

MINUTES OF THE REGULAR MEETING, PUBLIC HEARING AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, MAY 1, 2017 AT 7:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR  
COUNCILWOMAN EMILY SVENSON  
COUNCILMAN JOSEPH MARRINE  
COUNCILMAN KENNETH SCHNEIDER  
ATTORNEY TO THE TOWN WARREN S. REPLANSKY  
TOWN CLERK DONNA MCGROGAN

ABSENT:

COUNCILMAN DAVID RAY

Supervisor Rohr called the meeting to order with the Pledge of Allegiance to the flag.

MOTION: Councilman Schneider  
SECOND: Councilwoman Svenson

That the minutes of the April 17, 2017 and April 21, 2017, Town Board meetings, as submitted by the Town Clerk, be approved.

VOICE VOTE: 4 – 0 CARRIED

Town Clerk Donna McGrogan read the public hearing notice on the adoption of proposed “Local Law A of 2017, A Local Law Amending §108–33.5 of The Town of Hyde Park Code”, regarding the scheduling of Public Hearings for area variances for single family residences, as it appeared in the newspaper.

MOTION: Councilwoman Svenson  
SECOND: Councilman Schneider

To open the public hearing

VOICE VOTE: 4 – 0 CARRIED

Public Comment:

John Bickford, Rogers Road, Chairman of the ZBA, stated that this law will trim a month off of the waiting period for minor applications to the ZBA for residential variances and encouraged the adoption of this local law.

MOTION: Councilman Schneider  
SECOND: Councilman Marrine

To close the public hearing.

VOICE VOTE: 4 – 0 CARRIED

The Town Board entered workshop and discussed the following:

- 1) Comptroller / Financial Update
- 2) Kathleen Moss / Zoning Administrator / MS4 Permit

PUBLIC COMMENT:

Michael Dupree, Planning Board Chairman, stated that he supports the adoption of Local Law A. He also stated that the improvements being made throughout the town, such as the sidewalks and benches encourages visitors to stop. He also explained the problem regarding Pete's building and the relocation of Emergency One, as being mainly due to a necessary and costly pipe replacement located under the building.

**RESOLUTION 5:1 - 1 OF 2017**

**RESOLUTION SCHEDULING A PUBLIC HEARING ON THE 2016-2017 MS4 PERMIT ANNUAL REPORT**

**WHEREAS**, the Town's Zoning Administrator, with the assistance of the Town's Consulting Engineer, have conducted an annual evaluation of the Town's progress in implementing the MS4 program and have prepared an annual report for public review and comment; and

**WHEREAS**, the annual report will have been posted on the Town's official website for at least thirty (30) days by the public hearing date; and

**WHEREAS**, the Town is required to conduct a public hearing on the report before submitting the same to the Department of Environmental Conservation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board will hold a public hearing on the MS4 2016-2017 Annual Report on May 15, 2017 at 7:05 p.m.; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall post and publish the notice of the public hearing in the manner required by law.

MOTION: Councilwoman Svenson

SECOND: Councilman Schneider

VOICE VOTE: 4 - 0 CARRIED

**RESOLUTION 5:1 - 2 OF 2017**

**RESOLUTION ACCEPTING A DONATION FROM THE HYDE PARK LION'S CLUB AND THE HYDE PARK KNIGHTS OF COLUMBUS FOR HYDE PARK RECREATION'S "MUSIC IN THE PARKS"**

**BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby accept a donation in the amount of \$200.00 from the Hyde Park Lions Club and \$150 from the Hyde Park Knights of Columbus, to be utilized by the Town of Hyde Park Recreation Department to offset the Town's expenses for "Music in the Parks" 2017; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Hyde Park appreciates and wishes to thank The Hyde Park Lion's Club and The Hyde Park Knights of Columbus for their donations to "Music in the Parks" 2017.

