MINUTES OF THE REGULAR MEETING, PUBLIC HEARING AND WORKSHOP OF
THE HYDE PARK TOWN BOARD HELD AT TOWN HALL, 4383 ALBANY POST
ROAD, HYDE PARK, NEW YORK 12538 ON MONDAY, AUGUST 12, 2019 AT 7:00
PM

PRESENT:

SUPERVISOR ROHR
COUNCIMAN KRUPNICK
COUNCILMAN RAY
COUNCILMAN MARRINE
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA MCGROGAN

ABSENT: COUNCILMAN SCHNEIDER

Supervisor Rohr called the meeting to order with the pledge of allegiance to the flag

MOTION: Councilman Ray
SECOND: Councilman Krupnick

That the minutes of the July 15, 2019 and July 23, 2019 Town Board meetings, as submitted by the Town Clerk, be approved.

VOICE VOTE: 4 – 0 CARRIED

The Town Board entered Workshop and discussed the following:

1) DUTCHESS COUNTY DIVISION OF VETERAN SERVICES PRESENTATION BY
DIRECTOR MARC COVIELLO

Supervisor Rohr opened the continuation of the public hearing for proposed 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”

PUBLIC COMMENT: None

MOTION: Supervisor Rohr
SECOND: Councilman Ray

To continue the Public Hearing to September 23, 2019 at 7:05pm.

VOICE VOTE: 4 – 0 CARRIED
RESOLUTION 8:12 - 1 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT BRYAN SWEENEY AS A FULL-TIME POLICE OFFICER FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT

WHEREAS, that at the current time due to injuries and current reduced staffing, Police Chief Robert Benson has determined that there is a need for additional staffing within the Town of Hyde Park Police Department; and

WHEREAS, Bryan Sweeney is reachable on the Dutchess County Department of Human Resources Certification of Eligibles List, and has passed the agility test and pre-employment medical examination as directed by the Dutchess County Department of Human Resources; and

WHEREAS, Chief of Police Robert Benson would like to appoint Bryan Sweeney as a temporary full-time Town of Hyde Park Police Officer effective August 13, 2019 through August 31, 2019; and

WHEREAS, effective September 1, 2019 there will exist a vacancy in the Hyde Park Police Department for a full-time Police Officer; and

WHEREAS, at such time Chief of Police Robert Benson would then like to appoint Bryan Sweeney as a permanent full-time police officer to the Town of Hyde Park Police Department.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint Bryan Sweeney to the position of temporary full-time Police Officer effective August 13, 2019 through August 31, 2019 at an hourly rate of $25.22 per hour per the PBA Collective Bargaining Agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby also appoint Bryan Sweeney to the position of permanent full-time Police officer for the Town of Hyde Park Police Department effective September 1, 2019 at an hourly rate of $25.22 per the PBA Collective Bargaining Agreement; and

BE IT FURTHER RESOLVED, that said permanent appointment is subject to a probationary period as set forth in the Civil Service Law of the State of New York and shall be subject to all Civil Service Law Rules and Regulations.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick Aye
Councilman Ray Aye
Councilman Marrine Aye
Councilman Schneider Absent
RESOLUTION 8:12 - 2 OF 2019

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF TOWN OF HYDE PARK POLICE OFFICER DANIEL MONTALTO

WHEREAS, Town of Hyde Park Police Officer Daniel Montalto has submitted a letter of resignation effective August 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Town of Hyde Park Police Officer Daniel Montalto.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0

RESOLUTION 8:12 - 3 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT ROBERT G. POLLARD, JR. AS THE TOWN OF HYDE PARK RECREATION DIRECTOR

WHEREAS, there exists a vacancy in the Town of Hyde Park Recreation Department for a full-time Recreation Director due to the recent retirement of the current Recreation Director, Kathleen Davis; and

WHEREAS, the current Certification of Eligibles list for Recreation Director was requested from the Dutchess County Civil Service Department and candidates were canvassed; and

WHEREAS, interviews were held and candidate Robert G. Pollard, Jr. was reachable on the Dutchess County Department of Civil Service Certification of Eligibles List and

