AGENDA
HYDE PARK TOWN BOARD
REGULAR MEETING, PUBLIC HEARING & WORKSHOP
MONDAY, JANUARY 28, 2019, 7:00 P.M.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ACCEPT MINUTES OF JANUARY 7TH & 10TH, 2019
PUBLIC COMMENT ON RESOLUTIONS ONLY – 3 MINUTE LIMIT

PUBLIC HEARING:
1. LOCAL LAW ADOPTION PROCESS FOR PROPOSED LOCAL LAW A OF 2019 ENTITLED: “A LOCAL LAW AMENDING THE HYDE PARK TOWN CODE TO ADD A NEW CHAPTER 78 ENTITLED ‘NUISANCES’
2. COMMENCEMENT OF ADMINISTRATIVE REMEDIES PURSUANT TO TOWN CODE CHAPTER §84-9 WITH REGARDS TO 25 BIRCHER AVENUE
3. ORDERING REPAIR AND/OR REMOVAL OF STRUCTURES OWNED BY ANTHONY J. HOGAN PURSUANT TO TOWN CODE CHAPTER §40-9 OF THE TOWN CODE

WORKSHOP:
1. 25 BIRCHER AVENUE PROPERTY VIOLATIONS
2. STAATSBURG STORMWATER IMPROVEMENTS
3. ZONING UPDATE FOR TOWN CENTER
4. DISSOLUTION OF THE WATER DISTRICTS

RESOLUTIONS:
1. AUTHORIZE ENTRANCE ON THE PROPERTY OWNED BY ANTHONY J. HOGAN LOCATED AT 25 BIRCHER AVENUE IN THE TOWN OF HYDE PARK TO BRING THE PROPERTY INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 84 OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTY AS A LIEN AND CHARGE ON THE SAME
2. AUTHORIZE ORDERING REPAIR AND/OR REMOVAL OF

4. AUTHORIZE TOWN OF HYDE PARK SUPERVISOR TO EXECUTE A PAYMENT IN LIEU OF TAXES AGREEMENT FOR SALT POINT SOLAR LLC PURSUANT TO REAL PROPERTY TAX LAW §487 AND LOCAL LAW NO. 10 OF 2018 AND THE AGREEMENT TO GUARANTEE DECOMMISSIONING FOR SALT POINT SOLAR LLC IN ACCORDANCE WITH THE PROVISIONS OF §130-8(I) OF THE TOWN CODE

5. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE THE 2019 STOP-DWI PROGRAM AGREEMENT WITH DUTCHESS COUNTY AND THE TOWN OF HYDE PARK

6. ACKNOWLEDGE RESIGNATION OF EMILY SVENSON AS TOWN OF HYDE PARK WARD 1 COUNCILMEMBER

7. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ESTABLISH AND APPOINT EMILY SVENSON TO THE POSITION OF DOWNTOWN INITIATIVE COORDINATOR FOR THE TOWN OF HYDE PARK

8. ACKNOWLEDGE RESIGNATION OF NEIL KRUPNICK AS A MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD OF APPEALS

9. APPOINT NEIL KRUPNICK TO THE POSITION OF TOWN OF HYDE PARK BOARD MEMBER FOR WARD 1 UNTIL JANUARY 1, 2020

10. APPOINT DAVID MCNARY AS A MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD OF APPEALS

11. ACKNOWLEDGE RESIGNATION OF TOWN OF HYDE PARK POLICE OFFICER JOSEPH WASILEWSKI

12. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO DESIGNATE TOWN OF HYDE PARK ZONING ADMINISTRATOR KATHLEEN MOSS AND TOWN OF HYDE PARK
COUNCILMAN DAVID RAY AS VOTING REPRESENTATIVES TO THE DUTCHESS COUNTY MS4 COORDINATION COMMITTEE (DCMS4CC) FOR 2019

13. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT TOWN BOARD LIAISONS TO THE TOWN AND COMMUNITY FOR 2019

14. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO DESIGNATE 2019 EMERGENCY INTERIM SUCCESSORS FOR THE TOWN OF HYDE PARK SUPERVISOR AND THE EMERGENCY MANAGEMENT COORDINATOR FOR THE TOWN OF HYDE PARK

15. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF DECEMBER 2018 BUDGET REVISIONS NUMBER 2018-12

16. APPROVE 2018 RESERVE FOR ENCUMBRANCES FOR THE TOWN OF HYDE PARK

17. COMMENCE LOCAL LAW NO. B OF 2019 ENTITLED: “A LOCAL LAW TO AMEND §104-16(A)(1) TO ADD A STOP SIGN AT THE TERMINUS OF GREENTREE DRIVE SOUTH AT THE POINT OF ITS INTERSECTION WITH GREENTREE DRIVE NORTH AND HEMLOCK LANE

18. DESIGNATE TOWN OF HYDE PARK’S REPRESENTATIVES TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

19. AUTHORIZE TOWN OF HYDE PARK TO PARTICIPATE IN AN APPLICATION TO THE NYS DRINKING WATER SOURCE PROTECTION PROGRAM

20. AUTHORIZE TOWN BOARD OF THE TOWN OF HYDE PARK AS THE CIRCULATION OF INTENT TO ACT AS LEAD AGENCY IN CONJUNCTION WITH THE STATE ENVIRONMENTAL QUALITY ACT REVIEW OF THE PROPOSED SEWER DISTRICT FOR THE TOWN OF HYDE PARK

21. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO DISSOLVE THE GREENFIELD’S WATER AND SEWER DISTRICT ADVISORY COMMITTEE

