

**VILLAGE OF RED HOOK  
WORKSHOP MEETING  
12/20/2018  
7 PM**

Present: Mayor Blundell, DM Kovalchik, Trustee Laing, Trustee Norris, Assistant Clerk Drewes.  
. Absent: Trustee Trapp, Clerk Chiarella.

Mayor Blundell made a motion to open the meeting at 7:00 p.m.

**HOFFMAN FARMS/EASEMENTS** – Mayor Blundell introduced and explained the water lines for Hoffman Farms. He shared the environmental assessment and details of building for specific parcels. The Village will own all of the pipe, at no extra cost to the Village, and all water will travel through a master meter. DM Kovalchik asked if the Village can tap into the mains if necessary, and if the Village will maintain control. The mayor said yes, but that we have no maintenance obligations. Mayor Blundell introduced Resolution #34-2018.

VILLAGE OF RED HOOK

A meeting of the Village of Red Hook was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on December 20, 2018. The meeting was called to order by Mayor Blundell and, upon roll being called, the following were present:

PRESENT: Mayor Blundell, DM Kovalchik, Trustee Laing, Trustee Norris

ABSENT: Trustee Trapp

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

RESOLUTION TO AUTHORIZE MAYOR TO SIGN WATER LINE EASEMENTS- Old Farm Road

RESOLUTION # \_\_\_\_\_34\_\_\_\_\_ - 2018

WHEREAS, the Village of Red Hook is interested in completing a water supply main with a loop in the Town of Red Hook TND area along Rt 9 and Old Farm Road, in conjunction with developments there; and

WHEREAS, developers of Tradition at Red Hook are in contract with the Dutchess County Water and Waste Water Authority and the Village of Red Hook for water supply

to Hoffman Farms/Traditions project and building a water main along Old Farm Road;  
and

WHEREAS, a loop system has been designed to run southward to Rt 9 and under Rt 9 from Old Farm Road then north along Rt 9 to join the existing village water main system there into a loop. Developers of Traditions have secured easements running from other owners to the Village for land along portions of Old Farm Road to facilitate eventual water main construction for the loop; and

WHEREAS, the village has received water main easements from Steve Hoffman Properties LLC and Roger H. Hoffman and have been reviewed by village counsel; and

WHEREAS, the Village will obtain other easements over private property for installation of the water loop; and

WHEREAS, the Village has received the executed easements, need signature by the Village; and

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Red Hook that the Mayor is hereby authorized to execute the Easements and associated tax filing forms and cause them to be recorded in the Office of the Dutchess County Clerk.

Motion by: Mayor Blundell

Seconded by: DM Kovalchik

Vote:

Ed Blundell	Voting AYE
Brent Kovalchik	Voting AYE
Charles Laing	Voting AYE
Jennifer Norris	Voting AYE

**T-MOBILE LEASE** – Mayor Blundell recommended that a public hearing be set to discuss a new lease on the water tower for T-Mobile. He reviewed the EAF, and stated that counsel could not answer item 3B – the Mayor feels that the board can safely say no. The mayor introduced Resolution # 35 – 2018.

## VILLAGE OF RED HOOK

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PRESENT: Mayor Blundell, DM Kovalchik, Trustee Laing, Trustee Norris

ABSENT: Trustee Trapp

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

RESOLUTION TO CLASSIFY THE ACTION UNDER SEQRA AND SCHEDULE A PUBLIC HEARING ON WHETHER THE COLOCATION AN ANTENNA ON AN EXISTING TELECOMMUNICATIONS TOWER SHOULD BE SUBJECT TO THE VILLAGE'S ZONING LAW

RESOLUTION # 35- 2018

WHEREAS, the T-Mobile Northeast LLC has requested that the Village enter into a lease agreement to collocate an antenna and related facilities on an existing municipally owned telecommunications tower (the "Project") located at 21 Tower Street, Red Hook, NY 12572 (the "Property"); and

WHEREAS, a short Environmental Assessment Form ("EAF") dated December \_\_, 2018, has been prepared pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Village Board of Trustees has performed a preliminary review of the proposed Project and the EAF and said Board is required to determine the classification of a proposed action; and

WHEREAS, the Property is located within the R10,000 Zoning District; and

WHEREAS, a telecommunication antenna is not listed as a permitted use in the R10,000 Zoning District; and

WHEREAS, cellular phone towers have been declared by the Court of Appeals to be a public utility facility and municipalities must provide a reasonable opportunity for cellular companies to exist and serve the market; and

WHEREAS, in determining whether a municipal action is exempt from zoning regulations, the Village must consider the balancing of public interests approach set forth in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988), including, 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 upon 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 (the "Monroe Balancing Test"); and

WHEREAS, in accordance with the case of Crown Communication New York, Inc. v. Department of Transportation of the State of New York, 4 NY3d 159 (2005), governmental immunity from zoning may be extended to private partners through contractual agreements for the installation of telecommunication equipment on municipal land.

