CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPT MINUTES OF SEPTEMBER 23 \textsuperscript{rd} & 30\textsuperscript{th}, 2019

PUBLIC COMMENT ON RESOLUTIONS & TOWN BUSINESS ONLY
NOTE: “TIME LIMIT OF 3 MINUTES ONLY”

PUBLIC HEARING:

1. ADOPTION OF PROPOSED LOCAL LAW NO. G OF THE YEAR 2019 ENTITLED: “A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE TO AMEND ARTICLE 2, SECTION 108-2.2 TO ADD A NEW DEFINITION OF THE TERM “FAMILY” AND AMENDING ARTICLE 33, SECTION 108-3.3 OF THE CODE TO VEST THE ZONING BOARD OF APPEALS WITH THE POWER TO MAKE A DETERMINATION AS TO WHETHER A GROUP OF MORE THAN FIVE UNRELATED PERSONS OCCUPYING A SINGLE DWELLING UNIT CONSTITUTES A “FAMILY” AS THAT TERM IS NOW DEFINED IN THE ZONING CODE”


3. INTENDED USE OF THE DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS FOR FISCAL YEAR 2020

WORKSHOP:

1. PRELIMINARY BUDGET FOR THE TOWN OF HYDE PARK FOR FISCAL YEAR 2020
RESOLUTIONS:


4. AUTHORIZE TOWN SUPERVISOR TO SUBMIT THE DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 2020 FOR THE TOWN OF HYDE PARK DINSMORE PARK IMPROVEMENT PROJECT

5. AMEND RESOLUTION 9:9 - 12 OF 2019 RESOLUTION DESIGNATING NEIL KRUPNICK AS THE PRIMARY REPRESENTATIVE AND SUPERVISOR AILEEN ROHR AS THE ALTERNATE REPRESENTATIVE FOR THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

6. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO RELEASE THE ROAD OPENING BOND FOR SOUTH CROSS ROAD WATER COMPANY, INC. (ROAD LOCATION: 12 GLORIA DRIVE, STAATSBURG)

7. AUTHORIZE TOWN OF HYDE PARK DEPUTY ASSESSOR, MARA ROTHMAN TO ATTEND THE PREPARING FOR A REASSESSMENT ONE DAY SEMINAR AT COLUMBIA GREENE COMMUNITY COLLEGE

8. AUTHORIZE RELEASE OF THE BALANCE OF ESCROW FOR THE TOWN OF HYDE PARK ZONING ADMINISTRATOR

9. AUTHORIZE TOWN OF HYDE PARK ZONING ADMINISTRATOR, KATHLEEN MOSS TO ATTEND THE 19TH ANNUAL SOUTHEAST NEW YORK STORMWATER CONFERENCE AND TRADESHOW
10. AUTHORIZE TOWN OF HYDE PARK ZONING ADMINISTRATOR KATHLEEN MOSS TO CARRY OVER ACCRUED VACATION TIME

11. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO INCREASE THE SALARY OF TOWN OF HYDE PARK DEPUTY BUILDING INSPECTOR RICH LONGENCYKE

12. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF SEPTEMBER 2019 BUDGET REVISIONS NUMBER 2019-09

13. AUTHORIZE TOWN OF HYDE PARK BUILDING INSPECTOR DON WESTERMeyer, AND DEPUTY BUILDING INSPECTOR, RICH LONGENCYKE TO ATTEND THE NEW YORK STATE BUILDING OFFICIAL CONFERENCE ON WEDNESDAY, NOVEMBER 13, 2019

NEW AND OLD BUSINESS

ADJOURN

*A MOTION MAY BE MADE TO ENTER EXECUTIVE SESSION

*AGENDA SUBJECT TO CHANGE

RESOLUTION 10:7 - 1 OF 2019

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. G OF THE YEAR 2019 ENTITLED: "A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE TO AMEND ARTICLE 2, SECTION 108-2.2 TO ADD A NEW DEFINITION OF THE TERM "FAMILY" AND AMENDING ARTICLE 33, SECTION 108-33.3 OF THE CODE TO VEST THE ZONING BOARD OF APPEALS WITH THE POWER TO MAKE A
DETERMINATION AS TO WHETHER A GROUP OF MORE THAN FIVE UNRELATED PERSONS OCCUPYING A SINGLE DWELLING UNIT CONSTITUTES A "FAMILY" AS THAT TERM IS NOW DEFINED IN THE ZONING CODE

WHEREAS, the Town Board has determined that there exists an issue with regard to zoning enforcement as to whether more than five persons living in a single dwelling unit who are not related by blood, marriage, or legal adoption constitute the functional equivalent of a traditional family so as to constitute a family as that term is defined by the Zoning Code. The Board, accordingly, has determined that it is necessary to amend the Town Code to provide a new definition of “Family” and to amend the powers of the Zoning Board of Appeals to make such a determination in an appropriate case; and