22. AUTHORIZE TOWN OF HYDE PARK SUPERVISOR TO EXECUTE A CONSENT ON BEHALF OF THE TOWN OF HYDE PARK TOWN BOARD FOR THE FORMATION OF THE T-R
WHEREAS, the Town Board, by Resolution 12:17-30(a) of 2018 authorized the commencement of administrative remedies pursuant to Town Code §84-6 with regard to the property located at 25 Bircher Avenue, DC Tax Map #6163-02-608516 in the Town of Hyde Park; and

WHEREAS, the Town Board, in accordance with that Resolution, caused notice on the owner of the property to be served, in accordance with the provisions of §84-6(c) and (d) of the Town Code, and proof of the sending and posting of said notice has been provided by the Building Inspector to the Town Board; and

WHEREAS, the Town Board scheduled a public hearing on this matter on January 28, 2019 7:15 p.m. and the time, place and date of said public hearing has been provided to the property owner in accordance with the provisions of §84-6 of the Town Code; and

WHEREAS, the Town duly opened the public hearing on January 28, 2019 at 7:15 p.m., and the property owner did not appear at said public hearing; and

WHEREAS, it appears to the Town Board that the property has not been brought into compliance with the provisions of the Town Code, as specified in the said notice; and

WHEREAS, the Town closed the public hearing on January 28, 2019.
NOW, THEREFORE, BE IT RESOLVED, that the Town Highway Superintendent, Building Inspector, and such other employees or officers of the Town of Hyde Park, and/or a private contractor retained by the Town are hereby authorized to enter the said property and bring the property into compliance with the standards of Chapter 84 of the Town Code as specified in the notice sent to the property owner and that all costs incurred by the Town shall be assessed against the property and shall constitute a lien and charge on the property until it is paid or otherwise satisfied or discharged, and that the same shall be collected in the same manner and at the same time as other Town charges.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 2 OF 2019

RESOLUTION ORDERING REPAIR AND/OR REMOVAL OF STRUCTURES OWNED BY ANTHONY J. HOGAN PURSUANT TO §40-9 OF THE TOWN CODE FOR 25 BIRCHER AVENUE, IN THE TOWN OF HYDE PARK

WHEREAS, Richard Longendyke, Deputy Building Inspector of the Town of Hyde Park, filed a report in writing with the Town Board, on or about December 17, 2018 containing his findings and recommendations concerning certain structures situated on the premises located at 25 Bircher Avenue, in the town of Hyde Park, Tax Map No. 6163-02-608516 owned by Anthony J. Hogan, in which said Deputy Building Inspector states in his opinion that the structures are unsafe and present a danger to the health, safety, and welfare of the public and that the property owner should be ordered to repair and/or remove these structures in accordance with the requirements of §40-9 of the Town Code; and

WHEREAS, the Hyde Park Town Board, after reviewing said report, and after hearing the Zoning Enforcement Officer with regard thereto at a meeting of the Town Board held on December 17, 2018, and having duly deliberated upon the same and having determined that said report warrants the repair and/or removal of said structures in accordance with the requirements of §40-9 of the Town Code; and

WHEREAS, the Town Board by Resolution 12:17 - 30 (b) ordered:

(a) That notice be given to Anthony J. Hogan, the reputed owner of the property and the structures which are located thereon at 25 Bircher Avenue, in the Town of Hyde Park, in the form required by §40-9 of the Town Code;
(b) That said notice be served on the said property owner, in the manner required by §40-9(E) of the Town Code;

(c) That said notice shall order the repair or the demolition and removal of the said structures on the said property from the premises to be commenced within thirty (30) days of service of said notice and to be completed within sixty (60) days thereafter;

(d) That a public hearing be scheduled on January 28, 2019 at 7:15 p.m. at the Town of Hyde Park Town Hall, located 4383 Albany Post Road, Hyde Park, New York; and

(e) That the Attorney to the Town and Deputy Building Inspector were directed to prepare said notices of said public hearing and to arrange for service of the same, in accordance with the requirements of §40-9(E) of the Town Code.

(f) That the Town Clerk was directed to file a copy of the Notice served as provided herein in the office of the Dutchess County Clerk and the Town Clerk; and

WHEREAS, the Town Board received confirmation that the said notices were duly served on the said property owner as required by §40-9(E) of the Town Code; and

WHEREAS, the Town Board opened the public hearing on January 28, 2019 at 7:15 p.m. pursuant to said notice and closed the public hearing on said date.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, after hearing testimony at the said public hearing and after reviewing all of the documentation associated with said violation, determines that said premises is in such condition that it is accessible to, and an object of attraction to minors under the age of 18, as well as to vagrants and other trespassers and is or may become a place of rodent infestation, and presents a danger to the health, safety, morals, and general welfare of the public and is unfit for the purpose for which it may lawfully be used; and

BE IT FURTHER RESOLVED, that the Town Highway Superintendent, the Town Building Inspector, and such other employees or officers of the Town of Hyde Park, and/or a private contractor retained by the Town, are hereby authorized to enter onto said property and to bring the property into compliance with the standards of §40-9 of the Town Code which action may include, but shall not necessarily be limited to: removal of all trash and debris; terminating any rodent infestation; procuring, and boarding up, any buildings or other structures; and removal and demolition of any such structures and/or buildings and structures on the said properties; and

BE IT FURTHER RESOLVED, that all expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building and/or structures including the cost of actually removing such building and structures shall be assessed against the land on which such building is located and
shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy or collection of a special ad valorem levy; and

