

**AGENDA**

**HYDE PARK TOWN BOARD  
REGULAR MEETING & PUBLIC HEARING  
MONDAY, NOVEMBER 13, 2023, AT 6:00 P.M.**

**NOTE:** All Town Board Meetings are broadcast live on cable Channel 22 and archived on the Town's YouTube Page

<https://www.YouTube.com/channel/UCcb5NmRUM9SwOAL0vwcayrQ>

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ACCEPT MINUTES OF OCTOBER 30<sup>TH</sup> & NOVEMBER 7<sup>TH</sup>, 2023**

**PUBLIC COMMENT ON RESOLUTIONS ONLY**

**NOTE: "TIME LIMIT OF 3 MINUTES"**

**\*\*\*\* TOWN SUPERVISOR ASKS THE TOWN BOARD MEMBERS IF THERE ARE ANY CONFLICT OF INTEREST REGARDING THE ITEMS LISTED ON TONIGHT'S MEETING AGENDA**

**PUBLIC HEARING:**

1. PUBLIC HEARING ON THE PROPOSED BENEFIT ASSESSMENT ROLLS THAT THE TOWN ASSESSOR OF THE TOWN OF HYDE PARK, DUTCHESS COUNTY, NEW YORK, HAS FILED FOR THE FISCAL YEAR 2023 FOR THE PROPERTIES WITHIN THE SPECIAL IMPROVEMENT DISTRICTS IN THE TOWN OF HYDE PARK PURSUANT TO TOWN LAW §239

**RESOLUTIONS:**

1. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ACCEPT AND ADOPT THE BENEFIT ASSESSMENT ROLLS FOR 2023 FOR THE SPECIAL IMPROVEMENT DISTRICTS WITHIN THE TOWN OF HYDE PARK
2. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE REVISIONS TO THE 2024 PRELIMINARY BUDGET AND ADOPT THE FINAL BUDGET FOR FISCAL YEAR 2024 FOR THE TOWN OF HYDE PARK

3. AUTHORIZE TOWN OF HYDE PARK TOWN CLERK AND TOWN ENGINEER TO SOLICIT BIDS FROM SITE CONTRACTORS FOR THE TOWN OF HYDE PARK RECREATION'S BECK PARK IMPROVEMENT PROJECT
4. AUTHORIZE TOWN OF HYDE PARK TOWN CLERK TO SOLICIT BIDS FOR 2024 HIGHWAY MATERIALS FOR THE TOWN OF HYDE PARK HIGHWAY DEPARTMENT
5. AUTHORIZE TOWN OF HYDE PARK TOWN CLERK TO SOLICIT BIDS FOR 2024 CONTRACTUAL SERVICES FOR THE TOWN OF HYDE PARK HIGHWAY DEPARTMENT
6. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE LEASE OF A VEHICLE FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT FLEET
7. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT MEGHAN CARDINAL AS A PERMANENT FULL TIME PAYROLL CLERK FOR THE TOWN OF HYDE PARK PERSONNEL DEPARTMENT
8. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO SET THE PUBLIC HEARING TO CONSIDER A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND LAND USE APPROVALS FOR RETAIL CANNABIS ESTABLISHMENTS

**NEW AND OLD BUSINESS**

**ADJOURN**

**\*A MOTION MAY BE MADE TO ENTER EXECUTIVE SESSION**

**\*AGENDA SUBJECT TO CHANGE**

**RESOLUTION 11:13 – 1 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ACCEPT AND ADOPT THE BENEFIT ASSESSMENT ROLLS FOR 2023 FOR THE SPECIAL IMPROVEMENT DISTRICTS WITHIN THE TOWN OF HYDE PARK**

**WHEREAS**, a Public Hearing on the 2023 Benefit Assessment Rolls for Special Improvement Districts within the Town was duly noticed and held on November 13, 2023, at 6:05 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, the proposed Benefit Assessment Rolls for the Special Improvement Districts within the Town of Hyde Park; and

**WHEREAS**, said Public Hearing was closed on November 13, 2023, and the Town Board has taken into consideration the comments made by the public at the Public Hearing for said Special Improvement Districts.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby accept and adopt the 2023 Benefit Assessment Rolls for the Special Improvement Districts within the Town of Hyde Park as prepared by the Town Assessor Cheryl Kaszluga. A copy of which is on file in the Town Clerk’s Office.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**RESOLUTION 11:13 – 2 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE REVISIONS TO THE 2024 PRELIMINARY BUDGET AND ADOPT THE FINAL BUDGET FOR FISCAL YEAR 2024 FOR THE TOWN OF HYDE PARK**

