MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, FEBRUARY 25, 2019 AT 6:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILMAN NEIL KRUPNICK
COUNCILMAN DAVID RAY
COUNCILMAN JOSEPH MARRINE
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA McGROGAN

Supervisor Rohr called the meeting to order with the Pledge of Allegiance to the flag.

Supervisor Rohr explained the history of the Downtown Initiative and its goal for a vibrant downtown walkable area. She introduced the three items being discussed and opened the floor to questions and answers.

1. Pedestrian Improvements
2. Town Core Zoning
3. Route 9 Commercial Sewer District

MOTION: Councilman Schneider
SECOND: Councilman Marrine

To open the public hearing at 7:25pm

VOICE VOTE: 5 – 0 CARRIED

Town Clerk Donna McGrogan read the public hearing notice 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” as it appeared in the newspaper.

PUBLIC COMMENT: none

MOTION: Councilman Schneider
SECOND: Councilman Ray

To close the public hearing

VOICE VOTE: 5 – 0 CARRIED at 7:30pm
Supervisor Rohr continued the Downtown Initiative Update regarding the Route 9 Commercial Sewer District.

PUBLIC COMMENT ON RESOLUTIONS ONLY: none

RESOLUTION 2:25 – 1 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO PROMOTE ROBERT J. BENSON TO PERMANENT TOWN OF HYDE PARK POLICE CHIEF AND GRANT PERMANENT COMPETITIVE CLASS STATUS

WHEREAS, Robert J. Benson is employed in the Town of Hyde Park and has permanent competitive class status as a Police Lieutenant since November 10, 2011 from eligible list #53-11; and

WHEREAS, the Town Board of the Town of Hyde Park had appointed Robert J. Benson as Provisional Town of Hyde Park Police Chief on September 24, 2018; and

WHEREAS, a non-competitive promotion field for Town Police Chief currently exists in the Town of Hyde Park; and

WHEREAS, the Town Board wishes to grant Robert J. Benson a non-competitive promotion to the position of Town of Hyde Park Police Chief to be effective February 25, 2019; and

WHEREAS, Robert J. Benson has successfully participated in the promotional examination for Town Police Chief, eligible list #12-56 and has five (5) years of permanent competitive status as a Police Lieutenant.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby appoints Robert J. Benson as Permanent Town Police Chief and pursuant to Civil Service Law Section 52(7), Benson is granted permanent competitive class status in the title of Town Police Chief, effective February 25, 2019, subject to a probation period of twelve (12) weeks; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the Town Supervisor to execute the employment agreement negotiated between Robert J. Benson and the Town of Hyde Park.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick Aye
RESOLUTION 2:25 - 2 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE PURCHASE OF TWO VEHICLES FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT FLEET

WHEREAS, The Police Department is in need of replacing two cars in their motor fleet that have exceeded their useful life, vehicles HP04 with 125,000 miles and HP10 with 172,000 miles; and

WHEREAS, the Town Supervisor and the Town Comptroller discussed this request with the Hyde Park Police Chief and recommend that these vehicles be replaced; and

WHEREAS, the Police Department will make all efforts to comply with the Town Procurement Policy and Procedures; and

WHEREAS, the purchase and equipping of these vehicles will be funded by the Town Comptroller in the March Budget Revisions.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board hereby authorizes the purchase of said vehicles for the Town of Hyde Park Police Department at a total cost not to exceed $100,000.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 - 3 OF 2019

RESOLUTION ADOPTING LOCAL LAW NO. B OF 2019 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

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 the point of its 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 South at the point of its intersection with 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 did not require SEQRA review; and

WHEREAS, the Town Board scheduled a public hearing on said Local Law for February 25, 2019 at 7:05 p.m. and opened and closed the public hearing on that same date.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts 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”; and

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

MOTION: Councilman Marrine
SECOND: Councilman Schneider

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick Aye
Councilman Ray Aye
Councilman Marrine Aye
Councilman Schneider Aye
Supervisor Rohr Aye CARRIED

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 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 2:25 - 4 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ACCEPT THE 2018-2019 GRANT AWARD FROM THE JUSTICE COURT ASSISTANCE PROGRAM (JCAP)

WHEREAS, the Justice Court Assistance Program (JCAP) was established in 1999 to provide some State assistance to Town and Village Courts; and

WHEREAS, since the release of the Unified Court Systems Action Plan for Justice Courts in November 2006, the program has been significantly expanded; and

WHEREAS, the maximum JCAP award is $30,000 and may be used for a variety of purposes, including office and security equipment, and courtroom renovations; and

WHEREAS, the Town of Hyde Park Justice Court was authorized by Resolution 10:15 - 18 of 2018 to apply for said grant; and

WHEREAS, the Town of Hyde Park Justice Court was awarded the 2018-2019 Justice Court Assistance Program (JCAP) Award in the amount of $699.00 by letter dated January 14, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the Town Supervisor to accept on behalf of the Town
of Hyde Park Justice Court the 2018-2019 Justice Court Assistance Program (JCAP) Award in the amount of $699.00 to be used for the purchase of office furniture for the Town of Hyde Park Justice Court offices; and

BE, IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does also hereby authorize the Town Supervisor to sign any and all documentation relating to the processing of the acceptance for this award.