**BE IT FURTHER RESOLVED**, that a copy of this Order shall be served upon said property owner in the manner required by §40-9(E) of the Town Code and posted upon the premises and this Order shall be filed in the office of the Dutchess County Clerk and the Town Clerk.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Svenson  
Councilman Ray  
Councilman Marrine  
Councilman Schneider  
Supervisor Rohr

**RESOLUTION 1:28 - 3 OF 2019**

**RESOLUTION ADOPTING LOCAL LAW NO. A OF 2019 ENTITLED: “A LOCAL LAW AMENDING THE HYDE PARK TOWN CODE TO ADD A NEW CHAPTER 78 ENTITLED ‘NUISANCES’”**

**WHEREAS**, the Town Board has received a number of complaints concerning unreasonably loud and disruptive parties in the Town of Hyde Park which are of such character, intensity, duration, and repetition as to be detrimental to the life, health, repose, and safety of the public and, as a result, the Town Board has determined pursuant to its authority under §10 of the Municipal Home Rule Law of the State of New York and New York Constitution, Article IX to adopt this Nuisance Law in order to preserve, protect, and promote the public health, safety, and welfare; and

**WHEREAS**, the Town Board asked the Attorney to the Town to draft a proposed Nuisance Law in order to provide the Town with an effective enforcement mechanism to deal with such nuisances; and

**WHEREAS**, a proposed Local Law entitled: “A Local Law Amending the Hyde Park Town Code to Add a New Chapter 78 entitled “Nuisances” had been presented to the Town Board and reviewed by the Town Board members; and

**WHEREAS**, the Town Board has determined that the proposed Local Law was acceptable for purposes of commencing the local law adoption process; and

**WHEREAS**, the Town Board scheduled a public hearing on the adoption of said Local Law on January 28, 2019 at 7:05 p.m. and the Town Clerk provided due notice of said public hearing as required by law; and
WHEREAS, the Town Board has determined that this is a Type II action under SEQRA and does not require environmental review; and

WHEREAS, the Town Board has determined that the adoption of said Local Law would be in the best interest of the health, welfare, and safety of the community and would provide a valuable tool to the Police Department and other law enforcement agencies in maintaining the peace and quiet and good order of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. A of 2019 entitled: “A Local Law Amending the Hyde Park Town Code to Add a New Chapter 78 entitled “Nuisances”; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to file a copy of said Local Law with the Department of State as required by law.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

TOWN OF HYDE PARK
LOCAL LAW NO. A OF THE YEAR 2019

A LOCAL LAW AMENDING THE HYDE PARK TOWN CODE
TO ADD A NEW CHAPTER 78 ENTITLED: “NUISANCES”

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1: TITLE.

This Local Law shall be entitled: “A Local Law Amending Hyde Park Town Code to Add a Chapter 78 Entitled: “Nuisances”.

SECTION 2: PURPOSE

The Town Board has received a number of complaints concerning unreasonably loud and disruptive parties in the Town of Hyde Park which are of such character, intensity, duration and repetition as to be detrimental to the life, health, repose and safety of the public. As a result, the Town Board has determined that pursuant to its
authority under §10 of the Municipal Home Rule Law of the State of New York and New York Constitution, Article IX to adopt this Nuisance Law in order to preserve, protect and promote the public health, safety and welfare.

SECTION 3:

The Town of Hyde Park is hereby amended to enact a new Chapter 78 entitled: Nuisances which shall read as follows:

“§ 78-1. DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated.

“Nuisance Party - A gathering which is conducted on property or premises within the Town of Hyde Park and which by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the gathering or on neighboring public or private property:

A. Disorderly conduct.
B. Unlawful possession of an open container of alcoholic beverage.
C. Public urination or defecation.
D. Unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage.
E. Sale or furnishing of an alcoholic beverage to an underage person.
F. Unlawful sale or possession or use of a controlled substance.
G. Unlawful deposit of litter or refuse.
H. The damage or destruction of real or personal property.
I. Unlawful pedestrian or vehicle traffic.
J. Standing or parking of vehicles that obstruct the free flow of traffic on the public streets or sidewalks, or that impedes the ability to render emergency services.
K. Violation of any section of Chapter 75, Noise, of the Town of Hyde Park Code.
L. Trespassing.
M. Exposure of a person or public lewdness.
Person Attending - Any person in attendance at a nuisance party, whether or not such person has any possessory control of the property or premises where it occurs.

Property Owner - Any person or legal entity which is an owner, lessee or licensee of property or premises in the Town of Hyde Park who allows another individual(s) or legal entity to reside at or occupy said property or premises.

Responsible Person:

A. Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any property or premises, who either sponsors, conducts, hosts, invites or permits a gathering on said property or premises.

B. A property owner who has been notified by the Town of Hyde Park Police Department of two prior convictions for violation of this article occurring within two years at a property or premises shall be considered a responsible person for purposes of future violations of this article occurring at other property or premises. Alternative proof of a property owner’s responsible person status may be offered.

§78-2. PROHIBITED ACTS.

A. No responsible person shall sponsor, conduct, host, invite, allow or permit a nuisance party.

B. No person attending a nuisance party who has been ordered to leave such nuisance party by a competent authority shall stay at the nuisance party property or premises unless he or she is an owner or tenant residing at that property or premises.

C. No person attending a nuisance party who has been ordered to leave a nuisance party by a competent authority shall leave a nuisance party and attend another nuisance party within 72 hours.

§78-3. ENFORCEMENT.

Any police officer, peace officer, or code enforcement officer who observes a nuisance party occurring may order that the nuisance party be ceased and order all nonowners and nonresidents on the property or premises where the nuisance party has occurred to leave the party or premises immediately.