WHEREAS, the Attorney to the Town drafted a proposed Local Law amending the Town of Hyde Park Code to amend Article 2, Section 108-2.2 to add a new definition of the term “Family” and amending Article 33, Section 108-3.3 of the Code to vest the Zoning Board of Appeals with the Power to make a determination as to whether a group of more than five unrelated persons occupying a single dwelling unit constitutes a “Family” as that term is now defined in the Zoning Code; and

WHEREAS, the Town Board determined that said Local Law was in acceptable form for the purposes of commencing the local law adoption process; and

WHEREAS, the Town Board determined that this is a Type II action, exempt from SEQRA review; and

WHEREAS, the Town Board scheduled a public hearing on the adoption of said Local Law for October 7, 2019 at 7:05 p.m.; and

WHEREAS, the public hearing was opened and closed on that same date; and

WHEREAS, the Town Board determined that the adoption of said Local Law would be in the best interests of the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. G of the Year 2019 entitled: “A Local Law Amending the Town of Hyde Park Code to Amend Article 2, Section 108-2.2 to Add a New Definition of the Term “Family” and Amending Article 33, Section 108-3.3 of the Code to Vest the Zoning Board of Appeals with the Power to Make a Determination as to Whether a Group of More Than Five Unrelated Persons Occupying a Single Dwelling Unit Constitutes a “Family” as that Term is Now Defined in the Zoning Code”; 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
Councilman Krupnick _____
Councilman Ray    _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr    _____

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

A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE TO
AMEND ARTICLE 2, SECTION 108-2.2 TO ADD A NEW DEFINITION
OF THE TERM “FAMILY” AND AMENDING ARTICLE 33,
SECTION 108-3.3 OF THE CODE TO VEST THE ZONING BOARD
OF APPEALS WITH THE POWER TO MAKE A DETERMINATION
AS TO WHETHER A GROUP OF MORE THAN FIVE UNRELATED
PERSONS OCCUPYING A SINGLE DWELLING UNIT CONSTITUTES A “FAMILY”
AS THAT TERM IS NOW DEFINED IN THE ZONING CODE

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 the Town of Hyde Park Code to Amend Article 2, Section 108-2.2 to Add a New Definition of the Term “Family” and Amending Article 33, Section 108-33.3 of the Code to Vest the Zoning Board of Appeals with the Power to Make a Determination as to Whether a Group of More Than Five Unrelated Persons occupying a Single Dwelling Unit Constitutes a “Family” as that Term is Now Defined in the Zoning Code”.

SECTION 2: PURPOSE.

The Town Board has determined that there exists an issue with regard to zoning enforcement as to whether more than five persons living in a single dwelling unit who are not related by blood, marriage, or legal adoption constitute the functional equivalent of a traditional family so as to constitute a family as that term is defined by the Zoning Code. The Board, accordingly, has determined that it is necessary to amend the Town Code to provide a new definition of “Family” and to amend the powers of the Zoning Board of Appeals to make such a determination in an appropriate case.

SECTION 3:

Section 108-2.2, Terms Defined, of the Town Code is hereby amended by deleting the current definition of the term “Family” and by substituting in its place the following definition of “Family”:
“Section 108-2.2, FAMILY – As used herein shall mean:

A. Any number of persons occupying a single dwelling unit, related by blood, marriage, legal adoption, or foster care arrangement, living and cooking together as a single housekeeping unit.

B. Any number of persons occupying a single dwelling unit, not exceeding five adults living and cooking together as a single housekeeping unit as the functional equivalent of a family where all are not related by blood, marriage, legal adoption, or foster care arrangement.

C. It shall be presumptive evidence that more than five (5) persons living in a single dwelling unit who are not related by blood, marriage, legal adoption, or by foster care arrangement do not constitute the functional equivalent of a traditional family.

D. Notwithstanding the provisions of this definition, a group of unrelated persons numbering more than five shall be considered a “family” upon a determination by the Zoning Board of Appeals that the group is the functional equivalent of a family pursuant to the standards enumerated below. This presumption may be rebutted, and the unrelated individuals may be considered the functional equivalent of a “family” for the purposes of this article by the Zoning Board of Appeals pursuant to the criteria provided herein. In determining whether a group of more than five unrelated persons constitutes a “family” for the purpose of occupying a dwelling unit, as provided herein, the Zoning Board of Appeals shall utilize the standards enumerated herein in making said determination. Before making a determination under this subsection, the Zoning Board of Appeals shall hold a public hearing, after public notice. In determining whether individuals living together are the functional equivalent of a family, the following criteria shall be considered:

(1) Whether the occupants share the entire dwelling unit or act as separate boarders.

(2) Whether the household has stability akin to a permanent family structure. The criteria used to determine this test include the following:

   (a) Length of stay together among the occupants in the current dwelling unit or other dwelling units.

   (b) The presence of minor, dependent children regularly residing in the household.

   (c) The presence of an individual acting as head of household.
(d) Proof of sharing expenses for food, rent or ownership costs, transportation, insurance, utilities, and other household expenses.

(e) Common ownership of furniture and appliances and the common use of vehicles among the members of the household.

(f) Whether the household is a temporary living arrangement or a framework for transient living.