MOTION: Councilman Marrine

SECOND: Councilman Schneider

VOICE VOTE: 4 - 0 CARRIED

**RESOLUTION 5:1 - 3 OF 2017**

**RESOLUTION APPOINTING NICOLE NOAKES TO THE RECREATION COMMISSION FOR A TERM EXPIRING ON NOVEMBER 30, 2022**

**WHEREAS**, the Town Board of the Town of Hyde Park has heretofore created a Recreation Commission consisting of seven (7) people, with seven (7) year terms; and

**WHEREAS**, there is currently a vacancy on the Recreation Commission; and

**WHEREAS**, the Town Board of the Town of Hyde Park would like to appoint Nicole Noakes to fill this vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby appoint Nicole Noakes to the Recreation Commission, effective immediately, to fill the vacancy, for a term that expires on November 30, 2022.

MOTION: Councilman Schneider

SECOND: Councilman Marrine

VOICE VOTE: 4 – 0 CARRIED

**RESOLUTION 5:1 - 4 OF 2017**

**RESOLUTION APPOINTING ROBERT BABCOCK TO THE RECREATION COMMISSION FOR A TERM EXPIRING ON NOVEMBER 30, 2018**

**WHEREAS**, the Town Board of the Town of Hyde Park has heretofore created a Recreation Commission consisting of seven (7) people, with seven (7) year terms; and

**WHEREAS**, there is currently a vacancy on the Recreation Commission; and

**WHEREAS**, the Town Board of the Town of Hyde Park would like to appoint Robert Babcock to fill this vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby appoint Robert Babcock to the Recreation Commission, effective immediately, to fill the vacancy, for a term that expires on November 30, 2018.

MOTION: Councilwoman Svenson

SECOND: Councilman Schneider

VOICE VOTE: 4 – 0 CARRIED

**RESOLUTION 5:1 – 5 OF 2017**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,120,000 BONDS OF THE TOWN OF HYDE PARK, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF SIDEWALKS ALONG ROUTE 9, IN AND FOR SAID TOWN**

**WHEREAS**, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant adverse effect on the environment; and

**WHEREAS**, it is now desired to authorize the financing thereof.

**NOW, THEREFORE, BE IT RESOLVED**, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Hyde Park, Dutchess County, New York, as follows:

**Section 1.** For the specific object or purpose of paying the cost of the construction of sidewalks along Route 9 and related pedestrian improvements, in and for the Town of Hyde Park, Dutchess County, New York, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,120,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the maximum estimated cost of said specific object or purpose is \$1,120,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$1,120,000 of bonds of the Town authorized to be issued therefor pursuant to Section 1 hereof; provided, however, the amount of bonds ultimately to be issued shall be reduced by any grants-in-aid received therefor.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

**Section 4.** The faith and credit of said Town of Hyde Park, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 6.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

**Section 7.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 8.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 9.** Bond resolutions dated July 13, 2015 (\$95,000), August 22, 2016 (\$755,000), and November 28, 2016 (\$125,000) for the financing of the objects or purposes herein authorized to be financed are hereby superseded.

**Section 10.** This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION: Councilman Marrine  
 SECOND: Councilman Schneider

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Ray	Absent	
Councilman Marrine	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

**RESOLUTION 5:1 – 6 OF 2017**

**RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF APRIL 2017 BUDGET REVISIONS NUMBER 2017-04**

**WHEREAS**, the Town Comptroller recommends certain budget revisions based on various department requests and/or the Town Comptroller’s review and analysis of Expenditures versus Budget.

**NOW, THEREFORE, BE IT RESOLVED**, that the following itemized revisions be authorized and approved by the Town of Hyde Park Town Board for April 2017 identified as Budget Revision Number 2017-04.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<b>GENERAL FUND</b>				
2017-04-001	01.2119	Escrow Services	2,000.00	
	01.2130	Refuse Fees		1,000.00
	01.2889	Central Postage		1,000.00
<b>-Correct Budget for Actual Sources</b>				
2017-04-002	01.1010.440	Consulting Services	8,500.00	
	01.1010.107	Compensation Reserve		8,500.00
<b>-Transfer Funds for Grant Writer</b>				
2017-04-003	01.1430.490	Personnel Consulting Services	800.00	
	01.1320.490	Audit Expense		800.00
<b>-Transfer for OPEB Reports</b>				
2017-04-004	01.1910.410	Insurance Expenses	1,717.00	
	01.1910.400	Insurance Premium	9,960.00	
	01.3120.430	Police Insurance		1,677.00
	01.1990.400	Contingency Account		10,000.00