§78-4 POLICE AUTHORIZED TO SEIZE EVIDENCE.

Any police officer or code enforcement officer (including, but not limited to, zoning administrator, zoning enforcement officer, building inspector, deputy building inspector and/or fire inspector) who observes a nuisance party occurring and who finds a violation
of any provision of §78-2 above may seize any and all evidence of such violation and any and all evidence of the conditions or events based on §78-1 “Nuisance Party” above, including, where appropriate, alcoholic beverages at the property or premises which are available to persons attending the nuisance party.

§78-5 PENALTIES FOR OFFENSES

A. Any person violating any provision of this article shall be guilty of an offense punishable by a fine of no less than $250 but not to exceed $1,000 in amount or imprisonment not to exceed seven days, or any combination of such fine and imprisonment.

B. Any person violating any provision of this article for a second time within one calendar year from the date of his or her first offense shall be guilty of an offense punishable by a fine not less than $1,000 nor more than $2,500 in amount or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

C. Any person violating any provision of this article for a third time within one calendar year from the date of his or her first offense shall be guilty of an offense punishable by a fine not less than $2,500 nor more than $5,000 in amount or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

D. Nothing herein contained shall prevent the Town of Hyde Park from taking such other lawful action as is necessary to prevent or remedy a violation of any article.

§78-6 SEVERABILITY.

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.”

SECTION 4: SUPERSESSION

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 5: EFFECTIVE DATE.
This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION 1:28 - 4 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A PAYMENT IN LIEU OF TAXES AGREEMENT FOR SALT POINT SOLAR LLC PURSUANT TO REAL PROPERTY TAX LAW §487 AND LOCAL LAW NO. 10 OF 2018 AND THE AGREEMENT TO GUARANTEE DECOMMISSIONING FOR SALT POINT SOLAR LLC IN ACCORDANCE WITH THE PROVISIONS OF §130-8(I) OF THE TOWN CODE

WHEREAS, Salt Point Solar LLC has submitted an application for site plan and special use permit approvals to develop a two megawatt solar farm on a 41.44 acre property at 525 Salt Point Turnpike, Tax Parcel No. 5263-03-305465 in the Greenbelt Zoning District; and

WHEREAS, the project has been approved by the Planning Board subject to the execution and approval by the Town Board of a Decommissioning Plan for said facility in accordance with the requirements of §130-8(I) of the Town Code; and

WHEREAS, a proposed Decommissioning Plan has been approved by the Town Planning Board in conjunction with its approval for the project; and

WHEREAS, the Town Board has adopted Local Law No. 10 of 2018 requiring a Payment in Lieu of Taxes Agreement for all solar farms, as provided in §487(9)(a) of the RPTL; and

WHEREAS, the Town, with the assistance of its Attorney and the Town Assessor, have negotiated a Payment in Lieu of Taxes Agreement pursuant to Real Property Tax Law §487 and the said provisions of the Town Code which has been reviewed and approved by the Town Board, the Town Comptroller, and the Town Assessor; and

WHEREAS, the Attorney to the Town has drafted a proposed Agreement to Guarantee Decommissioning of the Salt Point solar facility and to provide for the reclaiming of the said property in accordance with the requirements of the Town Code, which has been agreed to by Salt Point Solar and the owner of said property.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the Town Supervisor to execute the Agreement to Guarantee Decommissioning of the Salt Point Solar facility and to provide for the reclaiming of the property and the Payment in Lieu of Taxes Agreement for solar energy systems pursuant to Real Property Tax Law §487, and the Town Code in the same, or substantially the same, form as has been submitted to the Town Board for its review.
MOTION:
SECOND:
ROLL CALL VOTE BY TOWN CLERK
Councilwoman Svenson
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 5 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF DUTCHESS TO PROVIDE POLICE PATROLS IN CONNECTION WITH DRIVING WHILE INTOXICATED LAWS FOR 2019

WHEREAS, the County of Dutchess and the Town of Hyde Park have previously entered into an agreement in which the Town agreed to provide police patrols in connection with driving while intoxicated laws, in return for certain reimbursement paid by the County to the Town; and

WHEREAS, the term of that agreement has expired and the County has prepared a new Agreement between the Town and the County for an additional period of one year, with certain amendments to the terms and conditions of the agreement; and

WHEREAS, the proposed Agreement has been reviewed by the Town of Hyde Park Supervisor, Town of Hyde Park Comptroller, the Attorney to the Town and the Chief of Police for the Town of Hyde Park, and the terms of the same have been determined to be acceptable.

WHEREAS, the County of Dutchess will pay to the Town of Hyde Park a total sum not to exceed four thousand five hundred seventy-five dollars ($4,575.00) for the year 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the Town Supervisor to execute the proposed Agreement between the County of Dutchess and the Town of Hyde Park to provide police patrols in connection with the Driving While Intoxicated Laws for an additional period of one year to end December 31, 2019. A copy of said agreement is on file in the Hyde Park Town Clerk’s office.

MOTION:
SECOND:
ROLL CALL VOTE BY TOWN CLERK
RESOLUTION 1:28 - 6 OF 2019

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF EMILY SVENSON AS TOWN OF HYDE PARK WARD 1 COUNCILMEMBER

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Emily Svenson as Ward 1 Councilmember for the Town of Hyde Park effective January 27, 2019; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park wishes to acknowledge and thank Emily Svenson for her seven years of dedicated and inspired service to the Town of Hyde Park and its residents especially to those within the Ward that she served.