(g) Whether the composition of the household changes from year to year or within the year.

(h) Whether each of the occupants uses the address of the dwelling for their vehicle registration, driver's licenses, passports, bank accounts, bills, loans, tax returns, and other licenses and permits, etc.

(i) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

E. Any determination under this subsection shall be limited to the status of a particular group as a "family" and shall not be interpreted as authorizing any other use, occupancy, or activity. In making any such determination, the Board of Appeals may impose such conditions and safeguards as the Board shall deem necessary or advisable in order to maintain the stability and character of the neighborhood and protect the public health, safety, and welfare.

F. In no case shall a dwelling be occupied by more than two (2) adults to a conventional bedroom.

G. Persons occupying group quarters such as a dormitory, fraternity or sorority house, or a seminary shall not be considered a "family".

SECTION 4.

Section 108-33.3 of the Town Code is hereby amended to provide a new subparagraph "C" under "Original Jurisdiction", which shall read as follows:

“C. Upon requests from any official or agency of the Town or upon appeal from any determination of the Zoning Administrator or the Building Inspector, the Zoning Board of Appeals shall make a determination on a case by case basis as to whether a particular group of more than five (5) persons living in a single dwelling unit who are not related by
blood, marriage, or legal adoption constitute the functional equivalent of a traditional family in accordance with the provisions set forth in the definition of “Family” in Section 108-2.2 of the Zoning Code, Terms Defined - “Family”, Sections “A” through “G”.

SECTION 5. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which shall be given effect without such part or parts.

SECTION 6. 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 8: EFFECTIVE DATE.

This local law shall take effect immediately after its filing with the State Secretary of State as provided in §27 of the Municipal Home Rule Law.
RESOLUTION 10:7 - 2 OF 2019


WHEREAS, the Town Board and its consultants determined that there are certain inconsistencies in Chapter 101 of the Town Code entitled: “Telecommunications Towers and Facilities”. Most notably, the chapter vests the Zoning Board of Appeals with the power and authority to issue special use permits for such facilities. The Town Board and its consultants have determined that such power and authority should be vested in the Hyde Park Planning Board. There are other provisions in the law, which require amendment as suggested by the Planning Board, Zoning Board of Appeals, and Town Zoning Administrator. It is the intent of this Local Law to enact such amendments and corrections to Chapter 101 and to the “Schedule of Use Regulations” of the Town of Hyde Park Zoning Law; and

WHEREAS, the Attorney to the Town prepared a proposed Local Law amending the “Schedule of Use Regulations” and Chapter 101 of the Town Code with regard to “Telecommunications Towers and Facilities”; and

WHEREAS, the Town Board determined that the said Local Law was in acceptable form for the purposes of commencing the local law adoption process; and

WHEREAS, the Town Board determined that this is a Type II action, exempt from SEQRA review; and
WHEREAS, the Town Board scheduled a public hearing on the adoption of said Local Law for October 7, 2019 at 7:10 p.m.; and

WHEREAS, the public hearing was opened and closed on that same date; and

WHEREAS, the Town Board determined that the adoption of said Local Law would be in the best interests of the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. J of the Year 2019 entitled: “A Local Law Amending Chapter 101 of the Town Code Entitled “Telecommunications Towers and Facilities” and the Town of Hyde Park Town Code Schedule of Use Regulations”; 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
Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

TOWN OF HYDE PARK

LOCAL LAW NO. J OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 101 OF THE TOWN CODE ENTITLED: “TELECOMMUNICATIONS TOWERS AND FACILITIES” AND THE TOWN OF HYDE PARK TOWN CODE SCHEDULE OF USE REGULATIONS

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

SECTION 1. LEGISLATIVE INTENT.

The Town Board and its consultants have determined that there are certain inconsistencies in Chapter 101 of the Town Code entitled: “Telecommunications Towers and Facilities”. Most notably, the chapter vests the Zoning Board of Appeals with the power and authority to issue special use permits for such facilities. The Town Board and its consultants have determined that such power and authority should be vested in the Hyde Park Planning Board. There are other provisions in the law which require amendments as suggested by the Planning Board, Zoning Board of Appeals, and Town Zoning Administrator. It is the intent of this Local Law to enact such amendments and corrections to Chapter 101 and to the Schedule of Use Regulations of the Town of Hyde Park Zoning Law.

SECTION 2. AMENDMENTS TO TOWN OF HYDE PARK SCHEDULE OF USE REGULATIONS.

The Town of Hyde Park Schedule of Use Regulations, Attachment 1, Chapter 108 Zoning of the Town Code is hereby amended to add a new category of non-residential use entitled: “Telecommunications Towers and Facilities”. The Schedule of Use Regulations is further amended to provide that telecommunications towers and facilities are a use subject to issuance of a special use permit and Site Plan Approval by the Planning Board in the Greenbelt, Waterfront, Neighborhood, Neighborhood Core,

SECTION 3. CHAPTER 101 OF THE TOWN OF HYDE PARK CODE IS HEREBY AMENDED AS FOLLOWS:

A. §101-2 Definitions is hereby amended to delete the definition of “Approving Board” and to substitute in its place the new definition of “Approving Board” as follows:

“APPROVING BOARD
The Planning Board shall be the approving Board for the Special Use Permit and Site Plan Approval of all telecommunications towers and facilities.”

