

RED HOOK TOWN BOARD SPECIAL MEETING
September 6, 2022

A special meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened by Zoom Videoconference due to COVID-19 pandemic stay in place rules at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

Present: Supervisor Robert McKeon
Councilmember William Hamel
Councilmember Christine Kane
Councilmember Jacob Testa
Councilmember Julia Solomon
Town Clerk Deanna Cochran

Also Present: Town Attorney Chris Chale

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

PUBLIC HEARING: Proposal for an Increase and Improvements of Water District Facilities for Red Hook Water District No. 1 in the Town of Red Hook

On a motion by Supervisor McKeon seconded by Councilmember Hamel to open the Public Hearing.

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

Public Comment: There was no Public Comment.

On a motion by Supervisor McKeon seconded by Councilmember Solomon to close the Public Hearing.

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

Resolution and Order After Public Hearing Approving a Water Facilities Improvement Project for Water District No. 1 in the Town of Red Hook

Supervisor McKeon reviewed the engineering report from Tighe & Bond.

TOWN OF RED HOOK
RESOLUTION NO. 55
DATED SEPTEMBER 6, 2022

RESOLUTION AND ORDER AFTER PUBLIC HEARING APPROVING A WATER FACILITIES IMPROVEMENT PROJECT 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

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 T&B engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare an engineer's report for the improvement of facilities of the District, consisting of 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, and pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such engineer's report for the increase and improvement of facilities of the District; and the Engineer has estimated the total cost thereof not to exceed \$3,956,800;

WHEREAS, the Engineer completed such engineer’s report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said improvement of facilities on September 6, 2022 at 7:30 o'clock p.m. (Prevailing Time) at the Town Hall in the Town; and

WHEREAS, notice of such order, was published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 6th day of September, 2022 at 7:30 o'clock p.m. (Prevailing Time) via Zoom, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said improvement of the facilities; and

WHEREAS, it has been determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law;

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

- 1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the District as hereinabove described and referred to at the estimated total cost of \$3,956,800;
- 2. It is hereby ordered that the facilities of the District shall be so improved;
- 3. Definite plans, specifications, and a careful estimate of the expense of the improvement are hereby directed to be prepared and the Attorneys for the Town are hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval;
- 4. This Resolution shall take effect immediately.

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 September 6, 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	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

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

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

**TOWN OF RED HOOK
RESOLUTION NO. 55
DATED SEPTEMBER 6, 2022**

**RESOLUTION AND ORDER AFTER PUBLIC HEARING APPROVING A
WATER FACILITIES IMPROVEMENT PROJECT 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**

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

The foregoing resolution was thereupon declared duly adopted.

**Resolution Determining Application of Town Zoning Laws to the Increase and
Improvement of Water District Facilities for Water District No. 1**

Supervisor McKeon explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 56
DATED: SEPTEMBER 6, 2022**

**RESOLUTION DETERMINING APPLICATION OF TOWN ZONING LAWS TO THE
INCREASE AND IMPROVEMENT OF WATER DISTRICT
FACILITIES FOR WATER DISTRICT NO. 1 PROJECT**

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 T&B Engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare an engineer's report (the "Engineering Report") for the improvement of facilities of the District, consisting of 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 (the "Water District Project"), and

WHEREAS, pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board the Engineering Report for the increase and improvement of facilities of the District; and

WHEREAS, the Town Board has undertaken a review of the Engineering Report in order to determine whether and to what extent the Town's zoning laws apply to the proposed Water District 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: The Town is a general

purpose governmental entity and a political subdivision of the State of New York.

2. The encroaching government's legislative grant of authority: Pursuant to § 64 of the New York State Town Law, the Town is a general purpose governmental entity with full power and authority to manage municipal property and finances and to carry out projects for the benefit of the Town. The Town is authorized under Town Law § 202-b(1) to improve or reconstruct existing facilities and appurtenances on behalf of its water district. Further, the Town may replace obsolete, inadequate, damaged, destroyed or worn-out apparatus and equipment or acquire additional apparatus and equipment. Town Law § 202-b(1)
3. The kind of function or land use involved: The Water District Project consists of replacing an existing water storage tank that was constructed in 1989 at Kelly Road with a new standpipe. The existing water storage tank is a welded steel standpipe with a diameter of 40 feet, a height of 98.5 feet and a capacity of 900,000 gallons. As stated in the Engineering Report, it is recommended that the new standpipe be constructed of glass fused steel, which requires less maintenance largely because it does not require recoating. The new standpipe would also have a capacity of 900,000 gallons, to mirror the capacity of the existing storage tank.

