local Law No. 2 of 2023, entitled "**Local Law No. 2 of 2023; A Local Law to amend the Zoning Law, Chapter 143, of the Town Code of the Town of Red Hook regarding Incentive Zoning**" in the form attached hereto and made a part of this resolution; and
2. The Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Red Hook, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231

TOWN OF RED HOOK

Local Law No. B (Proposed) of 2023

A LOCAL LAW TO AMEND THE ZONING LAW, CHAPTER 143, OF THE TOWN CODE OF THE TOWN OF RED HOOK REGARDING INCENTIVE ZONING

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. PURPOSE

The purpose of this local law is to encourage the use of the incentive zoning for the protection of open space and to encourage the development of housing for persons of low and moderate income. The amendments are further designed to protect the health, safety, and welfare of Town residents and to bring the Town's Zoning Law into conformance with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to Chapter 17 of the Town Code and with applicable state and federal law. The proposed amendments are consistent with the recommendations of the Town's Comprehensive Plan.

SECTION 2. APPLICATION

This Local Law shall apply within Town of Red Hook outside of the Villages of Red Hook and Tivoli.

SECTION 3. AMENDMENTS TO SECTION 143-49.2 OF THE ZONING LAW ENTITLED "OPEN SPACE INCENTIVE ZONING"

§ 3.1. Subsection (A) of Section 143-49.2 entitled "Purpose and Objectives" is hereby amended by amending and restating subdivision (1) thereof to read as follows: i

(1) The Town Board of the Town of Red Hook, consistent with § 261-b of the Town Law of the State of New York and the Town of Red Hook Comprehensive Plan, has determined that it is appropriate to make adjustments to permissible building potential and area requirements in the Traditional Neighborhood Development (TND) District for the specific purpose of preserving open space at a minimum cost to the residents and taxpayers of the Town and encouraging development of low and moderate income housing.

§ 3.2. Subsection (C) of Section 143-49.2 entitled "Definitions" is hereby amended to read as follows: i

C. Definitions. For the purpose of this section, the terms used are defined as follows:

COMMUNITY BENEFITS

Open spaces, including important farmland and other open space lands that have ecological, economic or aesthetic benefit to the residents of the community, or an equivalent cash payment as outlined in Subsection E below.

INCENTIVES

Adjustments to the permissible building potential and area requirements of this chapter in exchange for a specific community benefit accepted by the Planning Board.

INCENTIVE ZONING

The system by which specific incentives are granted, pursuant to § 261-b of the Town Law of the State of New York and the provisions of this section, on condition that specific community benefits would inure to the Town.

OPEN SPACE AREAS

Parcels located within the AB District and other parcels meeting the criteria set forth in Section 148-39-1(B)(2) as approved by the Town Board; provided that such parcels have been included as eligible for acquisition pursuant to an approved community preservation plan.

§ 3.3. Subsection (E) of Section 143-49.2 entitled "Community Benefits" is hereby amended to read as follows: i

E. Community benefits.

(1) The following community benefits may, at the discretion of the Planning Board, be accepted in exchange for an incentive as provided in Subsection D, Permitted incentives, above. These community benefits shall only be located within Open Space Areas and may involve one or more parcels of land.

(a) Permanent conservation easements in accordance with § 143-33E and § 120-21C of the Town Code. Said conservation easement shall not be on lands that have been, or are proposed to be, part of a conservation subdivision. Proof of perpetuity (signed purchase contract or easement title) is required in writing, to the Town of Red Hook Planning Board, prior to approval of a site plan or subdivision plan which includes an open space incentive zoning proposal.

(b) Permanent protection of land in fee simple. Proof of perpetuity (executed purchase contract or transfer of ownership of title to a public entity or not-for-profit conservation organization as defined in § 49-0303 of the New York State Environmental Conservation Law) is required in

writing, to the Town of Red Hook Planning Board, prior to approval of a site plan or subdivision plan which includes an open space incentive zoning proposal.