B. §101-3, Permit Regulations, subsection B Location or collocation, subsection (1) is hereby deleted and in its place, a new subsection (1) shall be added to read as follows:

(1) “The location or collocation of communications equipment on an approved telecommunications tower or tall structure is a permitted use subject to the issuance of Site Plan Approval by the Planning Board subject to the Planning Board’s determination that the location or collocation does not.”

C. §101-3 Permit Regulations, subsection B Location or collocation, subsection (2) is hereby deleted in its entirety.

D. §101-3 Subsection C is hereby deleted and a new Subsection C is hereby enacted to read as follows:

“C
New telecommunications tower construction is subject to obtaining a Special Use Permit and Site Plan Approval from the Planning Board pursuant to §101-7 through 101-20 and §108-8 and §109-9 of the Town Code.”

E. §101-3 Subsection C is hereby deleted and in its place a new Subsection C is hereby enacted to read as follows:

“C
All applications for new telecommunications towers shall be made to the Zoning Administrator. If the Zoning Administrator determines that the application is administratively complete, the application shall be referred to the Planning Board for special permit and Site Plan Approval on an expedited basis in accordance with §108-8 and §109-9 of the Town Code. If the Planning Board concludes that the application complies with this chapter and all SEQRA requirements and all other applicable laws, the Board shall grant special use permit and Site Plan Approval.”
F. §101-5 New telecommunications towers (pursuant to §101-3C, Subsection A is hereby deleted and in its place a new Subsection A is hereby enacted to read as follows:

“A. The Planning Board may consider a request to locate a new telecommunications tower if the applicant can demonstrate that shared use of the existing tall structures and existing or approved telecommunications towers or telecommunications tower sites are impractical due to:"

G. §101-6 Future shared user of new towers, Subsection A is hereby deleted, and in its stead, a new Subsection A is hereby enacted which shall read as follows:

“A. Applications for new telecommunications towers shall include an agreement committing the owner of the proposed new telecommunications tower and its successors in interest, to negotiate in good faith for shared use of said tower by other providers of telecommunications in the future. This agreement shall be filed with the Planning Board and the Building Inspector prior to special use permit and Site Plan Approval and the issuance of any building permit for the facilities. Failure to abide by the conditions outlined in the agreement shall be grounds for the revocation of the special use permit and Site Plan Approval.”

H. §101-7 Site Plan/Special Use Permit review and submission requirements, subsection A(1) is hereby amended to delete the reference to Article XXIV of Chapter 108 and substitute in its stead Chapter 108 Zoning, Article 9 Site Plan Approval.

I. §101-7 Site Plan/Special Use Permit review and submission requirements, subsection B is hereby deleted and a new subsection B is hereby enacted which shall read as follows:

“B. Special Use Permit applications. Applications to the Planning Board for a special use permit shall include the following:"

J. §101-7(B)(2) and subsections C, D, E, F and G are hereby amended to delete all references to “Zoning Board of Appeals” and “Approving Board” and in their stead to insert “Planning Board”.

K. §101-9 Visual impact assessment is hereby amended to remove the reference to “Approving Board” and substitute in its place “Planning Board”.

L. §101-10(A)(1) is hereby deleted and in its stead a new subsection (1) is hereby enacted which shall read as follows:
“(1) Towers must be placed to minimize visual impacts. The use of camouflaged communications towers may be required by the Planning Board to further blend the communications tower and/or its accessory structures into the surroundings. The Planning Board may waive the camouflage requirements on already existing telecommunications sites.”

M. §101-10(A)(3) is hereby amended to delete the second sentence in said paragraph and in its stead enact the following new second sentence of said paragraph which shall read as follows:

“Fees for the review of the application by a qualified engineer and/or consultant are in addition to the application fee, and shall be the responsibility of the applicant and shall be deposited with the Town in the manner provided in §108-36.3 Professional Review Expenses of the Town Code.”

N. §101-10(C) is hereby amended to delete the last sentence of said paragraph and in its stead enact the following sentence which shall read as follows:

“All signs shall conform to the sign requirements of the Code of the Town of Hyde Park as set forth in Chapter 108, Article 24 Signs.”

O. §108-12 Screening, subsection B, is hereby deleted and in its stead, the following new subsection B is enacted which shall read as follows:

“The application shall demonstrate to the Planning Board that adequate measures have been taken to screen and abate site noises such as heating and ventilating units, air conditioners and emergency power generators. Telecommunications towers shall comply with all applicable sections of the Town Code as it pertains to noise control and abatement as set forth in Chapter 75 Noise.”


The Moratorium Law on Telecommunications Towers and Facilities enacted by the Town Board as Local Law No. 3 of 2019 on May 6, 2019 is hereby repealed.

SECTION 5. STATEMENT OF AUTHORITY.