MOTION: Councilman Schneider  
SECOND: Councilman Marrine  
VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 - 5 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH VIDEO VENTURES LTD. FOR THE CONTINUED TAPING AND TELEVISION OF TOWN BOARD AND PLANNING BOARD MEETINGS

WHEREAS, the Town has received a request from Video Ventures Ltd. to renew their current contract to provide continued services for the taping and televising of Town Board and Planning Board Meetings and having them shown on Channel 22 at a cost of $1,300 per month; and

WHEREAS, the Town Board and Town Comptroller have reviewed this request and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute a contract with Video Ventures Ltd. for the continued taping and televising of Town Board and Planning Board Meetings at the cost of $1,300 per month; and

BE IT FURTHER RESOLVED, that any additional video services will be contracted on an “as needed” basis with the prior approval of the Town Supervisor and the Town Board.

MOTION: Councilman Krupnick  
SECOND: Councilman Ray  
VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 - 6 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF DUTCHESS TO PROVIDE COORDINATED DRIVING WHILE INTOXICATED CHECKPOINTS IN DESIGNATED AREAS
WHEREAS, the County of Dutchess and the Town of Hyde Park have entered into an agreement dated April 30, 2018 in which the Town is to provide police patrols in connection with DWI saturation patrols in return for certain reimbursement paid by the County to the Town; and

WHEREAS, the County of Dutchess has proposed a second, separate contract between the County and the Town in which the Town police force will be providing coordinated driving while intoxicated checkpoint services in designated areas; and

WHEREAS, the terms of the proposed agreement has been reviewed by the Town Supervisor, Town Comptroller, Attorney to the Town and Chief of Police for the Town, and has been determined to be acceptable; and

WHEREAS, pursuant to the contract, there will be no additional reimbursement to the Town for this service.

NOW THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the proposed Agreement between the County of Dutchess and the Town of Hyde Park to provide coordinated driving while intoxicated checkpoint services in designated areas effective January 1, 2019 and terminating on December 31, 2019. A copy of said agreement will be filed in the Hyde Park Town Clerk’s office.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 - 7 OF 2019

RESOLUTION AMENDING RESOLUTION 7:16 - 17 OF 2018 APPOINTING CONOR TARBEll TO THE TOWN OF HYDE PARK CONSERVATION ADVISORY COUNCIL (CAC)

WHEREAS, Conor Tarbell was appointed to the Town of Hyde Park Conservation Advisory Council (CAC) by Resolution 7:16 - 17 of 2018 for a term to expire December 31, 2019; and

WHEREAS, Resolution 7:16 - 17 of 2018 should have stated that Conor Tarbell’s term would expire December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby amend Resolution 7:16 - 17 of 2018 to reflect the correct expiration date of Conor Tarbell’s term for the Conservation Advisory Committee (CAC) to be December 31, 2020.

MOTION: Councilman Marrine
SECOND: Councilman Schneider
RESOLUTION 2:25 – 8 OF 2019

RESOLUTION AUTHORIZING THE ATTORNEY TO THE TOWN TO EXECUTE A STIPULATION OF SETTLEMENT FOR DG STRATEGIC II C/O DOLLAR GENERAL v. BOARD OF ASSESSMENT REVIEW OF THE TOWN OF HYDE PARK, DUTCHESS COUNTY INDEX NOS. 51799/2017 AND 52152/2018

WHEREAS, DG Strategic II c/o Dollar General has filed two Petitions in the Dutchess County Supreme Court challenging the assessment for their property having tax parcel number 6165-03-413027 seeking a reduction in the assessments for those tax years from $768,000 to $370,500; and

WHEREAS, the Attorney to the Town with the assistance of the Town Assessor has negotiated a settlement of this litigation which involves the reduction of the assessment for 2017 to $675,000 and for 2018 to $616,000; and

WHEREAS, the Town Board has been provided with a proposed Order and Stipulation of Settlement, which has been reviewed and approved by the Attorney to the Town and the Town Assessor and has found that the settlement of this case upon the terms set forth in these documents represents a fair and equitable settlement of these tax assessment proceedings.

NOW, THEREFORE, BE IT RESOLVED, that the Attorney to the Town is hereby authorized to execute the Stipulation of Settlement in the same, or substantially similar form as presented to the Town Board.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 – 9 OF 2019

RESOLUTION REAPPOINTING DONNA MCGROGAN TO THE TOWN OF HYDE PARK BOARD OF ETHICS

WHEREAS, the Town of Hyde Park has established a Board of Ethics pursuant to the provisions of §808 of the General Municipal Law; and

WHEREAS, Donna McGrogan was appointed a member of said board in 2014 and her term will expire as of February 28, 2019.

