

MINUTES OF A PUBLIC HEARING AND THE REGULAR MEETING OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, JANUARY 25, 2010 AT 6:45PM

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.

MOTION: Councilman Taylor  
SECOND: Councilman Athanas

To enter executive session to discuss a personnel issue.

VOICE VOTE: 5 – 0 CARRIED at 6:50PM

MOTION: Councilman Taylor  
SECOND: Councilman Monks

To return from Executive Session

VOICE VOTE 5 – 0 CARRIED at 6:58PM

No actions were taken in Executive Session.

MOTION: Councilman Monks  
SECOND: Councilman Athanas

To open public hearing

VOICE VOTE: 5 – 0 CARRIED

Town Clerk Donna McGrogan read the public hearing notice regarding Local Law 1 of 2010 repealing Local law 5 of 2009, as it appeared in the newspaper.

Victoria Kampf, 8 Putnam Rd., spoke against repealing the Wetlands Protection Law. She feels that the current law should be amended, if necessary, and not repealed and rewritten.

Ruth Mesuda, Chaucer Rd., spoke in favor of televising the Planning Board meetings.

Pete Andros, Dock St., spoke in favor of repealing the current Wetlands Protection Law. He feels that it limits the property owners' use of their own property and was rushed to pass.

Paul Beligni, Fallkill Rd. & E. Dorsey La., supports the repeal of the Wetlands Protection Law. He feels that the State and DEC already have ample control of our Wetlands.

Dennis McGuire, Lakeside Farms, Kipp Rd., spoke in favor of repealing the Wetlands Protection Law stating that it duplicates laws already in place.

Rick Oestrike, Poughkeepsie, feels that the law is necessary to protect the homeowner from damage from increased flooding. He is against the repeal of this law.

Valerie Hail, 39C W. Dorsey La., stated that the current Water Protection Law has assisted her current project by moving the process along more quickly. She feels that the repeal of this law will deter people from coming to this town.

Mary Donohue, 4586 Albany Post Rd., stated that if there were enactment errors to the Wetlands Protection Law they should be amended and not repealed.

Justin Varuzzo, 10 Marshall Dr., feels that the former Board did not listen to the people at the past public hearings. He supports the repeal of this law.

Herbert Sweet, 6 Covey Rd., spoke against the repeal of the proposed local law. He feels that the impact of some peoples' actions can affect their neighbors.

Joan Grishman, Kyle Ct., would like to see the Wetlands Protection Law preserved.

Amy Hieter, W. Dorsey La., member Conservation Advisory Council, read an opinion of this group. The Conservation Advisory Council would like to be kept up to date on the Town Board action.

Emily Svenson, 4 Hemlock Dr., feels that the law in place is valid as approved by the former Town Attorney. She disagrees that the current Wetlands Protection Law needs to be repealed.

Bob Linville, 15 Mulford Ave., former Councilman, stated that the former Board listened to both experts and the people, making revisions as necessary, to make the Wetland Protection Law a good and fair law.

Pompey Delafield, 62 E. Market St., former Supervisor, stated that he feels that repealing this law may lead to lawsuits. He also stated that he feels that the Wetlands Protection Law is an environmental law and not a zoning law, which would not require review by Dutchess County Planning.

Barbara Sweet, 6 Covey Rd., feels the Board needs to take the time to consider the consequences of undoing the Wetlands Protection Law.

Jeffrey Anzevino, Scenic Hudson, stated that the Wetlands Protection Law is important to the safety of the public. He would like to see the law given a chance to work.

Kenneth Maher, 138 Roosevelt Rd., stated that he had spent a great deal of time reviewing the Morris Associates documentation. He feels the law needs to be amended or repealed.

Aileen Rohr, 53 Fuller La., spoke against the repeal of the Wetlands Protection Law. She feels that it is both workable and enforceable, as it stands.

Bob Clearwater, 9 Nichris La., spoke to many of the comments made by previous speakers, supporting the current Town Board decision.

Russell Urban-Mead, Mills Cross Rd., feels that the Board is not proceeding with care and that rewriting this law will create a waste of money in duplicating the cost of work already done.

Hannah Black, 922 Violet Ave., former Councilwoman, stated that she helped pass this law to protect the town from flooding and well contamination.

Barbara Pierce, 19 Pinewoods Rd., spoke in favor of leaving the Wetlands Protection law in place stating that it addresses a gap in the state law.

