

RED HOOK TOWN BOARD MEETING

March 22, 2023

A quorum 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 7:30pm.

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

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

Supervisor’s Report:

Supervisor McKeon reviewed the updated Supervisor’s Report for the period of December 1, 2022 to December 31, 2022 and was read as follows: Opening Balance - \$9,092,853.65; Receipts - \$1,274,481.04 Disbursed - \$1,354,478.00; Balance - \$9,012,856.69.

Supervisor McKeon reviewed the variance reports and budget adjustments. Supervisor McKeon stated the AUD has been submitted and accepted by the Comptroller’s office.

The Supervisor’s Report for the period of February 1, 2023 to February 28, 2023 was read as follows: Opening Balance - \$8,705,434.39; Receipts - \$2,596,607.11 Disbursed - \$704,670.34; Balance - \$10,597,371.36.

On a motion by Councilmember seconded by Councilmember to accept the Supervisor’s Report and Budget Adjustments

Adopted Ayes 3 McKeon, Hamel, Kane
Nays 0

Town Clerk’s Report:

The Town Clerk’s report for the period February 1, 2023 to February 28, 2023 was read as follows: Total Local Shares remitted to the Supervisor - \$4,046.04; Amount remitted to NYS Ag. & Markets - \$24.00; Amount remitted to NYS Dept. of Health for Marriage Licenses - \$90.00; Amount remitted to NYS Environmental Conservation – \$51.96; Total State, County, and Local revenues \$4,212.00.

Abstracts reported and approved for payment with vouchers 30177 – 30256 totaling \$141,471.47 were processed in the month of February 2023.

On a motion by Councilmember Kane seconded by Councilmember Hamel to accept the Town Clerk’s Report

Adopted Ayes 3 McKeon, Hamel, Kane
Nays 0

ANNOUNCEMENTS:

Clean-up day is scheduled for April 15, 2023.

The Repair Café will be at the Red Hook Community Center April 22, 2023, from 10am- 1pm.

E-waste day will be at the Red Hook Transfer Station April 22, 2023.

Shred Day is scheduled for May 7, 2023.

Apple Blossom Day is planned for May 13, 2023, from 10:00am-4:00pm.

Arbor Day is scheduled for April 29, 2023.

More information about these events can be found on the Town’s website www.redhookny.gov.

Resolution Authorizing Continuation of Town’s Community Choice Aggregation Program Offering Electricity Supply Agreement and Approving Second Amendment to Agreement for Professional Services Between the Town of Red Hook and Joule Assets, Inc

Supervisor McKeon began the discussion on the CCA by stating the Town would not be making any decisions at this meeting regarding rejoining or restarting the CCA program, as matters are still under negotiations. He explained how the Community Choice Aggregation Program began.

Supervisor McKeon reviewed some of the different package options.

Attorney Chris Chale explained this resolution would not approve the pricing but will approve the framework for the pricing by reappointing Joule as the program administrator. The program works by the Town having a local law enacted under State authorization to provide for the opt out program. She stated the Board members would need to decide the length of time this program would be in effect.

Supervisor McKeon suggested a length of 24 months for the agreement.

Supervisor McKeon explained this resolution only allows the Town the ability to continue.

**TOWN OF RED HOOK
RESOLUTION NO. 15
DATED MARCH 22, 2023**

**AUTHORIZING CONTINUATION OF TOWN’S COMMUNITY CHOICE
AGGREGATION PROGRAM OFFERING ELECTRICITY SUPPLY AGREEMENT
AND APPROVING SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL
SERVICES BETWEEN THE TOWN OF RED HOOK AND JOULE ASSETS INC.**

WHEREAS, the Town of Red Hook, Dutchess County, New York (the “Town”) has adopted Local Law No. 1 of 2019 entitled “A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION PROGRAM FOR THE TOWN OF RED HOOK”, codified as Chapter 55 of the Red Hook Town Code, providing for a program for Community Choice Aggregation (“CCA”) in the Town; and

WHEREAS, the New York State Public Service Commission has authorized municipalities to participate in CCA pursuant to the Order issued by the New York State Public Service Commission in Case 14-M-0224 - an Order Authorizing Framework For Community Choice Aggregation Opt-Out Program (“PSC CCA Order”), as it may be amended or supplemented, and an Order Approving Joule Assets’ Community Choice Aggregation Program With Modifications, issued and effective March 16, 2018, including a Master Implementation Plan and a Data Protection Plan, and including Appendix A for the Hudson Valley Program, as amended and supplemented (“Joule Order”); and

WHEREAS, PSC by letter dated July 2, 2019 acknowledged the addition of the Town to Joule’s Hudson Valley CCA Program; and