MOTION: SECOND:

ROLL CALL VOTE BY TOWN CLERK

RESOLUTION 1:28 - 7 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ESTABLISH AND APPOINT EMILY SVENSON TO THE POSITION OF DOWNTOWN INITIATIVE COORDINATOR FOR THE TOWN OF HYDE PARK

WHEREAS, the Town of Hyde Park has undertaken multiple projects aimed at revitalizing the commercial district of Route 9 in Hyde Park, collectively referred to as the Hyde Park Downtown Initiative; and

WHEREAS, the Downtown Initiative includes community-based planning, modernizing the zoning code, constructing pedestrian infrastructure, and establishing a sewer system; and
WHEREAS, the implementation of the Downtown Initiative is primarily led by Supervisor Aileen Rohr, with the support of staff members and consultants, and the approval of the Town Board; and

WHEREAS, as a former Town Board Member, Emily Svenson worked with Supervisor Rohr to develop and manage the Downtown Initiative Projects, and though Emily Svenson has stepped down from the Town Board, she has offered to continue working on these projects as a volunteer; and

WHEREAS, 2019 will be an active year for the Downtown Initiative, with work underway to introduce a zoning update, advance sewer district formation, and the implementation of sidewalk improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board hereby establishes the position of the Hyde Park Downtown Initiative Coordinator for the year 2019; and

BE IT FURTHER RESOLVED, that this shall be a volunteer position with no compensation; and

BE IT FURTHER RESOLVED, that the Coordinator shall serve under the direction of the Town Supervisor and Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hereby appoints Emily Svenson to serve as the Hyde Park Downtown Initiative Coordinator for the period January 28, 2019 through December 31, 2019.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 8 OF 2019

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF NEIL KRUPNICK AS A MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD OF APPEALS
BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Neil Krupnick as a member of the Town of Hyde Park Zoning Board of Appeals effective January 28, 2019; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Hyde Park wishes to thank Neil Krupnick for his past service as a member of the Town of Hyde Park Zoning Board of Appeals.

MOTION:  
SECOND:  

ROLL CALL VOTE BY TOWN CLERK

Councilman Ray  
Councilman Marrine  
Councilman Schneider  
Supervisor Rohr

RESOLUTION 1:28 - 9 OF 2019

RESOLUTION APPOINTING NEIL KRUPNICK TO THE POSITION OF TOWN BOARD MEMBER, WARD 1, UNTIL JANUARY 1, 2020

WHEREAS, Emily Svenson, Town Board Member, Ward 1, has submitted her resignation as Town Board Member effective January 27, 2019; and

WHEREAS, Emily Svenson was elected in the November 2017 election biennial election to the office of Town Board member for Ward 1 and her term expires on January 1, 2020; and

WHEREAS, pursuant to the provisions of §64(5) of the Town Law when a vacancy occurs in an elective office, the Town Board, on the vote of a majority of its members thereof, may appoint a qualified person to fill such vacancy and the person so appointed shall hold office until the commencement of the calendar year next preceding the first annual election at which the vacancy may be filled; and

WHEREAS, the Town Board has reviewed applicants to fill the position of Town Board member for Ward 1; and the Town Board has determined that Neil Krupnick is the best qualified person to fill the position of Town Board Member for Ward 1 until January 1, 2020; and

WHEREAS, the Town has entered into a contract with Loop TV & Film, Inc. for Webmaster Services for the Town of Hyde Park for a term which expires on December 31, 2019; and
WHEREAS, Neil Krupnick is a shareholder in said corporation and is primarily responsible for the performance of the Webmaster Services pursuant to that contract; and

WHEREAS, §802(1)(h) of the General Municipal Law permits the existing contract with Loop TV & Film, Inc. to continue until its expiration.

NOW, THEREFORE, BE IT RESOLVED, that Neil Krupnick is hereby appointed as Town Board Member for the Town of Hyde Park, Ward 1, until January 1, 2020; and

BE IT FURTHER RESOLVED, that the position of Town Board member for the Town of Hyde Park, Ward 1, is to be filled at the next election, which will occur on November 5, 2019 and the person so elected shall hold office as Town Board member until January 1, 2022; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of §802(1)(h) of the General Municipal Law, the current contract between the Town of Hyde Park and Loop TV & Film, Inc. shall continue through its expiration on December 31, 2019.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 10 OF 2019

RESOLUTION APPOINTING DAVID MCNARY AS A MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD OF APPEALS

WHEREAS, the Town of Hyde Park Zoning Board of Appeals consists of five (5) members with five (5) year terms; and two (2) alternate members with two (2) year terms; and

WHEREAS, there is currently a vacancy for the Town of Hyde Park Zoning Board due to the resignation of member Neil Krupnick; and

WHEREAS, the Town Board of the Town of Hyde Park would like to appoint David McNary as a member to the Town of Hyde Park Zoning Board of Appeals
effective immediately to fill the vacancy left by member Neil Krupnick whose term will expire on December 31, 2022.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint David McNary as a member to the Town of Hyde Park Zoning Board of Appeals effective immediately, to a term that will expire on December 31, 2022.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick  _____
Councilman Ray  _____
Councilman Marrine  _____
Councilman Schneider  _____
Supervisor Rohr  _____

RESOLUTION 1:28 - 11 OF 2019

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF TOWN OF HYDE PARK POLICE OFFICER JOSEPH WASILEWSKI

WHEREAS, Town of Hyde Park Police Officer Joseph Wasilewski has submitted a letter of resignation effective Monday, January 21, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park acknowledges the resignation of Town of Hyde Park Police Officer Joseph Wasilewski and the Town Supervisor and Town Board extend their appreciation and gratitude to Office Wasilewski for his dedicated service to the Town of Hyde Park.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick  _____
Councilman Ray  _____
Councilman Marrine  _____
Councilman Schneider  _____
Supervisor Rohr  _____