Rich Perkins, Rt. 9G, was originally concerned about the passing of the current Wetlands Protection Law, but now realizes that groundwater affects all of the landowners in Hyde Park.

Victoria Kane, Beadart Pl., is concerned with the flooding, well contamination and lack of well water issues in Hyde Park. She would like to see the Wetlands Protection Law left in place and amended if necessary.

Neil Alexander, Attorney for Hess, expressed concern over how the repeal of this law may affect their project. He spoke neither for nor against the law itself.

Carol Lally Metz, 27 Beadart Pl., feels the Board needs to consider the rights of all the homeowners, both those creating and those feeling the effects of flooding. She would like the public hearing left open.

John Scileppi, 1 River Rd., is against the repeal of the Wetlands Protection Law, feeling there could be an amendment if necessary.

John Bickford, Rogers Rd., requested that the Board read the law thoroughly before they repeal it. Major changes were already made and public comments were listened to.

Rich Perkins, Rt. 9G, stated that the people who wrote the Wetlands Protection Law worked hard and already made improvements to it. He would like the Board to consider amending the law.

Jeffrey Mahoney, Yates Ave., supports the rights of the property owner.

MOTION: Councilman Taylor  
SECOND: Councilman Athanas

To close public hearing

VOICE VOTE: 4 – 1 CARRIED at 9:00PM

At this point Councilwoman Serino requested that Attorney to the Town James Horan explain his contact with Dutchess County Planning and the State.

Attorney to the Town James Horan stated that he had not spoken with County Planning, but had reviewed several lawsuits and spoke with other Town Attorneys. He feels the proper action to take is to amend the local law and refer it back to Dutchess County Planning. He pointed out several inconsistencies and fatal deficiencies within the Wetlands Protection law which caused concern. He feels that this law is a zoning law and was required to have been referred to Dutchess County Planning.

Councilwoman Serino stated that she would like to discuss this matter further before a vote to repeal is taken.

Supervisor Martino stated that he supports water protection and supports the proper drafting of the law.

Councilman Taylor stated that he feels something needs to be in place to protect the homeowner and an appeals process in place as well.

Attorney to the Town James Horan stated that his legal opinion is that the law was not validly adopted because it did not comply with Section 239m and therefore, there is no law in place. This repeal action will remove the law from the Town Code.

Councilman Taylor recommends turning the current law revision over to the Conservation Advisory Council to prepare a timeline and agenda, reporting back to the Town Board.

Attorney to the Town James Horan recommended the Department of Environmental Conservation be contacted and a formal opinion obtained from them.

MOTION: Councilman Taylor  
SECOND: Councilman Athanas

To close the public hearing after additional comments were made

VOICE VOTE: 5 – 0 CARRIED at 9:10PM

MOTION: Councilman Taylor  
SECOND: Councilman Monks

To move resolution 1:25-1 of 2010 up to this point on the agenda.

VOICE VOTE: 5 – 0 CARRIED

### **RESOLUTION 1:25-1 OF 2010**

#### **RESOLUTION ADOPTING PROPOSED LOCAL LAW A OF THE YEAR 2010 AS “LOCAL LAW 1 OF 2010, REPEAL OF LOCAL LAW 5 OF 2009”**

**WHEREAS**, on August 24, 2009, the Town Board of the Town of Hyde Park adopted Local Law 5 of 2009 entitled “a local law to amend the Code of the Town of Hyde Park by adopting a new Chapter 107 regarding water resources protection;” and

**WHEREAS**, in the cases of Benanati, et al. v. Town of New Paltz, Sup. Ct., Ulster County, March 15, 2007, Egan, J., Index No. 06/0792 and Red Wing Properties, Inc. v. Town of Milan, Sup. Ct., Dutchess County, March 24, 2007, Brands, J., Index No. 07/7379; (copies of said decisions are attached) the Supreme Court of the State of New York has determined that Wetlands Laws like Local Law 5 of 2009 must be referred to the County Planning Agency in accordance with the requirements of General Municipal Law § 239-m; and

**WHEREAS**, a Local Law not properly referred to the County Planning Agency pursuant to General Municipal Law § 239-m are void ab initio, LCS Realty Co., Inc. v. Incorporated Village of Roslyn, 273 A.D.2d 474 (2d Dept. 2000); and

**WHEREAS**, Local Law 5 of 2009 was not referred to the Dutchess County Planning Agency, in accordance with General Municipal Law § 239-m, therefore it is void and without force and effect; 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**, 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.