The existing water storage tank is situated on a 2-acre parcel of land located off Kelly Road on a private drive called Twin Towers Drive. The 2-acre parcel is located within the Residential Development 3 (RD3) Zoning District. According to the New York State Environmental Mapper, the parcel does not fall within state or federal regulated wetlands or near significant natural communities of rare plants or animals. The new standpipe would be constructed on this same 2-acre parcel. The existing water storage tank would remain in service while the new standpipe was being constructed.

4. The effect local land use regulation would have on the enterprise concerned: Should the Town Board find that the Water District Project is not immune from review under the Zoning Law, the Town of Red Hook Planning Board would have to grant site plan approval for the construction of the new standpipe. While a public or franchise utility station is permitted in the RD3 District, and this includes a water tower, site plan review is still required.

The Red Hook Zoning Board of Appeals may also need to grant an area variance because the existing parcel does not meet current zoning requirements for the RD3 Zoning District. Specifically, lots in the RD3 District must be a minimum of three (3) acres. In addition, the maximum building height in the RD3 District is 35 feet. The existing water storage tank is 98.5 feet. These aforementioned procedures could, at a minimum, result in additional costs and time delays.

5. Alternative locations for the facility in less restrictive zoning areas: Public or franchise utility stations are allowed in the RD3, Institutional (I), Business 1 (B1) and Business 2 (B2) Zoning Districts, subject to site plan review. No area of the Town has less restrictive zoning regulations. The proposed location was chosen, in part, due to its proximity to the existing water tower. In addition, the site is already cleared, requires minimal extension of existing utilities and infrastructure and will relocate the water tower further away from the mono-pole that is also present on the site. This latter point will increase the tank's resiliency.

The proposed location of the new tank is within the required setback for the RD3 Zoning district. Assuming the height of the tank remains the same, the Town will not be increasing the non-conformance of the site within existing zoning regulations. Based on these findings, the Town Board has concluded that construction of the new water tank on this proposed location is in the best interests of the Town.

The Town examined one additional location owned by the Town for siting a new tank. This site is located to the north of the existing parcel and is approximately ten (10) feet higher than that of the existing tank base elevation. This potential site is not cleared and would require the construction of additional infrastructure, including the extension of the water

mains, access drive and electrical service. The Town, on the advice and consent of its engineers, determined that this potential site was unsuitable for siting a new water tank.

6. The impact upon legitimate local interests:

The Town Board has reviewed a full EAF with respect to the proposed project, a copy of which is on file with the Town Clerk. The Town Board has also determined that the Water District Project constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617 because it constitutes a replacement in kind.

7. Alternative methods of providing the proposed improvement: The Town has determined that there are no other facilities in the area that are reasonably available for the proposed use. The Town's engineering consultants have explored the possibility of rehabilitating the existing water storage tank at an approximate cost of \$1,389,000, plus engineering contingency and ancillary costs. The existing tank has been in service for over 30 years. During that time, normal wear and tear on the welded steel coating system, minor concrete foundation cracking and deposition of sediment on the tank bottom have occurred. In addition, requirements for tank access, safety, cathodic protection and water mixing have changed since the tank's original construction. While steel tanks are versatile and have a long service life, maintenance of their coating system can result in considerable expense.

If the existing tank is restored, the following issues would need to be addressed: (1) cracks in the concrete foundation; (2) installation of OSHA required signage; (3) installation of a new flapper valve and screen on the overflow pipe discharge; (4) installation of anti-skid rungs on the access ladder; (5) extension of handrails around the circumference of the tank roof; (6) installation of a thirty (30) inch manway to replace the existing twenty-four (24) inch manway; (7) replacement of the existing roof vent; (8) repainting of the tank exterior; (9) installation of a mixing system; (10) removal of sediment from the tank bottom; (11) installation of passive cathodic protection system; and (12) repainting of the tank interior.

During the rehabilitation of the existing tank, the tank would have to be taken out of service temporarily. In its place, a temporary storage system would be used to supply pressure to the distribution system during construction. This temporary storage system would not allow for water to be provided to Bard College. In addition, alternative means of fire protection would be required while the water tank was being rehabilitated.