RESOLUTION 1:28 - 12 OF 2019
RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO DESIGNATE KATHLEEN MOSS AND DAVID RAY AS VOTING REPRESENTATIVES TO THE DUTCHESS COUNTY MS4 COORDINATION COMMITTEE (DCMS4CC) FOR 2019

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby designate Kathleen Moss and Councilman David Ray as the voting representatives to the Dutchess County MS4 Coordination Committee (DCMS4CC) for 2019.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 – 13 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT TOWN BOARD LIAISONS TO THE TOWN AND COMMUNITY FOR 2019

NOW, THEREFORE, BE IT RESOLVED, that the following members of the Town Board of the Town of Hyde Park are hereby appointed as Liaisons to the Town and Community as follows:

Neil Krupnick:
- Building Department
- Planning Department
- Zoning Board of Appeals
- Historian

David Ray:
- Board of Ethics
- Hyde Park Central School District
- Hyde Park Fire Department
- Paul Tegtmeier Memorial
- Planning Board
- Veterans Affairs
- MS4 Storm Water Management Committee
RESOLUTION 1:28 - 14 OF 2019

RESOLUTION DESIGNATING 2018 EMERGENCY INTERIM SUCCESSORS FOR THE TOWN OF HYDE PARK SUPERVISOR AND THE EMERGENCY MANAGEMENT COORDINATOR FOR THE TOWN OF HYDE PARK

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby designate the following individuals to serve as emergency interim successors for the position of the Town Supervisor in the event of an emergency when the Town
Supervisor or one or more of her successors is unavailable, in the following order of succession:

Kenneth Schneider: Town Board Member, Ward 4
David Ray: Town Board Member, Ward 2
Joe Marrine: Town Board Member, Ward 3
Neil Krupnick: Deputy Supervisor, Ward 1

BE IT FURTHER RESOLVED, that the Town Supervisor also hereby appoints Chief Robert Benson as the Emergency Management Coordinator for the Town of Hyde Park.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick ______
Councilman Ray ______
Councilman Marrine ______
Councilman Schneider ______
Supervisor Rohr ______

RESOLUTION 15 WAS NOT AVAILABLE AT TIME OF POSTING

RESOLUTION 1:28 - 16 OF 2019
RESOLUTION APPROVING 2018 RESERVE FOR ENCUMBRANCES FOR THE TOWN OF HYDE PARK

WHEREAS, the Town of Hyde Park has approved or agreed to spend monies for various purposes or projects pending as of December 31, 2018; and

WHEREAS, the Town Comptroller recommends that monies be reserved in the government fund financial statements for fiscal year end 2018 as follows:

<table>
<thead>
<tr>
<th>ACCOUNT TITLE &amp; PURPOSE</th>
<th>ACCOUNT #</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Hall - Sidewalk Rehabilitation</td>
<td>01-1620-230</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Hyde Park Trails - Improvement Project</td>
<td>01-7119-200</td>
<td>$10,800.00</td>
</tr>
<tr>
<td>Hackett Hill Park Pool Gate Repair</td>
<td>01-7180-400</td>
<td>$1,585.00</td>
</tr>
<tr>
<td>Crossroads Improvements - Beautification</td>
<td>01-8510-400</td>
<td>$2,539.00</td>
</tr>
<tr>
<td>GENERAL FUND TOTAL</td>
<td>$ 24,924.00</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>HIGHWAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Machinery - Pick-Up Truck 05-5130-210</td>
<td>$ 32,000.00</td>
<td></td>
</tr>
<tr>
<td>Brush Equipment-Tractor Mowing Assembly 05-5140-200</td>
<td>$ 9,630.00</td>
<td></td>
</tr>
<tr>
<td>HIGHWAY TOTAL</td>
<td>$ 41,630.00</td>
<td></td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED, that said stated monies be reserved in the Government Fund Financial Statements for Fiscal Year 2018.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK
Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 – 17 OF 2019

RESOLUTION COMMENCING LOCAL LAW NO. B OF 2019 ENTITLED: “A LOCAL LAW TO AMEND §104-16(A)(1) TO ADD A STOP SIGN AT THE TERMINUS OF GREENTREE DRIVE SOUTH AT THE POINT OF ITS INTERSECTION WITH GREENTREE DRIVE NORTH AND HEMLOCK LANE

WHEREAS, the Town Board, on the advice of its Police Department, and as a result of complaints by citizens, has determined that it would be in the best interests of the public health, safety, and welfare of the Town of Hyde Park to order the installation of a stop sign at the terminus of Greentree Drive South at its point or intersection with Greentree Drive North and Hemlock Lane; and

WHEREAS, the Attorney to the Town has prepared a proposed Local Law No. B of 2019 entitled: “A Local Law to Amend §104-16(A)(1) to Add a Stop Sign at the Terminus of Greentree Drive North and Hemlock Lane”; and
WHEREAS, the Town Board has reviewed the said Local Law and has determined that it is acceptable for purposes of commencing the local law adoption process; and

WHEREAS, the proposed Local Law constitutes a Type II action for purposes of the State Environmental Quality Review Act which will not require SEQRA review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby accepts Local Law No. B of 2019 entitled: “A Local Law to Amend §104-16(A)(1) to Add a Stop Sign at the Terminus of Greentree Drive North and Hemlock Lane” for the purpose of commencing the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said Local Law for February 25, 2019 at 7:05 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to give notice and advertise said public hearing as required by law.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

TOWN OF HYDE PARK
LOCAL LAW NO. B OF THE YEAR 2019

A LOCAL LAW TO AMEND §104-16(A)(1) OF THE TOWN OF HYDE PARK CODE TO ADD A STOP SIGN AT THE TERMINUS OF GREENTREE DRIVE SOUTH AT THE POINT OF ITS INTERSECTION WITH GREENTREE DRIVE NORTH AND HEMLOCK LANE

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1:

Section 104-16(A)(1) of the Hyde Park Town Code is hereby amended to add the following to the list of streets in proper alphabetical order:
• Greentree Drive South at its terminus with Green Drive North and Hemlock Lane

SECTION 2: SEVERABILITY.

