

MINUTES OF THE REGULAR MEETING OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, FEBRUARY 22, 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 litigation.

VOICE VOTE: 5 – 0 CARRIED at 6:50PM

MOTION: Councilman Monks
SECOND: Councilman Athanas

To return from Executive Session

VOICE VOTE 5 – 0 CARRIED at 7:15PM

No actions were taken in Executive Session.

PUBLIC COMMENTS ON RESOLUTIONS ONLY:

Bill Ring, 47 River Road, stated that he was a former Recreation Commissioner who was reappointed to the Commission last year, but did not take his oath of office within the 30 day required time limit. He stated that he is still interested in the position.

Jim Bishop, 27 Fuller La., Hyde Park Recreation Commission stated that the Commission should have had the opportunity to interview candidates which, he believes, is directed by law.

Robert Lee, 15 Wright Avenue, from Roosevelt Fire Department. He feels that the Police Department needs the leadership of a Lieutenant position. He also would like to see the proposed part time positions made into full time positions.

Bob Kampf, 8 Putnam Rd., would also like to see full time Police Officers appointed rather than part time Officers and read a lengthy list of reasons supporting his statement. He also would like to see the lieutenant position remain.

Gary Canzaro, 101 Dutchess Hill Rd., does not want to see any Police positions eliminated.

Brian Dixon, Beadart Place, stated that if the lieutenant position were eliminated, the Provisional Police Chief would have no position to go to if he does not pass the Police Chief test. He would like to see both resolutions regarding the Police Department tabled.

Gina Birelli, Quaker La., feels that Hyde Park does not have enough Police Officers.

Christopher Delarama, 262 S. Quaker La., questioned why the Board wishes to reduce Police positions when the public voted to see the Police facility improved.

Carole Lally, 27 Beadart Pl., as a former Board member, suggests that the Board listen to the public and do what is fair and just. She is worried that the members of the Planning and Zoning Board of Appeals may not be treated fairly.

Jason Rusillo, Hyde Park Police PBA president, stated that there are no part time hourly positions in the Police contract. He would also like to see the lieutenant position left intact.

MOTION: Councilman Monks
SECOND: Councilman Athanas

To close public comment.

VOICE VOTE: 5 - 0 CARRIED

RESOLUTION 2:22-1 OF 2010

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND HYDE PARK SOCCER, 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 Soccer, Inc. for the 2010 season, in the form annexed here to.

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

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

RESOLUTION 2:22-2 OF 2010

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND HYDE PARK BASEBALL, 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 Baseball, Inc. for the 2010 season, in the form annexed here to.

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

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

RESOLUTION 2: 22-3 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE ARBORS WATER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Arbors Water Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the water and wastewater distribution systems for the Arbor Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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 2:22-4 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE GREENFIELDS WATER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Greenfields Water Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the water and wastewater distribution systems for the Greenfields Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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 2:22-5 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE GREENFIELD SEWER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Greenfield Sewer Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the water and wastewater distribution systems for the Greenfield Sewer District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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 2:22-6 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE QUAKER HILL WATER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Quaker Hill Water Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the water and wastewater distribution systems for the Quaker Hill Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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 2:22-7 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE VIOLET AVENUE WATER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Violet Avenue Water Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the water and wastewater distribution systems for the Violet Avenue Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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

RESOLUTIO 2:22-8 OF 2010

RESOLUTION AUTORIZING A CONTRACT WITH RICHARD R. CAIN, INC. ON BEHALF OF THE GREENBUSH WATER DISTRICT

WHEREAS, the Town of Hyde Park and Richard R. Cain, Inc. have negotiated an Agreement pursuant to which Richard R. Cain, Inc. will furnish professional services in connection with operating and maintaining the water and wastewater distribution systems for the Greenbush Water Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Hyde Park does hereby approve the proposed Agreement between the Town of Hyde Park and Richard R. Cain, Inc. for professional services in connection with operating and maintaining the

water and wastewater distribution systems for the Greenbush Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute the agreement on behalf of the Town of Hyde Park.

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 2:22-9 OF 2010

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN RENEWAL LEASE CONTRACTS WITH NYCOMCO

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor of the Town of Hyde Park to sign the renewal lease contracts with New York Communications Co., Inc. (NYCOMCO) for Police Department's Radios.

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 2:22-10 OF 2010

RESOLUTION AUTHORIZING 2010 STOP-DWI ENFORCEMENT PROGRAM CONTRACT REGARDING PROVIDING COORDINATED UNDERAGE/FAKE ID STING AMENDMENT/EXTENSION AND AUTHORIZING SUPERVISOR TO SIGN CONTRACT

WHEREAS, the Town of Hyde Park entered into an agreement with the County of Dutchess to provide Coordinated Underage/Fake ID Sting; and

WHEREAS, the Town Board of the Town of Hyde Park desires to extend the term of said contract for an additional period of one year from January 1, 2010 to December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby approves the one year extension agreement from January 1, 2010 to December 31, 2010 of the County of Dutchess STOP-DWI Enforcement contract to provide Coordinated Underage/Fake ID Sting between the Town of Hyde Park and the County of Dutchess and authorizes the Supervisor to execute the same on behalf of the Town.

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 2:22-11 OF 2010

RESOLUTION AUTHORIZING 2010 STOP-DWI ENFORCEMENT PROGRAM CONTRACT REGARDING DRUG RECOGNITION EXPERTS AMENDMENT/EXTENSION AND AUTHORIZING SUPERVISOR TO SIGN CONTRACT

WHEREAS, the Town of Hyde Park entered into an agreement with the County of Dutchess to provide Drug Recognition Experts; and

WHEREAS, the Town Board of the Town of Hyde Park desires to extend the term of said contract for an additional period of one year from January 1, 2010 to December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby approves the one year extension agreement from January 1, 2010 to December 31, 2010 of the County of Dutchess STOP-DWI Enforcement contract to provide Drug Recognition Experts between the Town of Hyde Park and the County of Dutchess and authorizes the Supervisor to execute the same on behalf of the Town.

