

Minutes of the October 2, 2017 Special meeting of the Board of Trustees of the Village of Newark held in the 3<sup>rd</sup> floor conference room of the Municipal Building at 3:50 P.M.

PRESENT

Mayor Jonathan Taylor (24); Trustees: Robert Bendix (19) and Stuart Blodgett (17). Excused: Alan Schober (23) and Rebecca Vermeulen (18).

Village Attorney Art Williams, Clerk/Treasurer Steve Murawski.

General Public: 1

MAYOR

At 3:51 P.M., Mayor Taylor opened the meeting.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 3-0 (Trustees Schober and Vermeulen Excused) to approve the following resolution:

DETERMINATION OF JUST COMPENSATION — ROUTE 88 SOUTH RE-CONSTRUCTION, VILLAGE OF NEWARK, WAYNE COUNTY, PIN: 4754.94.123; PHASE: DESIGN AND RIGHT-OF-WAY ACQUISITIONS

WHEREAS, the Village of Newark Village Board (hereinafter referred to as Village Board) has received from R.K. Hite & Company, Inc., a cover letter dated September 25, 2017; and six (6) individual property appraisals and related documents for compensation of easements to be acquired on properties located along the east and west sides of State Route 88 South, which are a part of the above referenced Route 88 South Project requirements; and

WHEREAS, the Village Board has reviewed with the Village Assessor, the Village Project Manager and the Village Principal Account Clerk, six (6) Approved Appraisal Amounts and Recommended Just Compensation for acquiring easements that have been determined to be necessary based upon approved preliminary project plans and maps; and

WHEREAS, RK Hite & Co., Inc., has reviewed the appraisals, the NYS Eminent Domain Law and the relevant portions of the Federal Highway Act and NYSDOT guidelines in recommending that the Village of Newark adopt a minimum payment policy of Five Hundred Dollars (\$500.00) for right-of-way acquisitions for this project; and

WHEREAS, the NYS Eminent Domain Procedure Law states that "In no event shall such amount be less than the condemner's highest approved appraisal". The Village's highest appraisal by its appraiser, RK Hite & Co., Inc., are the amounts set forth above, and as more fully described and set forth in its detailed appraisal reports received on each parcel; and

WHEREAS, the Federal Highway Administration and NYSDOT guidelines state that the maximum amount for a minimum payment is Two Hundred Fifty Dollars (\$250.00) for such acquisitions; and

WHEREAS, the Superintendent of Highways has requested that the Board of Trustees adopt and establish a minimum payment policy of \$250.00 for acquisition of right-of-way parcels on this project, and further requests that the Board authorize the purchase and acquisition of the following parcels of land hereinafter referred to from the owners or their successors or assigns at the following recommended just compensation amounts:

2017 October 2 Minutes of Special Village Board Meeting

WHEREAS, the six (6) properties for which appraisals have been completed are identified as: Tax Parcel ID (TPID) 68110-10-319671, Tracy L. Manyara, as Trustee of the Elizabeth J. Quinn Irrevocable Trust - Recommended Just Compensation (RJC) of \$500.00; TPID 68110-06-313783, Andrew J. Bodine and Denise H. Bodine – RJC of \$500.00; TPID 68110-06-313797, Daniel J. Barrett, John W. Barrett, Jr., and Mary Lee Barrett – RJC of \$500.00; TPID 68110-06-335798, Paul Esposito, Joseph Esposito, and Richard Grant – RJC of \$2,300.00; TPID 68111-18-362027, ESL Federal Credit Union – RJC of \$1,000.00; and TPID 68111-18-328035, Newark Main, LLC – RJC of \$500.00. Total RJC is \$5,300.00

WHEREAS, the total Appraisal Amount to be approved by the Village Board for all six (6) projects is \$5,300.00 for the real property interests as stated in the property appraisal review documents cited herein.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board does hereby approve of the six (6) Just Compensations identified in the documents referred to above herein.

BE IT FURTHER RESOLVED, that the Village Board does hereby authorize the Village Mayor to sign said Request for Determination of Just Compensation, dated September 25, 2017 on behalf of the Village of Newark.

BE IT FURTHER RESOLVED, that the Mayor, or Deputy Mayor in his absence, be and is hereby authorized and directed to execute all necessary documents in connection with the advancement of the above minimum payment policy and just compensation payment to the property owners identified, as approved as to form by the Village Attorney.

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to return the signed Original to Dean Frohm, Property Rights Specialist, RK. Hite & Company, Inc., 87 Genesee Street, P.O. Box 130, Avon, New York 14414.

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to make copies of the signed Determination of Just Compensation Form and distribute to: Craig Ekstrom, Local Project Liaison, Region 4 Office, NYSDOT, 1530 Jefferson Road, Rochester, New York 14623; Jonathan Ottman, P.E., Lu Engineers, 339 East Ave., Suite 200, Rochester, New York 14604; Robert Hutteman, P.E., Project Consultant Mgr., The LiRo Group, 690 Delaware Avenue, Buffalo, NY 14209; Douglas Townsend, Village Highway Superintendent; and one for the Village Clerk's Files.

ADJOURNMENT

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 3-0 (Trustees Schober and Vermeulen Excused) to adjourn the meeting.

The meeting adjourned at 3:57 P.M.

---

Stephen Murawski, Village Clerk-Treasurer