WHEREAS, the Town entered into an Agreement for Municipal Energy Services with Joule Assets Inc., (“Joule”) as Program Administrator, dated as of April 25, 2019, as amended by Rider 1 dated as of April 20, 2021 (the “Prior Joule Agreement”) providing for services as Community Choice Aggregation Program Administrator on behalf of the Town of Red Hook; and

WHEREAS, as permitted by the Town’s CCA Local Law and the PSC CCA Order, the Town of Red Hook entered into an Electricity Supply Agreement dated as of November 15, 2019, with Direct Energy, an Energy Supply Company, procured by Joule on behalf of the Town pursuant to an RFP issued pursuant to the 2019 Agreement, with a service term commencing January 1, 2020 and ending June 30, 2021, to provide 100% renewable electricity supply to eligible residents and small businesses who did not opt-out; and

WHEREAS, Joule has proposed that the Town participate in an RFP commencing on or about July 1, 2023 for a term of up to 24 months to solicit competitive bids from electricity supplies

pursuant to a request for proposals that is intended to result in a three party Electricity Supply Agreement between the selected supplier, the Town, and Joule as Administrator; and

WHEREAS, RFP is to incorporate an updated form of Electricity Supply Agreement prepared by Joule in the form on file with the Town Clerk, which has been deemed to provide benefits, adequate protections, and minimize risk to the Municipality; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to enter into an amendment (“Joule Rider 2”) to the Prior Joule Agreement in substantially the form on file with the Town Clerk, and to authorize Joule to proceed with an RFP for renewable energy supply under the Town’s opt out CCA Program;

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

1. Supervisor Robert McKeon, or in his absence Deputy Supervisor William Hamel, is hereby authorized and directed to execute Joule Rider 2 with Joule Assets Inc. in substantially the form on file with the Town Clerk, with only such changes as shall not affect the substance thereof. Such Joule Rider 2 shall be approved by the officer executing the same consistent with the terms of this resolution.
2. Joule in its role as Administrator for the CCA Program shall, among other things, manage the energy procurement process, prepare and issue the RFP, including the amended form of Electricity Supply Agreement substantially in the form on file with the Clerk; and
3. Joule shall make a recommendation to the Municipality for award, with bids to be evaluated based upon compliance with the specifications of the RFP including, without limitation, price and term parameters, and Supplier’s acceptance of all material terms of the Electricity Supply Agreement; provided, however, that the Town will make the final award decision.
4. The Supervisor, the Town Clerk and its officers, employees and agents are hereby authorized and directed for, and in the name and on behalf of the Town of Red Hook, to do all acts and things required or provided by the provisions of the Agreement.
5. 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 March 22, 2023 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	Absent
Supervisor Robert McKeon	In Person	
Councilmember William Hamel	In Person	
Councilmember Christine Kane	In Person	
Councilmember Julia Solomon		X
Councilmember Jacob Testa		X

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. 15
DATED MARCH 22, 2023**

**AUTHORIZING CONTINUATION OF TOWN'S COMMUNITY CHOICE
AGGREGATION PROGRAM OFFERING ELECTRICITY SUPPLY AGREEMENT
AND APPROVING SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL
SERVICES BETWEEN THE TOWN OF RED HOOK AND JOULE ASSETS INC.**

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>Absent</u>
Councilmember Jacob Testa	VOTING <u>Absent</u>

The foregoing resolution was thereupon declared duly adopted.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to set a Special Town Board Meeting to consider the selection of Community Choice Aggregation and such other matters that may come before the board on March 30, 2023, at 7:30pm

Adopted	Ayes	3	McKeon, Hamel, Kane
	Nays	0	

Resolution Approving Performance Bond Reduction for Tradition at Red Hook Section 6
Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 16
DATED MARCH 22, 2023**

**RESOLUTION APPROVING PERFORMANCE BOND REDUCTION FOR
TRADITION AT RED HOOK SECTION 6**

WHEREAS, as a condition of Resolution #14 of 2022 adopted March 23, 2022, the developer of the Tradition at Red Hook, a 102 lot subdivision project to be developed in sections (formerly known as Hoffman TND project) (the "Project") delivered to the Town Clerk a performance bond No. 790187584 in the amount of \$431,807 regarding Section 6 of the Project; and

WHEREAS, as a condition of Resolution #14 of 2022 adopted March 23, 2022, the developer of the Project delivered to the Town Clerk a counterpart of a dual oblige bond No. 7901087585 in the amount of 464,067.00, representing \$193,614 securing completion of sewer improvements and \$270,452 securing completion of water improvements pursuant to a Memorandum of Understanding with DCWWA (collectively the "Section 6 DCWWA Performance Bonds" in connection with Section 6 of the Project); and

WHEREAS, by correspondence dated March 22, 2023, the Town Engineer has notified the Town Board that a portion of the improvements contemplated under Section 6 of the Project have been satisfactorily completed, that a reasonable estimate of the uncompleted improvements in Section 6 of is \$310,747 and that it is recommended that the bond amount required for Section 6 be reduced accordingly; and

