

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, JANUARY 22, 2018 AT 7:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILWOMAN EMILY SVENSON
COUNCILMAN DAVID RAY
COUNCILMAN JOSEPH MARRINE
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
DEPUTY TOWN CLERK PATRICIA COADY-CULLEN

ABSENT:

TOWN CLERK DONNA McGROGAN

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

MOTION: Councilman Schneider
SECOND: Councilman Ray

That the Minutes of the January 8, 2018 Town Board meeting, as submitted by the Town Clerk, be approved.

Supervisor Rohr recused herself from voting because she did not attend the January 8th meeting.

VOICE VOTE: 4 – 0 CARRIED

MOTION: Councilman Schneider
SECOND: Councilman Ray

To amend Resolution 1:22 – 8 of 2018 by adding a paragraph to read as follows, BE IT FURTHER RESOLVED, the Highway Superintendent will prepare a list of roads for permanent improvement at the time funds are allocated through the adoption of the New York State 2018-2019 Consolidated Highway Improvement Program and this agreement will be formally amended,

VOICE VOTE: 5 – 0 CARRIED

MOTION: Councilman Schneider
SECOND: Councilman Ray

To amend the amount of The Receiving Fund, Town Center Revitalization Capital Fund, to \$27,000.

VOICE VOTE: 5 – 0 CARRIED

MOTION: Councilman Schneider
SECOND: Councilman Ray

To pull Resolution 1:22 – 6 of 2018, Resolution Appointing Kathryn Whitman as an Alternate Member of the Town of Hyde Park Zoning Board.

VOICE VOTE: 5 – 0 CARRIED

PUBLIC COMMENT ON RESOLUTIONS ONLY: none

RESOLUTION 1:22 – 1 OF 2018

RESOLUTION AUTHORIZING TOWN OWNED SURPLUS POLICE VEHICLES, RECREATION VEHICLE, AND TOWN HALL VEHICLE TO BE SOLD AT PUBLIC AUCTION BY THE HYDE PARK POLICE VIA GOVDEALS

WHEREAS, the Town of Hyde Park owns a 2010 Ford Crown Victoria, Vehicle Identification Number 2FABP7BV0AX106298 and a 2011 Chevrolet Impala Vehicle Identification Number 2G1WA5EK9B1223961 that has a blown engine; and

WHEREAS, the Hyde Park Recreation Department has a 2000 Ford Pick-Up Vehicle Identification Number 1FTYR10C5YTB11789 and Town Hall has a 2004 Chevrolet Tahoe Vehicle Identification Number 1GNEK13Z04J253407 and all four vehicles are deemed surplus; and

WHEREAS, the Police Chief and the Comptroller has recommended that these vehicles should be sold by public auction via GOVDEALS.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby determines that the above noted vehicles have no further use to the Town and are surplus property, obsolete and non-functional; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park hereby directs that the surplus vehicles be sold at a public auction held by GOVDEALS; and

BE IT FURTHER RESOLVED, that said surplus items shall be sold in **AS IS CONDITION** without any warranty as to condition; and

BE IT FURTHER RESOLVED, that the proceeds from the sale of the vehicle shall be used first to pay debt service that is outstanding for these items.

MOTION: Councilwoman Svenson

SECOND: Councilman Ray

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:22 – 2 OF 2018

A RESOLUTION AUTHORIZING THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF SIDEWALKS IN AND FOR THE TOWN OF HYDE PARK, DUTCHESS COUNTY, NEW YORK, TITLED ROUTE 9 NORTHBOUND PEDESTRIAN IMPROVEMENTS AT A MAXIMUM ESTIMATED COST OF \$1,400,000 AND AUTHORIZING THE ISSUANCE OF \$1,400,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

WHEREAS, the Town of Hyde Park was awarded a Federal Grant Pin 8761.90 for \$1,094,456 for the Project Route 9 Northbound Pedestrian Improvements and the remaining sources to be Non-Federal Funds estimated at \$305,544; and

WHEREAS, the capital project hereinafter described 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, the implementation of which as proposed,

will not result in any significant adverse environmental effects in accordance with the definition thereof in said regulations; and

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. The construction of improvements to and reconstruction of sidewalks in and for the Town of Hyde Park, Dutchess County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,400,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not to exceed \$1,400,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however that the amount of serial bonds ultimately to be issued shall be reduced by any State and/or Federal grants-in-aid received by said Town for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes 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 serial bonds herein authorized is **limited to 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 serial 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 the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 9. 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 Ray

SECOND: Councilman Schneider

ROLL CALL VOTE BY DEPUTY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Ray	Aye	
Councilman Marrine	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	5 – 0 CARRIED

RESOLUTION 1:22 – 3 OF 2018

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID (AND STATE “MARCHISELLI” PROGRAM-AID) ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREOF

WHEREAS, a Project for the Route 9 Northbound Pedestrian Improvements – Park Plaza to Fire House in the Town of Hyde Park, Dutchess County, PIN 8761.90 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Town of Hyde Park desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering and Right-of-Way Incidentals.