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 2:22-12 OF 2010

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN A RUBBISH REMOVAL SERVICE AGREEMENT WITH ROYAL CARTING SERVICE CO.

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor of the Town of Hyde Park to sign the Rubbish Removal Service Agreement between the Town of Hyde Park and Panichi Holding Corp., d/b/a Royal Carting Service Co., effective April 1, 2010, which agreement period shall run from April 1, 2010 through March 31, 2013.

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 2:22-13 OF 2010

RESOLUTION APPOINTING ORRICK, HERRINGTON & SUTCLIFFE, LLP AS BOND COUNSEL TO THE TOWN

WHEREAS, the Town has a need to appoint an attorney to handle the Town’s bonding matters; and

WHEREAS, Douglas Goodfriend, Esq. of Orrick, Herrington & Sutcliffe, LLP, with an address of 666 Fifth Avenue, New York, New York 10103, has previously represented the Town of Hyde Park as bond counsel and is a foremost authority in the area; and

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 hereby authorizes and appoints the law firm of, Orrick, Herrington & Sutcliffe, LLP, as Bond Counsel for all bonding matters and Douglas E. Goodfriend, Esq. of the firm shall be primarily responsible for assisting the Town.
3. Orrick, Herrington & Sutcliffe, LLP, shall be compensated in accordance with the attached fee schedule.
4. The Attorney to the Town, James P. Horan, Esq. will also be authorized to assist Mr. Goodfriend as deemed necessary and appropriate.
5. Any requests for payment or reimbursements pursuant to this Resolution shall be set forth on a signed and itemized voucher approved by the Town Board of the Town of Hyde Park for its review, order and approval.

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

The General Obligation Fee Schedule and certified resolution is on file at the Town Clerk’s Office.

RESOLUTION 2:22-14 OF 2010

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI PROCEEDING WITH TACONIC REALTY ASSOCIATES

WHEREAS, Taconic Realty Associates commenced an action under Article 7 of the RPTL in Supreme Court of the State of New York, County of Dutchess under Index No. 2009-5587 to review the tax assessment fixed by the Town of Hyde Park for the 2009 assessment roll for the property located at 374 Violet Avenue, Town of Hyde Park, County of Dutchess, which is designated as tax grid number 6163-04-600353; an

WHEREAS, the Hyde Park Central School District was served in the above noted action but did not interpose an answer or otherwise intervene in the action; and

WHEREAS, the Town Assessor and the Attorney to the Town have negotiated a settlement of the above noted action with the attorneys for the property owner; and

WHEREAS, the Town Assessor and the Attorney to the Town recommend that the Town Board settle the tax certiorari in accordance with the negotiated settlement which is listed below; and

WHEREAS, the Town Board believes that it is in the best interest of the Town to settle the referenced tax certiorari in accordance with the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby approve a settlement on behalf of the Town of Hyde Park of the tax review proceeding for the year 2009 for tax grid number 6163-04-600353 as follows:

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Reduction in Assessment</u>	<u>Final Assessment</u>
2009	\$600,000.00	\$100,000.00	\$500,000.00

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Consent Judgment settling this action in the form that is attached hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor, the Town Assessor and the Attorney to the Town are authorized to take all actions that are necessary and proper to effectuate the terms of this resolution.

MOTION: Councilwoman Serino
SECOND: Councilman Monks

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas
Councilwoman Serino
Councilman Monks
Councilman Taylor
Supervisor Martino

MOTION: Councilman Taylor
SECOND: Councilman Monks

To amend resolution by adding “-0003” to the end of the tax grid number located at the end of the first and sixth paragraphs. .

VOICE VOTE: 5 – 0 CARRIED

**AS AMENDED
RESOLUTION 2:22-14 OF 2010**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
PROCEEDING WITH TACONIC REALTY ASSOCIATES**

WHEREAS, Taconic Realty Associates commenced an action under Article 7 of the RPTL in Supreme Court of the State of New York, County of Dutchess under Index No. 2009-5587 to review the tax assessment fixed by the Town of Hyde Park for the 2009 assessment roll for the property located at 374 Violet Avenue, Town of Hyde Park, County of

Dutchess, which is designated as tax grid number 6163-04-600353-0003; and

WHEREAS, the Hyde Park Central School District was served in the above noted action but did not interpose an answer or otherwise intervene in the action; and

WHEREAS, the Town Assessor and the Attorney to the Town have negotiated a settlement of the above noted action with the attorneys for the property owner; and

WHEREAS, the Town Assessor and the Attorney to the Town recommend that the Town Board settle the tax certiorari in accordance with the negotiated settlement which is listed below; and

WHEREAS, the Town Board believes that it is in the best interest of the Town to settle the referenced tax certiorari in accordance with the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby approve a settlement on behalf of the Town of Hyde Park of the tax review proceeding for the year 2009 for tax grid number 6163-04-600353-0003 as follows:

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Reduction in Assessment</u>	<u>Final Assessment</u>
2009	\$600,000.00	\$100,000.00	\$500,000.00

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Consent Judgment settling this action in the form that is attached hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor, the Town Assessor and the Attorney to the Town are authorized to take all actions that are necessary and proper to effectuate the terms of this resolution.

MOTION: Councilman Taylor
SECOND: Councilman Monks

VOICE VOTE: 5 – 0 CARRIED AS AMENDED

The Consent Judgment and certified resolution is on file at the Town Clerk's Office.

RESOLUTION 2:22-15 OF 2010

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN HALL RENTAL AGREEMENT WITH THE HYDE PARK KNIGHTS OF COLUMBUS FOR SENIORS EVENT

BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes and directs the Supervisor to sign the Hall Rental Agreement with the Hyde Park Knights of Columbus Council #6111 and the Town of Hyde Park Recreation Department for use of the hall during their Hyde Park Senior's Event to be held on Mondays only from January, 2010, through December 31, 2010, between the hours of 8:30 a.m. to 2:30 p.m., in accordance with the dates provided by the Recreation Director.