WHEREAS, the Town of Hyde Park Recreation Commission recommended to the Town of Hyde Park Town Board that Mr. Pollard be appointed as the Town of Hyde Park Recreation Director.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint Robert G. Pollard, Jr. to the position of full-time Recreation Director for the Town of Hyde Park effective August 20, 2019 for 35 hours per week at a salary of $50,960.00 per year; and

Supervisor Rohr Aye CARRIED

Town Clerk Donna McGrogan administered the Oath of Office to Police Officer Sweeney.
BE IT FURTHER RESOLVED, that all other terms and conditions of employment are covered by 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 and shall be subject to all Civil Service Law Rules and Regulations.

MOTION: Councilman Marrine
SECOND: Councilman Ray

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 8:12 - 4 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT JOANNE LOWN, SENIOR ACCOUNT CLERK AS PROVISIONAL DEPUTY COMPTROLLER FOR THE TOWN OF HYDE PARK

WHEREAS, by Resolution 6:17 of 2019 the Town Board of the Town of Hyde Park created the full-time competitive position of Deputy Comptroller to assist the Town Comptroller in the duties of the department; and

WHEREAS, the Town of Hyde Park Town Comptroller, Tom Carey recommends that Joanne Lown, Senior Account Clerk be appointed to the position of Deputy Comptroller; and

WHEREAS, Joanne Lown, Senior Account Clerk possesses the qualifications and experience necessary to fill the position of Deputy Comptroller; and

WHEREAS, since there is not a current Civil Service list to appoint from for the position of Deputy Comptroller, the Town may make a provisional appointment to Joanne Lown, Senior Account Clerk pending a Civil Service examination for said position.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Hyde Park does hereby appoint Joanne Lown, provisional Deputy Comptroller effective August 19, 2019 at a salary of $62,000, for thirty-five hours per week, and that all other terms and conditions of employment are covered by 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 and shall be subject to all Civil Service Law Rules and Regulations.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE: 4 - 0 CARRIED
RESOLUTION 8:12 - 5 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO EXTEND THE INCREASE OF HOURS FOR PART-TIME ACCOUNT CLERK HEIDI PETERS FOR THE TOWN OF HYDE PARK ADMINISTRATIVE OFFICE

WHEREAS, by Resolution 5:6 - 9 of 2019 the Town Board of the Town of Hyde Park had initially increased the work hours of part-time Account Clerk Heidi Peters to 35 hours per week.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize extending the temporary increase of hours for part-time Account Clerk Heidi Peters effective August 13, 2019 for a time period not to exceed ninety days; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board does also hereby authorize the Hyde Park Town Supervisor to execute all necessary paperwork with the Dutchess County Department of Human Resources to establish the extended increase of hours for part-time Account Clerk Heidi Peters.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 8:12 - 6 OF 2019

RESOLUTION AUTHORIZING TOWN OF HYDE PARK HIGHWAY SUPERINTENDENT TO AUCTION SURPLUS HIGHWAY EQUIPMENT

WHEREAS, the Town of Hyde Park Highway Department is in possession of a 2005 Western Pro Plow Ultra Mount, TM #04062210012760390 and a 1998 Leeboy Roller, Model 400T Lomardi 3 cylinder, Serial #4013065, which is no longer needed for highway work, is worn, obsolete and non-functional; and

WHEREAS, the Highway Superintendent has requested approval from the Town Board to sell this equipment by public auction via Absolute Auction.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town Hyde Park does hereby authorize the Hyde Park Highway Superintendent, pursuant to the provisions of §142 of the Highway Law, to sell, or otherwise dispose of, in his discretion, the said highway equipment by public auction via Absolute Auction, because it is no longer needed for Highway Department purposes, highway work, is worn, obsolete and non-functional; and
BE IT FURTHER RESOLVED, that said surplus items shall be sold in AS IS CONDITION without any warranty as to condition; and

BE IT FURTHER RESOLVED, that the proceeds from the sale of the vehicle shall be first used to pay debt service that is outstanding for these items if any, and any balance that remains shall be paid into the Highway Department Town fund.