This Local Law is authorized by the New York State Constitution, Article IX, §2; the provisions of the New York State Municipal Home Rule Law (MHRL); the provisions of the Statute of Local Governments; all relevant provisions of the Town Law of the State of New York; the laws of the Town of Hyde Park and the general police powers
vested in the Town of Hyde Park to promote the health, safety and welfare and residents
and property owners within the Town.

SECTION 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 7. 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 8. 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 10:7 – 3 OF 2019

RESOLUTION COMMENCING LOCAL LAW NO. M OF THE YEAR 2019 A
LOCAL LAW AMENDING CHAPTER 130 OF THE TOWN OF HYDE PARK CODE
ENTITLED: “SOLAR ENERGY SYSTEMS AND FACILITIES ” TO ADD A NEW §130-
8 ENTITLED: “SOLAR FARMS ”

WHEREAS, the Town of Hyde Park enacted Chapter 130 Entitled: “Solar Energy
Systems and Facilities” to its Code by Local Law No. 11 of 2016, adopted on November
28, 2016. The Local Law contains a §130 relating to Solar Farms. The Planning Board,
after having had experience in reviewing several Solar Farm applications, has
determined that the provisions relating to solar farms needed to be amended to provide
more standards and conditions to insure that all environmental community character and
other impacts of such facilities on neighboring properties are mitigated to the fullest extent possible; and

WHEREAS, the Attorney to the Town has prepared a proposed Local Law amending Chapter 130 of the Town Code to add a new §130-8 Entitled: “Solar Farms”; and

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

WHEREAS, the Town Board determined that this is a Type II action, exempt from SEQRA review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby schedule a public hearing on the adoption of proposed Local Law No. M of the Year 2019 A Local Law Amending Chapter 130 of the Town Code Entitled: “Solar Energy Systems and Facilities” to add a New §130-8 Entitled: “Solar Farms” for November 4, 2019 at 7:05 p.m.; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to forward copies of this Local Law to the Town Planning Board and to the Dutchess County Department of Planning and Development for their review and comment; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to post and publish notice of 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. M OF THE YEAR 2019  

A LOCAL LAW AMENDING CHAPTER 130 OF THE TOWN OF HYDE PARK CODE ENTITLED: “SOLAR ENERGY SYSTEMS AND FACILITIES ” TO ADD A NEW §130-8 ENTITLED: “SOLAR FARMS ”  

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

SECTION 1.  LEGISLATIVE INTENT  

having had experience in reviewing several solar farm applications, has determined that the provisions relating to solar farms needed to be amended to provide more standards and conditions to insure that all environmental, community character, and other impacts of such facilities on neighboring properties are mitigated to the fullest extent possible.

SECTION 2.

Section 130-8 of the Town Code is hereby repealed and in its place, a new §130-8 is hereby enacted to read as follows:

§130-8. Solar Farms

Solar farms shall be permitted in the Greenbelt District as an “electric generating” use subject to special permit and site plan review and approval by the Planning Board in accordance with the following requirements:

A. In addition to any other submitted requirements for issuance of a special use permit and site plan approval, the applicant shall submit the following information:

(1) A soil map of the parcel on which the Solar Energy System is to be located, prepared by the Dutchess County Soil and Water Conservation District showing any Federal or State wetlands, streams or other bodies of water, prime agricultural land, slope and 100-year and 150-year flood plains.

(2) A map showing property lines and physical features, including roads, for the project site.

(3) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

(4) Drawings showing the location and size of all proposed towers or utility lines.

(5) A one or three-line electrical diagram detailing the Solar Energy System Layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(6) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. If the final system installer is different, the requested information for such final installer shall be submitted prior to the issuance of a building permit.

(7) Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application
and the use of the property for the Solar Energy System.

(8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

(9) If the operator of the solar facility will be leasing the property on which the facility is to be operated, a copy of the fully executed ground lease agreement between the operator and property owner must be submitted.

(10) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

(11) Blueprints signed by a professional engineer or registered architect of the Solar Energy System showing the layout of the system.

(12) Equipment specification sheets for all photovoltaic panels, significant components, mounting systems, and inverters to be installed.

(13) A description of any clearing of trees incident to construction of the System.

(14) In the course of its review of a proposal for development of a solar farm, the Planning Board may require an applicant to submit a viewshed analysis meeting the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled “Assessing and Mitigating Visual Impacts”:


(15) Such other documentation and information with the Planning Board deemed necessary for adequate review of the application.

B. No Solar farm shall be permitted:

(1) On federal or state wetlands, or their buffer areas;

(2) Ecologically sensitive land or water resources;

(3) On land subject to conservation or agricultural easements the terms of which easement would preclude construction of a solar farm; or

(4) To remove prime agricultural land or farmland of statewide importance from potential agricultural production.
C. The installation of the solar farm facility shall cause neither the cutting, within or at the periphery of a forested or woodland area, of more than 50% of the trees of six inches or more in diameter at breast height over any continuous land area of one-fourth acre nor overall site disturbance caused by grading, tree removal or other work on the Solar farm site and its access exceeding a total of one acre.

