

TOWN OF CONSTANTIA
MINUTES– TOWN BOARD, PUBLIC HEARING – November 16, 2010
7:00PM – Constantia Town Hall

Present: Charles Gilkey – Supervisor
Richard Colesante, John Metzger, Thomas Moran and Frank Tomaino –
Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney
Others Present: Wayne Woolridge – Highway Superintendent

CALL TO ORDER:

At 7:00pm Mr. Gilkey called the Public Hearing for the Eminent Domain Proceedings relating to an easement required for construction of facilities for the North Shore Water district to order with the pledge of allegiance.

PUBLIC HEARING:

Mr. Gilkey read the following into the minutes:

**AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS
RELATING TO AN EASEMENT REQUIRED FOR CONSTRUCTION OF FACILITIES
FOR NORTH SHORE WATER DISTRICT**

WHEREAS, the North Shore Water District was created on September 11, 2007 after the Town Board, acting as Lead Agency pursuant to the New York State Environmental Quality Review Act, determined that said water district would not result in any significant adverse environmental impact, and a resolution and order were adopted establishing the “North Shore Water District” and a bond resolution appropriating a sum sufficient for the construction of the project; and

WHEREAS, Costich Engineering has prepared plans for construction of improvements to such District, consisting of the installation of approximately 160 thousand feet of water main; and

WHEREAS, in order to construct these improvements, the Town has attempted to acquire easements for water mains over certain properties. Negotiations with the below landowners for easements have been unsuccessful. The property affected by this proceeding is as follows:

<u>Property Owners</u>	<u>Address</u>	<u>Tax Map No.</u>
Harold L. and Dorothy Dillard 25.00;	7 Twenty-Eight Street	310.05-03-

and

WHEREAS, due to the topography of the area and the location of the above property, there are no other possible alternative locations for the proposed improvements, other than over said property; and

WHEREAS, a public hearing commencing eminent domain proceedings on these easements was held pursuant to Eminent Domain Procedure Law Section 202 on November 16, 2010. Publication of notice to the property owners was duly performed pursuant to the Eminent Domain Procedure Law of the State of New York. Other than representatives of the Town, no (0) property owners attended the public hearing and addressed the Town Board.

NOW, THEREFORE, BE IT RESOLVED, pursuant to its right to exercise eminent domain pursuant to Section 402(b) of the Eminent Domain Procedure Law, the Town Board of the Town of Constantia does hereby authorize and direct the Supervisor to retain Costello, Cooney & Fearon, PLLC, in the matter and authorizes said legal counsel to commence an appropriate proceeding against the above property owners for the acquisition of the needed easements for the construction of said improvements. For such legal services rendered, the Town Attorney shall be compensated at the rate of One Hundred Seventy-Five and zero/100 Dollars (\$175.00) per hour and shall also be reimbursed for any costs and disbursements, which legal counsel incurs on behalf of the Town in connection with such proceeding. Any request for payments pursuant to this resolution shall be in the form of an itemized voucher to be submitted to the Town Board for its review, audit and approval.

This resolution shall take effect immediately.

After this is approved by the board, the determination and findings can be completed at the December 7th meeting of the Town Board. Mr. Metzger made the motion to accept the resolution as read, seconded by Mr. Colesante.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Yes Gilkey - Yes

PUBLIC COMMENT:

There was no public comment at this time.

MOTION:

Mr. Metzger made the motion to adopt the previously read resolution as it pertains to 7 28th Street, Constantia, NY, seconded by Mr. Colesante.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Yes Gilkey - Yes

CLOSE:

At 7:19 pm Mr. Colesante made the motion to close the public hearing, seconded by Mr. Metzger.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Yes Gilkey - Yes