MOTION: Councilman Marrine
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0  CARRIED

RESOLUTION 8:12 - 7 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE REQUEST FROM THE CULINARY INSTITUTE OF AMERICA TO CONDUCT A FIREWORKS DISPLAY ON SEPTEMBER 9, 2019 IN THE TOWN OF HYDE PARK

WHEREAS, the Town Board of the Town of Hyde Park received an application pursuant to Penal Law §405 from the Culinary Institute of America to conduct a fireworks display on the evening of September 9, 2019, at approximately 9:00 p.m., on the campus of the Culinary Institute of America in conjunction with the Culinary Institute’s annual “Week of Welcome Ceremony”; and

WHEREAS, the application addresses all of the requirements of Penal Law §405; and

WHEREAS, the Town Board has reviewed the application and accompanying documents received on or about July 23, 2019, copies of which are on file with the Town Clerk; and

WHEREAS, the applicant has notified the Town of Hyde Park, the Hyde Park Chief of Police, the Dutchess County Sheriff's Office, and the Fire Chief of the Roosevelt Fire District of the date of the fireworks display to be held on September 9, 2019; who will be working with on-campus safety personnel to insure that all necessary and prudent safety precautions are in place for the conduct of the said fireworks display.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby approve the application submitted for a fireworks display to be held at approximately 9:00 p.m., on September 9, 2019 in conjunction with the Culinary Institute of America’s “Week of Welcome Ceremony”; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in the applicant's letter for approval and accompanying submissions, dated April 18, 2019, and the requirements of Penal Law §405.

MOTION: Councilman Krupnick
SECOND: Councilman Ray
VOICE VOTE: 4 - 0 CARRIED

MOTION: Councilman Krupnick
SECOND: Councilman Ray

To remove resolution 8:12-8 of 2019 from the agenda
VOICE VOTE: 4 - -0 CARRIED

PULLED
RESOLUTION 8:12 – 8 OF 2019

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. G OF THE YEAR 2019 TO AMEND ARTICLE 2, SECTION 108-2.2 OF THE ZONING CODE TO ADD A NEW DEFINITION OF THE TERM “FAMILY”

RESOLUTION 8:12 – 9 OF 2019


WHEREAS, after reviewing the Town of Hyde Park Town Code, and specifically, Chapters 40 and 108 relating to building code administration and enforcement of the New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code, the Town of Hyde Park has determined that these sections of the Code need to be amended to provide for the office of Deputy Building Inspector and to set forth the powers and duties of said officer; and

WHEREAS, the Attorney to the Town has drafted a proposed Local Law amending Chapters 40 and 108 of the Town Code to provide for the office of Deputy Building Inspector and setting for the powers and duties of said officer to enable the Deputy Building Inspector to have certain powers and duties of the Building Inspector when performing building inspections and related functions; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby schedules a public hearing on the adoption of Local Law No. H of the Year 2019 entitled: “A Local Law Amending Chapters 40 and 108 of the Town of Hyde
BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post, and provide property notice of said public hearing, as required by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to forward said Local Law to the Town of Hyde Park Planning Board for its review and comment and to the Dutchess County Department of Planning and Development for its review and comment.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0  CARRIED

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

A LOCAL LAW AMENDING CHAPTERS 40 AND 108 OF THE TOWN OF HYDE PARK CODE TO PROVIDE FOR THE OFFICE OF DEPUTY BUILDING INSPECTOR AND SET FORTH THE POWERS AND DUTIES OF SAID OFFICER

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

SECTION 1. LEGISLATIVE INTENT

The Town Board has determined after reviewing the Town of Hyde Park Code and, specifically, Chapters 40 and 108 relating to building code administration and enforcement of the New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code in the Town of Hyde Park, that these sections of the Code need to be amended to provide for the office of Deputy Building Inspector and set forth the powers and duties of said officer.

SECTION 2.