MOTION: Councilman Monks
SECOND: Councilman Taylor

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22-16 OF 2010

A RESOLUTION IN SUPPORT OF A JOINT APPLICANT WITH OTHER MUNICIPALITIES TO THE NEW YORK STATE DEPARTMENT OF STATE'S 2009-2010 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM FOR THE PURPOSE OF SEEKING FUNDING FOR A GENERAL EFFICIENCY PLANNING GRANT TO ENTER INTO A STUDY OF REGIONAL COLLABORATION AND SHARED SERVICES WITH THE INTENT TO ACHIEVE COST SAVINGS AND ECONOMIES OF SCALE

The Town Board of the Town Of Hyde Park offers the following:

WHEREAS, the current economic crisis at state and local levels makes collaborations and shared services a high priority and necessity for continued operations, especially when such efforts and initiatives lead to cost savings, economies of scale, and reduced burdens on the taxpayer; and

WHEREAS, The Town of LaGrange and the Town Of Hyde Park in the County of Dutchess share interest in studying how a regional approach to service delivery would lead to savings and other efficiencies yet to be demonstrated and have participated in several meetings to discuss the issue of shared services given current and projected needs; and

WHEREAS, Pattern for Progress, the regional planning agency has facilitated meetings in which the Town Of Hyde Park has been represented to explore regional collaboration among neighboring municipalities in which reducing costs through collaboration and sharing has emerged as a top priority; and

WHEREAS, the Town board of the Town Of Hyde Park, on behalf of the Town Of Hyde Park be authorized to submit a grant application to the New York State Department of State's 2009-2010 Local Government Efficiency Grant Program for multi-municipal, general efficiency planning grant and for the Town Of Hyde Park to commit to share equally among participating municipalities, the ten (10%) percent required cash match.

NOW THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town Of Hyde Park is hereby authorized to apply for a grant from the New York State Department of State for Local Government Efficiency Grant program in the General Efficiency Planning Grant category for the purpose of funding a study of cost savings and economies of scale resulting from shared services.

BE IT FURTHER RESOLVED, that the Town Of Hyde Park will share equally with other participating municipalities in the required ten (10 %) percent cash match for the project and commits to a local contribution.

BE IT FURTHER RESOLVED, that Supervisor of the Town Of Hyde Park is hereby authorized to execute any and all other paper and agreements required in connection with such application subject to the review thereof by the Town Of Hyde Park attorney for the purpose of form and content.

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 2:22-17 OF 2010

RESOLUTION AUTHORIZING TOWN ENGINEER TO PREPARE CONSTRUCTION BID PLANS FOR IMPROVEMENTS TO PINEWOODS PARK (SKATE PARK)

WHEREAS, Recreation Director Kathleen Davis and Town Engineer Peter Setaro, PE presented a proposal to the Town Board of the Town of Hyde Park on February 9, 2010 at the Town Board Workshop which requested that the Town Board authorize certain construction work in Pinewoods Park; and

WHEREAS, the items requiring completion as part of the grant are renovation of the bathrooms at the maintenance building to provide one unisex bathroom that is handicap accessible, including installation of a sewage holding tank and alarm system, providing approximately 20 additional parking spaces and provide landscaping and lawn areas near skate-park; and

WHEREAS, the contract for Town Engineer services provides that the preparation of construction bid plans are an additional expense subject to approval by the Town Board; and

WHEREAS, funding for the project has been appropriated in the 2010 Budget from the Recreation Trust Fund.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the Town Engineer to draft construction bid plans for certain improvements in accordance with his letter of February 1, 2010, at a cost not to exceed \$7,500.00.

AND BE IT FURTHER RESOLVED, that any requests for payment or reimbursements pursuant to this Resolution shall be set forth on a signed and itemized voucher subject to approval by the Town Board of the Town of Hyde Park and subject to payment after its review, order and approval.

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 2:22-18 OF 2010

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE 2010 GRANT APPLICATION ANNOUNCEMENT FOR YOUTH DEVELOPMENT DELINQUENCY PREVENTION (YDDP)

WHEREAS, the Town of Hyde Park is participating in the Youth Development Delinquency Prevention (YDDP) grant for currently funded Municipalities; and

WHEREAS, an application has been prepared which addresses our community concerns for the project described as follows:

The Intern Program and Teen Center programs to provide recreation to the youth of Hyde Park. These programs provide positive youth development and promote good self-esteem and physical fitness.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute all necessary and proper documents in regard to the 2010 YDDP grant application.

MOTION: Councilwoman Serino

SECOND: Councilman Monks

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22-19 OF 2010

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE 2010 GRANT APPLICATION ANNOUNCEMENT FOR YOUTH DEVELOPMENT DELINQUENCY PREVENTION (YDDP)

WHEREAS, the Town of Hyde Park is participating in the Youth Development Delinquency Prevention (YDDP) grant for currently funded Municipalities; and

WHEREAS, an application has been prepared which addresses our community concerns for the project described as follows:

A Uniformed Police Officer assigned to a local school (Haviland Middle School) to enhance relations between youth via classroom presentations, counseling, sessions during and after school. This program will help reduce crime and make the school a safer place for children.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Supervisor to execute all necessary and proper documents in regard to the 2010 YDDP grant application.

MOTION: Councilman Monks

SECOND: Councilman Taylor

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22-20 OF 2010

RESOLUTION APPOINTING KATHLEEN MOSS TO REPRESENT THE TOWN OF HYDE PARK ON THE DUTCHESS COUNTY MS4 COORDINATION COMMITTEE

WHEREAS, by Resolution 5:22-11 of 2006, the Town Board of the Town of Hyde Park supported the creation of an intermunicipal organization of the regulated Dutchess County MS4 municipal corporations; and

WHEREAS, by adopting said Resolution, the Town of Hyde Park acknowledged its participation in said organization and as such, appointed the Supervisor of the Town of Hyde Park to represent the Town on the Dutchess County MS4 Coordination Committee; and

WHEREAS, the Zoning Administrator of the Town of Hyde Park and member of the MS4 Coordination Committee, Kathleen Moss, has requested that she be appointed as the committee voting member in order to help the committee move along procedurally; and

WHEREAS, the Supervisor of the Town of Hyde Park and current committee voting member, Thomas J. Martino, has approved of said request.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint Kathleen Moss to represent the Town of Hyde Park on the Dutchess County MS4 Coordination Committee in place of Thomas J. Martino; and

BE IT FURTHER RESOLVED, that said appointment shall be effective as of February 22, 2010.