**-Reconcile Budgets for Actual Insurance costs**

2017-04-005	01.3989.400	Tree Removal Special	21,990.00	
	01.1010.107	Compensation Reserve		1,500.00
	01.9189.800	Other employees benefits		490.00
	01.1990.400	Contingency Account		20,000.00

**-Transfer Additional Funds for Mansion Dr Ext**

2017-04-006	01.7110.210	Equipment		7,870.00
	01.5032	Transfer from Rec Fund		7,870.00

**-Correct Duplicate Revision**

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
2017-04-007	01.7111.400	Hackett Hill Repairs	235.00	
	01.7111.420	Hackett Hill Utilities		235.00

**-Transfer for Repairs**

**HIGHWAY FUND**

2017-04-008	05.9730.600	BAN Principal	20,000.00	
	05.9909	Appropriated Fund Balance	20,000.00	

**-Provide for BANS Reduction**

2017-04-009	05.3501	CHIPS Projected Aid	19.00	
	05.3502	CHIPS Winter Aid	36,218.00	
	05.3503	CHIPS PAVE NY	43,596.00	
	05.5112.200	CHIPS Projects	19.00	
	05.5112.210	CHIPS Winter Aid	36,218.00	
	05.5112.220	CHIPS PAVE NY	43,596.00	

**-Record CHIPS Funding**

2017-04-010	05.5130.200	Machinery Tools Expense	186.00	
	05.5130.430	Machinery Tire Repairs		186.00

**-Transfer for Tools**

MOTION: Councilman Schneider

SECOND: Councilman Marrine

VOICE VOTE: 4 – 0 CARRIED

**RESOLUTION 5:1 - 7 OF 2017**

**RESOLUTION AUTHORIZING REVISED TOTAL ESTIMATED COSTS FOR THE ROUTE 9 PEDESTRIAN IMPROVEMENT PROJECT AND AUTHORIZING APPROPRIATION OF FUNDS FROM THE DESIGNATED RESERVE IN THE GENERAL FUND**

**WHEREAS**, the Town Board of Hyde Park previously approved the total estimated costs for the Route 9 Pedestrian Improvement project at \$1,355,600; and

**WHEREAS**, the revised total costs for all phases of the project are now estimated as of March 31, 2017 at \$1,500,000, and

**WHEREAS**, the Town has been awarded 3 grants with Federal and State Funding totaling \$832,500 with total local sources estimated \$ 167,500, and

**WHEREAS**, the Town Comptroller recommends that the total local sources of \$167,500 be funded by the appropriation and transfer of money from the designated reserve in the General Fund

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Hyde Park authorizes the new total project cost for the Route 9 Pedestrian Project

be estimated at \$1,500,000 and that the total local funding be authorized and transferred to the Capital Project Fund explained as follows:

\$ 10,000	Local Source for Grant D027565 Phase 2
\$ 10,000	Local Source for Phase 3
<u>\$ 3,100</u>	Local Source for Tree work Phase 1
\$ 23,100	Previously Approved subtotal
\$ 63,000	Phase 1 Construction
\$ 40,000	Phase 1 Stonewall
\$ 15,400	Phase 1 Soft Costs
\$ 9,520	Phase 2 Soft Costs
<u>\$ 16,480</u>	Phase 3 Lighting
\$167,500	Grand Total Local Sources

MOTION: Councilwoman Svenson

SECOND: Councilman Schneider

VOICE VOTE: 4 – 0 CARRIED

### **RESOLUTION 5:1 – 8 OF 2017**

#### **RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TO AWARD THE HYDE PARK NYS ROUTE 9 PEDESTRIAN IMPROVEMENTS, TOWN OF HYDE PARK DUTCHESS COUNTY (PIN 8761.23) CONTRACT TO A. COLARUSSO AND SON, INC.**