D. The parcel on which a solar farm is sited shall be a minimum of ten (10) acres.

E. No Solar farm shall be larger than 30 acres, including fencing.

F. No part of any structure shall be closer than 100 feet to any property line or to any public road. However, the Planning Board shall have the authority to impose greater setbacks as it determines necessary to preserve the rural character and scenic qualities of the surrounding community or to mitigate adverse visual impacts of the solar farm facility.

G. Solar farms shall be enclosed by perimeter fencing, eight feet in height and set back at a sufficient distance from all components of the solar installation to restrict unauthorized access or other safety hazard. The type of perimeter fencing shall be subject to approval by the Planning Board.

H. Agricultural uses, including the raising of organic crops and small animals such as sheep, rabbits and chickens, may be carried out within the fenced perimeter of a solar farm.

I. The ground within the fenced perimeter of a Solar farm shall not be tamped, compressed, or otherwise specially conditioned with herbicides, pesticides or similar other treatments to inhibit the growth of natural vegetation.

J. The manufacturer's or installer's identification and appropriate warning signage and emergency contact information shall be posted at the site and clearly visible.

K. Solar farm buildings and accessory structures shall, to the maximum extent practicable, use materials, colors and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from scenic roadways, parks, historic properties and neighboring residences.

L. The average height of the solar panel arrays shall not exceed 12 feet.

M. Solar farm and Solar Power Plant panels and equipment shall be surfaced, designed, and sited so as not to reflect Glare onto adjacent private properties and public roadways.

N. There shall be no outdoor lighting associated with the Solar farm unless except as considered desirable for activation in the case of an emergency.
O. The use of paving and concrete shall be minimized in the design and construction of a solar farm.

P. Any on-site power lines shall, to the maximum extent practicable, be underground installations.

Q. Decommissioning.

(1) All site plan applications for solar farms shall be accompanied by a Decommissioning Plan to be implemented upon abandonment, or cessation of activity for 12 consecutive months, or in conjunction with removal of the structure. The Decommissioning Plan shall acknowledge the above requirements and explain how the removal of all above ground material and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The Plan shall also include an expected timeline for execution which shall in no event exceed one (1) year. As part of the Plan the applicant shall also acknowledge that should the removal not occur in accordance with the Plan, the Town may remove the system and restore the property and impose a lien on the property to cover any costs to the Town exceeding those covered by the bond or other performance guarantee.

(2) The site shall be restored to as natural a condition as possible within six (6) months of the removal.

(3) Prior to issuance of a building permit or special use permit, the owner and operator of the solar farm shall execute a Decommissioning Agreement secured by a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated costs, as determined by the Planning Board upon recommendation of the Town Engineer, to ensure removal of the Solar Energy System or facility or structure in accordance with the Decommissioning Plan described below. The form of the guarantee must be reviewed and approved by the Attorney to the Town and the Town Board, and the guarantee must remain in effect until the system is removed. The Performance Guarantee shall provide for a periodic review of the amount of the bond, in five year intervals, so as to permit the Town Board to require an increase in the amount of the security in the event of an escalation in the cost of Decommissioning. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a solar farm or solar power plant, a demolition permit for removal activities shall be obtained from the Town.

(4) In lieu of a Removal Bond, the Town Board, in its discretion, may permit the owner and operator to enter into a Decommissioning Agreement with
the Town which provides, in relevant part, that if the Decommissioning of the site is not completed within six months of the time period set forth above, the Town may, at its own expense, enter the property and remove or provide for the removal of the structures and equipment and/or the restoration of the site, as the case may be, in accordance with the Decommissioning Plan. Such agreement shall provide, in relevant part, that the Town may recover all expenses incurred for such activities from the defaulting property owner and operator. The cost incurred by the Town shall be assessed against the property and shall become a lien and tax upon said property and shall be added to and assessed as part of the taxes to be levied and assessed thereon and enforced and collected with interest in the same manner as other taxes. If such a Decommissioning Agreement is made, it shall be recorded by the landowner with the land records of Dutchess County and shall be an agreement which binds subsequent owners of the property. A copy showing the stamp of the recorder of deeds shall be given by the landowner to the Town Clerk. This provision shall not preclude the Town from collecting such costs and expenses by any other manner by action in law or in equity. In the event of any such legal proceedings, the owner and/or operator, as the case may be, shall be liable for all legal expenses, costs and disbursements in connection with said litigation, as awarded by a court of competent jurisdiction.

SECTION 4. STATEMENT OF AUTHORITY.

This Local Law is authorized by the New York State Constitution, Article IX, §2; the provisions of the New York State Municipal Home Rule Law (MHRL); the provisions of the Statute of Local Governments; all relevant provisions of the Town Law of the State of New York; the laws of the Town of Hyde Park and the general police powers vested in the Town of Hyde Park to promote the health, safety and welfare and residents and property owners within the Town.

SECTION 5. 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 6. 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 7.   REPEAL OF MORATORIUM LAW.