8. The extent of the public interest to be served by the improvements: The supply of safe and clear water is of great importance to Town residents. The Town of Red Hook Water District No. 1 serves approximately 1,200 people through 487 service connections. Between 2016 and 2017, the daily average demand of the system was 83,417 gallons per day (gpd) and the maximum day demand was 281,500 gpd. The District's water source is a wellfield off Willow Brook Lane consisting of two wells in an unconsolidated aquifer, each with an original capacity of approximately 250 gallons per minute (gpm).

9. Intergovernmental participation in the project development process and an opportunity to be heard: The Town Board has held a public hearing at which the public was afforded an opportunity to comment on the construction of the new water tank, including its proposed location. The need for renovation and replacement of the water tank has also been the subject of discussion at a number of Town Board meetings.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RED HOOK, as follows:

1. Based on the forgoing, the Town Board finds that the replacement of the existing water tank with a new glass fused steel standpipe is immune from the application of the Town's Zoning Law.

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 September 6, 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	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

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

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Testa, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 56
DATED: SEPTEMBER 6, 2022**

**RESOLUTION DETERMINING APPLICATION OF TOWN ZONING LAWS TO THE
INCREASE AND IMPROVEMENT OF WATER DISTRICT
FACILITIES FOR WATER DISTRICT NO. 1 PROJECT**

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

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing Increase and Improvement of Water District Facilities for Water District No. 1 at an Estimated Maximum Cost of \$3,956,800 and Authorizing the Issuance of Serial Bonds of the Town of Red Hook in an Aggregate Principal Amount not to Exceed \$3,656,800 Pursuant to the Local Finance Law to Finance Such Cost, and Delegating Certain Powers in Connection Therewith to the Town Supervisor
Supervisor McKeon explained the resolution and the associated costs.

Councilmember Solomon asked if the Town was not successful obtaining this grant, would the Town be bound to this option. Supervisor McKeon answered the bond resolution gives the authority to act, but it does not bind you to act.

**TOWN OF RED HOOK
RESOLUTION NO. 57
BOND RESOLUTION DATED SEPTEMBER 6, 2022**

A RESOLUTION AUTHORIZING INCREASE AND IMPROVEMENT OF WATER DISTRICT FACILITIES FOR WATER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$3,956,800 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,656,800 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Red Hook, Dutchess County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. Water system improvements consisting of the replacement of the existing standpipe at the Kelly Road water storage site with a new standpipe, and including original furnishings, equipment, machinery and apparatus required therefor, is hereby authorized at an estimated maximum cost of \$3,956,800, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It is hereby determined that the aforesaid purpose 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.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance a portion of the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$3,656,800, hereby authorized to be issued therefor pursuant to the Local Finance Law. 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.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without

limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, and the power to issue bonds as statutory installment bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The Supervisor is further authorized, in her discretion, to execute a note purchase agreement, project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the New York State Environmental Facilities Corporation or its designee.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall take effect immediately.

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 September 6, 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	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

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

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Solomon, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 57
BOND RESOLUTION DATED SEPTEMBER 6, 2022**

A RESOLUTION AUTHORIZING INCREASE AND IMPROVEMENT OF WATER DISTRICT FACILITIES FOR WATER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$3,956,800 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,656,800 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

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

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing Submission of NYS Water Infrastructure Improvement Act (WIIA) Application for Water District No. 1 Water Storage Tank Project.

Supervisor McKeon explained the Town is applying to this grant at this time because there may be slightly higher than normal funding associated with these TYPE of infrastructure projects.

**TOWN OF RED HOOK
RESOLUTION NO. 58
SEPTEMBER 6, 2022**

RESOLUTION AUTHORIZING SUBMISSION OF NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) APPLICATION FOR WATER DISTRICT NO. 1 WATER STORAGE TANK PROJECT

WHEREAS, T&B Engineering and Landscape Architecture, P.C. (“T&B”) prepared a Water Storage Tank Engineering Report dated August 24, 2022 (“Engineering Study”) to evaluate the Town of Red Hook’s (“Town”) the Water District’s existing water storage tank off of Kelly Road; and