**WHEREAS**, the Town of Hyde Park has been awarded a grant funded through the New York State Department of Transportation for New York State Route 9 Pedestrian Improvements (PIN8761.23) on the east side of Route 9 from Milepoint 9 82050207 to Milepoint 9 82050211; and

**WHEREAS**, the current existing conditions lack adequate pedestrian and bicycle travel routes resulting in shared use of the road shoulder and potential safety concerns as pedestrians, bicycles and vehicles move between nearby residential commercial and recreational facilities; and

**WHEREAS**, the Town of Hyde Park recognizes that our citizens and businesses will benefit by pedestrian connections, traffic calming measures, improved landscaping, and road improvements to facilitate biking and improve drainage; and

**WHEREAS**, the project will complete 2,000 linear feet of PROWAG compliant sidewalk, curb and curb ramps within the project limits along the east side of Route 9. Additional improvements to enhance the pedestrian experience include a retaining wall, vegetated buffer strips, street trees, crosswalks and bike lane marking and signage; and

**WHEREAS**, Greenman Pedersen, the Project Engineers developed a project plan in accordance with NYS DOT requirements and the Town reviewed AND APPROVED THE design; and

**WHEREAS**, Town has received final design approval from NYSDOT for the project on August 17, 2016; and

**WHEREAS**, the Town in conjunction with Greenman Pederson advertised the project to obtain bids on February 21, 2017 and opened bids after the minimum 21 calendar day advertisement length; and

**WHEREAS**, the Town Board reviewed the bids with its consultants and determined the lowest responsible bidder to be A.Colarusso & Son, Inc. IN THE AMOUNT OF \$897,522.50; and

**WHEREAS**, the Town of Hyde Park has obtained NYSDOT's concurrence to award the project to the apparent lowest responsible bidder and place said contractor under contract to begin construction.

**NOW, THEREFORE BE IT RESOLVED**, the Town of Hyde Park does hereby award the Hyde Park NYS Route 9 Pedestrian Improvements, Town of Hyde Park Dutchess County (Pin 8761.23) contract to A. Colarusso and Son, Inc., the NYSDOT approved lowest responsible bidder with construction to commence 10 days after Notice to Proceed and be substantially completed 98 calendar days from Notice to Proceed.

MOTION: Councilman Marrine  
 SECOND: Councilwoman Svenson

VOICE VOTE: 4 – 0 CARRIED

**RESOLUTION 5:1 – 9 OF 2017**

**RESOLUTION REVISING WAGE RATES FOR SEASONAL RECREATIONAL EMPLOYEES**

**BE IT RESOLVED**, that the seasonal employee wage rates and compensation has been revised for 2017, as presented by the Town Recreation Director on April 26, 2017, as listed below; and

**BE IT FURTHER RESOLVED**, that said rates are effective immediately.

<b>POSITION</b>	<b>WAGE RATE TABLE</b>
<b>DAY CAMP</b>	
Camp Counselor	\$ 9.25
Program Specialist	10.25
Intern Director	10.50
Program Director	10.50
Assistant Camp Director	11.25
Camp Director	13.00
Health Officer	10.50
Registrar	12.00
Trading Post	9.75
<b>POOL</b>	
Lifeguard	\$10.00
Water Safety Instructor	11.00
Assistant Head Lifeguard	11.00
Head Lifeguard	13.00
<b>PARKS</b>	
Laborer	\$15.00

The above table represents starting rates. There are step increments for past years of service. Starting rate for Registrar, Camp Director, and Laborer could vary depending on past experience.