Upon the adoption of this local law, Local Law No. 5 of the Year 2019 imposing a six month moratorium on all applications for solar facilities shall be deemed repealed.

SECTION 8.   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 10:7 - 4 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SUBMIT THE DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 2020 FOR THE TOWN OF HYDE PARK DINSMORE PARK IMPROVEMENT PROJECT

WHEREAS, the Town of Hyde Park is part of the Dutchess County Community Development Consortium for Fiscal Year 2020; and

WHEREAS, the Town Board deems it beneficial to apply for CDBG funding for projects to benefit low to moderate income residents as stipulated in grant requirements and as various qualifying projects were discussed at Hyde Park Town Board meetings on September 9th and September 23rd, 2019; and

WHEREAS, input from citizens and groups has been received and considered and the public hearing duly noticed, was held on October 7, 2019 and closed the same date to hear all those interested; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby approve the Dutchess County Community Development Block Grant Program Application for Fiscal Year 2020 for the Town of Hyde Park including the certifications included therein; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does also hereby authorize and direct the Supervisor of the Town of Hyde Park to sign the same and submit to the Dutchess County Department of Planning and Development upon review and approval by the Attorney to the Town and the Town Engineer.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr
RESOLUTION 10:7 – 5 OF 2019

RESOLUTION AMENDING RESOLUTION 9:9 – 12 OF 2019 DESIGNATING NEIL KRUPNICK AS THE PRIMARY REPRESENTATIVE AND SUPERVISOR AILEEN ROHR AS THE ALTERNATE REPRESENTATIVE FOR THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

WHEREAS, by Resolution 9:9 - 12 of 2019, the Town Board authorized a change in the representatives for the Hudson River Drinking Water Intermunicipal Council for the Town of Hyde Park and designated Councilman Neil Krupnick as the Town’s “Primary Representative” and Supervisor Aileen Rohr as the Town’s “Alternate Representative”; and

WHEREAS, the resolution should have stated that Councilman Neil Krupnick be designated as the “Primary Representative” and Emily Svenson as the “Alternate Representative” to the Hudson River Drinking Water Intermunicipal Council for the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Hyde Park Town Board does hereby acknowledge the change to designate Councilman Neil Krupnick as the “Primary Representative” and Emily Svenson as the “Alternate Representative” for the Hudson River Drinking Water Intermunicipal Council for the Town of Hyde Park for the remainder of 2019.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____
RESOLUTION 10:7 - 6 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO RELEASE THE ROAD OPENING BOND FOR SOUTH CROSS ROAD WATER COMPANY, INC. (ROAD LOCATION: 12 GLORIA DRIVE, STAATSBURG)

WHEREAS, the Highway Superintendent accepted a check from South Cross Road Water Company, Inc. (Road Location: 12 Gloria Drive, Staatsburg); and

WHEREAS, this check was deposited into a non-bearing interest account to be held until the applicant complied with the terms and conditions as set forth by the Highway Superintendent; and

WHEREAS, the Highway Superintendent has inspected this road and is satisfied that the applicant has met all terms.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby direct the Town Supervisor to issue a check in the amount of $1,000.00 for the above road location to South Cross Road Water Company, Inc., PO Box 155, Hyde Park, NY 12538.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____
RESOLUTION 10:7 - 7 OF 2019

RESOLUTION AUTHORIZING TOWN OF HYDE PARK DEPUTY ASSESSOR, MARA ROTHMAN TO ATTEND THE PREPARING FOR A REASSESSMENT ONE DAY SEMINAR AT COLUMBIA GREENE COMMUNITY COLLEGE

WHEREAS, the Town of Hyde Park Deputy Assessor, Mara Rothman has requested approval to attend the Preparing for a Reassessment one day seminar presented by the Institute of Assessing Officers/New York State Assessors Association on Friday, December 6, 2019 from 9:00 am - 4:00 pm at Columbia Greene Community College in Hudson, New York; and

WHEREAS, the Town Board deems it appropriate and beneficial for Deputy Town Assessor, Mara Rothman to attend this seminar; and

WHEREAS, the fee associated with this seminar is $150 and will be allocated from the 2019 Assessor Department's training budget.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Deputy Town Assessor, Mara Rothman to attend the Preparing for A Reassessment one day seminar presented by the Institute of Assessing Officers/New York State Assessors Association on Friday, December 6, 2019 from 9:00 am - 4:00 pm at Columbia Greene Community College in Hudson, New York; and

BE IT FURTHER RESOLVED, that the Town Board does also hereby authorize reimbursement for travel and any necessary business expenditures deemed appropriate and reasonable.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr
RESOLUTION 10:7 - 8 OF 2019

RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF ESCROW FOR THE TOWN OF HYDE PARK ZONING ADMINISTRATOR

WHEREAS, escrow had been established for the review of the project as noted below; and