MOTION: Councilman Taylor
SECOND: Councilman Athanas

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22-21 OF 2010

RESOLUTION AUTHORIZING THE 2010 TOWN-WIDE TAG SALE TO BE HELD ON MAY 15, 2010 AND MAY 16, 2010 AND USE OF TOWN HALL LAWN AND THE TOWN HALL PARKING LOT FOR MAY 15, 2010

WHEREAS, Kathleen Davis and Joanne Lown approached the Town Board of the Town Of Hyde Park on February 9, 2010 at the Town Board Workshop and requested that the Town board approve the event sponsored by the Town of Hyde Park and run by the Tag-Sale Committee as well as approve the use of the Town Hall lawn and parking lot for the event to be held on May 15, 2010; and

BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes and supports the 2010 Town-wide Tag Sale to be held on May 15, 2010 and May 16, 2010 in the Town of Hyde Park; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park hereby authorizes the use of Town Hall Lawn and the Town Hall Parking Lot for May 15, 2010 for a nominal fee.

MOTION: Councilman Athanas
SECOND: Councilwoman Serino

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22 -22 OF 2010

RESOLUTION APPROVING PRIVATE DRIVE NAME FOR TOM'S WAY

WHEREAS, the County of Dutchess has implemented the E-911 Emergency Dispatch System; and

WHEREAS, the full implementation of the E-911 system requires that all private roads in the Town of Hyde Park be officially named; and

WHEREAS, The construction of a new residence on parcel 6166-01-125783 creates the need to better identify the three residences which will be sharing a common drive located off South Cross Road; and

WHEREAS, the property owners have proposed the name of "Tom's Way" for the private drive; and

WHEREAS, the Dutchess County Enhanced 911 Department of Emergency Response has reviewed the proposed name and has found that it meets the 911 criteria for naming streets/private drives.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Hyde Park, that the private drive being created as part of the subdivision is hereby officially named Tom's Way; and

BE IT FURTHER RESOLVED, that appropriate signage shall be posted with the name of the private drive and that such signage shall be the responsibility of the property owners; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided to Dutchess County E-911 by the Town Clerk of the Town of Hyde Park.

MOTION: Councilwoman Serino
SECOND: Councilman Monks

VOICE VOTE: 5 – 0 CARRIED

**TABLED
RESOLUTION 2:22 -23 OF 2010**

RESOLUTION APPOINTING MEMBER TO THE TOWN OF HYDE PARK RECREATION COMMISSION

WHEREAS, the Town Board of the Town of Hyde Park has heretofore created a Recreation Commission consisting of seven members with seven year terms; and

WHEREAS, the Town Board wishes to appoint Scott Marxer to fill a vacancy on the Recreation Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint Scott Marxer to the Recreation Commission of the Town Of Hyde Park, effective immediately to fill an unexpired term which is scheduled to expire on November 30, 2016.

MOTION: Councilman Monks
SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas
Councilwoman Serino
Councilman Monks
Councilman Taylor
Supervisor Martino

MOTION: Supervisor Martino
SECOND: Councilman Athanas

To table resolution.

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 2:22-24 OF 2010

RESOLUTION APPOINTING JAMES LANGAN TO THE TOWN OF HYDE PARK POLICE ADVISORY COMMITTEE

WHEREAS, by Resolution 11:23 – 13 of 2009 the Town Board of the Town of Hyde Park created the Hyde Park Police Advisory Committee consisting of seven members; and

WHEREAS, the purpose of the Hyde Park Police Advisory Committee is to assist and advise the Chief of Police with the development and implementation of strategies, policies and goals for the Police Department that best serve the needs of the department and the community; and

WHEREAS, the Town is currently in the process of appointing members to the Committee to be appointed to a one year term; and

WHEREAS, Provisional Police Chief Donald Goddard has submitted in nomination the name of James Langan for appointment to the Hyde Park Police Advisory Committee; and

WHEREAS, James Langan has expressed an interest in being appointed to the Committee; therefore

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint James Langan to the Hyde Park Police Advisory Committee of the Town of Hyde Park, effective immediately.

MOTION: Councilman Taylor

SECOND: Councilman Athanas

ROLL CALL VOTE BY TOWN CLERK:

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

RESOLUTION 2:22-25 OF 2010

RESOLUTION INTRODUCING PROPOSED LOCAL LAW B OF THE YEAR 2010, LOCAL LAW ESTABLISHING ALTERNATES FOR PLANNING BOARD AND ZONING BOARD OF APPEALS

WHEREAS, It is sometimes difficult to maintain a quorum or a full Board membership on the Planning Board and/or Zoning Board of Appeals, because the members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board; and

WHEREAS, official business cannot be conducted when no quorum is present which may delay or impede adherence to timelines required by law; and

WHEREAS, the use of alternates furthers the goals of the comprehensive plan by streamlining the planning process for applicants; and

WHEREAS, acting as an alternate allows individuals to receive on the job training to deal with land use issues in the Town that can utilized in the future as a full voting member; and

WHEREAS, the Town Board has determined that it is in the best interest of the residents of the Town of Hyde Park to create the position of alternate members for the Planning Board and the Zoning Board of Appeals.

