

**AGENDA
HYDE PARK TOWN BOARD
REGULAR MEETING AND WORKSHOP
MONDAY, APRIL 3, 2017
7:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF MINUTES OF MARCH 20TH & MARCH 23RD, 2017

WORKSHOP

1. GRANT OPPORTUNITY / POOL REPLACEMENT / HACKET HILL PARK
2. SEQRA / GREENWAY GUIDE UPDATES / DUTCHESS COUNTY PLANNING AND DEVELOPMENT

PUBLIC COMMENT ON RESOLUTIONS ONLY

RESOLUTIONS:

1. APPROVE BUDGET REVISIONS / FEBRUARY 2017
2. AUTHORIZE TOWN SUPERVISOR / ACCEPT INSURANCE PROPOSAL FOR THE TOWN / NUNC PRO TUNC
3. AUTHORIZE VACATION CARRY-OVER / JUSTICE CLERK / TESA STOKES
4. AUTHORIZE VACATION CARRY-OVER / GROUNDSKEEPER/CLEANER / RICH DECKER
5. AUTHORIZE VACATION CARRY-OVER / TOWN ASSESSOR / KRISTEN CABLES
6. ADOPT GREENWAY CONNECTIONS GUIDE UPDATES / DUTCHESS COUNTY PLANNING AND DEVELOPMENT
7. ACKNOWLEDGE RESIGNATION / MATT MARTINI / RECREATION COMMISSION
8. COMMENCE LOCAL LAW A / AMEND TOWN ZONING BOARD OF APPEALS CODE / ALLOW FOR EARLY VARIANCE HEARINGS
9. AUTHORIZE SUPERVISOR / SEEK PROPOSALS / LANDSCAPING / 1381 ROUTE 9G
10. AUTHORIZE TRANSFER / DESIGNATED MONIES / GENERAL FUND / FOR CAPITAL PROJECT PURPOSES / PEDESTRIAN IMPROVEMENT CAPITAL PROJET
11. AUTHORIZE TOWN OF HYDE PARK TO SUPPORT / STATE LEGISLATION FOR TANKER-AVOIDANCE ZONES

PUBLIC COMMENT – 3 MINUTE

**CORRESPONDENCE
NEW AND OLD BUSINESS
ADJOURN**

RESOLUTION 4:3 – 1 OF 2017

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF MARCH 2017 BUDGET REVISIONS NUMBER 2017-03

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 March 2017 identified as Budget Revision Number 2017-03.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
GENERAL FUND				
2017-03-01	01.1010.200	Town Board Equipment	2,800.00	
	01.1010.450	Town Board Contract - Video	11,700.00	
	01.1990.400	Contingency Account		14,500.00
		<i>-Transfer for New Video Equipment & Contract</i>		
2017-03-02	01.1110.490	Court Radio Rental	1,044.00	
	01.1990.400	Contingency Account		1,044.00
		<i>-Transfer for Court Radios</i>		
2017-03-03	01.1430.490	Consultant Expenses	1,000.00	
	01.1320.490	Audit Expense		1,000.00
		<i>- For GASB 45</i>		
2017-03-04	01.1680.450	ADP Contract	5,650.00	
	01.1990.400	Contingency Account		5,650.00
		<i>-Adjustment for New Server Contract</i>		
2017-03-05	01.3120.440	Labor Attorney	7,500.00	
	01.1990.400	Contingency Account		7,500.00
		<i>-Transfer for Legal Expenses</i>		
2017-03-06	01.3989.400	Tree Removal Special	8,830.00	
	01.1990.400	Contingency Account		8,830.00
		<i>-Transfer for Special Tree Removal</i>		
2017-03-07	01.5132.200	Highway Garage Equipment	445.00	
	01.5132.400	Highway Garage Repairs		445.00
		<i>-Transfer for Equipment</i>		
REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
2017-03-08	01.5410.400	Sidewalk Expense	2,300.00	
	01.5410.200	Sidewalk Improvements		2,300.00
		<i>-Transfer for Contract</i>		