NOW, THEREFORE, the Hyde Park Town Board, duly convened does hereby

RESOLVE, that the Hyde Park Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Hyde Park Town Board hereby authorizes the Town of Hyde Park to pay in the first instance 100% of the Federal and non-Federal share of the cost Preliminary Engineering and Right-of-Way Incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$185,201.00** is hereby appropriated pursuant to Resolution 1:22-2 of 2018 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Hyde Park Town Board shall convene as soon as possible to appropriate said excess

amount immediately upon the notification by the Hyde Park Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Hyde Park be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Hyde Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Deputy Supervisor, Comptroller, and Senior Account Clerk are also hereby authorized to execute any necessary agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:22 – 4 OF 2018

RESOLUTION AUTHORIZING SERGEANT DEAN ROBINSON AND POLICE OFFICER CHRISTOPHER MILLER TO ATTEND A FIVE DAY TRAINING SESSION CONDUCTED BY THE DUTCHESS COUNTY CRISIS INTERVENTION TEAM (CIT)

WHEREAS, the Chief of Police Eric A. Paolilli has requested approval for Sergeant Dean Robinson and Police Officer Christopher Miller to attend a five day training session conducted by the Dutchess County Crisis Intervention Team (CIT) from Monday, February 12th to Friday, February 16th, 2018; and

WHEREAS, the Town Board deems it appropriate and beneficial for Sergeant Dean Robinson and Police Officer Christopher Miller to attend this training; and

WHEREAS, there will be no set fee associated with this training.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board hereby authorizes Sergeant Dean Robinson and Police Officer Christopher Miller to attend the five day training session conducted by the Dutchess County Crisis Intervention Team (CIT) from Monday, February 12th to Friday, February 16th, 2018.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:22 - 5 OF 2018

RESOLUTION APPOINTING JAMES AGRAWAL AS A MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD

WHEREAS, the Town of Hyde Park Zoning Board consists of five (5) members with five(5) year terms; and two (2) alternate members with two (2) year terms; and

WHEREAS, there is currently a vacancy for the Town of Hyde Park Zoning Board due to the resignation of member Stanley Frangk; and

WHEREAS, the Town Board of the Town of Hyde Park would like to appoint James Agrawal as a member to the Town of Hyde Park Zoning Board effective immediately to fill the vacancy left by member Stanley Frangk whose term will expire on December 31, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint James Agrawal as a member to the Town of Hyde Park Zoning Board effective immediately, to a term that will expire on December 31, 2019.

MOTION: Councilwoman Svenson
SECOND: Councilman Ray

VOICE VOTE: 5 – 0 CARRIED

**PULLED
RESOLUTION 1:22 - 6 OF 2018**

RESOLUTION APPOINTING KATHRYN WHITMAN AS AN ALTERNATE MEMBER OF THE TOWN OF HYDE PARK ZONING BOARD

RESOLUTION 1:22 – 7 OF 2018

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF ANDREW GORDINEER AS A MEMBER OF THE TOWN OF HYDE PARK CONSERVATION ADVISORY COUNCIL

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Andrew Gordineer as a member of the Hyde Park Conservation Advisory Council effective January 11, 2018; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Hyde Park wants to thank Andrew Gordineer for his past service to the Town of Hyde Park.

MOTION: Councilman Ray
SECOND: Councilwoman Svenson

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:22- 8 OF 2018

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO EXECUTE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES

WHEREAS, the Superintendent of Highways and the Town Board of the Town of Hyde Park wish to enter into an agreement for the expenditure of

Highway Funds for the maintenance of highways within the Town in accordance with the provisions of Highway Law §284; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from the State for State Aid for the repair and improvement of Highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways is a signatory to the agreement between the Superintendent of Highways and the Town Board.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes that the monies levied and collected in the Town for repair and improvement of highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

BE IT FURTHER RESOLVED, that the members of the Town Board and the Town Highway Superintendent are hereby authorized to sign in duplicate the annexed Agreement for the Expenditure of Highway Monies; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file one copy of the Agreement in the Office of the Town Clerk, and one signed copy in the Office of the Dutchess County Department of Public Works.