MOTION: Councilman Schneider  
 SECOND: Councilman Marrine

VOICE VOTE: 4 – 0 CARRIED

**RESOLUTION 5:1 - 10 OF 2017**

**RESOLUTION ADOPTING LOCAL LAW NO. A OF 2017 ADDING A NEW SUBSECTION “G” REGARDING THE SCHEDULING OF PUBLIC HEARINGS FOR AREA VARIANCES FOR SINGLE-FAMILY RESIDENCES**

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

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

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

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

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

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

**WHEREAS**, the Town Board reviewed the proposed Local Law and determined that the same was proper form for the commencement of the local law adoption process; and

**WHEREAS**, the Town Board scheduled a public hearing for May 1, 2017 and duly published notice of said public hearing and referred the proposed law to the Planning Board for its review and approval in accordance with the requirements of the Town Code; and

**WHEREAS**, the Town Board opened the public hearing on May 1, 2017 and closed the public hearing on that same date; and

**WHEREAS**, the Planning Board has recommended adoption of said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Proposed Local Law No. A of 2017 as Local Law 1 of 2017; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to file a copy of said Local Law with the Department of State as required by law.

MOTION: Councilwoman Svenson

SECOND: Councilman Schneider

ROLL CALL VOTE BY TOWN CLERK:

Councilwoman Svenson	Aye
Councilman Ray	Absent
Councilman Marrine	Aye
Councilman Schneider	Aye

**LOCAL LAW NO. 1 OF THE YEAR 2017**

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

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

**Section I: Title.**

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

**Section 11: Enacting Authority.**

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

**Section III: Purpose.**

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

**Section IV:**

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

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

A Vice Chairperson of the Zoning Board of Appeals, in fulfilling the duties of the Chairperson, shall have the same powers as the Chairperson pursuant to this section.”

**Section V. Supersession.**

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

**Section VI. Severability.**

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

**Section VII: Effective Date.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**RESOLUTION 5:1 – 11 OF 2017**

**RESOLUTION APPROVING A REQUEST FROM REGINA COELI CHURCH TO CONDUCT A FIREWORKS DISPLAY ON SATURDAY, JUNE 10, 2017**

**WHEREAS**, the Town Board of the Town of Hyde Park has received an application pursuant to Penal Law §405 from Regina Coeli Church to include a fireworks display with their annual family carnival; and

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

**WHEREAS**, the Town Board has reviewed the application and accompanying documentation received on April 3, 2017, copies of which are on file with the Town Clerk; and

**WHEREAS**, the applicant has notified the Town of Hyde Park Chief of Police and the Fire Chief for the Town of Hyde Park and the New York State Police of the date of the fireworks display to be held in conjunction with the Regina Coeli Carnival on June 10, 2017, and the respective agencies have agreed to provide the necessary fire protection and/or traffic control for the conduct of the fireworks display; and

**WHEREAS**, the Regina Coeli Church has provided a Certificate of Liability Insurance from Legion Fireworks Co., Inc. in the amount of \$1,000,000.00, naming the Town of Hyde Park and Regina Coeli as an additional insured for this fireworks display.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hyde Park does hereby approve the application as submitted for a fireworks display to be held in conjunction with the Regina Coeli Carnival on June 10, 2017 at approximately 10:00 to 10:20 p.m.; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Hyde Park does hereby direct that on June 10, 2017, Harvey Street be declared one way westbound from 4:00 p.m. to midnight to accommodate the Regina Coeli Carnival Fireworks Display and that the road also be posted as “No Parking”; and

**BE IT FURTHER RESOLVED**, that this approval is subject to the conditions set forth in the applicant’s letter for approval, received on April 3, 2017, and the requirements of Penal Law Section 405.

MOTION: Councilman Marrine

SECOND: Councilman Schneider

VOICE VOTE: 4 – 0 CARRIED

NEW AND OLD BUSINESS:

Supervisor Rohr gave an update on the Nuisance Party Law. She stated that she asked the Mayor of Tivoli how this law has worked out for them and he gave it a favorable review.

Councilwoman Svenson announced that the Staatsburg Road Ramble is this weekend. If anyone is interested they can call the Staatsburg Library.

Supervisor Rohr stated that the forms for the Memorial Day Parade are on the Town website and the list for the Townwide Tag Sale this weekend will also be posted on the website Friday.

MOTION: Councilman Schneider  
SECOND: Councilwoman Svenson

To adjourn meeting

VOICE VOTE: 4 – 0 CARRIED

Meeting adjourned at 8:05pm

Respectfully submitted,

Donna McGrogan  
Town Clerk