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby determines that:

1. The Project is an unlisted action under SEQRA for which an uncoordinated review will be conducted.
2. The Board of Trustees shall hold a public hearing on January 14, 2019, at 7 p.m. at the Village Hall, 7467 South Broadway, Red Hook, New York on whether or not the Project should be exempt from the requirements of the Village's Zoning Law in accordance with the nine-factor Monroe Balancing Test set forth in Matter of County of Monroe v. City of Rochester, 72 NY2d 338 (1988).
3. The Village Clerk is authorized and directed to publish notice of said public hearing in the official newspaper of said Village once on or before January 3, 2018 which is not less than ten days prior to the date of said public hearing, and to post notice of the public hearing on the bulletin board and village website.

Motion by: Mayor Blundell

Seconded by: DM Kovalchik

Vote:

Ed Blundell	Voting AYE
Brent Kovalchik	Voting AYE
Charlie Laing	Voting AYE
Jennifer Norris	Voting AYE

**NYS DOT GRANT** – Mayor Blundell reviewed the DOT meeting where a grant status was discussed for flashing lights at pedestrian crosswalks, and the fact that DOT was wavering about doing the installation. He stated that the Village has now been approved for solar powered, free-standing signs where the current ones are placed. The DOT requires us to maintain the batteries, which we agreed was fine. But, they want a resolution. The mayor then introduced Resolution # 33-2018, to be forwarded on to the State Department of Transportation.

### **RESOLUTION # 33 - 2018**

#### **TO MAINTAIN HIGHWAY SIGNALS**

Highway Identified as South Broadway and West Market – NYS Route 9 & Route 199

On motion of Mayor Blundell, seconded by DM Kovalchik, the following resolution was adopted by the Board of Trustees of the Village of Red Hook, New York:

WHEREAS, the Village of Red Hook proposes to construct a highway signalized intersection lighting system along existing crosswalks located at Prince Street; Fraleigh Street; Morgans Way, identified as along South Broadway – NYS Route 9, Village of Red Hook, County of Dutchess, and at NYS Route 199 at Benner Road within the geographical jurisdiction of the Village of Red Hook; and

WHEREAS, the New York State Department of Transportation approves of such project and desires to have a solar powered highway signalized intersection lighting system along said crosswalks within its geographical jurisdiction; and

WHEREAS, the State of New York has agreed to provide as a part of the project the following items in connection with a street lighting system:

1. Rectangular Rapid Flashing Beacon located at NYS Rt 199 at Benner Road and NYS Rt 9 at Morgans Way; plus
2. Pedestrian – activated Flashing LED: Border of Warning Sign located at NYS Rt 9 at Prince Street and also at Fraleigh Street;

provided that the Village of Red Hook agrees to maintain, repair and energize such highway signalized intersection lighting system for a period of 25 years or until such lighting and/or maintenance of such lighting system is no longer necessary.

NOW, THEREFORE, BE IT RESOLVED: the Board of Trustees of the Village of Red Hook hereby approves of the above subject project; and

BE IT FURTHER RESOLVED: that the Village of Red Hook shall maintain, repair and energize such highway lighting system; and

BE IT FURTHER RESOLVED: that the Board of Trustees of the Village of Red Hook hereby authorizes the Mayor of the Village of Red Hook to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation to commit the Village of Red Hook to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system; and

BE IT FURTHER RESOLVED: that the Village Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

DATE: December 20, 2018

Mayor Blundell – AYE  
DM Kovalchik – AYE  
Trustee Laing – AYE  
Trustee Norris – AYE

Kristina Dousharm then entered to give the board a presentation on ideas for the general business district.

At 7:46 p.m., Assistant Clerk Drewes left the meeting as the Board intended to enter Executive Session to discuss the employment of a particular employee

EXEC session motion by Blundell, second by Kovalchik.

At 8:15 p.m., Blundell made a motion to leave Executive Session and go back to regular session. Seconded by Kovalchik, all in favor.

DM Kovalchik made a motion to adjourn the meeting. Trustee Norris seconded the motion. Meeting was adjourned.

Submitted by,

Arie Drewes  
Assistant Clerk