**WHEREAS**, a Resolution was duly adopted by the Town Board of the Town of Hyde Park introducing proposed Local Law A of the Year 2010; and

**WHEREAS**, the Public Hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of the Town; and

**WHEREAS**, the Public Hearing was held on January 25, 2010, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

**WHEREAS**, the Town Board has determined that the Proposed Local Law A of 2010, a local law to repeal a void local law, is not an action subject to SEQRA

review in accordance with the decision in Ames v. Smoot, 98 A.D.2d 216, 471 N.Y.S.2d 128 (2d Dept. 1983); and

**WHEREAS**, the Town Board has determined that Proposed Local Law A is not subject to review pursuant to General Municipal Law § 239-m because it is an action to expunge a void law from the records of the Town of Hyde Park and the office of the Secretary of State; and

**WHEREAS**, the Town Board of the Town of Hyde Park after due deliberation finds that it is in the best interest of the Town to adopt said Local Law; and

**WHEREAS**, said Local Law has been on the desks of the members of the Town Board of the Town of Hyde Park for at least seven (7) days exclusive of Sundays prior to the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Hyde Park hereby adopts Proposed Local Law A of 2010 as Local Law No. 1 of the Year 2010 entitled “Local Law No. 1 of the Year 2010, Repealing Local Law 5 of 2009,” a copy of which is attached hereto and made part of this Resolution.
3. The Town Clerk is directed to enter said Local Law in the minutes of this meeting and to the Local Law book for the Town of Hyde Park and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

MOTION: Councilman Taylor  
SECOND: Councilman Monks

ROLL CALL VOTE BY TOWN CLERK:

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

Both cases, Benanati, et al. v. Town of New Paltz, Sup. Ct., Ulster County, March 15, 2007, Egan, J., Index No. 06/0792 and Red Wing Properties, Inc. v. Town of Milan, Sup. Ct., Dutchess County, March 24, 2007, Brands, J., Index No. 07/7379, referred to in the second Whereas of resolution 1:25-1 of 2010, are attached to a certified copy of this resolution in the Local Law #1 of 2010 file in the Office of the Hyde Park Town Clerk.

### **LOCAL LAW NO. 1 OF 2010**

A Local Law entitled “Local Law No. 1 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. 1 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.

**EFFECTIVE DATE**

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

MOTION: Councilman Taylor  
SECOND: Councilman Monks

To recess for 5 minutes.

VOICE VOTE: 5 – 0 CARRIED at 9:15PM

MOTION: Councilman Taylor  
SECOND: Councilman Monks

To return from recess.

VOICE VOTE: 5 – 0 CARRIED at 9:27PM

PUBLIC COMMENT ON RESOLUTIONS ONLY:

Ken Maher, Roosevelt Rd., questioned resolution 13 involving District Attorney code violations and the cost to the town.

Attorney to the Town James Horan stated that this was a formality for him to appear as a Special Prosecutor in justice court at the rate of \$175.00 per hour up to the budgeted amount of \$96,000.00.

Victoria Kane, Beadart Pl., thanked Councilwoman Serino for voting to keep the public hearing regarding the Wetlands Protection law open.

Ruth Mesuda, spoke in support of business in the Town of Hyde Park.

MOTION: Councilman Athanas  
SECOND: Councilman Monks

To close public comment.

VOICE VOTE: 5 – 0 CARRIED

MOTION: Councilman Athanas  
SECOND: Councilwoman Serino

To table resolution 1:25-2 OF 2010

VOICE VOTE: 5 – 0 CARRIED

**TABLED  
RESOLUTION 1:25-2 OF 2010**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND HYDE PARK SOCCER LEAGUE, INC. FOR THE 2010 SEASON**

**RESOLUTION 1:25-3 OF 2010**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND HYDE PARK POP WARNER FOOTBALL LEAGUE AND CHEERLEADING, INC. FOR THE 2010 SEASON**

**BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to sign the Agreement between the Town of Hyde Park and Hyde Park Pop Warner Football League and Cheerleading, Inc. for the 2010 season, in the form annexed hereto.

