

A special meeting of the Red Hook Town Board was held Monday October 24, 2005 with the following in attendance:

Supervisor – Marirose Blum Bump
Councilman – James Ross
Councilwoman – Sue Crane
Councilwoman – Jean Bordewich
Councilman – Harold Ramsey
Town Clerk – Margaret E. Doty

Also present: Deputy Supervisor William O’Neill and Attorney Joel Sachs
Approximately 75 residents

Supervisor Blum Bump opened the meeting at 7:30 p.m. with the Pledge Allegiance to the Flag.

Supervisor Blum Bump then explained the procedure, that each of the Town Board members has a statement involving this process with Central Hudson Lands, the first Town Board as Lead Agency, then the Negative Declaration for the SEQR process and then the public comment period after which we have five (5) resolutions to go through.

Supervisor Blum Bump statement said she is urging the Town Board to take the legal step initiating the process for this very important purpose, condemnation of parcels of Central Hudson owned lands for benefit of the people of Red Hook. A historic opportunity for us to stand up for the vision we have today and the future. To be able to reclaim for the public benefit 242 acres of land taken by a corporation but never used by that corporation. This opportunity is especially precious because of its strategic location, the agricultural richness of the land, for recreation, open space preservation, farmland protection, walking trail purposes and also the protection of our wetlands and aquifer. I urge we seize this opportunity and use it wisely. My position remains that we should proceed with condemnation on all of these parcels however not everyone on this board agrees with that position so I have worked with Attorney Sachs and Deputy O’Neill and come up with five (5) resolutions for us to consider individually tonight. These resolutions simply allow the Town to begin the negotiations process and would encourage Central Hudson to negotiate directly with us as they have not done so in the past since February 2005.

Knowing the Town wanted to purchase the land they still entered into sales agreements. These agreements have not been approved by the Public Service Commission but are expected to be considered by the Public Service Commissions soon.

The goal of the passage of these resolutions is to allow the Town of Red Hook to purchase these lands by eminent domain but does not require the Town to do so. The goal is to bring Central Hudson to the table for negotiations on the parcels covered by the resolution. The Town will find public use for these parcels in preparation for a public referendum.

By approving all or some of these resolutions the Town has up to three years to purchase the parcels at fair market value from Central Hudson.

As Supervisor I want to reiterate my position that before the Town agrees to purchase any of the land we will hold a public referendum to let the taxpayers decide whether it is a position they support.

Councilman Ross said tonight was the first he had seen the five resolutions. We first discovered this property was for sale in March and yes we were all in favor of negotiations and spent many hours on that in the end we couldn’t come to agreement.

My personal feelings on condemnation is this a very big step and you have to have a very good reason for taking someone’s land. I know Central Hudson has owned the lands for 45 years and paid taxes on it but allowed the farmers to use the land. We have always protected our farmland and one central area of this parcel is 107 acres which we have referred to as the “Breadbasket” is not a bad idea and I would consider saving our farmland if that is our goal.

We have always supported recreation in our Town, soccer fields are needed and we are all in favor of more recreation lands but I don’t feel this land is suitable for recreation, not ideal rec. field and the infer-structure cost to develop them into the fields we would like. I personally feel there are other properties out there more suitable.

I own a lot adjacent to that and would love to have a ball field in my backyard. Regardless of where we come on that I will recuse myself with any parcel adjacent to the lot I own.

As for wetlands and drinking water supplies our present zoning has lots of protection for wetland and drinking water supplies I feel very strongly about not condemning someone's property to do that.

Condemning property for trails yes we could use trails but that is not a good enough reason to condemn lands we really don't have a good enough trail plans, to condemn this property, not in my mind.

The farmland is the only one that makes sense keep it as farming or sell it back to the farmers with easements.

Councilman Ramsey...I am all for conserving the farmland as the Town has shown with the PDR and the Conservation Easement Law. Unfortunate we couldn't come to an agreement with Central Hudson however condemnation of land should be used sparingly and only as a last resort. As Marirose pointed out we wish to acquire the lands for recreation, open space preservation, farmland protection, walking trails, protection of wetlands and aquifer. All may be justifiable and good causes. Regarding the trails awhile back we created a committee to research and look at the trails. Deputy Supervisor O'Neill has contacted many of these people and received a verbal agreement. Not to follow through with this would be unwise and we should continue this agreement and put this trail in place. No reason to take this land if they are willing to give it to us for trails.