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.

SECTION 3: SUPERSESSION

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 4: EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION 1:28 - 18 OF 2019

RESOLUTION DESIGNATING THE TOWN OF HYDE PARK REPRESENTATIVES TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

WHEREAS, by Resolution 4:9 - 7 of 2018, the Town Board authorized the Town of Hyde Park to sign an Intermunicipal Agreement with the Town of Esopus, Town of Lloyd, Town and City of Poughkeepsie, and Town and Village of Rhinebeck to form the Hudson River Drinking Water Intermunicipal Council (“Council”); and

WHEREAS, by that same resolution, the Town Board appointed Emily Svenson to be the Town’s representative to the Council; and

WHEREAS, the Council is updating its by-laws to allow each participating municipality to designate a primary representative, who must be an elected official, and an alternate representative, who need not be an elected official; and

WHEREAS, Emily Svenson is no longer an elected official of the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby designates Supervisor Aileen Rohr to be the Town’s primary representative and Emily Svenson to be the Town’s alternate representative to the Hudson River Drinking Water Intermunicipal Council for the remainder of 2019.

MOTION: 
SECOND:
RESOLUTION 1:28 - 19 OF 2019

RESOLUTION AUTHORIZING HYDE PARK’S PARTICIPATION IN AN APPLICATION TO THE NYS DRINKING WATER SOURCE PROTECTION PROGRAM

WHEREAS, in May 2018, the Town of Hyde Park joined with the Town of Esopus, Town of Lloyd, Town and City of Poughkeepsie, and Town and Village of Rhinebeck to sign an Intermunicipal Agreement forming the Hudson River Drinking Water Intermunicipal Council (“Council”); and

WHEREAS, one of the primary goals of the council is to collaborate on protecting water quality in the Hudson River, the source of our communities’ drinking water; and

WHEREAS, New York State has launched the Drinking Water Source Protection Program (“Program”) to help municipalities develop and implement a drinking water Source Protection Plan for the source of their drinking water; and

WHEREAS, the Town of Esopus has proposed applying on behalf of the seven municipalities in the Council, and the Council voted at its January meeting to endorse that application; and

WHEREAS, if the group is selected for the Program, each municipality’s responsibilities would include assisting the consultant conducting the Source Water Assessment by identifying officials or staff members who can attend meetings and provide information, reviewing and commenting on documents, and other related activities; and

WHEREAS, the Program would produce an updated Source Water Assessment and a Drinking Water Source Protection Plan, and provide assistance with initial protection project implementation; and

WHEREAS, there is no cost to communities to participate in the Program.
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby approves Hyde Park’s participation in a joint application for the Drinking Water Source Protection Program through the Town of Esopus; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to send a letter expressing the Town’s commitment to the application; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to take further action as necessary to secure Hyde Park’s participation in the Program if selected.

MOTION:  
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 20 OF 2019

RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF HYDE PARK AS THE CIRCULATION OF INTENT TO ACT AS LEAD AGENCY IN CONJUNCTION WITH THE STATE ENVIRONMENTAL QUALITY ACT REVIEW OF THE PROPOSED SEWER DISTRICT FOR THE TOWN OF HYDE PARK

WHEREAS, the Town of Hyde Park has been engaged in the study and evaluation of the creation of a sewer district and sewer system including collection and treatment infrastructure for an area of the Town encompassing lands generally bordering Route 9 from Linden Lane to the north to Terwilliger Road, known as the potential Route 9 Sewer District; and

WHEREAS, the Town has also reviewed a number of sources of low-cost financing and grants to support a sewer district and system, including but not limited to, the Clean Water State Revolving Fund, Consolidated Funding Application Process, Water Infrastructure Improvement Act Grants, and other opportunities; and

WHEREAS, if the Town approves, funds or undertakes the creation of a sewer district and sewer system, the action is subject to environment review under the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and
WHEREAS, the Town Board has caused to be prepared Part 1 of the SEQRA Full Environmental Assessment Form (EAF) and has determined that the approval, funding, and undertaking of the potential sewer system will involve a number of involved agencies.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town Board of Hyde Park intends to act as lead agency for the environmental review of the proposed Route 9 Sewer District under SEQRA, and having identified a number of involved agencies, a coordinated SEQRA review shall be conducted pursuant to 6 NYCRR Part 617.6(b)(3).

2. The Town Board has determined that this action is a Type I action pursuant to 6 NYCRR Part 617.4.

3. The Town Board shall circulate this Resolution together with Part 1 of the Full EAF as well as a location map to the involved agencies identified in the Full EAF so that the identified involved agencies may review the project, determine their jurisdiction and consent or challenge the Town Board's intent to act as lead agency for this coordinated review.