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 B of 2010 in the form annexed hereto.
3. The Town Board determines that this is an administrative and management action that will not have an effect on the environment and is Type II action pursuant to 6 NYCRR 617.5 (c)(20) and, accordingly is not an action that requires review pursuant to the provisions of New York State Environmental Quality Review Act (SEQRA).
4. The instant action is a planning and zoning law that effects all the property within the Town and is therefore subject to review pursuant to General Municipal Law § 239-m; the Town Clerk is directed to send a copy of the Local Law to the Dutchess County Department of Planning in accordance with the provisions of GML § 239-m.
5. The Town Board hereby schedules a Public Hearing on the Adoption of Proposed Local Law B of 2010 to be held at Town Hall, 4383 Albany Post Road, Hyde Park, NY 12538 on the 22nd day of March, 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 Athanas
SECOND Councilwoman Serino

VOICE VOTE: 5 – 0 CARRIED

PROPOSED LOCAL LAW B OF THE YEAR 2010

A Local Law entitled “Local Law Establishing Alternates for Planning Board and Zoning Board of Appeals.”

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

Title

This Local Law shall be known and cited as Town of Hyde Park Local Law No. ___ of 2010 entitled “Local Law Establishing Alternates for Planning Board and Zoning Board of Appeals.”

LEGISLATIVE INTENT AND PURPOSE.

It is sometimes difficult to maintain a quorum or a full Board membership on the Planning Board and/or Zoning Board of Appeals, because the members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted which may delay or impede adherence to required timelines. Furthermore, the use of alternates furthers the goals of the comprehensive plan by streamlining the planning process for applicants.

Amendment of Chapter 23 “PLANNING BOARD”

Chapter 23 of the Town Code of the Town of Hyde Park is hereby amended by the addition of a new section 23-8 which shall read as follows:

§ 23-8 Appointment and Designation of Alternate Voting Members.

Definitions. As used in this section, the following terms shall have the meanings indicated:

ALTERNATE VOTING MEMBER — An individual appointed by the Town Board to serve as a Planning Board member, with respect to one or more particular applications or matters, upon the designation of the Chair or Acting Chair of the Planning Board, when a regular Planning Board member is unable to participate or vote on an application or matter before the Board because such regular Planning Board member has determined that recusal is appropriate based upon a conflict of interest or to avoid even an appearance of impropriety; or is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause.

PLANNING BOARD or BOARD — The Planning Board of the Town of Hyde Park as established by the Town Board, pursuant to the provisions of § 271 of the Town Law and this Chapter.

REGULAR PLANNING BOARD MEMBER or PLANNING BOARD MEMBER — An individual appointed by the Town Board to serve on the Planning Board pursuant to the provisions of § 271 of the Town Law and § 23-1 of the Town of Hyde Park Code.

The Town Board may appoint one or more alternate voting members of the Planning Board. Each such alternate voting member shall serve for a term of four years.

All provisions of New York State law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office, and service on other boards, and any provisions of any local laws relating to training, continuing education, compensation and attendance, shall also apply to alternate voting members. Upon appointing an alternate voting member, the Town Board shall review the background of any appointee and may, in its discretion, require that such appointee complete specified training prior to any designation to serve as an alternate voting member, or within a specified time thereafter.

The Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in the place of a regular Planning Board member in the following circumstances, and for the following periods:

When a regular Planning Board member has recused himself with respect to a matter, constituting one or more particular applications before the Board, the Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in such regular member's place throughout the entire remaining period of the Planning Board's review, consideration, and voting, until the matter is concluded.

When a regular Planning Board member is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause, the Planning Board Chair, or acting Chair, shall designate an alternate voting member to serve in the place of such regular Planning Board member until the regular Planning Board member returns to service on the Board.

The Planning Board Chair or Acting Chair shall designate alternate voting members to serve as needed. In situations where there is more than one eligible alternate voting member, the designation shall take place by lot. At the time of designation of an alternate voting member, the Chair, or acting Chair, shall specify the name of any application or matter for which the designated alternate voting member will serve. The Secretary of the Planning Board shall enter the designation of any alternate voting member or members into the minutes of the meeting at which the designation is made. Where an alternate voting member is designated to serve in the event of an absence under Subsection D(2), the Chair, or Acting Chair, may simply state that the alternate voting member is designated to sit on all matters on the agenda for the meeting, rather than naming each matter individually.

Upon appointment by the Town Board, any Alternate Voting Member shall attend the regular and special Planning Board meetings and may ask questions and participate in discussions on the same basis as regular members. An Alternate Voting Member shall participate in deliberation and voting on the Planning Board only upon being designated by the Planning Board Chair or Acting Chair to serve, as set forth in Subsection E. Upon designation by the Chair or Acting Chair, the alternate voting member shall possess all the powers and responsibilities of a regular Planning Board member for the period of time for which such alternate voting member serves, with respect to any application or matter for which such alternate voting member has been designated.

Prior to deliberating or voting on a matter wherein the alternate voting member has not been present for all of the Planning Board meetings or hearings relating to such matter, the alternate voting member shall become familiar with the Planning Board's records relating to same, including the application, the environmental documents, and any other documents in the Planning Board files, such as minutes of meetings and

hearings. Prior to voting on any such matter or application, the alternative voting member shall set forth on the record the manner in which such member has become familiar with the record before the Board.

This section shall not be deemed to require the appointment of alternate voting members by the Town Board, nor shall it be deemed to impair or restrict the authority of the Town Board to remove members of the Planning Board for cause.

It is the intention of this section that Planning Board members will recuse themselves at the earliest possible time when a conflict of interest or appearance of impropriety has arisen, and that the Planning Board Chair or Acting Chair will thereupon immediately notify the Town Board and designate an alternate voting member at the earliest possible time after a recusal has taken place. However, in the case of any pending applications or matters, where Planning Board members have already made recusals, and it has not previously been possible to designate alternative voting members because this section was not yet enacted, the Planning Board Chair, or Acting Chair, shall designate the alternative Planning Board member or members at the earliest possible time, so that the Planning Board will be able to conduct its business with a full complement of members on all pending matters and applications.

Amendment of Chapter 108 “ZONING”

Chapter 108, Article 33, of the Town Code of the Town of Hyde Park is hereby amended by the addition of a new section 108-33.7 which shall read as follows:

§ 108-33.7 Appointment and Designation of Alternate Voting Members.