Chapter 40 “Building Code Administration and Enforcement” of the Town Code is hereby amended as follows:

A.  Section 40-2 “Definitions” is hereby amended to add the following definitions:

“DEPUTY BUILDING INSPECTOR
The Building Inspector appointed pursuant to §40-3(D) of the Code.”
B. The definition of “CODE ENFORCEMENT PERSONNEL” is hereby amended by deleting the current definition and inserting in its stead the following definition:

“The Building Inspector and all Deputy Building Inspectors.”

C. Sections 40-3(D) and (E) of the Code are hereby deleted and the following sections 40-3(D) and (E) are inserted in their stead:

“D. One or more Deputy Building Inspectors may be appointed by the Town Board to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this chapter and by any other provision of the Town Code. The Deputy Building Inspector shall have the same powers and duties as the Building Inspector as set forth in §40-3(A) of the Code. Each Deputy Building Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for Code Enforcement Personnel and each Deputy Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.”

“E. Compensation for the Building Inspector and Deputy Building Inspectors shall be fixed and adjusted from time to time by the Town Board.

D. Section 40-11(A) of the Code is hereby deleted and in its stead the following new language shall be inserted:

“A. Inspectors required. Fire, safety, and property maintenance inspections of buildings and structures shall be performed by the Building Inspector and/or Deputy Building Inspector at the following intervals:

E. Section 40-15(B) of the Code is hereby amended to delete that section and in its stead insert the following language:

“B. Appearance tickets. The Building Inspector and each Deputy Building Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.”

SECTION 3.

Chapter 108 “Zoning” of the Town Code is hereby amended as follows:

A. Section 108-30.2 “Enforcement agents” is hereby amended by eliminating subparagraph “A” and inserting in its stead the following subparagraph “A”:

“A. This chapter shall be enforced by the Zoning Administrator, the Building Inspector, and Deputy Building Inspectors pursuant to their separate responsibilities set forth in this chapter or otherwise in the Town Code. The Zoning Administrator, Building Inspector, and Deputy Building Inspector shall each maintain the records necessary to implement their
responsibilities under this chapter. The powers and duties and responsibilities delegated to, and imposed on, the Building Inspector pursuant to this chapter shall also be deemed delegated to the Town’s Deputy Building Inspectors.

B. Section 108-30.3(B) “Stop-work orders” is hereby amended to add a new subparagraph “(6)” which shall read as follows:

“(6) All authority to issue stop-work orders, and all provisions and responsibilities related thereto, as set forth in this section delegated to the Zoning Administrator shall also be delegated to the Building Inspector and the Deputy Building Inspectors.”

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: 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 8:12 - 10 OF 2019

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF JULY 2019 BUDGET REVISIONS NUMBER 2019-07
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 July 2019 identified as Budget Revisions Number 2019-07.

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<th>REVISION NUMBER</th>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT TITLE &amp; EXPLANATION</th>
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<th>DECREASE</th>
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01.7020.107  Rec Staff Other Comp  23,130.00
  01.9876  Reserve for Comp. ABS.  23,130.00
   -Provide for Retiree Payout

#2019-07-08
01.7020.112  Rec. Office PT Staff  2,003.00
  01.7020.100  Rec. Director Compensation  2,003.00
   -Transfer for PT Staff

#2019-07-09
01.7020.410  Rec Office Supplies  36.00
  01.7020.480  Rec Staff Training Expense  36.00
   -Transfer for Supplies

#2019-07-10
01.8161.440  Gas Monitoring  200.00
  01.8161.450  Landfill Mowing  200.00
   -Transfer for Contract Amount

#2019-07-11
01.9050.800  Unemployment Insurance  5,000.00
  01.1010.107  Reserve Compensation  5,000.00
   -Transfer for Unemployment Insurance

HIGHWAY FUND
#2019-07-12
05.2680  Ins. Recovery Payroll  3,357.00
  05.5110.103  General Staff Overtime  242.00
  05.5110.107  General Other Comp.  2,115.00
  05.5110.121  General Shift Differential  1,000.00
   -Record Ins. For Labor Costs

