

**TOWN OF RED HOOK
RESOLUTION NO. ____ of 2022
DATED AUGUST 24, 2022**

**AMENDED AND RESTATED RESOLUTION AND ORDER
CALLING PUBLIC HEARING REGARDING INCREASE
AND IMPROVEMENT OF WATER DISTRICT
FACILITIES FOR WATER DISTRICT NO. 1, IN THE
TOWN OF RED HOOK, IN THE COUNTY OF DUTCHESS,
STATE OF NEW YORK, PURSUANT TO SECTION 202-b
OF THE TOWN LAW AND REGARDING A “MONROE”
DETERMINATION REGARDING APPLICATION OF THE
TOWN’S ZONING LAWS**

WHEREAS, this resolution amends and restates Resolution No. 48 adopted August 18, 2022 regarding the submission of a Water Infrastructure Improvement and Intermunicipal grant application for proposed improvements and modifications of facilities of Water District No. 1 in the Town of Red Hook; and

WHEREAS, the Town Board of the Town of Red Hook (herein called "Town Board" and "Town", respectively), in the County of Dutchess, New York, on behalf of Water District No. 1, in the Town (herein called "District"), requested that T&B Engineering, P.C., engineers duly licensed by the State of New York (herein called “Engineer”), prepare a report assessing alternatives for the improvement of facilities of the District including the rehabilitation or replacement of the existing water tank; and

WHEREAS the Engineer has prepared a Preliminary Engineering Report dated as of August 24, 2022 describing certain water system improvements to include the replacement of the existing standpipe at the Kelly Road water storage site with a new standpipe, recommended to be glass fused steel, and including original furnishings, equipment, machinery and apparatus required therefor, at an estimated maximum cost therefor not to exceed \$3,956,800; and

WHEREAS, a portion of such cost in the estimated amount of \$300,000 is to be paid from the Water District’s existing SW Reserve Fund, and the remaining project cost is proposed to be financed pursuant to the Local Finance Law, and the Town proposes to apply for a Water Infrastructure Improvement Grant to pay or reimburse a portion of such costs; and

WHEREAS, the aforesaid purpose constitutes replacement in kind, which constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617; and

WHEREAS, as part of the consideration of the proposed Project, the Town Board will determine whether and to what extent Red Hook’s zoning laws apply to the Project; 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 as follows:

1. A public hearing of the Town Board of the Town shall be held at the Town Hall in the Town on September 6, 2022 at 7:30 o'clock p.m. (Prevailing Time) pursuant to Section 202-b of the Town Law to consider said proposed improvement and modification of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.
2. The Town Board of the Town of Red Hook shall concurrently hold a public hearing at the same date and time, via Zoom, 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
3. The Town Clerk shall publish at least once in the Poughkeepsie Journal, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, and post on the signboard of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a notice in substantially the form attached hereto, the first publication thereof and posting to be not less than ten (10) days or more than twenty (20) days before the date of such public hearing.
3. This Resolution shall take effect immediately.

NOTICE OF PUBLIC HEARING ON PROPOSAL FOR AN INCREASE AND
IMPROVEMENT OF WATER DISTRICT FACILITIES FOR RED HOOK
WATER DISTRICT NO. 1

Notice is hereby given that the Town Board of the Town of Red Hook, Dutchess County, will meet via Zoom on the 6th day of September, 2022, at 7:30 o'clock p.m., prevailing time, for the purpose of conducting a public hearing upon a proposal by said Town Board to undertake proposed improvements to the facilities of the Town of Red Hook Water District No. 1 pursuant to Section 202-b of the Town Law as hereinafter described, at which time and place said Town Board will meet to consider such proposition and hear all persons interested in the subject thereof and concerning the same.

The Town Board is considering a recommended work plan for improvements to Red Hook Water District No. 1 as described in the Preliminary Engineering Report dated August 24, 2022, prepared by T&B Engineers, P.C., including the replacement of the existing standpipe at the Kelly Road water storage site with a new standpipe, recommended to be glass fused steel, and including original furnishings, equipment, machinery and apparatus required therefor (the "Project"), at an estimated maximum cost of \$3,956,800. A portion of such cost in the estimated amount of \$300,000 is to be paid from the Water District's existing SW Reserve Fund, and the remaining project cost is proposed to be financed pursuant to the Local Finance Law, and the Town proposes to apply for a Water Infrastructure Improvement Grant to pay or reimburse a portion of such costs. Such Engineer's report is on file in the Town Clerk's office for public inspection.

The Town Board has determined that such Project as described in the Engineer's report constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

In conjunction with its review of the Project, the Town Board will further undertake a review of the Project in order to determine whether and to what extent Red Hook's zoning laws apply to the proposed Project, taking into account the nine factors set forth in *Matter of County of Monroe v. City of Rochester*, as follows: (1) the nature and scope of the instrumentality seeking immunity; (2) the encroaching government's legislative grant of authority; (3) the kind of function or land use involved; (4) the effect local land use regulation would have on the enterprise concerned; (5) alternative locations for the facility in less restrictive zoning areas; (6) the impact upon legitimate local interests; (7) alternative methods of providing the proposed improvement; (8) the extent of the public interest to be served by the improvements; and (9) intergovernmental participation in the project development process and an opportunity to be heard.

To the extent authorized pursuant to NY Laws of 2022 Chapter 1 and Executive Order 11, as amended, the public will not be permitted to attend in person. Board members are expected to participate in the public hearing via teleconference or video conference. Please refer to the meeting agenda to be posted on the Town website at <https://www.redhook.org> listing the specific link which will allow the public to view and listen to the proceedings live, which is expected to be available at www.pandatv23.org (click on "WATCH live").

All interested persons will be given an opportunity to be heard as follows: (1) The public

is encouraged to submit written comments by email or telephone in advance of the hearing to townclerk@redhook.org and 845-758-4606 by 4:00 p.m. the day of the hearing. Please note “Increase and Improvement of Water District No. 1.” (2) Written comments may be dropped in the Town’s drop box in advance of the hearing at the Town Hall, 7340 South Broadway, Red Hook, New York 12571 by 4:00 p.m. the day of the hearing. Please observe the recommendations of the CDC regarding distancing and use of masks. All comments so received in advance of the hearing will be noted in the hearing record. (3) Interested persons may also email a request for a ZOOM invitation to townclerk@redhook.org by 2:00 p.m. on the date of the hearing and indicating in their email a request to comment at the hearing via ZOOM. To register, please send your email, name and telephone number to townclerk@redhook.org by 4:00 p.m. on the date of the hearing.

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Town Clerk in advance at the above address or by phone 845-758-4606 so that arrangements can be made.

By order of the Town Board of the Town of Red Hook, dated August 24, 2022.

Deanna Cochran
Town Clerk
Town of Red Hook

EXTRACT OF MINUTES

A special meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session on August 24, 2022 at 7:30 p.m., local time via videoconference and/or teleconference pursuant to NYS Laws Ch. 1 of 2022 and Executive Order 11, as amended. 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	Absent
Supervisor Robert McKeon		
Councilmember William Hamel		
Councilmember Christine Kane		
Councilmember Julia Solomon		
Councilmember Jacob Testa		

The following persons were ALSO PRESENT:

The following resolution was offered by _____, seconded by _____, to wit;

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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
Councilmember William Hamel	VOTING
Councilmember Christine Kane	VOTING
Councilmember Jacob Testa	VOTING
Councilmember Julia Solomon	VOTING

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Red Hook, Dutchess County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 24th day of August, 2022 and entitled:

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(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2022.

-SEAL-

Deanna Cochran
Town Clerk