Definitions. As used in this section, the following terms shall have the meanings indicated:

ALTERNATE VOTING MEMBER — An individual appointed by the Town Board to serve as a Zoning Board of Appeals member, with respect to one or more particular applications or matters, upon the designation of the Chair or Acting Chair of the Zoning Board of Appeals, when a regular Zoning Board of Appeals member is unable to participate or vote on an application or matter before the Board because such regular Zoning Board of Appeals member has determined that recusal is appropriate based upon a conflict of interest or to avoid even an appearance of impropriety; or is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause.

ZONING BOARD OF APPEALS or BOARD — The Zoning Board of Appeals of the Town of Hyde Park as established by the Town Board, pursuant to the provisions of § 271 of the Town Law and this Chapter.

REGULAR ZONING BOARD OF APPEALS MEMBER or ZONING BOARD OF APPEALS MEMBER — An individual appointed by the Town Board to serve on the Planning Board pursuant to the provisions of § 267 of the Town Law and § 108-33.1 of the Town of Hyde Park Code.

The Town Board may appoint one or more alternate voting members of the Zoning Board of Appeals. Each such alternate voting member shall serve for a term of four years.

All provisions of New York State law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office, and service on other boards, and any provisions of any local laws relating to training, continuing education, compensation and attendance, shall also apply to alternate voting members. Upon appointing an alternate voting member, the Town Board shall review the background of any appointee and may, in its discretion, require that such appointee complete specified training prior to any designation to serve as an alternate voting member, or within a specified time thereafter.

The Zoning Board of Appeals Chair, or acting Chair, shall designate an alternate voting member to serve in the place of a Regular Zoning Board of Appeals member in the following circumstances, and for the following periods:

When a Regular Zoning Board of Appeals member has recused himself with respect to a matter, constituting one or more particular applications before the Board, the Zoning Board of Appeals Chair, or acting Chair, shall designate an alternate voting member to serve in such regular member's place throughout the entire remaining period of the Planning Board's review, consideration, and voting, until the matter is concluded. When a Regular Zoning Board of Appeals member is absent from a meeting, whether by reason of illness, vacation, seasonal or temporary relocation, work assignment, or other cause, the Zoning Board of Appeals Chair, or acting Chair, shall designate an alternate voting member to serve in the place of such Regular Zoning Board of Appeals member until the Regular Zoning Board of Appeals member returns to service on the Board.

The Zoning Board of Appeals Chair or Acting Chair shall designate alternate voting members to serve as needed. In situations where there is more than one eligible alternate voting member, the designation shall take place by lot. At the time of designation of an alternate voting member, the Chair, or acting Chair, shall specify the name of any application or matter for which the designated alternate voting member will serve. The Secretary of the Zoning Board of Appeals shall enter the designation of any alternate voting member or members into the minutes of the meeting at which the designation is made. Where an alternate voting member is designated to serve in the event of an absence under Subsection D(2), the Chair, or Acting Chair, may simply state that the alternate voting member is designated to sit on all matters on the agenda for the meeting, rather than naming each matter individually.

Upon appointment by the Town Board, any Alternate Voting Member shall attend the regular and special Zoning Board of Appeals meetings and may ask questions and participate in discussions on the same basis as regular members. An Alternate Voting Member shall participate in deliberation and voting on the Zoning Board of Appeals only upon being designated by the Zoning Board of Appeals Chair or Acting Chair to serve, as set forth in Subsection E. Upon designation by the Chair or Acting Chair, the alternate voting member shall possess all the powers and responsibilities of a regular Zoning Board of Appeals member for the period of time for which such alternate voting member serves, with respect to any application or matter for which such alternate voting member has been designated.

Prior to deliberating or voting on a matter wherein the alternate voting member has not been present for all of the Zoning Board of Appeals meetings or hearings relating to such matter, the alternate voting member shall become familiar with the Zoning Board of Appeals' records relating to same, including the application, the environmental documents, and any other documents in the Zoning Board of Appeals files, such as minutes of meetings and hearings. Prior to voting on any such matter or application, the alternative voting member shall set forth on the record the manner in which such member has become familiar with the record before the Board.

This section shall not be deemed to require the appointment of alternate voting members by the Town Board, nor shall it be deemed to impair or restrict the authority of the Town Board to remove members of the Zoning Board of Appeals for cause.

It is the intention of this section that Zoning Board of Appeals members will recuse themselves at the earliest possible time when a conflict of interest or appearance of impropriety has arisen, and that the Zoning Board of Appeals Chair or Acting Chair will thereupon immediately notify the Town Board and designate an alternate voting member at the earliest possible time after a recusal has taken place. However, in the case of any pending applications or matters, where Zoning Board of Appeals members have already made recusals, and it has not previously been possible to designate alternative voting members because this section was not yet enacted, the Zoning Board of Appeals Chair, or Acting Chair, shall designate the alternative Zoning Board of Appeals member or members at the earliest possible time, so that the Zoning Board of

Appeals will be able to conduct its business with a full complement of members on all pending matters and applications.

Supersession of New York State Town Law

This Local Law is hereby adopted pursuant to the provisions of § 10 of the NYS Municipal Home Rule Law and § 10 of the NYS Statute of Local Governments. It is the intent of the Town Board as a legislative body pursuant to § 10 of the NYS Municipal Home Rule Law, to supersede the provision of:

Section 271 of the Town Law relating to the appointment of members to Town Planning Boards; and

Section 267 of the Town Law relating to the appointments of members to Town Zoning Board of Appeals.

Separability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Hyde Park that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Effective Date:

This Local Law shall become effective immediately upon filing with the Secretary of State as provided by law.

**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 **22nd day of March 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 B which will establish the position of alternate member for the Planning Board and the Zoning Board of Appeals.

PLEASE TAKE FURTHER NOTICE that the Town Board has determined that the proposed action is a Type II action under SEQRA pursuant to 6 NYCRR 617.5 (c)(20).