Recreation Task Force has found land which will be better suited than Central Hudson lands. Buying this land would maybe prevent 30-40 houses being built on this property thus helping our tax situation. This extra land will provide for future recreation here in Red Hook. I would suggest we pursue this Sky Park for rec. lands.

In an effort to preserve this farmland 107 acres I would be willing to go forward on these lands only to protect the farmland, we should move quickly and not put ourselves in a long legal battle with Central Hudson that would cost money.

Councilwoman Crane...this has been a very difficult few months. We were initially interested in buying the land. The value of the property that we are talking about is \$3,121,500 a large amount of money, a large investment. I hope condemnation on the farmland is not necessary, that we can get Central Hudson to the table and renegotiate but I believe the farmland is crucial. In terms of the recreation parcels I agreed to look at alternative lands and there are a few, we haven't had time to explore all the possibilities. These are the parcels that are available to us now and I will support the recreation fields for our rec. purposes.

The trails is a tough one, hate to disappoint anyone but there comes a time when a Town Board member has to say I can't afford it and I don't think we can afford this entire tract of land for a trail system. This is a very serious step to take a serious amount of money for the taxpayer and how I have justified my vote on this issue.

Councilwoman Bordewich said this has been a very serious process that we have been engaged in so far. We all take very serious the effect it will have on everyone's pocketbook.

I see Central Hudson property as a rare opportunity for the Town that you would have such a large continuous parcel available at one time, may never see that again as the Town continues to grow. My concern if we say no tonight to proceed to the next step of condemnation on any of these parcels when we could have the opportunity to use them for public benefits then we have essentially lost the opportunity. Is we say yes we can proceed with deliberation we have all put into this in weighing the cost which can be considerable versus the benefit we can receive if we are successful with our negotiations with Central Hudson. Developing plans for the use of this property that we can achieve.

Found out the sale of some of these properties from local residents. Had to learn what we could from hear say and Central Hudson refused to meet with us, spoke only with their real estate broker whose interest was to get the best price. We did the best we could and offered the best price which was what our appraiser told us that changed as the market value changed.

I think the Town has a well defined vision, what it wants to be today and in the future, it has been reaffirmed over and over the years I have been here.

I am concerned about the cost although I don't think we will know what the final cost will be as we haven't decided which parcels need to be kept for public use. I think the final price will be much less than 3 million, and it would be put up for public referendum so the public will have the final say before we spend any of that money and that's the way it should be.

I'm concerned about protecting the vision of our Town, protecting agriculture, protecting the environment, protecting what we call the real quality of life. My concern if we let go of the opportunity tonight particularly the rec. fields we may end up with nothing or the situation of having to go eminent domain against a private property owner, I would have a problem with that.

Central Hudson took this property by eminent domain but I think this is a different situation. Central Hudson will be getting a fair market price for it not stealing it or taking it so they will realize a very nice capital appreciation.

I feel if we don't vote for these resolutions tonight we are giving up an opportunity to pursue further for public benefit and coming back later to the public with a price that they get to decide at public referendum so if we say no we have lost that. If we say yes we keep the process going, yes other people want to buy the land and we have three years in which to do this. We owe it to ourselves and the people of Red Hook to take the next step and to end the process tonight.

At this time Supervisor Blum Bump recognized the residents who wish to speak.

Micki Strawinski...supports the recommendation of the lands Harold Ramsey spoke of to the Board. Questioned if anyone else had family who owned property near Central Hudson?

Nancy Mulfort resident has very strong feelings about eminent domain, feels it would be a very poor move. Trails are not a good thing not enough people use them and a lot of people are moving out of our area because they can't afford to live here so it is not a good idea adding another tax burden.

Linda Keeling... on behalf of Save Our Town Committee we are not in favor of eminent domain, dangerous and expensive, there will be rising costs and this will escalate within the next three years. Don't forget the price of property will also go up.

My own personal question was the SEQR it should be Type I of these 240 acres.

Supervisor Blum Bump said this would be addressed.

Eric Bickman, Central Hudson Real Estate Broker...many hours of time on the phone etc. was spent with the Town on the Central Hudson Lands as CH Energy felt I was capable of doing.