WHEREAS, the Zoning Administrator reviewed this project and recommends the release of the escrow balance as said project is complete.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, the Town Comptroller and all other personnel of the Town of Hyde Park who are in charge of administration of the below listed escrow account are hereby authorized to release to the said applicant the balance as listed below from their escrow account.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>PROJECT #</th>
<th>ENGINEER/PLANNER</th>
<th>TOTAL</th>
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<td>Niles-Harley Tucker Hill</td>
<td>04-10ESC</td>
<td>$433.00</td>
<td>$433.00</td>
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<td>St. Andrew’s Timber Harvest</td>
<td>2011-01TH</td>
<td>$8.40</td>
<td>$8.40</td>
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MOTION:  
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick  
Councilman Ray  
Councilman Marrine  
Councilman Schneider  
Supervisor Rohr

RESOLUTION 10:7 - 9 OF 2019
RESOLUTION AUTHORIZING TOWN OF HYDE PARK ZONING ADMINISTRATOR, KATHLEEN MOSS, TO ATTEND THE 16TH ANNUAL SOUTHEAST NEW YORK STATE STORMWATER CONFERENCE AND TRADE SHOW

WHEREAS, Kathleen Moss, the Town Zoning Administrator, would like to attend the 16th Annual New York State Stormwater Conference and Trade Show in Beacon, NY with said conference being held on October 16th, 2019; and

WHEREAS, the Town Board deems it appropriate and beneficial for the Zoning Administrator to attend this conference where continuing education and lectures will be provided to enhance the skills of the Zoning Administrator in performing her duties for the Town of Hyde Park; and

WHEREAS, said conference will be paid for in full by the Dutchess County MS4 Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town of Hyde Park Zoning Administrator to attend the 19th Annual New York State Stormwater Conference and Trade Show in Beacon, NY on October 16th, 2019.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 10:7 – 10 OF 2019

RESOLUTION AUTHORIZING TOWN OF HYDE PARK ZONING ADMINISTRATOR KATHLEEN MOSS TO CARRY OVER ACCRUED VACATION TIME
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Kathleen Moss, Town of Hyde Park Zoning Administrator to carry over up to 40 hours of accrued vacation time which she was unable to use prior to her anniversary date of October 16, 2019, and that said carry over vacation time must be used no later than April 16, 2020.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr

RESOLUTION 10:7 – 11 OF 2019 WAS NOT AVAILABLE AT TIME OF PUBLICATION
RESOLUTION 10:7 – 12 OF 2019

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK
FOR THE PERIOD OF SEPTEMBER 2019 BUDGET REVISIONS NUMBER 2019-09

WHEREAS, the Town Comptroller recommends certain budget revisions based on various department requests and/or the Town Comptroller’s review and analysis of Expenditures versus Budget.
NOW, THEREFORE, BE IT RESOLVED, that the following itemized revisions be authorized and approved by the Town of Hyde Park Town Board for September 2019 identified as Budget Revisions Number 2019-09.

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<tr>
<th>REVISION NUMBER</th>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT TITLE &amp; EXPLANATION</th>
<th>INCREASE DOLLARS</th>
<th>DECREASE DOLLARS</th>
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<td>GENERAL FUND CONT’D</td>
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01.2011 Facility Fees                                                                                       1,100.00
01.2012 Celebration Income                                                                               40.00
01.2070 Recreation Donations                                                                             150.00
01.2089 Other Recreation Fees                                                                             63.00
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<th>REVISION NUMBER</th>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT TITLE &amp; EXPLANATION</th>
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**HIGHWAY FUND**

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<th>Description</th>
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<td><strong>-Transfer for Optical Insurance</strong></td>
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</table>

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilman Krupnick  
Councilman Ray  
Councilman Marrine  
Councilman Schneider  
Supervisor Rohr
RESOLUTION 10:7 - 13 OF 2019

RESOLUTION AUTHORIZING TOWN OF HYDE PARK BUILDING INSPECTOR DON WESTERMEYER, AND DEPUTY BUILDING INSPECTOR, RICH LONGENDYKE TO ATTEND THE NEW YORK STATE BUILDING OFFICIALS CONFERENCE ON WEDNESDAY, NOVEMBER 13, 2019

WHEREAS, Town of Hyde Park Building Inspector, Don Westermeyer, and Deputy Building Inspector, Rich Longendyke would like to attend the New York State Building Officials Conference Wednesday, November 13, 2019 at the Poughkeepsie Grand Hotel; and
WHEREAS, the Town Board has determined that the attendance of the Building Inspector and Deputy Building Inspector would be beneficial to the Town of Hyde Park and to the functioning of their duties; and

WHEREAS, the cost for this conference is $130.00 per person and funds were approved in the 2019 Budget for such training.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Town of Hyde Park Building Inspector, Don Westermeyer, and Deputy Building Inspector, Rich Longendyke to attend the New York State Building Officials Conference Wednesday, November 13, 2019 at the Poughkeepsie Grand Hotel; and

BE IT FURTHER RESOLVED, that the Town Board also authorizes payment of $260.00 to Mid-Hudson NYSBOC and reimbursement for travel and any necessary business expenditures as deemed appropriate and reasonable.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick
Councilman Ray
Councilman Marrine
Councilman Schneider
Supervisor Rohr