(c) Cash in accordance with Subsection F, Special conditions, below, paid to the Town of Red Hook's dedicated incentive zoning reserve fund for utilization by the Town (i) for the permanent protection of open space in the Open Space Areas, and (ii) for low and moderate income housing projects in the Town including the villages. The required total cash or, if the average benefit is applicable, the first installment, must be unconditionally paid to the Town for deposit in the Town's dedicated incentive zoning reserve fund prior to the earlier of the following:

[1] Where the project requires approval of a subdivision plat, the date of the signing of the subdivision plat by the Planning Board Chair authorizing filing of the plat in the Dutchess County Clerk's office, or, where the plat is to be filed in sections, the signing of the relevant section plat for filing in the Dutchess County Clerk's office;

[2] Where the project does not require approval of a subdivision plat, the date of the Planning Board Chair's signature of the final site plan drawings or each phase of a phased master plan; and

[3] For the avoidance of doubt, in any event not later than the issuance of a building permit or certificate of occupancy. Subsection F(2)(c) governs the procedure for such payments.

(d) Any combination of the above-listed community benefits.

(2) These community benefits will be in addition to any other mandated requirements pursuant to other provisions of the Town of Red Hook Code and any other applicable law or regulation.

§ 3.4. Subsection (F) of Section 143-49.2 entitled "Special Conditions" is hereby amended by amending and restating clause (1) of said Subsection (F) to read as follows:

(1) All proposed community benefits to be provided by the applicant, other than cash, must show a demonstrable ecological, economic, agricultural or aesthetic benefit to the Open Space Areas.

§ 3.5. Subsection (F) of Section 143-49.2 entitled "Special Conditions" is hereby amended by amending and restating clause (2)(b) of said Subsection (F) to read as follows:

(b) Yearly adjustments of required community benefit cash payment.

[1] The dollar amounts referred to in the table in Subsection (F)(2)(a)[1] above are to be automatically adjusted annually by the actual percent changes to the median sales price of residential real property in Dutchess County, as last determined by the Office of Real Property Services pursuant to § 425 of the Real Property Tax Law, from the base year median of \$279,000 for 2011. The Town Clerk will maintain a record of such median sales prices, and such record shall be determinative for purposes of this section. The community benefit shall be calculated based on the dollar amount in effect on the payment date referred to in § 143-49.2E(1)(c), provided that in the case of installment payments if the date on which an installment is paid is more than 30 days before plat signing, the amount due shall be computed taking into account any increase in the median sales price adjustment.

[2] For example, if as of June 1 of the year a plat is approved and signed, the median Dutchess County house price is \$260,000, the adjusted base fee for that year would be decreased by 6.81% ($\$20,000 \times 260,000 / 279,000 = \$18,637.99$). If the plat is for 20 units of which three are incentive units, the total community benefit would be \$55,913.97 ($3 \times \$18,637.99$).

§ 3.6. Subsection (G) of Section 143-49.2 entitled "Criteria and Procedure for Approval" is hereby amended by amending and restating clause (2)(b)[1][a] of said Subsection (F) to read as follows:

[a] The location of the proposed conservation site shall be demonstrated. The proposed conservation site shall be located in the Open Space Area.

SECTION 4. STATEMENT OF AUTHORITY

This local law is authorized by the New York State Constitution, Article IX, Section 2, and Article XVIII, the provisions of the New York Municipal Home Rule Law (MHRL), the provisions of the Statute of Local Governments, § 247 of the General Municipal Law of the State of New York, the relevant provisions of the Town Law of the State of New York, and the laws of the Town of Red Hook.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

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 February 14, 2023 at 7:30 p.m. local time at the Town Hall, 7340 South Broadway, Red Hook NY.

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

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	In Person	
Councilmember Christine Kane	In Person	
Councilmember Julia Solomon	In Person	
Councilmember Jacob Testa	In Person	

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 Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 10
DATED FEBRUARY 14, 2023**

AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. B (PROPOSED) OF 2023 TO AMEND THE ZONING LAW, CHAPTER 143 OF THE TOWN CODE OF THE TOWN OF RED HOOK REGARDING INCENTIVE ZONING

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 Julia Solomon	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Adoption of Local Law N. C (Proposed) of 2023 Regarding Conservation of Open Space

**TOWN OF RED HOOK
RESOLUTION NO. 11
DATED FEBRUARY 14, 2023**

AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. C (PROPOSED) OF 2023 TO ENACT A NEW CHAPTER 58 OF THE TOWN CODE OF THE TOWN OF RED HOOK ENTITLED ‘CONSERVATION OF OPEN SPACE’