2017-03-09	01.1989.400	Other Expenses	270.00	
	01.6772.400	Dial A Ride		270.00
		-Adjust for New Contract		
2017-03-10	01.6772.410	Senior Picnic	1,194.00	
	01.1990.400	Contingency Account		1,194.00
		-Transfer to Pay 2016 Bill		
2017-03-11	01.6772.410	Senior Picnic	1,282.00	
	01.1990.400	Contingency Account		1,282.00
		-Create 2017 Budget		
2017-03-12	01.7114.250	Greenfields Park Improvement *	2,044.00	
	01.2770	Other Revenue	2,044.00	
		-Record Check Received for Park Improvements		
2017-03-13	01.7119.200	Hyde Park Trail Project	15,000.00	
	01.3989	Greenway Grant	7,500.00	
	01.2770	Other Revenue x	7,500.00	
		-Record Grant Funding for Project		
2017-03-14	01.9950.900	Transfer to Capital Fund	30,000.00	
	01.9880	Assigned Fund Balance	30,000.00	
		-Provide Local Funding for Highway Bldgs.		
2017-03-15	01.9880	Assigned Future Use	14,000.00	
	01.1990.400	Contingency Account	14,000.00	
		- Correct Funding for February Revision		
<u>HIGHWAY FUND</u>				
2017-03-16	05.5130.103	Hwy Machinery Overtime	1,000	
	05.5142.116	Snow Removal Seasonal Labor		1,000
		-Transfer for Overtime		
2017-03-17	05.5142.400	Salt Purchases	50,000.00	
	05.5142.900	Snow Reserve Fund		50,000.00
		-Transfer for Salt Purchases		

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
 Councilman Ray _____
 Councilman Marrison _____

Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 – 2 OF 2017

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ACCEPT AN INSURANCE PROPOSAL FOR INSURANCE COVERAGE FOR THE TOWN FOR THE POLICY PERIOD APRIL 1, 2017 THROUGH JANUARY 1, 2018
NUNC PRO TUNC**

WHEREAS, the Town of Hyde Park has reviewed the insurance proposal for coverage for the Town of Hyde Park for the policy term of April 1, 2017 through January 1, 2018 and

WHEREAS, the insurance proposal was reviewed by the Town Supervisor and the Town Comptroller and it was determined that Rose & Kiernan, Inc. provided the insurance coverage and premium costs that are acceptable to the Town of Hyde Park and that there is sufficient money budgeted in the Town's 2017 budget to provide for said insurance coverage.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute all documents from Rose & Kiernan, Inc. required to provide insurance coverage to the Town of Hyde Park for the policy term April 1, 2017 through January 1, 2018 after review and approval by the Town Comptroller and Attorney to the Town.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 – 3 OF 2017

RESOLUTION AUTHORIZING THE JUSTICE CLERK TESA STOKES TO CARRY OVER ACCRUED VACATION TIME

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Justice Clerk, Tesa Stokes to carry over up to 37.5 hours of accrued vacation time which she was unable to use prior to her anniversary date of April 16, 2017, and that said carry over vacation time must be used no later than October 16, 2017.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 – 4 OF 2017

RESOLUTION AUTHORIZING THE GROUNDSKEEPER/CLEANER RICHARD DECKER TO CARRY OVER ACCRUED VACATION TIME

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Groundskeeper/Cleaner, Richard Decker to carry over up to 35 hours of accrued vacation time which he was unable to use prior to his anniversary date of March 26, 2017, and that said carry over vacation time must be used no later than September 26, 2017.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 – 5 OF 2017

RESOLUTION AUTHORIZING THE TOWN ASSESSOR KRISTEN CABLES TO CARRY OVER ACCRUED VACATION TIME

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the Town Assessor, Kristen Cables to carry over up to 9 hours of accrued vacation time which she was unable to use prior to her anniversary date of April 17, 2017, and that said carry over vacation time must be used no later than October 17, 2017.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 - 6 OF 2017

RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE GREENWAY CONNECTIONS TO INCLUDE SEVEN NEW GREENWAY GUIDES

WHEREAS, the Hudson River Valley Greenway Act of 1991 has as a legislative goal the establishment of the Greenway Compact, a process for voluntary cooperation among the communities of the Hudson River region; and

WHEREAS, the Town of Hyde Park adopted the Greenway Connections and joined the Greenway Compact by Local Law No. 1 of the Year 2002; and

WHEREAS, neither the Greenway Act nor the adoption of Greenway Connections supersede or change the powers that the State has granted municipal governments under the New York Constitution, the Municipal Home Rule Law, or various municipal enabling acts; and

WHEREAS, the Local Law adopting Greenway Connections contained a provision allowing subsequent amendments to the document by resolution of the local legislative body; and

WHEREAS, after multiple local presentations and public comments, the Hudson River Valley Greenway Communities Council has approved seven new Greenway Guides to be included in Greenway Connections: Centers and Greenspaces, Slower Safer Streets, Rural Roads, Building Bicycle Networks, Convenience Stores with Gas Pumps, Recycling and Waste Collection, and Green Infrastructure; and

WHEREAS, the Greenway Guides are entirely optional in nature and are to be considered only when local officials in discretionary decisions think they may be appropriate; and

WHEREAS, Hyde Park, as lead agency, has completed a review under the State Environmental Quality Review Act (SEQRA) and has determined that these amendments to Greenway Connections will not have a significant effect on the environment and, therefore, warrant a "Negative Declaration" under Article 8 of the State Environmental Conservation Law; and

WHEREAS, the Town has referred the Greenway Guides to the Hyde Park Planning Board who has recommended that the Town adopt the same.

