

SPECIAL MEETING AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK ON MONDAY, JANUARY 11, 2010 AT 7:00PM

PRESENT:

SUPERVISOR THOMAS J. MARTINO
COUNCILMAN MICHAEL ATHANAS
COUNCILWOMAN SUE SERINO
COUNCILMAN JAMES W. MONKS, SR.
COUNCILMAN MICHAEL TAYLOR
ATTORNEY TO THE TOWN JAMES P. HORAN
TOWN CLERK DONNA MCGROGAN

Supervisor Martino called the meeting to order with the Pledge of Allegiance to the Flag.

Supervisor Martino acknowledged the death of John Belch, a long time member of the Greenfields Advisory Committee, with a moment of silence.

MOTION: Supervisor Martino
SECOND: Councilman Taylor

To add a public comment session on the resolutions of this meeting.

VOICE VOTE: 5 - 0 CARRIED

PUBLIC COMMENT:

Carney Rhinevault, 6 Main St., spoke regarding the proposed Water Resource Protection law stating that he feels that far too much money has already been spent.

Ken Maher, Roosevelt Rd., expressed concern that another study would be needed if the Water Resource Protection law were repealed.

Emily Svenson, 4 Hemlock Dr., Conservation Advisory Council chairman and member of the Water Resource Protection law committee, feels that the Board needs to review their decision to avoid lawsuits. She stated that she believes there are many errors in this proposed local law.

Aileen Rohr, Chairman of the Visual Environmental Committee welcomed the new Town Board and presented them with calendars.

Michael Rubbo, member of the Conservation Advisory Council asked that the Board not act in haste. He questioned if the proposed Water Resource Protection law were to be repealed, would it be re-written.

Supervisor Martino answered that it would.

Herb Sweet, 6 Covey Rd., stated that he felt that the decision to repeal the Wetlands Law was being rushed.

Amy Hieter, Conservation Advisory Member, questioned what the goal of the proposed repeal was and stated that she felt that this resolution was rushed.

Bob Clearwater, Staatsburg, congratulated the Board on their being up front regarding resolution #7.

MOTION: Councilman Martino
SECOND: Councilman Monks

To close public comment.

VOICE VOTE: 5 – 0 CARRIED

MOTION: Supervisor Martino
SECOND: Councilman Taylor

To move resolution 1:11-7 OF 2010 until after workshop the discussion.

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:11 - 1 OF 2010

RESOLUTION DESIGNATING AND REAPPOINTING JENNY MAGNES AS MEMBER OF THE CONSERVATION ADVISORY COUNCIL OF THE TOWN OF HYDE PARK

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does designate and appoint Jenny Magnes to the Conservation Advisory Council of the Town of Hyde Park for a two (2) year term beginning 1/1/2010 and ending 12/31/2011.

MOTION: Councilman Athanas
SECOND: Councilwoman Serino

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:11 - 2 OF 2010

RESOLUTION DESIGNATING AND REAPPOINTING AMY HETER AS MEMBER OF THE CONSERVATION ADVISORY COUNCIL OF THE TOWN OF HYDE PARK

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does designate and appoint Amy Heter to the Conservation Advisory Council of the Town of Hyde Park for a two (2) year term beginning 1/1/2010 and ending 12/31/2011.

MOTION: Councilwoman Serino
SECOND: Councilman Monks

ROLL CALL VOTE BY TOWN CLERK

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:11 - 3 OF 2010

RESOLUTION DESIGNATING AND REAPPOINTING STANLEY FRANGK AS MEMBER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF HYDE PARK

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does designate and appoint Stanley Frangk to the Zoning Board of Appeals of the Town of Hyde Park for a five (5) year term beginning 1/1/2010 and ending 12/31/2014.

MOTION: Councilman Monks
SECOND: Councilman Taylor

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:11 - 4 OF 2010

RESOLUTION APPOINTING A TEMPORARY CLERK IN THE OFFICE OF THE RECEIVER OF TAXES AND ASSESSMENTS

WHEREAS, the Town of Hyde Park Deputy Receiver of Taxes and Assessments is currently unable to tend to the duties of her office; and

WHEREAS, the volume of work in such office requires personnel coverage by more than the Receiver of Taxes and Assessments; and

WHEREAS, the Town Board of the Town of Hyde Park desires to appoint a temporary clerk to assist with the volume of work under the circumstances presented; and

WHEREAS, said temporary appointment will have no impact on the current budget for the Office of the Receiver of Taxes and Assessments.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby appoints Patrice Savery to the position of temporary clerk in the Office of the Receiver of Taxes and Assessments effective January 11, 2010, for a period not to exceed 355 days, with compensation at the rate of \$14.40 per hour.