**WHEREAS**, a Public Hearing on the Preliminary Budget was held on October 30, 2023, at 6:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, the proposed Annual Town of Hyde Park Budget for Fiscal Year 2024; and

**WHEREAS**, said Public Hearing was closed on October 30, 2023, and the Town Board had taken into consideration the comments made by the public at the Public Hearing; and

**WHEREAS**, the Town Comptroller has recommended certain changes to the Preliminary Budget for the 2024 Adopted Budget; and

**WHEREAS**, the Town Board has reviewed the changes to the Preliminary Budget detailed on the attached schedule; and hereto made a part thereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby adopt the annexed detailed statement of expenditures and revenues as the Annual Budget of the Town of Hyde Park, including the Special Districts within the Town, for the Fiscal Year commencing January 1, 2024, pursuant to, and in accordance with, the provisions of Section 109 of New York State Town Law and other applicable provisions of law; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to file the Annual Budget for Fiscal Year 2024 adopted hereby in the minutes of the Town Board and prepare and certify duplicate copies of said annual budget hereby adopted, as required by law, and deliver such copies to the Supervisor of the Town; and

**BE IT FURTHER RESOLVED**, that the Supervisor is directed to present the certified copies of the Adopted Budget for Fiscal Year 2024 to the County of Real Property Tax as required by law.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**RESOLUTION 11:13 – 3 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN CLERK AND TOWN ENGINEER TO SOLICIT BIDS FROM SITE CONTRACTORS FOR THE TOWN OF HYDE PARK RECREATION’S BECK PARK IMPROVEMENT PROJECT**

**WHEREAS**, it was determined that improvements would be beneficial for the Town of Hyde Park Recreation’s Beck Park by implementing improvements to the basketball court and the parking lot, relocating the playground, and installing new soccer goals; and

**WHEREAS**, the Town had applied for the Dutchess County Community Development Block Grant Program to seek funding for said project; and

**WHEREAS**, Dutchess County awarded the Town grant funding in the amount of \$100,000.00 to use towards the Beck Park Improvement Project; and

**WHEREAS**, the basketball court and miscellaneous site work require the Town Clerk with the assistance of the Town Engineer and Town of Hyde Park Recreation Director to solicit bids from site contractors according to the Town’s Procurement Policy; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby authorize the Town Clerk, with the assistance of the Town Engineer, and Town of Hyde Park Recreation Director, to solicit bids for the basketball court and miscellaneous site work, and utilize the service of Bidnet; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall comply with the requirements of §103 of the General Municipal Law and/or the Town’s procurement policies to the extent they apply to this bid work.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**RESOLUTION 11:13 – 4 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN CLERK TO SOLICIT BIDS FOR 2024 HIGHWAY MATERIALS FOR THE TOWN OF HYDE PARK HIGHWAY DEPARTMENT**

**WHEREAS**, the Town of Hyde Park Highway Superintendent, Howard Fisher has requested that the Town Board authorize Town Clerk, Donna McGrogan, to go out to bid for the following 2024 Highway Materials:

1. Crushed Stone
2. Screened Bank Run Gravel/Brown Item #4
3. Concrete Structures
4. Bituminous Mix (hot and cold)

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby authorize Town Clerk, Donna McGrogan with the assistance of Highway Superintendent, Howard Fisher to solicit bids for the 2024 Highway Materials as set forth in the letter received from the Town Highway Superintendent dated November 1, 2023, and which is on file in the Town Clerk’s Office.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**RESOLUTION 11:13 – 5 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN CLERK TO SOLICIT BIDS FOR 2024 CONTRACTUAL SERVICES FOR THE TOWN OF HYDE PARK HIGHWAY DEPARTMENT**

**WHEREAS**, the Town of Hyde Park Highway Superintendent, Howard Fisher has requested that the Town Board authorize Town Clerk, Donna McGrogan, to go out to bid for the following 2024 Highway Contractual Services:

1. Tree Service (Prevailing Wage)
2. Basin & Pipe Cleaning (Prevailing Wage)

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby authorize Town Clerk, Donna McGrogan with the assistance of Highway Superintendent, Howard Fisher to solicit bids for the 2024 Highway Contractual Services as set forth in the letter received from the Town Highway Superintendent dated November 1, 2023, and which is on file in the Town Clerk’s Office.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**RESOLUTION 11:13 – 6 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE LEASE OF A VEHICLE FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT FLEET**

**WHEREAS**, the Hyde Park Police Department is in need of replacing one of the vehicles in their motor fleet that has exceeded its useful life (a 2018 Chevrolet Malibu VIN# 1G1ZD5STXJF105216);

**WHEREAS**, the Town Supervisor and the Town Comptroller reviewed this request with the Hyde Park Police Chief and recommend that this vehicle be replaced; and

**WHEREAS**, the Hyde Park Police Department, after due diligence to procure a suitable replacement vehicle, and at the direction of the Town of Hyde Park Police Chief, has solicited bids for the procurement of a 2023 Ford Police Interceptor according to the Town’s Procurement Policy; and

**WHEREAS**, the lowest qualified bidder was Nielsen Ford for a NYS bid price of \$53,600.25 for the leasing of a suitable vehicle through 911 Leasing at an interest rate 7.37%; and

**WHEREAS**, the purchase and equipping of this vehicle will and can be funded by the Police Department’s 2023-2025 budget;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby authorize the leasing and equipping of vehicle for the Town of Hyde Park Police Department fleet at a total cost not to exceed \$60,754.52.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes \_\_\_\_\_  
Councilwoman Ruggiero \_\_\_\_\_  
Councilman Lombardi \_\_\_\_\_  
Councilman Prusakowski \_\_\_\_\_  
Supervisor Torreggiani \_\_\_\_\_



**RESOLUTION 11:13 – 7 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT MEGHAN CARDINAL AS A PERMANENT FULL TIME PAYROLL CLERK FOR THE TOWN OF HYDE PARK PERSONNEL DEPARTMENT**

**WHEREAS**, by Resolution 11:1 – 6 of 2022 Meghan Cardinal was appointed as a permanent full time Account Clerk; and

**WHEREAS**, the Town was notified that as of November 8, 2023, Meghan Cardinal had passed the Civil Service Examination for Payroll Clerk and is now eligible to be appointed as a permanent full time Payroll Clerk for the Town of Hyde Park Personnel Department.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hyde Park Town Board does hereby appoint Meghan Cardinal as a permanent full time Payroll Clerk for the Town of Hyde Park Personnel Department effective to November 8, 2023, at a salary of \$49,050.00; and

**BE IT FURTHER RESOLVED**, that her terms and conditions of employment shall be subject to the terms of the Town of Hyde Park Employee Handbook; and

**BE IT FURTHER RESOLVED**, that said appointment is subject to a probationary period as set forth in the Civil Service Law of the State of New York of not less than eight (8) and no more than twenty-six (26) weeks; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to execute any and all documents required by the Dutchess County Department of Human Resources to effectuate said appointment.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**ADDED TO AGENDA ON NOVEMBER 13<sup>TH</sup> 2023 AT 12:45PM**

**RESOLUTION 11:13 – 8 OF 2023**

**RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND LAND USE APPROVALS FOR RETAIL CANNABIS ESTABLISHMENTS**

**WHEREAS**, the Town of Hyde Park Town Board is desirous of passing a local law to place a temporary moratorium on cannabis establishments in the Town; and

**WHEREAS**, New York State Law provides that a public hearing must be conducted prior to the passage of said local law.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board will conduct a Public Hearing at the Town Hall on December 11, 2023 at 6:05pm. for the purpose of taking public comment on, and giving due consideration to, the enactment of a Local Law regarding a temporary moratorium on cannabis establishments; and

**BE IT FURTHER RESOLVED**, that a copy of said Local Law is available at the Town Clerk's Office for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and hereby is authorized and directed to publish notice of said Public Hearing in the official newspaper; and

**BE IT FURTHER RESOLVED**, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**MOTION:**

**SECOND:**

**ROLL CALL VOTE BY TOWN CLERK**

Councilwoman Noakes	_____
Councilwoman Ruggiero	_____
Councilman Lombardi	_____
Councilman Prusakowski	_____
Supervisor Torreggiani	_____