MOTION: Councilman Schneider

SECOND: Councilman Ray

To amend Resolution 1:22 – 8 of 2018 by adding a paragraph to read as follows, **BE IT FURTHER RESOLVED**, the Highway Superintendent will prepare a list of roads for permanent improvement at the time funds are allocated through the adoption of the New York State 2018-2019 Consolidated Highway Improvement Program and this agreement will be formally amended,

VOICE VOTE: 5 – 0 CARRIED TO AMEND

**AS AMENDED
RESOLUTION 1:22 - 8 OF 2018**

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO EXECUTE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES

WHEREAS, the Superintendent of Highways and the Town Board of the Town of Hyde Park wish to enter into an agreement for the expenditure of Highway Funds for the maintenance of highways within the Town in accordance with the provisions of Highway Law §284; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from the State for State Aid for the repair and improvement of Highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways is a signatory to the agreement between the Superintendent of Highways and the Town Board.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes that the monies levied and collected in the Town for repair and improvement of highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

BE IT FURTHER RESOLVED, that the members of the Town Board and the Town Highway Superintendent are hereby authorized to sign in duplicate the annexed Agreement for the Expenditure of Highway Monies; and

BE IT FURTHER RESOLVED, the Highway Superintendent will prepare a list of roads for permanent improvement at the time funds are allocated through the adoption of the New York State 2018-2019 Consolidated Highway Improvement Program and this agreement will be formally amended,

BE IT FURTHER RESOLVED, that the Town Clerk shall file one copy of the Agreement in the Office of the Town Clerk, and one signed copy in the Office of the Dutchess County Department of Public Works.

MOTION: Councilman Marrine

SECOND: Councilman Schneider

VOICE VOTE: 5 – 0 CARRIED AS AMENDED

Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of Hyde Park
Dutchess County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$480,000 shall be set aside to be expended for primary work and general repairs upon 93.28 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

(a) On the road commencing at _____ and leading to _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.

Type _____
 Width of traveled surface _____
 Thickness _____
 Subbase _____

(b) On the road commencing at _____ and leading to _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____.

Type _____
 Width of traveled surface _____
 Thickness _____
 Subbase _____

Executed in duplicate this _____ day of _____, 2018

_____ Supervisor	_____ Councilman
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman
_____ County Superintendent of Highways	<u>[Signature]</u> Town Superintendent of Highways

Note: This agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

RESOLUTION 1:22 - 9 OF 2018

RESOLUTION AUTHORIZING 2017 YEAR END INTER-FUND ADVANCES

WHEREAS, New York State General Municipal Law Section 9-a provides for Inter-fund Advances; and

WHEREAS, there are governmental funds in the Town of Hyde Park in need of monies for year-end cash flow for expenditures.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park approves the Inter-Fund Advances as follows with principal and interest to be repaid pursuant to provisions in the General Municipal Law.

Receiving Fund	Advancing Fund	Amount
Town Center Revitalization Capital Fund	General Fund	\$20,000.00
Town Equipment Acquisition Capital Fund	General Fund	\$80,000.00
Hyde Park Lighting District	General Fund	\$ 4,030.00

MOTION: Councilman Schneider
SECOND: Councilman Ray

To amend the amount of The Receiving Fund, Town Center Revitalization Capital Fund, to \$27,000.

VOICE VOTE: 5 – 0 CARRIED TO AMEND

**AS AMENDED
RESOLUTION 1:22 – 9 OF 2018**

RESOLUTION AUTHORIZING 2017 YEAR END INTER-FUND ADVANCES

WHEREAS, New York State General Municipal Law Section 9-a provides for Inter-fund Advances; and

WHEREAS, there are governmental funds in the Town of Hyde Park in need of monies for year-end cash flow for expenditures.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park approves the Inter-Fund Advances as follows with principal and interest to be repaid pursuant to provisions in the General Municipal Law.

Receiving Fund	Advancing Fund	Amount
Town Center Revitalization Capital Fund	General Fund	\$27,000.00
Town Equipment Acquisition Capital Fund	General Fund	\$80,000.00
Hyde Park Lighting District	General Fund	\$ 4,030.00

MOTION: Councilman Schneider
SECOND: Councilman Marrine

VOICE VOTE: 5 – 0 CARRIED AS AMENDED

RESOLUTION 1:22 – 10 OF 2018

RESOLUTION AUTHORIZING THE ATTORNEY TO THE TOWN TO EXECUTE A CONSENT ORDER AND JUDGMENT IN THE MATTER OF RITE AID v. THE ASSESSOR TAX CERTIORARI PROCEEDINGS

WHEREAS, Rite Aid of New York, Inc. filed a tax certiorari proceeding challenging the assessment of property located at 1 Crum Elbow Road, in the Town of Hyde Park, Tax Map No. 6165-03-429217 for 2016 and 2017 seeking a

reduction in the assessment from \$1,300,000 to \$1,000,000, with a waiver of the Town portion of any tax refund; and