MOTION: Councilman Taylor

SECOND: Councilman Athanas

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas	Aye	
Councilwoman Serino	Aye	
Councilman Monks	Aye	
Councilman Taylor	Aye	
Supervisor Martino	Aye	CARRIED

RESOLUTION 1:11 - 5 OF 2010

RESOLUTION AUTHORIZING THE RECEIVER OF TAXES TO COLLECT THE WATER AND SEWER WARRANTS FOR VIOLET AVENUE WATER DISTRICT, THE ARBORS WATER DISTRICT, QUAKER HILL WATER DISTRICT AND GREENFIELDS WATER & SEWER DISTRICTS

WHEREAS, the Operator of the following Districts has submitted the warrants for collection.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the Receiver of Taxes to collect the following:

Arbors Water District	\$9,710.96
Violet Avenue Water District	\$1,482.97
Quaker Hill Water District	\$11,025.78
Greensfield Sewer District	\$23,885.00
Greensfield Water District	\$15,001.54

MOTION: Councilman Athanas

SECOND: Councilwoman Serino

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 1:11 - 6 OF 2010

RESOLUTION AUTHORIZING DIAL-A-RIDE CONTRACT

WHEREAS, the Town of Hyde Park has previously entered into Agreements with Dutchess County to provide a joint service transportation system for senior citizens and handicapped individuals; and

WHEREAS, said Agreement has been amended and extended from time to time; and

WHEREAS, the Town has been presented with a proposal to provide such joint transportation service for calendar year 2010 as set forth in a proposed Extension and Amendment Agreement, a copy of which is attached hereto; and

WHEREAS, the Town desires to extend the term of said Agreement for an additional period of one (1) year for the calendar year 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby accepts the terms and conditions set forth and contained in the Extension and Amendment Agreement, to provide a joint transportation service system for senior citizens and handicapped individuals and agrees to pay the sum of Ten Thousand Five Hundred Eighty Seven Dollars (\$10,587.00) for such service.

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute the Extension and Amendment Agreement by and on behalf of the Town of Hyde Park.

MOTION: Councilwoman Serino
SECOND: Councilman Athanas

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas	Aye	
Councilwoman Serino	Aye	
Councilman Monks	Aye	
Councilman Taylor	Aye	
Supervisor Martino	Aye	CARRIED

RESOLUTION 1:11 - 8 OF 2010

RESOLUTION ACCEPTING DONATION FROM PALISADES INTERSTATE PARK COMMISSION

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby accept from Palisades Interstate Park Commission a donation in the amount of \$100.00, to be utilized by the Town of Hyde Park Recreation Department.

MOTION: Councilman Taylor
SECOND: Councilman Athanas

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas	Aye	
Councilwoman Serino	Aye	
Councilman Monks	Aye	
Councilman Taylor	Aye	
Supervisor Martino	Aye	CARRIED

MOTION: Supervisor Martino
SECOND: Councilman Taylor

To recess for 5 minutes

VOICE VOTE: 5 – 0 CARRIED at 7:25PM

MOTION: Supervisor Martino
SECOND: Councilman Athanas

To enter workshop discussion

VOICE VOTE: 5 – 0 CARRIED at 7:31PM

The Town Board briefly discussed the following resolution.

RESOLUTION 1:11 - 7 OF 2010

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW A OF
THE YEAR 2010, REPEALING LOCAL LAW 5 OF 2009**

WHEREAS, the Town Board of the Town of Hyde Park recognizes that the preservation, protection and conservation of wetlands within the Town of Hyde Park is important to the well being of the Town and its residents; and

WHEREAS, navigable waters within the Town of Hyde Park are subject to Federal and State jurisdiction, and regulations of such waters by the Town are preempted by the United States Constitution and the Laws of the State of New York; and

WHEREAS, approximately 4,740 acres of the Town, or roughly 20% of the area, are wetlands or other water resource areas under Federal or New York State jurisdiction; and

WHEREAS, regulation of Freshwater Wetlands by the Town of Hyde Park must comply with the requirements of Article 24, Title 5 of the Environmental Conservation Law of the State of New York; and

WHEREAS, regulation of Fresh Water Wetlands by the Town of Hyde Park must balance the rights of individual property owners, the economic impact upon the Town and the preservation and conservation of water resources and the environment; and

WHEREAS, the adoption of a Water Resources Protection Law must comply with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the adoption of a “comprehensive resource management plan” is a Type 1 action pursuant to 6 NYCRR 617.4 (b)(1) of the SEQRA Regulations and are presumed to require the preparation of an Environmental Impact Statement to thoroughly investigate the environmental impacts on the Town and requires coordinated review with involved agencies; and

WHEREAS, on August 24, 2009, the Town Board of the Town of Hyde Park improperly determined that the adoption of Local Law 5 of 2009 was an Unlisted Action under SEQR, it should have been a Type 1 action for which coordinated review was required; and

WHEREAS, the New York State Department of Environmental Conservation was not named as an interested or involved agency and was not consulted in the process of adopting Local Law 5 of 2009; and

WHEREAS, Local Law 5 of 2009 does not comply with the requirements imposed upon Local Governments pursuant to 6 NYCRR Part 665; and

WHEREAS, the creation of zoning buffers surrounding wetlands within the Town is a zoning action subject to review pursuant to General Municipal Law § 239-m; and