Wetlands, open space- there is no aquifer on Central Hudson lands. Of the 240 acres, 160 acres has cultivation rights as the farmers get a right to use unless the Town condemns the real estate in which case those farmers will no longer be able to cross over their properties.

The 107 acres – last week talked to Deputy Supervisor O'Neill in attempt to reconstruct the farmland transaction directly with the Town, while we continued to negotiate with the three farmers, Dr. Migliorelli, Amy Dubin and Robert Greig at the same time. Deputy Supervisor O'Neill told me the Town had no interest in acquiring the 107 acres so I confirmed this in writing with the Town but have not received an answer at all. To say they have done everything to acquire the land is not correct.

Richard Rizzalo, Starbarrack Road who has lived here for 24 years...raised five children here. Asking you seize the opportunity to protect the farmland and to plan for recreational needs and to protect overdevelopment so I encourage the Board to go forward.

Amy Dubin...I am one of the property owners abutting the Central Hudson lands. My interest in the 107 acres was to protect the farmlands as I have no intentions of developing the land as it will be farmland and I will be happy to give trails for the Town.

Susan Elias...people are moving in and it is a wonderful opportunity. These resolutions should be put to a vote for the whole Town.

Vicky Perry... I have spoken on this before. I have spoken to parents who would like to see more recreation. I believe it's an opportunity to increase rec. lands. I think it should be put to a vote so everyone in the entire Town has the opportunity to vote.

Kathy Stewart, 162 Spring Lake Road...I agree sitting down and taking a look at all of these pieces. We can sit down and make sure the farmland is safe. Go forward and give yourself the option of eminent domain and do the negotiation. I would agree the interest of entire Town and not the majority of the board is more important. I would like to address the aquifer living on Spring Lake Road as we all know Red Wing is sitting on top of a large aquifer and is purchasing land on the Milan Side and around on the Red Hook quarter so saying there is no aquifer is entirely false. I think it is extremely important to look at this very seriously and to proceed.

Tom Burns, Starbarrack Road...behind my home is DEC wetlands and I would not like a trail through it. I would not want a parking lot next to my house. It is not right to take people's property.

Mary Ann Johnson...would like to see this land purchase by the Town and put into public use for a variety of reasons. Our Master Plan and Open Space Plan call for this to be a trail. I know that all of this will cost us and in the end benefit the community. I hope you will consider this and pass it.

Katlin Johnson...I think we should have bike trails.

John Pulsky questioned if we were going for condemnation how would the price for the parcels be determined?

Attorney Joel Sachs explained that the parcels would be valued separately by an appraiser. The Town appraiser has appraised the parcel and Central Hudson's appraiser has also put a value on the parcels, hopefully at some point there would be an agreement and if there isn't than it would be up to the court to decide.

Dr. Migliorelli said they worked the lands for thirty years. Presently talking to the Town about our 120 acres on Linden Avenue. We have the prime aquifer for that part of the Town. We have to work together and save the proper use of farmlands.

RESOLUTION 2005 #26

RE – Town Board Declaring Itself Lead Agency in Regard to Possible Condemnation of Central Hudson Properties.

Resolution was offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich.

Copy Attached

Supervisor Blum Bump -	Yes
Councilwoman Ross -	Yes
Councilwoman Crane -	Yes
Councilwoman Bordewich -	Yes
Councilman Ramsey -	Yes

RESOLUTION 2005 #27

RE – Short Environmental Assessment Form Issuing a Negative Declaration.

Resolution offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	Yes
Councilwoman Crane -	Yes
Councilwoman Bordewich -	Yes
Councilman Ramsey -	Yes

RESOLUTION 2005 #28

RE – Resolution 1 – Condemnation of Central Hudson Properties Located In the Town of Red Hook Farmland Protection.

Resolution offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Sue Crane and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	Yes
Councilwoman Crane -	Yes
Councilwoman Bordewich -	Yes
Councilman Ramsey -	Yes

Councilman Ramsey said he would like to go to these landowners to confirm and find a way they will insure us they will protect this land and if they do agree to this we back out of this eminent domain on these parcels as we would be getting what we want without condemnation.

Councilwoman Crane said I agree with Harold.

Councilwoman Bordewich said she also agreed if we can achieve our goals without having to spend taxpayer dollars that's great as that is the whole purpose. Welcome the opportunity to sit down with the landowner and try to work something that would not involve us going through with eminent domain.