#2019-07-13
05.5110.822  General Optical Ins.  200.00
  05.5130.491  Uniform Expense  40.00
  05.9050.800  Unemployment Insurance  240.00
   -Transfer for Expenses

REVISION  ACCOUNT  ACCOUNT TITLE &   INCREASE  DECREASE
NUMBER  NUMBER  EXPLANATION  DOLLARS  DOLLARS

PINEBROOK LIGHTING EXPENSE
#2019-07-14
22.5182.400  Lighting Expense  2,250.00
  22.2680  Insurance Recovery  2,250.00
   -Provide for Lighting Equipment Repair
MOTION: Councilman Marrine
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 8:12 - 11 OF 2019

RESOLUTION AUTHORIZING ENTRANCE ONTO THE PROPERTIES LOCATED AT
4357 & 4359 ALBANY POST ROAD, HYDE PARK; 6 CURRY LANE, HYDE PARK;
70 ROOSEVELT ROAD, HYDE PARK; 7 SOUTH CROSS ROAD, STAATSBURG;
AND 25 BIRCHER AVENUE, POUGHKEEPSIE

WHEREAS, the Town Deputy Building Inspector served a notice of Compliance
Order on the owner of the properties, at: 4357 Albany Post Road, Hyde Park, Grid
#6065-20-839198 & 4359 Albany Post Road, Hyde Park NY, Grid #6065-20-836205; 6
Curry Lane, Hyde Park, Grid #6065-04-596166; 70 Roosevelt Road, Hyde Park,
Grid #6164-04-983342; 7 South Cross Road, Staatsburg, Grid #6066-02-928772; and
25 Bircher Avenue, Poughkeepsie, Grid#6163-02-608516; in accordance with the
provisions of Chapter 85-5(b), Grass Maintenance Law, of the Town Code and proof of
the sending and posting of said notices have been provided by the Deputy Building
Inspector to the Town Board; and

WHEREAS, the Town Deputy Building Inspector has reported to the Town Board
that these properties have not been brought into compliance with the provisions of the
Law, as specified in the said Compliance Order.

NOW, THEREFORE, BE IT RESOLVED, that the Town Highway
Superintendent, and such other employees or officers of the Town of Hyde Park or a
private contractor retained by the Town are hereby authorized to enter the properties
listed above and bring these properties into compliance with the standards of Chapter
85-5(b), Grass Maintenance Law, of the Town Code as specified in the Compliance
Order 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: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 8:12 - 12 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN
SUPERVISOR TO EXECUTE A DOT OFFICE OF RIGHT-OF-WAY ASSIGNMENT
OF CLAIM AND RELEASE, NUNC PRO TUNC FOR THE T-REX HYDE PARK
OWNER LLC PROJECT
WHEREAS, the New York State Department of Transportation Office of Right-of-Way has asked the Town of Hyde Park to execute an Assignment of Claim and Release with regard to the project Poughkeepsie-Hyde Park, S.H. No. 453, Map No. 58, Parcel No. 85 resulting from an acceptance or intention to accept a donation of certain property from the Town in conjunction with the T-Rex Hyde Park Owner LLC project; and

WHEREAS, the Town Board has determined that the execution of the Assignment of Claim and Release is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the Assignment of Claim and Release with regard to the above-referenced project, nunc pro tunc, to July 25, 2019.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 8:12 - 13 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A PERFORMANCE BOND FOR THE WEST DORSEY CONSTRUCTION ACCESS PORTION OF THE INN AT BELLEFIELD PROJECT

WHEREAS, the applicant, T-Rex Hyde Park Owner LLC, has received conditional site plan approval for Sub-Phase 1-A of the approved Concept Plan for the St. Andrew’s Planned Unit Development, consisting of a 5-story, 133 guest room hotel located near the intersection of Albany Post Road and West Dorsey Lane, tax parcel no. 6163-01-131849, together with the first phase of a proposed wastewater treatment plant and other infrastructure improvements to serve the hotel (the “Property”); and

WHEREAS, as a condition of using West Dorsey Lane for construction access to the Project, the Planning Board required:

Approval by the Town Board of a performance guaranty in an amount approved by the Town Engineer and Planning Board in form substance and manner of execution acceptable to the Town Attorney to secure the obligation to complete so much of the work listed in the estimate included in the July 26, 2019 memorandum from Town Engineer Peter Setaro as determined necessary by the Town Highway Superintendent and NYS Department of Transportation, including a 2” compacted overlay, replacement of signal loops, sealing of existing cracks, and other associated work listed in the estimate, on that portion of West Dorsey Lane between the WDCA and US Route 9 to the satisfaction of the Highway Superintendent, and post of such bond, and

WHEREAS, the Planning Board, by Resolution dated August 7, 2019, amended the conditions of site plan approval to require the following:
Completion of the work listed in the estimate included in the July 26, 2019 memorandum from Town Engineer Peter Setaro, as determined necessary by the Town Highway Superintendent and NYS Department of Transportation, including a 2” compacted overlay, replacement of signal loops, sealing of existing cracks, and other associated work listed in the estimate, on that portion of West Dorsey Lane between the WDCA and US Route 9, to the satisfaction of the Highway Superintendent. In the event that completion of any portion of the work described in this paragraph is not possible solely because of seasonal closure of the asphalt plant, and the Applicant has satisfied all other conditions of CO issuance, the CO shall be issued based on the previously filed performance security, and the Applicant shall complete such work as soon as the asphalt plant reopens. The extended time for performance based on closure of the asphalt plants shall in no event exceed six months from the issuance of the CO. The performance guaranty shall not be released until the Highway Superintendent and the Town Engineer have advised that the required work described herein has been satisfactorily completed.

WHEREAS, the applicant provided the Planning Board with a bond estimate prepared by Chazen Associates dated July 22, 2019, which recommended a bond amount of $54,200.80 to cover the restoration of West Dorsey Lane as described above; and

WHEREAS, the Town Engineer has reviewed the applicant’s estimate and by memorandum dated July 26, 2019, has recommended to the Planning Board that the bond be set at $60,000; and

WHEREAS, the applicant’s counsel has provided a proposed Security Agreement to guarantee completion of the repairs to West Dorsey Lane performed, acceptable to the Attorney to the Town; and

WHEREAS, the Security Agreement is secured by a Performance Bond posted by the contractor, PC Construction Company d/b/a PCEO, Inc., NY, issued by _____________________________, in the amount of $60,000.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the Security Agreement to guarantee completion of the repairs to West Dorsey Lane in the form, or substantially similar form, as that provided to the Town Board and acceptable to the Attorney to the Town.

MOTION: Councilman Marrine
SECOND:

MOTION: Councilman Ray
SECOND: Councilman Marrine
To amend the seventh (7th) paragraph by replacing the words “posted by the contractor, PC Construction Company d/b/a PCEO, Inc., NY, issued by ______________________________, in the amount of $60,000.” with “acceptable to the Attorney to the Town.”

VOICE VOTE: 4 - 0 CARRIED

AS AMENDED
RESOLUTION 8:12 - 13 OF 2019

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WHEREAS, the applicant's counsel has provided a proposed Security Agreement to guarantee completion of the repairs to West Dorsey Lane performed, acceptable to the Attorney to the Town; and

WHEREAS, the Security Agreement is secured by a Performance Bond acceptable to the Attorney to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the Security Agreement to guarantee completion of the repairs to West Dorsey Lane in the form, or substantially similar form, as that provided to the Town Board and acceptable to the Attorney to the Town.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE: 4 – 0 CARRIED AS AMENDED

PUBLIC COMMENT ON ANY SUBJECT: None

NEW AND OLD BUSINESS: Supervisor Rohr congratulated the newly appointed personnel from this meeting and explained that the Town Board was dedicated to putting valued employees in place in preparation for some future retirements of key positions.

MOTION: Councilman Marrine
SECOND: Councilman Ray

To adjourn meeting.

VOICE VOTE: 4 – 0 CARRIED
Meeting adjourned at 7:35pm

Respectfully submitted,

Donna McGrogan
Town Clerk