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town of Hyde Park has prepared and hereby adopts the annexed SEQRA Negative Declaration for the proposed action; and
2. That the Town of Hyde Park approves and adopts the amendments to Greenway Connections to include several new Greenway Guides: Centers and Greenspaces, Slower Safer Streets, Rural Roads, Building Bicycle Networks,

Convenience Stores with Gas Pumps, Recycling and Waste Collection, and Green Infrastructure.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 – 7 OF 2017

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF MATTHEW MARTINI AS A MEMBER OF THE TOWN OF HYDE PARK RECREATION COMMISSION

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Matthew Martini as a member of the Recreation Commission for the Town of Hyde Park effective March 13, 2017; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Hyde Park wants to thank Matthew Martini for his past service to the Town of Hyde Park as a member of the Town of Hyde Park Recreation Commission.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 4:3 - 8 OF 2017

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. A OF 2017

WHEREAS, §108-33.5(C) of the Town Code and the provisions of §267-a of the Town Law, have been interpreted by the attorney to the Zoning Board of Appeals as requiring a vote of the Zoning Board of Appeals to schedule a public hearing on all variance applications to the ZBA; and

WHEREAS, the Chairperson of the Zoning Board of Appeals, with the concurrence of the Zoning Board of Appeals members, has determined that this requirement may add at least another month to the ZBA review process in applications for area variances involving single-family residences; and

WHEREAS, the Chairperson of the Zoning Board of Appeals, with the concurrence of the ZBA members, feels that, in certain cases, the administrative process and the applicants would benefit from streamlining the process to allow the Chairperson of the ZBA to schedule a public hearing for area variance applications involving a single-family residence where:

- (a) the Chairperson has reviewed the application and has determined that the same is complete and ready for public review;
- (b) the Zoning Administrator concurs that a full vote of the ZBA in order to schedule a public hearing is not required, or necessary;
- (c) the application will not involve issues requiring the input and advice of the Attorney to the ZBA or the Town Engineer; and
- (d) all other requirements for the scheduling of public hearing as set forth in §108-33.5 are followed with regard to the application; and

WHEREAS, the Attorney to the Town has drafted a Local Law providing for an amendment to the provisions of §108-33.5 of the Town Code to add a new subsection “G”, which would permit the scheduling of a public hearing under these circumstances without the necessity for a full vote of the Town Board; and

WHEREAS, the Town Board has determined that this is a Type II Action under SEQRA and does not require environmental review;

WHEREAS, the Town Board has reviewed the proposed Local Law and has determined that the same is proper form for the commencement of the local law adoption process.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby commences the local law adoption process for Local Law No. A of 2017; and be it further

RESOLVED, that the Town Board schedules a public hearing on said Local Law for May 15, 2017, at 7:05 p.m.; and be it further

RESOLVED, that the Town Clerk is hereby directed to post, publish and provide notice of said public hearing, as required by law and to refer said Local Law to the Hyde Park Planning Board for its review and input, as required the Town Code. No referral to Dutchess County Department of Planning and Development is required by agreement between the Town and Dutchess County Department of Planning and Development.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

LOCAL LAW NO. A OF THE YEAR 2017

LOCAL LAW AMENDING §108-33.5 OF THE TOWN OF HYDE PARK CODE

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

Section I: Title.

This Local Law shall be known as: “A Local Law Amending §108-33.5 of the Town of Hyde Park Code to Add a New Subsection ‘G’ Regarding the Scheduling of Public Hearings for Area Variances for Single-Family Residences.”

Section 11:Enacting Authority.

This Local Law is enacted pursuant to the authority granted to the Town by the Municipal Home Rule Law of the State of New York.

Section III: Purpose.

The purpose of this Local Law is to amend §108-33.5 of the Town of Hyde Park Code to add a new subsection “G” which will permit the Chairperson of the Zoning Board of Appeals to schedule a public hearing without the necessity of formal action by the Zoning Board, with regard to certain area variance applications involving single-family residences. The purpose of this Local Law is to expedite the public hearing process and eliminate the necessity for an extra meeting of the ZBA to schedule a public hearing in certain instances.