WHEREAS, a proposed form of Local Law C (Proposed) of 2023 entitled “**Local Law No. C (Proposed) of 2023; A Local Law to enact a new Chapter 58 of the Town Code of the Town of Red Hook entitled ‘Conservation of Open Space’**” (the “Local Law”) was presented to the Town Board of the Town of Red Hook at a regular meeting held on January 25, 2023; and

WHEREAS, on January 25, 2023, the Town Board reviewed a Full Environmental Assessment Form (“FEAF”) and Coastal Assessment Form (“CAF”) and classified the proposed action as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Red Hook on January 25, 2023, setting a public hearing to be held by said Town Board on February 14, 2023 at 7:50 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on January 29, 2023, which is not less than ten calendar days prior to the date of said public hearing; and

WHEREAS, pursuant to Section 143-141 of the Red Hook Zoning Law, a copy of the proposed Local Law, together with a copy of the EAF and CAF, was referred to the Town Planning Board which reviewed the matter at its February 6, 2023 meeting, recommended a finding that it is consistent with the Town’s Local Waterfront Revitalization Plan, and has provided a report of such recommendation to the Town; and

WHEREAS, on February 14, 2023, the Town Board adopted a negative declaration under SEQRA, determining that the proposed adoption of the Local Law will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, on February 14, 2023, the Town Board determined that the proposed Local Law is consistent with the Town’s Local Waterfront Revitalization Plan; and

WHEREAS, the Town Board of the Town of Red Hook, after due deliberation, finds it in the best interests of the Town to adopt said local law, in the form attached hereto.

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

1. The Town Board hereby adopts said Local Law C (Proposed) of 2023, now to be referred to as Local Law No. 3 of 2023, entitled “**Local Law No. 3 (Proposed) of 2023; A Local Law A Local Law to enact a new Chapter 58 of the Town Code of the Town of Red Hook entitled ‘Conservation of Open Space’**” in the form attached hereto and made a part of this resolution; and
2. The Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Red Hook, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

TOWN OF RED HOOK

Local Law No. C (Proposed) of 2023

A LOCAL LAW TO ENACT A NEW CHAPTER 58 OF THE TOWN CODE OF THE TOWN OF RED HOOK ENTITLED "CONSERVATION OF OPEN SPACE".

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. PURPOSE

The purpose of this local law is to provide for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after notice and a public hearing.

SECTION 2. AMENDMENT TO CHAPTER 126

A new Chapter 58 of the Town Code entitled "Conservation of Open Space" is hereby enacted to read as follows:

Chapter 58 Conservation of Open Space

§ 58-1 Purpose.

A. The State of New York, by various legislative enactments, including but not limited to General Municipal Law § 247 and Environmental Conservation Law § 49-0301, has emphatically stated it to be a most important state policy to provide for open space and to conserve, protect and encourage the improvement of agricultural lands, both for production of food and the preservation of such lands as valued natural and ecological resources. The Legislature has determined that the acquisition of open spaces and areas is a valid public purpose and that the expenditure of Town funds to acquire legal interests and rights in such lands is in furtherance of such policy and is a proper expenditure of public funds for public purposes.

B. It is the purpose of this chapter to provide for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town of Red Hook may acquire a fee interest, easement, covenant or other contractual right necessary to preserve "open space" as the same is defined in § 58-2 herein. Any eligible parcel, as hereinafter defined, must be (i) suitable for further development so that the acquisition of rights by the Town provides a benefit to the Town, or (ii) suitable for future public recreational use as determined by the Town. The Town believes that the preservation of parcels of land containing open space and subsequent alienation of rights in such parcels throughout the Town will preserve the aesthetic natural beauty and ecological natural resources and that same constitutes a valid public purpose.

§ 58-2 Definitions

CONSERVATION EASEMENT

An easement, covenant, restriction or other interest in real property created under the provisions of § 247 of the General Municipal Law and/or the provisions of §§ 49-0301 through 49-0311 of the Environmental Conservation Law, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the agricultural, scenic, open, historic, archaeological, architectural or natural condition, character, significance or amenities of the real property.

