

**VILLAGE OF RED HOOK
SPECIAL MEETING
FEBRUARY 19, 2019
EMINENT DOMAIN – SEWER**

Present: Mayor Blundell, DM Kovalchik, Trustee Trapp, Trustee Norris, Trustee Laing was absent, Clerk/Treasurer Chiarella

Mayor Blundell made a motion to open the meeting at 7 pm. Trustee Trapp seconded this motion. All were in favor.

Mayor Blundell presented said resolution 10-2019 – authorizing commencement of eminent domain for 3 remaining land owners. (Coon, Lueck (3) and Zitz).

The USDA will accept a letter of condition from council in regards to easements for the project to move to the bidding stage.

RESOLUTION 10-2019

VILLAGE OF RED HOOK

A special meeting of the Village of Red Hook Board of Trustees was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on February 19, 2019. The meeting was called to order by Mayor Blundell and, upon roll being called, the following were present:

PRESENT:

ABSENT:

The following Resolution was offered by DM Kovalchik, seconded by Mayor Blundell, to wit:

**A RESOLUTION AUTHORIZING COMMENCEMENT OF EMINENT DOMAIN
PROCEEDINGS RELATING TO EASEMENTS REQUIRED FOR CONSTRUCTION OF
THE VILLAGE OF RED HOOK SEWER PROJECT**

RESOLUTION # 10 - 2019

WHEREAS, the Village of Red Hook (the “Village”) is establishing a municipal sewer system to serve the Village pursuant to Article 14 of the New York State Village Law (the “Sewer Project”); and

WHEREAS, on February 8, 2016, the Board of Trustees of the Village, acting as lead agency pursuant to the New York State Environmental Quality Review Act, determined that the establishment of a municipal sewer system, including among other things, the acquisition of easements and other interests with respect to septic tanks, laterals and property access, would not result in any significant adverse environmental impact, and approved the costs of which are to be

assessed upon the lands benefitted; and

WHEREAS, a map and plan of the permanent Sewer Project, with plans and specifications for sewage treatment, has been prepared by C.T. Male Associates, dated February 15, 2017, last revised May 8, 2017, entitled, “Map, Plan & Report, Village of Red Hook Sewer System” (the Map and Plan”) and was filed in the Office of the Village Clerk on August 25, 2017; and

WHEREAS, in order to install the facilities as depicted on the Map and Plan (the “Sewer Components”), the Village has attempted to acquire easements over certain properties. Negotiations with the below-listed landowners for easements have been unsuccessful. The properties affected by this proceeding are as follows:

<u>Property Owner(s)</u>	<u>Address</u>	<u>Tax Map Number</u>
Germaine A. Coon (LT) & Arvine V. Coon, Jr. (RT)	34 E. Market Street Red Hook, NY 12571	134801-6272- 10-485691
Formerly Randolph J. Haddad, Now Michael C. and Victoria Lueck	25 E. Market Street Red Hook, NY 12571	134801-6272- 10-470720
Formerly Randolph J. Haddad, Now Michael C. and Victoria Lueck	E. Market Street Red Hook, NY 12571	134801-6272- 10-474721
Michael C. Lueck	23 E. Market Street Red Hook, NY 12571	134801-6272- 10-466723
Vincent P. Zitz	64-66 E. Market Street Red Hook, NY 12571	134801-6272- 11-579660

WHEREAS, due to the objective of the Sewer Project to provide sewer service to the Village’s central business district, the geography and layout of the Village, and the location of voluntary easements provided by other landowners in the service area, there are no feasible alternate locations for the installation of the Sewer Components within the Sewer Project area other than over said properties; and

WHEREAS, a public hearing was held pursuant to Article 2 of the New York State Eminent Domain Procedure Law on August 14, 2018, publication and notice to the property owners was duly performed, and a record of the public hearing is available for review at the Village Clerk’s Office and at the Dutchess County Clerk’s Office.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Red Hook, pursuant to its right to exercise Eminent Domain pursuant to § 402(B) of the Eminent Domain Procedure Law does hereby authorize and direct the Mayor to retain the firm of

Rodenhause Chale & Polidoro LLP in the matter and authorizes said firm to commence an appropriate proceeding against the above-listed property owners for the acquisition of the needed easements for construction of the Sewer Project. For its services hereunder, the firm shall be compensated at a rate equal to that for their services as special counsel to the Village, and shall be reimbursed for any costs and disbursements they incur on behalf of the Village in connection with such proceeding. Any requests for payments pursuant to this Resolution shall be in the form of an itemized voucher to be submitted to the Village Board of Trustees for its review, audit and approval.

Motion by: DM Kovalchik

Seconded by: Mayor Blundell

Vote:	Ed Blundell	Voting - aye
	Brent Kovalchik	Voting - aye
	Charlie Laing	Voting - absent
	Jennifer Norris	Voting - aye
	Jay Trapp	Voting – aye