MOTION: Councilwoman Serino

SECOND: Councilman Athanas

VOICE VOTE: 5 – 0 CARRIED

The signed contract and certified resolution is on file at the Town Clerk's Office.

MOTION: Councilman Taylor

SECOND: Councilman Monks

To table resolution 1:25-4 OF 2010

VOICE VOTE: 5 – 0 CARRIED

**TABLED  
RESOLUTION 1:25-4 OF 2010**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE TOWN OF HYDE  
PARK AND HYDE PARK LITTLE LEAGUE BASEBALL, INC. FOR THE 2010  
SEASON**

**RESOLUTION 1:25-5 OF 2010**

**APPOINT PART TIME POLICE ASSISTANT**

**BE IT RESOLVED THAT**, the Town Board of the Town of Hyde Park does hereby appoint Renee Fuentes as part time Police Assistant, at an hourly rate of \$14.57 as established by the CSEA Town Hall Unit collective bargaining agreement and,

**BE IT RESOLVED THAT**, said position is a Grade 4 in the aforementioned collective bargaining agreement 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 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 1:25-6 OF 2010**

**APPOINTMENT OF FULL TIME POLICE ASSISTANT**

**WHEREAS**, there is a current vacancy for a full-time Police Assistant in the Town of Hyde Park Police Department, and

**WHEREAS**, the Dutchess County Department of Personnel held an examination for such position, and

**WHEREAS**, a certified list has heretofore been submitted by the Dutchess County Department of Personnel to the Town of Hyde Park, and

**WHEREAS**, upon canvassing the list Derrick Byrne was interviewed and is reachable on said list, now therefore,

**BE IT RESOLVED**, the Town Board of the Town of Hyde Park does hereby appoint Derrick Byrne full-time Police Assistant effective February 9, 2010, at an hourly rate of \$14.57 as established by the CSEA Town Hall Unit collective bargaining agreement and,

**BE IT RESOLVED THAT**, said position is a Grade 4 in the aforementioned collective bargaining agreement 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 Athanas

SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

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

#### **RESOLUTION 1:25-7 OF 2010**

#### **RESOLUTION RENEWING MOBILE HOME LICENSES**

**WHEREAS**, the Zoning Administrator and Deputy Zoning Administrator have conducted inspections of Mobile Home Parks for compliance with the regulations found in Chapter 108 of the Code of the Town of Hyde Park; and

**WHEREAS**, the following sites were found to be in substantial compliance with the regulations of Chapter 108 of the Code of the Town of Hyde Park, and have submitted their license renewal fee of \$250.00 together with a copy of the Dutchess County Department of Health Permit to operate a mobile home park:

License #	Licensee
1	Willow Tree Park
2	M&K Mobile Home Park
3	Hidden Brook Estates
4	Val-Kill Court
5	Val-Kill Park East
7	Blue Heron Park
8	Creek Park
9	Blue Jay Estates
10	Haviland MHP #1
11	Haviland MHP #2
12	Venture Lake Estates
13	Leigh Manor
14	3 <sup>rd</sup> Garden Park/Valley Forge
15	Colonial Maples
16	Hilltop Court
17	Hyde Park Mobile Manor, Inc.
18	Kensington Village Community, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby authorize the Town Clerk to issue Mobile Home Park License renewals for License Numbers 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 to be valid for the period of time between January 1, 2010, and December 31, 2010.

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 1:25-8 OF 2010**

**RESOLUTION RENEWING USED MOTOR VEHICLE LICENSES**

**WHEREAS**, the Zoning Administrator and Deputy Zoning Administrator have conducted inspections of Used Motor Vehicle lots for compliance with the regulations found in Chapter 108 of the Code of the Town of Hyde Park; and

**WHEREAS**, the following sites were found to be in compliance with the regulations of Chapter 108-27.1.D of the Code of the Town of Hyde Park and those sites have submitted their license renewal form and fee of \$250.00:

License #	Dealership
1	Zack's V-Twin
4	Rockledge Garage
7	Hyde Park Motors
10	Autos by Joseph, Inc.
12	A & T Auto Parts
14	Brady Motors
16	ASI, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby authorize the Town Clerk to issue Used Motor Vehicle License renewals for License Numbers 1, 4, 7, 10, 12, 14 and 16 to be valid for the period of time between January 1, 2010 and December 31, 2010.