NOW THEREFORE BE IT RESOLVED, that the Hyde Park Town Board does hereby re-appoint Donna McGrogan to serve another term on The Town of Hyde Park
MOTION: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:25 - 10 OF 2019

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW C OF 2019 ENTITLED: "AMENDMENTS TO THE TOWN CODE AND AMENDMENT TO THE TOWN'S COMPREHENSIVE PLAN WITH REGARD TO THE CREATION OF A TOWN CORE ZONING DISTRICT"

WHEREAS, the Town Board determined that in order to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan as amended by the 2018 Planning and Engineering Report for the Redevelopment of the Town Center ("Town Center Report"), the 2013 Hyde Park Town Board Pedestrian Study; and a Supplemental Planning Memorandum entitled: "Town Center Vision", and in order to revitalize and redevelop the area generally surrounding the intersection of Pinewoods Road and Albany Road (Route 9), a Town Core ("TC") Zoning District should be created by local law; and

WHEREAS, the Town Board retained the services of Nelson Pope & Voorhis, LLC, Environmental and Planning Consultants, and its partner, Bonnie Franson, AICP, CEP, PP, to assist in creating the said local law and the Town Core Zoning District Design and Development Standards as an appendix to the Zoning Code; and

WHEREAS, the said Planning Consultant has, for the past several months, worked with an advisory committee consisting of the Town Supervisor and the Downtown Initiative Coordinator, the Town's Planning Board Chairman, a member of the Planning Board, the Town's Zoning Administrator, the Attorney to the Town and a Planner from DCPD; and

WHEREAS, pursuant to those efforts, a draft local law has been prepared, together with a set of Design and Development Standards and a Supplemental Memorandum entitled: "Town Center Vision"; and

WHEREAS, the purpose of the Town Core Zoning District is to acknowledge and preserve important and Town-valued historic architectural, to allow development in accordance with traditional neighborhood patterns and to encourage attractive and compatible in-fill commercial and residential development with public amenities which, hopefully, will result in a destination and gathering place for Town residents; and

WHEREAS, the Town Core Design and Development Standards will guide new development by, among other things, allowing the buildings to be larger and yard
setbacks to be smaller, while permitting an intensity and density of uses consistent with
traditional rural downtowns in the Hudson River Valley; and

WHEREAS, the entire TC District will be united by consistent streetscape design
and appropriate pedestrian connections; and

WHEREAS, a Supplemental Memorandum entitled: “Town Center Vision” has
been prepared to be adopted as an amendment to the Comprehensive Plan; and

WHEREAS, a Part 1 of the Full EAF has been prepared by the Town’s
Consultants and submitted to the Town Board, together with the proposed local law and
the “Town Center Vision” Memorandum; and

WHEREAS, the Town Board has determined that it is the only involved agency
with regard to the enactment of this local law and Comprehensive Plan amendment and
that this is a Type 1 action under SEQRA; and

WHEREAS, the Town Board has reviewed the Part 1 of the Full EAF, the
proposed local law, the Design and Development Standards, and the “Town Center
Vision” Memorandum and has determined that the said documents are acceptable for
purposes of commencing the local law and Comprehensive Plan review and adoption
process.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby:

1. Assumes lead agency status for purposes of enactment of the said local law
   and amendment to the Comprehensive Plan.

2. Schedules a public hearing on the adoption of the said local law and Design
   and Development Standards and its appendix thereto and the “Town Center
   Vision” Memorandum for April 8, 2019 at 7:05 p.m.

3. The Town Clerk is hereby directed to post notice of said public hearing on the
   Town’s official board and on the Town’s website, and to give notice of the said
   public hearing to adjoining municipalities and all other persons or entities
   required to receive notice by law.

4. The Town Clerk is hereby directed to forward a copy of the local law, the
   Design and Development Standards, the “Town Center Vision” Memorandum
   and Part 1 of the Full EAF to the Dutchess County Department of Planning
   and Development in accordance with the requirements of §239-m of the
   General Municipal Law.

5. The Town Board hereby refers the said proposed local law, Design and
   Development Standards and the “Town Center Vision” Memorandum to the
   Hyde Park Planning Board for its review and comments.
MOTION: Councilman Ray
SECOND: Councilman Krupnick

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick Aye
Councilman Ray Aye
Councilman Marrine Aye
Councilman Schneider Aye
Supervisor Rohr Aye CARRIED

NEW & OLD BUSINESS:

Supervisor Rohr reminded everyone that March 1st is the deadline for the Star Tax Relief Applications.

MOTION: Councilman Schneider
SECOND: Councilman Ray

To adjourn meeting

VOICE VOTE: 5 - 0 CARRIED

Meeting adjourned at 8:30pm

Respectfully submitted,

Donna McGrogan
Town Clerk