WHEREAS, the Attorney to the Town, with the assistance and consent of the Town Assessor, have negotiated a settlement of said tax certiorari proceedings, which involves, in relevant part, a reduction in the assessments for tax years 2016, 2017 and 2018 to \$1,218,290; \$1,239,295; and \$1,180,000, respectively, all as shown in the attached Consent Order and Judgment; and

WHEREAS, the Town Board has reviewed and determined that the proposed settlement is fair and equitable and in the best interest of the Town of Hyde Park and its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Attorney to the Town is hereby authorized to execute the Consent Order and Judgment, a copy of which has been provided to the Town Board in the same, or substantially similar form, as that provided.

MOTION: Councilwoman Svenson

SECOND: Councilman Ray

VOICE VOTE: 5 – 0 CARRIED

3. The years 2016, 2017 and 2018 final assessments on the petitioner's real property shall be corrected, reduced and revised in the following manner:

Assessment Year	Tax Map No.	Original Assessment	Revised Assessment	Reduction
2016	6165-03-429217-0000	\$1,300,000	\$1,218,290	\$81,710
2017	6165-03-429217-0000	\$1,300,000	\$1,239,295	\$60,705
2018	6165-03-429217-0000	\$1,300,000	\$1,180,000	\$120,000

4. The Assessor of the Town of Hyde Park shall forthwith correct and revise the entry with respect to the final assessment rolls of the Town in a manner consistent with the provisions of the preceding paragraphs.

5. The petitioner hereby waives the right to any refund due by the Town of Hyde Park in accordance with above assessment reduction.

6. These revised and corrected assessments shall be administered in accordance with the provisions of Section 726 of the Real Property Tax Law and the Hyde Park Central School District, the County of Dutchess, and any special district for which taxes are levied based on the assessment made subject to this agreement, shall forthwith audit, pay and refund to petitioner principal amounts of excess taxes paid by petitioner, all refund drafts being payable to "JANATA, LACAP & HAZEN, LLP, as attorneys for Petitioner"; and said refunds should be tendered to Janata, LaCap & Hazen, LLP, 155 North Main Street, New City, New York 10956. Said refunds shall be for repayment of excess principal taxes paid and shall be made in accordance with local refunding procedures established and provided for such cases. Petitioner waives statutory interest from all refunds paid by the Town, County and School District if paid within 60 days of service of this Consent Order and Judgment with notice of entry thereon.

7. If applicable, corrected or amended property tax bills shall be furnished to petitioner by the Town of Hyde Park, the County of Dutchess and/or the Hyde Park Central

School District, for any subsequent tax billing date for which amended tax bills are in order consistent with the terms and conditions of this agreement.


8. The judicial proceeding as to the assessed value of the subject property in dispute for 2016 and 2017 are being simultaneously compromised, settled and discontinued in accordance with the terms of this agreement without costs or disbursements and the parties are signifying, by their subscribing to the terms and conditions hereof, a full final and binding settlement of the special proceedings entitled above.

9. This Consent Order will be submitted to the New York State Supreme Court for signature and entry, and this proceeding shall thereupon be discontinued on the merits, without costs in favor of any party against another, subject to compliance with the refund provisions made part hereof. Any party may move this Court on notice to the other for any relief it shall deem appropriate for the construction or enforcement of this agreement.

DATED: _____, 2017

Steven E. Nagengast, Esq.
Janata, LaCap & Hazen, LLP
Attorney for Petitioner
155 North Main Street
New City, New York 10956

DATED: 1/10, 2018


Warren S. Replansky, Esq.
Warren S. Replansky, P.C.
Attorney for Respondent
PO Box 838, 60 East Market St.
Rhinebeck, NY 12572

PRESENT: HON. James V. Brands, JSC
BE IT SO ORDERED AND ADJUDGED.

DATED:
AT: Poughkeepsie, New York

HON. JAMES V. BRANDS, JSC

MOTION: Councilman Ray
SECOND: Councilwoman Svenson

To enter Executive Session to discuss a personal matter.

VOICE VOTE: 5 - 0 CARRIED at 7:10pm

MOTION: Councilman Schneider
SECOND: Councilman Ray

To return from executive session.

VOICE VOTE: 5 – 0 CARRIED at 7:43pm

Supervisor Rohr announced that no decisions were made.

MOTION: Councilman Schneider

SECOND: Councilman Ray

To adjourn meeting

VOICE VOTE: 5 – 0 CARRIED

Meeting adjourned at 7:44pm

Respectfully submitted,

Patricia Coady-Cullen
Deputy Town Clerk