PLEASE TAKE FURTHER NOTICE that copies of Proposed Local Law B 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.

Dated: February 22, 2010

By Order of the Town Board
of the Town of Hyde Park
Donna McGrogan, Town Clerk

**TABLED
RESOLUTION 2:22-26 OF 2010**

RESOLUTION ABOLISHING POSITION OF POLICE LIEUTENANT

WHEREAS, the Town of Hyde Park has previously created the position of Police Lieutenant; and

WHEREAS, the Lieutenant position is currently vacant, and the Town Board of the Town of Hyde Park does not plan to fill that vacancy.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby abolish the position of Lieutenant in the Town of Hyde Park Police Department; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute any documents in connection with the abolishment of that position.

MOTION: Councilwoman Serino
SECOND: Councilman Monks

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas
Councilwoman Serino
Councilman Monks
Councilman Taylor
Supervisor Martino

MOTION: Councilman Athanas
SECOND: Councilwoman Serino

To table this resolution

ROLL CALL VOTE BY TOWN CLERK:

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

TABLED
RESOLUTION 2:22 - 27 OF 2010

CREATE PART TIME AND HOURLY POLICE OFFICER POSITIONS

WHEREAS, the Town Board of the Town of Hyde Park is seeking to add three additional part time police officer positions and one additional hourly police officer position for the purpose of providing shift coverage as needed and enhancing traffic enforcement in the town Police Department now therefore

BE IT RESOLVED, the Town Board authorizes and directs the Town Supervisor to submit the proper paperwork to Dutchess County Personnel Department to create three part time and one hourly police officer positions in the Town of Hyde Park Police Department and

BE IT FURTHER RESOLVED, that said positions are subject to the Civil Service Rules and Regulations.

MOTION: Councilman Monks
SECOND: Councilman Taylor

ROLL CALL VOTE BY TOWN CLERK:

Councilman Athanas
Councilwoman Serino
Councilman Monks
Councilman Taylor
Supervisor Martino

MOTION: Councilman Taylor
SECOND: Councilman Athanas

To table this resolution

ROLL CALL VOTE BY TOWN CLERK:

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

RESOLUTION 2:22-28 OF 2010

WHEREAS, water users rates for the District for 2010 have been established based on the description of the property, based on the parameters within the Map, Plan, and Report adopted by the Town.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the implementation of user rates and shutoff provisions for water service for users located outside the Greenbush Area Water District as attached at Exhibit A.

GREENBUSH WATER DISTRICT **OUT OF DISTRICT TENANT USER AGREEMENT RATES** **2010**

For 2010, approved out of district users are to be billed quarterly based on an annual amount determined as follows. The annual amount will be 2.75 x the corresponding annual O&M charge for the equivalent property within the Greenbush Water District.

The number of benefit units for such purpose will be established for each tenant agreement based on the type of property and the methodology set forth in the Amended Map, Plan and Report dated November 2004 for the Greenbush Water District. For example, a single residential property located on less than .92 acres in a residential zone will be billed based on 1 benefit unit. The billing will be based on the O&M annual charge for a property within the District of the same class (e.g. residential, commercial, multifamily) and with the same number of benefit units.

A penalty of ten percent shall be assessed if the user fails to make payment within 30 days of billing date. If user fails to make payment prior to shutoff, an additional fee may be assessed to cover the costs of collection, including attorneys' fees.

Unless further amended by the Town Board, the water shut off policy for nonpayment shall be as follows: The first notice of shut off is to be issued within 45 days of billing date. A final shut off notice is to be issued within 60 days of billing date, setting a date 7 days from the notice date for shut off.

Tenants shall be billed pro rata from and after the date hookup is confirmed by the Operator at the rate currently in effect.

Any out of district tenant user agreements are to be specifically approved by the Town Board, and are further subject to approval by the Poughkeepsies Joint Water Board pursuant to the agreement between the Town of Hyde Park and such joint board for water supply to the Greenbush Water District.

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

Exhibit A was not provided with this resolution.

RESOLUTION 2:22-29 OF 2010

RESOLUTION RELEASING ZONING BOARD OF APPEALS ESCROWS

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize that the following Zoning Board of Appeals attorney escrow be returned to the applicants as set forth below:

APPLICANT	FILE #	ENGINEER ESCROW	PLANNER	ATTORNEY ESCROW
Lowin	2073-08			\$1,128.75.00
Haase (Estate of Margaretta Anderson)	2110-09			\$366.25
Ace Self Storage	2159-07			\$71.50

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 2:22-30 OF 2010

RESOLUTION RELEASING PLANNING BOARD ESCROWS

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize that the following Planning Board engineering, planner, Hydro (Chazen) and attorney escrows be returned to the applicants as set forth below:

Applicant	File #	Attorney Escrow	Engineer Planner Escrow	Hydro (Chazen)	Total
Haase	61-08	\$669.00	\$712.00		\$1,381.00
Johnson Motor Vehicle	19-09	\$282.50	\$2.50		\$285.00
Viola Lane	01-08	\$6.75	\$7.60		\$14.35
Lowin	55.06	\$230.00	\$166.15	\$549.09	\$945.21

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 2:22-31 OF 2010

RESOLUTION RELEASING DRIVEWAY BOND FOR 12 NICHRIIS LANE

WHEREAS, the Highway Superintendent accepted a check from Sachem Properties (property location: 12 Nichris Lane)

WHEREAS, this check was deposited into a non-interest bearing account to be held until the applicant complied with the terms and conditions as set forth by the Highway Superintendent, and

WHEREAS, the Highway Superintendent has inspected this driveway and is satisfied that the applicant has met all terms

THEREFORE, BE IT RESOLVED, that the Town Board directs the Town Supervisor to issue a check for \$1,000.00 to Sachem Properties, 6 Juniper Avenue, Patchogue, NY 11772.