WHEREAS, upon review of the Engineering Study, the Town Board of the Town has determined that it is necessary and in the best interests of the Town to undertake certain water system improvements consisting of the replacement of the existing standpipe at the Kelly Road water storage site with a new standpipe, and related water system improvements with an estimated maximum cost of \$3,956,800 (“Water District Improvements”); and

WHEREAS, the Town Board of the Town now desires to seek available grant funding to assist in offsetting the costs of such Water District Improvements; and

WHEREAS, the aforesaid project constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Section 617 (Title 6 of the New York Code of Rules and Regulations) and therefore is not subject to environmental review;

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

- 1. The Town Board of the Town hereby authorizes the Supervisor or, in his absence or unavailability, the Deputy Supervisor, to execute and submit one or more applications for financial assistance in the form of grants or loans or both for the Water District Improvements, including without limitation applications to the State of New York and its agencies and to the New York State Environmental Facilities Corporation, and including without limitation an application for grant funding under the NYS Water Infrastructure Improvement Act (WIIA).
- 2. This resolution shall take effect immediately.

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 September 6, 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	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

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

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

**TOWN OF RED HOOK
RESOLUTION NO. 58
SEPTEMBER 6, 2022**

**RESOLUTION AUTHORIZING SUBMISSION OF NYS WATER INFRASTRUCTURE
IMPROVEMENT ACT (WIIA) APPLICATION
FOR WATER DISTRICT NO. 1 WATER STORAGE TANK PROJECT**

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

The foregoing resolution was thereupon declared duly adopted.

Resolution to Approve Amended Agreement for 2022 Highway Expenditures.

Supervisor McKeon explained the amendment of the existing 284 is to accommodate a small project on Shaeffer Road and also to adjust the costs of the Manor Road project.

**TOWN OF RED HOOK
RESOLUTION NO. 59
DATED SEPTEMBER 6, 2022**

**RESOLUTION TO APPROVE AMENDED AGREEMENT FOR 2022
HIGHWAY EXPENDITURES**

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended for repairs of certain town highways as provided herein; and

WHEREAS, attached hereto is a proposed form of Amended Agreement for the Expenditure of Highway Moneys for 2022;

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

1. The Town Board hereby authorizes the Highway Superintendent to expend highway funds in an amount not to exceed \$48,000 to be set aside to be expended for materials for primary work and general repairs upon Town highways, as more specifically provided in the attached Agreement.
2. The Town Board hereby authorizes the Highway Superintendent to expend highway funds in an amount not to exceed \$260,851.61 for permanent improvement of the following Town Highway(s) as more specifically provided in the attached Agreement:
 - Manor Road starting at Aspinwall Road and leading to Colonial Drive, on Trow Boulevard, starting at Carriage Drive and leading to North Drive, on Colonial Drive, starting at Manor Road and leading to Trow Boulevard, on Meadow Drive starting at Route 199 and leading to Trow Boulevard.
3. The Town Board hereby authorizes the Highway Superintendent to expend highway funds in an amount not to exceed \$43,000.00 for permanent improvement of the following Town Highway(s) as more specifically provided in the attached Agreement:
 - Hapeman Hill Road and leading to State Route 199.
4. The Town Board hereby authorizes the Highway Superintendent to expend highway funds in an amount not to exceed \$27,000.00 for permanent improvement of the following Town Highway(s) as more specifically provided in the attached Agreement:
 - Kelly Road and leading to State Route 9G and on Whalesback Road commencing at Kelly Road and leading to Old Whalesback Road and on Old Whalesback Road leading to State Route 9G.
5. The Town Board hereby authorizes the Highway Superintendent to expend highway funds in an amount not to exceed \$10,000.00 for permanent improvement of the following Town Highway(s) as more specifically provided in the attached Agreement:
 - Shaeffer Road
6. This resolution shall take effect immediately.

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 September 6, 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	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

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

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Testa, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 59
DATED SEPTEMBER 6, 2022**

**RESOLUTION TO APPROVE AMENDED AGREEMENT FOR 2022
HIGHWAY EXPENDITURES**

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

The foregoing resolution was thereupon declared duly adopted.

On a motion by Supervisor McKeon seconded by Councilmember Kane to move to executive session to discuss a matter under negotiation

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

Exited Executive Session 8:30pm

On a motion by Councilmember Kane seconded by Councilmember Testa to adjourn the meeting

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

Respectfully Submitted

Deanna Cochran, Town Clerk