WHEREAS, by correspondence dated February 27, 2023 the County Department of Health has confirmed the authorization to operate Water System Section 6 (Lot 40 Beekman Rd. to Lot 54 on Benson Loop), and by correspondence dated March 3, 2023 the DCWWA has

confirmed that a portion of the Sewer and Water improvements secured by the Section 6 DCWWA Performance Bond has been completed and that the estimate of uncompleted work is \$54,090.40 for water and \$38,772.80 for sewer, and the DCWWA has executed a decrease rider to that effect; and

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

- 1) Based on the report of the Town Engineer of the completed improvements for the Project, the required bond amount for Section 6 may be reduced to \$310,747.
- 2) Based on the correspondence from DCWWA, the required bond amount for the Section 6 DCWWA Performance Bond may be reduced to \$92,813.20, of which \$54,090.40 is for water and \$38,772.80 is for sewer.
- 3) The Project remains subject to all other applicable requirements of Resolution #14 of 2022 as to Section 6.
- 4) The Supervisor, Town Clerk, Town Engineer, and Attorney for the Town 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 on March 22, 2023 at 7:30 p.m., local time at the Town Hall, 7340 South Broadway, Red Hook, New York.

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

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

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. 16
DATED MARCH 22, 2023**

**RESOLUTION APPROVING PERFORMANCE BOND REDUCTION FOR
TRADITION AT RED HOOK SECTION 6**

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>Absent</u>
Councilmember Jacob Testa	VOTING <u>Absent</u>

The foregoing resolution was thereupon declared duly adopted.

Discussion: Rec Connector:

Supervisor McKeon began the discussion by stating the Town did receive the grant for the Rec Park Connection and reviewed the project noting the small section of grass between the curb and the pathway.

Councilmember Kane asked who would maintain the small strip of grass. Supervisor McKeon answered the Rec Commission would maintain it.

Councilmember Hamel asked for the purpose of the strip of grass. Supervisor McKeon answered they intended to keep some grassy areas, although the original idea was a wider strip of grass.

Councilmember Kane suggested removing that strip of grassy area as it costs more to install it and it requires maintenance. She suggested installing planters.

Councilmember Kane asked if any drainage was considered. Supervisor McKeon responded that the engineers anticipated improved drainage in some of the properties.

Supervisor McKeon discussed adding No Parking signs along Fruit Bud Lane as the roadway will be narrowed.

Supervisor McKeon read the correspondence submitted by Highway Superintendent Theresa Burke supporting reducing the width of Fruit Bud Lane to 20 feet dependent on Engineer and Attorney approval. Superintendent Burke disagreed with applying a 20-ft minimum road width as the minimum specification to Town Roads going forward and added the Town Highway Specifications are in the process of being updated to reduce Fruit Bud Lane to 20 feet.

Attorney Chris Chale asked if the Town Board was ready to begin a No Parking ordinance or have conversations with the neighborhood first. Supervisor McKeon answered he was ready to do both and also have the Town’s engineers look at this issue.

On a motion by Councilmember Hamel seconded by Councilmember Kane to have the engineers make a recommendation for No Parking, to move forward and meet with the abutters for their input

Adopted Ayes 3 McKeon, Hamel, Kane
 Nays 0

Electric Paratransit Vans-

Supervisor McKeon explained the delays the Town has experienced regarding the Electric Van Project and explained the bids the Town received.

Supervisor McKeon further discussed some of the issues the proposed bid presents, especially as the deadline for the use of the grant approaches. He stated more grant funding sources would be preferential and stressed he would not like to lose the grant monies already awarded.

Discussion Regarding Home Rule

Supervisor McKeon briefly explained the Town’s efforts regarding speed limit reductions on the Town’s local roads which includes working with Senator Hinchey and other municipalities to reduce the speed limit minimum to 25 MPH. He added he requested the Town’s engineers prepare Task Orders for speed limit reductions in certain residential areas.

Resolution Authorizing Settlement of Article 7 Proceeding with Lorne Norton III and Jasmine Norwood-Norton

Supervisor McKeon reviewed the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 17
DATED: MARCH 22, 2023**

**RESOLUTION AUTHORIZING SETTLEMENT OF ARTICLE 7 PROCEEDING
WITH LORNE NORTON III AND JASMINE NORWOOD-NORTON**

WHEREAS, Lorne Norton III and Jasmine Norwood-Norton (“Petitioners”), with real property located in the Town of Red Hook, commenced proceedings pursuant to Article 7 of the Real Property Tax Law challenging the assessment on property located in the Town of Red Hook, Dutchess County, New York and designated as 134889-6372-00-680317-0000 (554-556 Route 199) and 134889-6372-00-671314-0000 (Route 199) on the Official Assessment Map of the Town of Red Hook for the 2022 assessment roll; and