MOTION: Councilman Monks  
SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

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

**RESOLUTION 1:25-9 OF 2010**

**RESOLUTION RENEWING SALVAGE YARD LICENSES**

**WHEREAS**, the Zoning Administrator and Deputy Zoning Administrator have conducted inspections of Salvage Yards for compliance with the regulations found in Chapter 108 of the Code of the Town of Hyde Park; and

**WHEREAS**, the following salvage yards have certified compliance with the requirements of Chapter 108-25.3 of the Code of the Town of Hyde Park and have submitted their license renewal fee of \$250.00.

LICENSE #	NAME:
1	Molt's Used Auto Parts
2	Volce Salvage Yard
4	A & T Auto Parts

5 Houghtaling Salvage Yard  
6 East Park Auto Recycle

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby authorize the Town Clerk to issue Salvage Yard License renewals for License Number 1,2, 4, 5, and 6 to be valid for the period of time between January 1, 2010 and December 31, 2010

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 1:25-10 OF 2010**

#### **RESOLUTION APPROVING ALCOHOL USE PERMIT FOR HYDE PARK ROTARY EVENT**

**WHEREAS**, the Town of Hyde Park Rotary has requested that the Town Board waive the provisions of Chapter 35, Article I, entitled "Public Consumption", of the Code of the Town of Hyde Park for the Hyde Park Rotary's inauguration of the horseshoe pits to be held at Hackett Hill Park on June 6, 2010; and

**WHEREAS**, Section 35-4 of the Code of the Town of Hyde Park provides that the provisions of Chapter 35, Article I shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby waive the provisions of Chapter 35, Article I of the Code of the Town of Hyde Park and grants special permission to the Hyde Park Rotary for the use of alcohol at their inauguration of the horseshoe pits at Hackett Hill Park on June 6, 2010, subject to the provisions of the Alcoholic Beverage Control Law of the State of New York.

MOTION: Councilman Athanas  
SECOND: Councilwoman Serino

ROLL CALL VOTE BY TOWN CLERK:

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

#### **RESOLUTION 1:25-11 OF 2010**

#### **RESOLUTION APPROVING ALCOHOL USE PERMIT FOR HYDE PARK ROTARY EVENT**

**WHEREAS**, the Town of Hyde Park Rotary has requested that the Town Board waive the provisions of Chapter 35, Article I, entitled "Public Consumption", of the Code of the Town of Hyde Park for the Hyde Park Rotary's Horseshoe Tournament to be held at Hackett Hill Park; and

**WHEREAS**, Section 35-4 of the Code of the Town of Hyde Park provides that the provisions of Chapter 35, Article I shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby waive the provisions of Chapter 35, Article I of the Code of the Town of Hyde Park and grants special permission to the Hyde Park Rotary for the use of alcohol at their Horseshoe Tournament at Hackett Hill Park on August 1, 2010, subject to the provisions of the Alcoholic Beverage Control Law of the State of New York.

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 1:25-12 OF 2010**

**RESOLUTION DESIGNATING EMERGENCY INTERIM SUCCESSORS FOR TOWN SUPERVISOR**

**BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby designate the following individuals to serve as emergency interim successors for the position of the Town Supervisor in the event of an emergency when the Town Supervisor or one or more of his successors is unavailable, in the following order of succession:

Michael Taylor, Deputy Supervisor  
Jim Monks, Ward 3 Councilman  
Michael Athanas, Ward 1 Councilman  
Susan Serino, Ward 2 Councilwoman

MOTION: Councilman Monks  
SECOND: Councilman Athanas

VOICE VOTE: 5 – 0 CARRIED

**RESOLUTION 1:25-13 OF 2010**

**RESOLUTION DESIGNATING ATTORNEYS FOR THE TOWN AS ASSISTANT DISTRICT ATTORNEYS TO PROSECUTE VIOLATIONS OF TOWN CODE**

**WHEREAS**, the Town of Hyde Park requires legal assistance in the prosecution of violations of the various provisions of the Code of the Town of Hyde Park, traffic infractions and other minor offenses in Justice Court and other criminal courts; and

**WHEREAS**, New York Town Law authorizes the Town Board to designate the Town Attorney and/or another attorney as Assistant District Attorney as provided by law, to prosecute in the name of the people of the state of New York, the violator of a Town ordinance or local law or a person accused of committing any offense, infraction or criminal act within the village.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

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

2. James P. Horan, Esq., Thomas R. Davis, Esq., Lisa M. Cobb, Esq., and Angel I. Falcon, Esq. and are hereby designated as Assistant District Attorneys and authorized to prosecute violations of the Code of the Town of Hyde Park, minor offense and traffic infractions in the name of the People of the State of New York in any Court having jurisdiction over the Code of the Town of Hyde Park, including Hyde Park Justice Court, New York State Supreme Court, or any other Court assigned by a Justice of the Supreme Court.