Section IV:

A. §108-33.5 of the Zoning Law is hereby amended to add a new subsection “G”, which shall read as follows:

“Notwithstanding the provisions set forth in §108-33.5(C), the Chairperson of the Zoning Board of Appeals shall have the power to schedule a date for a public hearing involving an area variance application for a single-family residence provided the Chairperson makes the following determination: (i) the application for the area variance is complete and ready for public review; (ii) the zoning administrator has reviewed the application, and has given his or her consent to the scheduling of a public hearing without the necessity for a formal vote of the Zoning Board of Appeals; (iii) that the application for the area variance does not require the review or input of the attorney to the Zoning Board or the Town engineer; and (iv) that all other requirements for the scheduling of the public hearing, as set forth in §108-33.5, be followed with regard to the application.”

Section V. Supersession.

This local law is hereby adopted pursuant to the provisions of §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 pursuant to §10 of the Municipal Home Rule Law to supersede the provisions of §267-a of the Town Law and §108-33.5(C) of the Town Code to the extent that they may be inconsistent with the provisions of this Local Law.

Section VI. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Hyde Park hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VII: 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 4:3 – 9 OF 2017 WAS NOT AVAILABLE AT TIME OF POSTING

RESOLUTION 4:3 - 10 OF 2017

RESOLUTION AUTHORIZING THE TRANSFER OF DESIGNATED MONIES IN THE GENERAL FUND CREATED FOR CAPITAL PROJECT PURPOSES TO THE PEDESTRIAN IMPROVEMENT CAPITAL PROJECT

WHEREAS, the Town of Hyde Park was awarded a grant in the amount of \$676,000 from New York State Department of Transportation PIN#8761.23, Master Agreement D035056, which funds 80% of the project; and

WHEREAS, a grant award of \$31,500 from New York State Department of Transportation OSC Contract# D027565 in which the Town provides \$10,000 local match; and

WHEREAS, a grant award for \$125,000 from New York State Department of Transportation Supplemental Agreement No. 2 to Master Agreement D035056; and

WHEREAS, the Town has awarded a contract to Red Cedar Arborists and Landscapers in the amount of \$3,100 using Town funds; and

WHEREAS, the Town of Hyde Park has applied for State and Municipal Facilities Program (SAM) grant #7687, in the amount of \$500,000 and is finalizing the allocation of funds toward Phase 1, Phase 2 and Lighting; and

WHEREAS, the total cost of the Pedestrian Improvement Capital Project is estimated at \$1,355,600, of which the Town will be committing \$23,100; and

WHEREAS, the Town Of Hyde Park established in 2015 at the recommendation of the Town Comptroller a designated fund in the General Fund Reserve for Capital Improvement Purposes; and

WHEREAS, the Comptroller recommends that the local funding source for this project be appropriated from these monies and transferred to the Capital Project Fund created in the April 2017 budget revisions.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the appropriation from the General Fund and the transfer to the Capital Project Fund as deemed necessary to cover the required \$23,100 Local Funding Source.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 4:3 – 11 OF 2017

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TO SUPPORT STATE LEGISLATION FOR TANKER-AVOIDANCE ZONES

WHEREAS, the U.S. Coast Guard is currently considering a proposal to establish new anchorage areas along the Hudson River between Yonkers and Kingston; and

WHEREAS, the Town of Hyde Park has documented its concerns about the anchoring of petroleum-carrying tankers, including endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river (see Resolution 9:12-11 of 2016); and

WHEREAS, New York State Assemblywoman Didi Barrett has introduced Assembly Bill A06825, which would enable New York State agencies to consider environmental impacts in designating “tanker-avoidance zones”; and

WHEREAS, New York State Senator Sue Serino has introduced the same measure in the Senate as Bill S05197; and

WHEREAS, this proposal would enable New York State to take a stronger role in controlling the placement of any anchorage areas for petroleum-carrying vessels, to ensure that the needs of the Hudson River and riverfront communities are protected; and

NOW THEREFORE BE IT RESOLVED, that the Hyde Park Town Board expresses its support for Assembly Bill A06825 and Senate Bill S05197; and

BE IT FURTHER RESOLVED that the Town recommends that the area of the Hudson adjacent to Hyde Park that currently hosts a designated anchorage should be considered for inclusion in the tanker-avoidance zone designation if environmental conditions so dictate.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

- Councilwoman Svenson _____
- Councilman Ray _____
- Councilman Marrine _____
- Councilman Schneider _____
- Supervisor Rohr _____