**TOWN OF HYDE PARK LOCAL LAW NUMBER D OF 2023**

**A LOCAL LAW AMENDING THE ZONING CODE TO ADOPT A 6 MONTH MORATORIUM TEMPORARILY PROHIBITING ANY BUSINESS OR COMMERCIAL OPERATION WHICH INCLUDES TO ANY DEGREE THE DISTRIBUTION OF MARIJUANA OR ANY FORM OF CANNABIS, WHETHER FOR SALE OR GIFT OR OTHERWISE, IN THE TOWN OF HYDE PARK.**

Be it enacted by the Town Board of the Town of Hyde Park, as follows:

1. Authority and Applicability. This local law is adopted pursuant to the authority vested in the Town Board of the Town of Hyde Park pursuant to Municipal Home Rule 10 of the State of New York.

2. Declaration of Purpose. The Town Board finds that to better effectuate the purposes and intentions of the Town laws concerning zoning and site plan review, and, to ensure that residents and visitors to the Town of Hyde Park are protected through an increased supervision and regulation of the distribution of marijuana or any form of cannabis, whether by sale, gift or otherwise, certain amendments to the Zoning Code of the Town of Hyde Park are necessary and proper to promote the safety, health, protection and general welfare of the persons and property in the Town of Hyde Park. The legalization of such uses by New York State has only recently been effectuated, and the Code presently has no provision for the regulation of time, place and manner for such uses to protect the orderly development of the Town in accordance with its guiding planning documents and principles of land use regulation unique to the use.

3. Moratorium Imposed; Applicability. (a) For a period of six (6) months following the effective date of the adoption of this local law, no application for any establishment or activity which would distribute marijuana or any form of cannabis in the Town of Hyde Park, whether by sale, gift or otherwise, shall be eligible for or receive any approval, whether preliminary, final or otherwise. This includes any application currently pending or hereinafter filed before the building inspector, planning board or zoning board of appeals;

(b) During the period of this moratorium, the Town Board shall take reasonable efforts to complete the necessary review, study, analysis and revisions to Chapter 108 of the Code of the Town of Hyde Park entitled "Zoning" concerning the subject of the distribution of marijuana or any other form of cannabis, whether by sale, gift or otherwise.

(c) This moratorium may be extended by the Town Board upon a finding of the necessity of such extension.

4. Early Termination. In the event that any new local law which addresses the substantive issues set forth in this local law should be enacted by the Town

Board prior to the date that the moratorium imposed by this local law expires, then the moratorium imposed by this local law shall expire on the date that such new local law takes effect in accordance with NYS Municipal Home Rule Law 27.

5. SEQRA. The Town Board has designated itself as the lead agency for the purpose of evaluating any environmental impacts associated with this Local Law. In this regard, the Town Board has determined that the proposed enactment of this Local Law is classified as a Type II action and thereby exempt from SEQRA.

6 . Conflict with State Statutes and Authority to Supersede. To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of any local law of the Town of Hyde Park, or any laws of the State of New York, this local law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This local law specifically supersedes any and all provisions contained in the New York State Town Law and the New York State Environmental Conservation Law which require action by the Town Planning Board or Zoning Board of Appeals within specified time periods. Further, notwithstanding any law, rule or regulation to the contrary, no approvals for the distribution, whether by sale, gift or otherwise, of marijuana or any other form of cannabis, which are the subject of this moratorium shall be granted or dispensed with as a result of the passage of time. This law also specifically supersedes Town Law and any other New York State or local laws, rules or regulations pertaining to the grant of any variance authority to the Zoning Board of Appeals, it being the intention of this local law than any authority to grant variances by any boards or bodies other than the Town Board is hereby superseded by this local law so as to vest any authority to approve a variance from this local law solely in the Town Board.

7. Hardship Waivers. A landowner may make application to the Town Board for a “hardship waiver” allowing its application to be exempt from this moratorium on the grounds that the subject property cannot be put to any other lawful uses than as a a cannabis distributor and provide a reasonable return. If a landowner is granted such a waiver, it shall entitle the landowner to process any application necessary for the development and operation of a cannabis distribution facility, but the landowner shall process at its own risk, as no permits may be issued until this Moratorium has been repealed, expired without renewal, or deemed unlawful in its whole.

8. Severability. If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is

hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

9. Effective Date. This local law shall become effective upon filing in the offices of the Secretary of State.