3. Stanley A. Frangk, Esq. is hereby designated to prosecute traffic infractions in the name of the People of the State of New York in Hyde Park Justice Court.

4. The Town Clerk is directed to forward a copy of this resolution to the Office of the Dutchess County District Attorney and to the Clerk of the Justice Court for the Town of Hyde Park.

MOTION: Councilman Taylor  
SECOND: Councilman Athanas

VOICE VOTE: 5 – 0 CARRIED

**RESOLUTION 1:25-14 OF 2010**

**RESOLUTION AUTHORIZING THE PAYMENT OF ABSTRACT 13 OF 2009**

**WHEREAS**, the Hyde Park Town Board has audited the bills presented by the Town Clerk and an abstract has been compiled, now therefore,

**BE IT RESOLVED**, that the Town Board authorizes the Town Supervisor to issue checks for the following:

ABSTRACT	13 OF 2009	GENERAL FUND (VOUCHER #1269-1336)	\$58,435.66
ABSTRACT	13 OF 2009	HIGHWAY FUND (VOUCHER #464-492)	\$25,652.38
ABSTRACT	13 OF 2009	SPECIAL DISTRICTS (VOUCHERS #748-768)	\$43,679.25

MOTION: Councilman Athanas  
SECOND: Councilwoman Serino

ROLL CALL VOTE BY TOWN CLERK:

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

**RESOLUTION 1:25-15 OF 2010**

**RESOLUTION AUTHORIZING THE PAYMENT OF ABSTRACT 1 OF 2010**

**WHEREAS**, the Hyde Park Town Board has audited the bills presented by the Town Clerk and an abstract has been compiled, now therefore,

**BE IT RESOLVED**, that the Town Board authorizes the Town Supervisor to issue checks for the following:

ABSTRACT	1 OF 2010	GENERAL FUND (VOUCHER #'s 1-34)	\$92,355.92
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ABSTRACT 1 OF 2010 HIGHWAY FUND \$26,679.31  
(VOUCHER #'s 1-5)

ABSTRACT 1 OF 2010 SPECIAL DISTRICTS \$11,936.36  
(VOUCHER #'s 1-15)

MOTION: Councilwoman Serino  
SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

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

**RESOLUTION 1:25-16 OF 2010**

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS OF THE 2010  
ADOPTED BUDGET, AS IT PERTAINS TO FUNDING CONFERENCES COST  
FOR THE DEPUTY RECEIVER OF TAXES**

**WHEREAS**, the Supervisor for the Town of Hyde Park , has determined that an intra-departmental transfer of funds is necessary to update the 2010 adopted budget, and

**WHEREAS**, the intra-departmental transfer of funds shall not result in any additional costs to the Town of Hyde Park, now, therefore, be it

**RESOLVED**, that the 2010 Adopted budget of the Town of Hyde Park be hereby amended as follows:

Increase	A1330.410	Conference	\$	200.00
Decrease	A1330.112	Part time	\$	200.00

MOTION: Councilman Monks  
SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

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

CORRESPONDENCE:

Town Clerk Donna McGrogan read a resignation letter from Ruth Mesuda, longtime member of the Planning Board. She expressed support in the Boards appointing of George McGann to her former position.

Councilman James Monks read a letter from the Commander of the USS Franklin and Eleanor Roosevelt, thanking William Conn and the people of Hyde Park for their holiday donations to the men aboard.

PUBLIC COMMENT:

Herb Sweet, Covey Rd., apologized for the broadcasting difficulty the Media committee was encountering this evening.

OLD & NEW BUSINESS:none

MOTION: Councilman Athanas

SECOND: Councilman Monks

To adjourn meeting.

VOICE VOTE: 5 – 0 CARRIED

Meeting adjourned at 9:50PM

Respectfully submitted,

Donna McGrogan  
Town Clerk