Joel Sachs said with the passing of this resolution you are giving the Town the authority within the next three years if it needs to condemn the property but does not commit the Town to condemnation of any of these parcels.

RESOLUTION 2005 #29

RE – Resolution 2- Condemnation of Central Hudson Properties Located in the Town of Red Hook for Recreational Purposes.

Resolution was offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	Recuse with cause
Councilwoman Crane -	No
Councilwoman Bordewich -	Yes
Councilman Ramsey -	No

Councilman Ramsey said the parcels listed here for Central Hudson are for trails and in my mind I can't condemn lands for trails.

Councilwoman Crane...I can't agree with this so my answer is no.

Councilwoman Bordewich...I think it would be great to get what we need without condemnation. The majority of the parcels are not going to be good enough we will need discussion and if we can work it out with the parcel owners great. There is a lot of work left to do to get this all mailed down. There is going to be a lot of work on the farmland that we have all just agreed to.

Supervisor Blum Bump said there is still a lot of discussion with Central Hudson and the landowners. The trails have been made public on Central Hudson lands five years ago. Urging every Town Board member to reconsider this vote.

RESOLUTION 2005 #30

RE – Resolution 3 – Condemnation of Central Hudson Properties Located in the Town of Red Hook For Sports Fields and Certain Other Recreational Purposes.

Resolution was offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	Abstain
Councilwoman Crane -	Yes
Councilwoman Bordewich -	Yes
Councilman Ramsey -	No

Councilman Ramsey...this is not our last resort we should be looking at the alternate solution and I feel that we should be looking at Sky Park instead of Central Hudson properties.

Councilwoman Crane...I have worked the last few months for rec. lands. I agree there are other alternatives but I am afraid to close the door on these Central Hudson parcels. Keep the door open for the time being.

Councilwoman Bordewich...we don't have the Sky park property near negotiations as it just came up recently so I want to keep the Central Hudson option open until we know for sure.

Supervisor Blum Bump said there was a recreational needs done 10 years ago so here we have an opportunity to meet our recreation needs.

RESOLUTION 2005 #31

RE – Resolution 4 – Condemnation of Central Hudson Properties Located in the Town of Red Hook for the Acquisition of Open Space To Protect Significant Wetlands, Streams and Clean Drinking Water Supplies.

Resolution offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	No
Councilwoman Crane -	No
Councilwoman Bordewich -	Yes
Councilman Ramsey -	No

Councilman Ross...I see no need to protect wetlands as our zoning already does.

Councilman Ramsey...if we do it right we already have the means to protect our wetlands.

Councilwoman Crane said I believe we can call in our CAC, our Agricultural Committee, also zoning and planning to protect our lands.

Councilwoman Bordewich said her concern is for wetlands and would like to see an ordinance in place. We really need to evaluate if this is an opportunity to protect our water for the future.

Supervisor Blum Bump said we don't have a local law protecting our water resources and aquifer protection in our code.

RESOLUTION 2005 #32

RE – Resolution 5 – Acquisition Through Condemnation of All Central Hudson Properties Located in the Town of Red Hook.

Resolution was offered by Supervisor Marirose Blum Bump, seconded by Councilwoman Jean Bordewich and carried.

Copy Attached

Supervisor Blum Bump -	Yes
Councilman Ross -	Recuse
Councilwoman Crane -	No
Councilwoman Bordewich -	Yes
Councilman Ramsey -	No

Councilwoman Bordewich said this is a win, win situation take this opportunity vote only narrows our vision in the Town, shows nearsightedness, we will be spending more money in the future. Yes vote would benefit the Town.

Supervisor Blum Bump said it is right to meet the needs of the people and we have that right to use eminent domain it was my obligation, my responsibility hoping to get this passed.

Councilwoman Bordewich thanked the Agricultural Advisory Committee the CAC Committee, Recreation Committee and Supervisor Blum Bump for all their time and effort.

Supervisor Blum Bump thanked all the Committee's, Attorney Joel Sachs, Deputy Supervisor O'Neill who have been working on this since February.

Motion by Supervisor Blum Bump, seconded by Councilwoman Bordewich meeting adjourned 10:10 p.m.

Town Clerk

Margaret E. Doty