WHEREAS, the Environmental Assessment Form filed with Local Law 5 of 2009 indicated that review and comment by the Dutchess County Department of Planning was required; and

WHEREAS, the Town Clerk has no record that the Dutchess County Department of Planning was given the opportunity to comment of Local Law 5 of 2009 as required by General Municipal Law § 239-m; absent such referral the adoption of Local Law 5 of 2009 is invalid and without force; and

WHEREAS, Local Law 5 of 2009 does not provide aggrieved property owners an appeal to the Zoning Board of Appeals or any other administrative body; and

WHEREAS, no wetlands maps have been filed designating wetlands under Town jurisdiction, and no other notice was given to property owners effect by Local Law 2009, so Town residents do not have fair notice of the restrictions upon their real property; and

WHEREAS, the Town Board of the Town of Hyde Park hereby determines that Local Law 5 of 2009 does not strike a proper balance between the rights of property owners within the Town of Hyde Park and the environment; and

WHEREAS, the Town Board of the Town of Hyde Park hereby determines that additional study must be undertaken to determine the economic impact that the adoption of a freshwater wetlands local law would have upon the Town; and

WHEREAS, the Town Board hereby determines that it is in the best interest of the residents and taxpayers of the Town of Hyde Park that Local Law 5 of 2009 be repealed; and

WHEREAS, existing and future State and Federal Law that regulate wetlands and water resources provide suitable protection of the environment until the Town Board can draft a new Local Law that strikes the proper balance between the rights of property owners and the environment and that complies with State and Federal laws and regulations.

NOW, THEREFORE, BE IT RESOLVED:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board hereby introduces for adoption Proposed Local Law A of 2010 in the form annexed hereto.

3. The Town Board determines the repeal of Local Law 5 of 2009 is not an action subject to SEQR review because the Local Law was not adopted in accordance with the requirements of General Municipal Law § 239-m and the repeal of Local Law 5 is for clarification purposes only.

4. The Town Board hereby schedules a Public Hearing on the Adoption of Proposed Local Law A of 2010 to be held at Town Hall, 4383 Albany Post Road, Hyde Park, NY 12538 on the 25th day of January, at 7:00 p.m., and the Town Clerk is directed to post the Notice of the Public

Hearing in the form annexed hereto and to publish same in the Poughkeepsie Journal as required by law.

MOTION: Councilman Taylor
SECOND: Councilman Athanas

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas	Aye	
Councilwoman Serino	Aye	
Councilman Minks	Aye	
Councilman Taylor	Aye	
Supervisor Martino	Aye	CARRIED

PROPOSED LOCAL LAW A OF THE YEAR 2010

A Local Law entitled "Local Law No. ____ of the Year 2010, Repealing Local Law 5 of 2009."

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

Section-I: TITLE.

This Local Law shall be known and cited as Town of Hyde Park Local Law No. ____ of 2010 entitled, Repealing Local Law 5 of 2009."

Section-II: REPEAL

Local Law 5 of 2009 is hereby REPEALED.

Chapter 107 of the Town of Hyde Park Code as created by Local Law 5 of 2009 is hereby REPEALED.

Section-III: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State.

NOTICE OF PUBLIC HEARING TOWN OF HYDE PARK

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hyde Park will conduct a **PUBLIC HEARING** on the **25th day of January 2010, at 7:00 p.m.** at the Town Hall, Town of Hyde Park, 4383 Albany Post Road, Hyde Park, NY 12538, at which time all parties in interest and citizens shall have an opportunity to be heard as to whether the Town Board of the Town of Hyde Park shall adopt Proposed Local Law A of 2010 which will repeal Local Law 5 of 2009, the Water Resource Protection Law, because its adoption did not comply with the requirements of General Municipal Law §239-m.

PLEASE TAKE FURTHER NOTICE that the Town Board will determine whether the enactment of the aforementioned Local Law is an action under SEQRA, or if there will be an effect on the environment in accordance with SEQRA prior to the adoption of the Local Law.

PLEASE TAKE FURTHER NOTICE that copies of Proposed Local Law A of the Year 2010 are available for review and inspection at the Office of the Town Clerk on Monday through Friday from 8:30 a.m. to 4:00 p.m., at the Town Hall, 4383 Albany Post Road, Hyde Park, NY 12538

By order of the Town Board of the Town of Hyde Park

Dated: January 11, 2010

Hyde Park, New York
Donna McGrogan
Hyde Park Town Clerk

The Board discussed the following items in a workshop discussion:

1. REVISION OF FEE SCHEDULE
2. TOWING POLICY
3. CONDITION OF TOWN HALL PHYSICAL PLANT
4. CONDITION OF HIGHWAY PHYSICAL PLANT
5. ROAD SALT

MOTION: Councilman Taylor
SECOND: Councilwoman Serino

To adjourn meeting.

VOICE VOTE: 5 – 0 CARRIED

Meeting adjourned at 8:35PM.

Respectfully submitted,

Donna McGrogan
Town Clerk