4. In conformance with 6 NYCRR Part 617.6, involved agencies are hereby afforded 30 calendar days from the date that the coordinated review circulation documentation is distributed to consent to or challenge the Town's intent to act as lead agency; if after 30 calendar days no other involved agency has notified the Town that it wishes to act as lead agency, the Town of Hyde Park shall assume lead agency status for this review.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK
Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 21 OF 2019

RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF HYDE PARK TO DISSOLVE THE GREENFIELDS WATER AND SEWER DISTRICT ADVISORY COMMITTEE FOR THE TOWN OF HYDE PARK

WHEREAS, the Town of Hyde Park transferred management of the Greenfields Water and Sewer Districts to Dutchess County Waste and Water Authority in 2016; and
WHEREAS, the Greenfields Water and Sewer District Advisory Committee became inactive as part of this transfer.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby dissolves the Greenfields Sewer District Advisory Committee.

MOTION:
SECOND:
ROLL CALL VOTE BY TOWN CLERK
Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 1:28 - 22 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK SUPERVISOR TO EXECUTE A CONSENT ON BEHALF OF THE TOWN OF HYDE PARK TOWN BOARD FOR THE FORMATION OF THE T-R SEWAGE WORKS CORPORATION FOR T-REX HYDE PARK OWNER, LLC PURSUANT TO ARTICLE 10 OF THE TRANSPORATION CORPORATION LAW FOR PHASE 1A OF THE BELLEFIELD DEVELOPMENT PROJECT

WHEREAS, T-Rex Hyde Park Owner LLC (“T-Rex”) filed a Petition with the Town on or about December 20, 2018 requesting that the Town Board consent to the formation of a Sewage-Works Corporation as provided by Transportation Corporation Law of the State of New York (“TCL”), which corporation shall provide sewer service to St. Andrews at Historic Hyde Park Development in the Bellefield Planned Development District; and

WHEREAS, the Hyde Park Planning Board has granted special permit and site plan approval to Phase 1A of the Bellefield project consisting of a hotel and related infrastructure; and

WHEREAS, development plans for the Bellefield Hotel include a proposed sewage treatment plant, sewage collection system, and water distribution system for the said hotel; and

WHEREAS, Article 10 of the Transportation Corporation Law provides, in relevant part, that no Certificate of Incorporation of a Sewage-Works Corporation shall be filed unless there be annexed thereto a certificate or certificates duly executed on behalf of the local governing bodies of the Town in which any part of the sewer system provided by such corporation is situate; and

WHEREAS, §116(2) of the Transportation Corporation Law (“TCL”) provides, in relevant part, that the Town shall not grant such approval until the Department of Health
has approved the maps and specifications of the proposed system pursuant to §117 of the TCL; and

WHEREAS, §118 of the TCL provides, in relevant part, that the Town, upon receipt of said request for approval, may utilize the services of a licensed professional engineer or retain a licensed professional engineer or engineering firm, to cause certain examinations of the plans and specifications of the sewage-works system to determine the feasibility and adequacy thereof; and

WHEREAS, §119 of the TCL requires the posting of a performance bond for the completion of the construction of the sewage-works system and provide that the Town may require the posting of an additional bond or other guarantee for the payment of labor and materials furnished in the course of such construction and a reasonable guarantee from the corporation that it will continue to maintain and operate the system for at least five (5) years; and

WHEREAS, §119(3)(a) of the TCL provides, in relevant part, that in addition to the guarantee, the stock of the corporation shall be placed in escrow with the Town which shall be passed to the Town in the event of a failure to complete the construction; and

WHEREAS, §119(4) of the TCL provides, in relevant part, that in the event of an abandonment or discontinuance of the maintenance and operation of the system during that five year period, the Town shall have the right to continue the maintenance and operation of the system; and

WHEREAS, pursuant to the provisions of the TCL and other provisions of New York State law, the Town has the authority to set the rates that can be charged by the Transportation Corporation; and

WHEREAS, pursuant to a Memorandum of Understanding (“MOU”) entered into as of April 30, 2018 among the Dutchess County Water and Wastewater Authority (DCWWA), the Town of Hyde Park and T-Rex, the Town assigned, and DCWWA assumed, all of the Town’s rights and obligations regarding the Transportation Corporation as set forth in the TCL except for the approval of the Transportation Corporation formation and the approval of the rates to be charged by the Transportation Corporation; and

WHEREAS, the attorney for T-Rex, by letter dated January 22, 2019, modified the Petition submitted to the Town Board for consent to form the Sewage-Works Corporation by acknowledging the provisions of the MOU and the transfer to, and acceptance of responsibilities by DCWWA that the Town would otherwise have under the TCL in conjunction with its consent to the formation of the Transportation Corporation; and

WHEREAS, T-Rex has provided a copy of a letter from the Dutchess County Department of Health dated November 19, 2018, stating, in relevant part, that the plans for the Phase 1 Sewer System have been filed and approved by the Department of Health; and
WHEREAS, by letter dated January 22, 2019, DCWWA confirmed, in accordance with the terms of the MOU, that DCWWA has reviewed and approved the plans and specifications for the proposed Phase 1 Wastewater Systems improvements and acknowledged the approval of said plans and specifications by the Dutchess County Department of Health.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the Town Supervisor to execute a consent on behalf of the Town of Hyde Park Town Board for the formation of the T-R Sewage-Works Corporation for T-Rex Hyde Park Owner, LLC pursuant to Article 10 of the Transportation Corporation Law for Phase 1A of the Bellefield Development Project.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick  
Councilman Ray  
Councilman Marrine  
Councilman Schneider  
Supervisor Rohr