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 2:22-32 2010

A 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, GREENFIELDS WATER & SEWER DISTRICTS, AND GREENBUSH WATER DISTRICT

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	\$ 9811.12
Violet Avenue Water District	\$ 1426.10
Quaker Hill Water District	\$12951.72
Greenfields Sewer District	\$28560.00
Greenfields Water District	\$16753.89
Greenbush Water District	\$ 424.57

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 2:22-33 OF 2010

RESOLUTION AMENDING RESOLUTION 1:1-32 OF 2010 TO CORRECT TYPOGRAPHICAL ERRORS

WHEREAS, the Town Board adopted Resolution 1:1-32 of 2010 on January 1, 2010 which transferred funds from employee related expenses for the Town Attorney to a budget line for a contract with the Attorney to the Town; and

WHEREAS, the amounts transferred from budget line 1420.811 – Social Security, and from budget line 1420.812 – Retirement were incorrect and not consistent with the amount appropriated in the 2010 Budget.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 1:1-32 of 2010 is hereby amended to read:

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

Increase	1420.416 (Attorney to Town)	\$12,000
Decrease	8020.450	\$12,000
Increase	1420.416	\$96,000
Decrease	1420.101	\$96,000
Increase	1420.416	\$7,344.00
Decrease	1420.811	\$7,344.00
Increase	1420.416	\$8,114.88
Decrease	1420.812	\$8,114.88

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 2:22-34 OF 2010

RESOLUTION AUTHORIZING BUDGET AMENDMENTS OF THE 2010 ADOPTED BUDGET, AS IT PERTAINS TO REALLOCATING DONATION FROM JUDGE STEINBERG RECEIVED IN 2009 INTO 2010 BUDGET, ADDITIONAL FUNDING FOR SALT, ALLOCATING INSURANCE PROCEEDS TO OFFSET THE COST OF REPAIRING A HIGHWAY TRUCK

WHEREAS, the Supervisor for the Town of Hyde Park, has determined that a budget amendment is necessary to update the 2010 Adopted budget, and

WHEREAS, the budget amendment 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
A960 Appropriations \$ 1,845.97
The preceding is composed of the following:
Subsidiary Appropriation account:
A1110.460 Donation Expense \$1,845.97

This resolution uses \$ 1,847.97 of General Fund's Unappropriated Fund Balance. Leaves a current Unappropriated Fund Balance of \$ 1,085,398

Increase
DA960 Appropriations \$85,000.00
The preceding is composed of the following:
Subsidiary Appropriation account:
DA5142.400 Salt \$ 85,000.00

This resolution uses \$85,000.00 of Highway Fund's Unappropriated Fund Balance. Leaves a current Unappropriated Fund balance of \$155,941

Increase
DA960 Appropriations \$ 1,646.39
The preceding is composed of the following:
Subsidiary Appropriation account:
DA5130.400 Auto parts \$ 1,649.39

DA510 Estimated Revenues \$ 1,649.39
The preceding is composed of the following:
Subsidiary Revenue account;
DA2680 Insurance Proceeds \$ 1,649.39

This resolution uses 00.00 of Highway Fund's Unappropriated Fund Balance.

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 2:22-35 OF 2010

RESOLUTION AUTHORIZING BUDGET AMENDMENTS OF THE 2010 ADOPTED BUDGET, AS IT PERTAINS TO FUNDING CONFERENCES COST FOR THE RECEIVER OF TAXES AND BUILDING INSPECTOR

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	\$	1,500.00
Decrease	A1330.112	Part time	\$	1,500.00
Increase	A3620.410	Conference	\$	1,000.00
Decrease	A3620.430	Temporary Asst.	\$	500.00
	A3620.440	Hard Hat/shoes		200.00
	A3620.400	Supplies		300.00

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

RESOLUTION 2:22-36 OF 2010

RESOLUTION AUTHORIZING THE PAYMENT OF ABSTRACT 14 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	14 OF 2009	GENERAL FUND (VOUCHER #1337-1359)	\$225,599.46
ABSTRACT	14 OF 2009	HIGHWAY FUND (VOUCHER #492A-495)	\$97,006.82
ABSTRACT	14 OF 2009	SPECIAL DISTRICTS (VOUCHERS #769-774)	\$3,298.86

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 2:22- 37 OF 2010

RESOLUTION AUTHORIZING THE PAYMENT OF ABSTRACT 2 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	2	OF 2010	GENERAL FUND (VOUCHER #'s 35-108)	\$128,593.85
ABSTRACT	2	OF 2010	HIGHWAY FUND (VOUCHER #'s 6-45)	\$208,454.49
ABSTRACT	2	OF 2010	SPECIAL DISTRICTS (VOUCHER #'s 16-41)	\$22,607.50

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

MOTION: Councilman Taylor
 SECOND: Councilman Athanas

To add the following resolution 2:22-38 of 2010 to the agenda.

ROLL CALL VOTE BY TOWN CLERK:

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

RESOLUTION 2:22-38 OF 2010

ABOLISHING GROUNDSKEEPER AND TRANSFERRING EMPLOYEE TO GROUNDSKEEPER/CLEANER

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby transfer Donald McArthur from the position of Groundskeeper to Groundskeeper/Cleaner effective March 1, 2010, and

BE IT FURTHER RESOLVED, the Town Board does hereby Abolish the position of Groundskeeper effective March 1, 2010, and

BE IT FURTHER RESOLVED, that the Town Supervisor be authorized to sign any documentation necessary to effect this personnel change.

MOTION: Councilman Athanas
 SECOND: Councilman Taylor

VOICE VOTE: 5 - 0 CARRIED

CORRESPONDENCE: none

OLD & NEW BUSINESS: none

PUBLIC COMMENT:

Bob Kampf, Putnam Rd., thanked the Board, for what he believes, was the right thing to do regarding the police resolutions.

MOTION: Councilman Monks
SECOND: Councilman Taylor

To adjourn meeting.

VOICE VOTE: 5 – 0 CARRIED

Meeting adjourned at 8:20PM.

Respectfully Submitted,

Donna McGrogan
Town Clerk