WHEREAS, the parties have agreed to settle the proceedings whereby the assessment on the parcels which are the subject of the proceedings will be reduced, corrected and fixed for the 2022 tax assessment roll; and

WHEREAS, a proposed consent order and judgment has been presented to the Town of Red Hook for reduction of the assessment, as follows:

Tax Map No. 134889-6372-00-680317-0000 (Route 199): 2022 – from \$727,700 to \$450,000 for a total reduction of \$277,700; and

Tax Map No. 134889-6372-00-671314-0000: 2022 – from \$48,000 to \$48,000 for a total reduction of \$0;

which consent order and judgement provides that tax refunds are waived for the amount, if any, paid by Petitioners as taxes on the original 2022 Town taxes, and which consent judgment further provides that the parties agree that nothing in the consent judgment shall constitute an agreement or admission by the Town of Red Hook, the Assessor of the Town of Red Hook or the Board of Assessment Review of the Town of Red Hook as to the effectiveness of any attempted filing of a grievance by email;

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

1. The Town Board does hereby agree to the settlement and to the entry of the consent judgment for reduction of assessment for Petitioners on the terms and conditions set forth herein.
2. The Assessor, the Receiver of Taxes, 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 carry out the provisions of the consent judgment.
3. Rodenhausen Chale & Polidoro LLP as Attorneys for the Town are authorized to execute such documents as may be necessary to effectuate 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, NY 12571 on March 22, 2023 at 7:30, local time.

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

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

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. 17
DATED: MARCH 22, 2023**

**RESOLUTION AUTHORIZING SETTLEMENT OF ARTICLE 7 PROCEEDING
WITH LORNE NORTON III AND JASMINE NORWOOD-NORTON**

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>Absent</u>
Councilmember Jacob Testa	VOTING <u>Absent</u>

The foregoing resolution was thereupon declared duly adopted.

Reorganization:

Agriculture and Open Space Advisory

Supervisor McKeon explained the letters of interest received for this committee and asked for more information to review a potential member before another appointment is made.

11 Members 2-year appointment

Chair-Mary Ann Johnson 2023

Vacant 2023

Mary Ann Johnson 2023

Ken Migliorelli 2023

Norman Greig 2023

John Hardeman 2023

Sam Rose 2023

Michael Robertson 2024

Peter Hubbell 2024

Chuck Mead 2024

Clerk/PT: Vacant

Liaison: Christine Kane

On a motion by Supervisor McKeon seconded by Christine Kane to appoint Chuck Mead as a member of the Agriculture and Open Space Advisory for a term ending December 31, 2024.

Adopted	Ayes	3	McKeon, Hamel, Kane
	Nays	0	

BOARDS & COMMITTEES REPORTS:

CONSERVATION ADVISORY COUNCIL: The Repair Day at the Community Center will be held on April 22, 2023. Checking the website for accepted items is encouraged. The compost program will continue at the Transfer Station.

RECREATION COMMISSION: The grant submission process has changed and many of the grants submitted will need to be resubmitted. Spring cleaning has begun. The Red Hook Rod & Gun Club will hold its 35th Annual Fishing Contest Saturday April 7, 2023. Public comment was received regarding creating a "Natural Meadow Area" in Rec Park West. Summer Rec Playground is planned for July 5, 2023, through August 4, 2023.

POLICE REPORT: There were 17 traffic tickets issues, 2 arrests made, and 91 total incidents reported for the month of February 2023. 12 incidents were reported in the Village of Tivoli.

ANIMAL CONTROL: There were 2 dogs reported and 1 wildlife incident reported for the month of February 2023.

HIGHWAY DEPARTMENT: A report was submitted regarding the Rec Park Connector Design and reducing the width of Fruit Bud Lane to 20 feet.

TREE COMMISSION: Plans for April 29, 2023 Arbor Day celebration were discussed, and the committee members are getting ready for the Mill Road School Program. Nature walks for the third-grade classes will be scheduled in April.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to enter Executive Session to discuss the hiring and firing of a particular individual and to discuss matters under negotiation, discussions of which could affect the purchase price.

Adopted Ayes 3 McKeon, Hamel, Kane
 Nays 0

9:52 pm On a motion by Councilmember Hamel seconded by Councilmember Kane to exit Executive Session

Adopted Ayes 3 McKeon, Hamel, Kane
 Nays 0

9:54 pm On a motion by Councilmember Hamel seconded by Councilmember Kane to enter into negotiations as described in executive session

Adopted Ayes 3 McKeon, Hamel, Kane
 Nays 0

10:00 pm On a motion by Supervisor McKeon seconded by Councilmember Kane to adjourn the meeting

Adopted Ayes 3 McKeon, Hamel, Kane
 Nays 0