INTEREST

The fee or any lesser interest, including development right, easement, covenant or contractual right, which achieves the open space purposes of § 247 of the General Municipal Law of the State of New York, to land within the Town of Red Hook.

OPEN SPACE OR OPEN AREA

Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this section, natural resources shall include, but not be limited to, agricultural lands defined as open land actually used in bona fide agricultural production.

§ 58-3 Acquisition of interest in property; public hearing and other requirements.

A. No interests or rights in real property shall be acquired pursuant to this chapter until a public hearing is held on not less than ten days' notice. However, nothing herein shall prevent the Town Board from entering into a conditional purchase agreement before a public hearing is held.

B. Any resolution of the Town Board approving an acquisition of land pursuant to this chapter shall include a finding that it would be beneficial for the Town's purposes that all or a portion of the property so acquired be made subject to a conservation easement, that such acquisition was the best alternative for the protection of such lands available for the Town, and that such acquisition was in furtherance of goals for the preservation of open space.

§ 58-4 Acquisition and alienation of agricultural and open space lands.

A. The Town Board may purchase real property including any interest or right therein that is deemed to be threatened by development, in order to protect a critical mass of farmland and/or open space. The Town shall include in its findings at the time of acquisition the purpose of such acquisition, any portion of the real property interests to be dedicated for park purposes, the portion of the real property interest proposed to be reconveyed, and the period of time not to exceed three years during which the portion of the interest to be reconveyed may be held.

B. No real property interests acquired pursuant to this chapter shall be alienated, except by resolution of the Town Board and, except to the extent otherwise provided by law for a purpose specified in the resolution, subject to permissive referendum pursuant to the procedures found in Article 7 of the Town Law,.

C. At the time of conveying any of such real property, the Town Board shall determine the portion of such real property to be conveyed subject to the grant or reservation of a conservation easement in order to fulfill the open space or open area preservation purposes for which such property was acquired. . Nothing herein shall prevent the Town Board from entering into a conditional agreement to convey such rights.

SECTION 3. STATEMENT OF AUTHORITY.

This local law is authorized by the New York State Constitution, Article IX, Section 2, and Article VIII, the provisions of the New York Municipal Home Rule Law (MHRL), the provisions of the Statute of Local Governments, § 247 of the General Municipal Law of the State of New York, the relevant provisions of the Town Law of the State of New York, and the laws of the Town of Red Hook.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

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 February 14, 2023 at 7:30 p.m. local time at the Town Hall, 7340 South Broadway, Red Hook NY.

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

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	In Person	
Councilmember Christine Kane	In Person	
Councilmember Julia Solomon	In Person	
Councilmember Jacob Testa	In Person	

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 Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 11
DATED FEBRUARY 14, 2023**

AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. C (PROPOSED) OF 2023 TO ENACT A NEW CHAPTER 58 OF THE TOWN CODE OF THE TOWN OF REC HOOK ENTITLED ‘CONSERVATION OF OPEN SPACE’

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 Julia Solomon	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Reorganization: Councilmember Solomon explained the Housing Committee had appointed Hart Migdal as the Committee Chair.

Housing Committee

<i>9 Members</i>	<i>3-year & 2-Year Appointment</i>
Chair- Hart Migdal	2023
Trish Dantzic	2024
Adrienne Truscott	2024
Audrey Unson	2024
Michael Cole	2024
Vicki Hickman	2025
Aisha Keller	2025
Hart Migdal	2025
Patricia Stewart	2025
Hayden Sartoris	2025
Liaisons: Jacob Testa; Julia Solomon	

On a motion by Councilmember Solomon seconded by Councilmember Testa to appoint Hart Migdal as Chair of the Housing Committee for a term to expire December 31, 2023.

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

On a motion by Supervisor McKeon seconded by Councilmember Hamel to enter Executive Session

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

9:03 pm On a motion by Councilmember Solomon seconded by Councilmember Hamel to exit Executive Session to discuss a matter under negotiation that could affect the price

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

9:04 pm On a motion by Councilmember Kane seconded by Councilmember Solomon to adjourn the meeting

Adopted Ayes 5 McKeon, Hamel, Kane, Solomon, Testa
 Nays 0

Respectfully Submitted,

Deanna Cochran, Town Clerk