

**HYDE PARK TOWN BOARD
REGULAR MEETING & PUBLIC HEARING
MONDAY, JULY 13, 2020 AT 7:00 P.M.**

To watch the Town Board meeting live on YouTube, please go to this link:
<https://www.youtube.com/channel/UCcb5NmRUM9SwOAL0vwcayrQ/live>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPT MINUTES OF JUNE 22, 2020

PUBLIC COMMENT ON RESOLUTIONS ONLY

May be submitted via e-mail to the Town Clerk at: dmcgrogan@hydeparkny.us

If you would like to participate remotely during the public comment portion of the hearing, please go to the following link to register:

<https://www.hydeparkny.us/DocumentCenter/View/2372/Remote-Public-Hearing-Procedures-PDF>

NOTE: There will be no gathering at the Town of Hyde Park Town Hall for this meeting and public hearing.

PUBLIC HEARINGS:

1. LOCAL LAW NO. B OF THE YEAR 2020 A LOCAL LAW AMENDING THE DEFINITION OF COMMERCIAL RECREATION USE AS SET FORTH IN SECTION 108-2.2 OF THE TOWN CODE TO PROVIDE NEW DEFINITIONS FOR INDOOR AND OUTDOOR RECREATION USES AND AMENDING THE SCHEDULE OF USE REGULATIONS, SECTION 108 ATTACHMENT 1 TO SPECIFY IN WHICH DISTRICT SUCH USES ARE PERMITTED
2. CONTINUATION OF THE PUBLIC HEARING FOR LOCAL LAW C “A LOCAL LAW TO ENACT CERTAIN AMENDMENTS TO CHAPTER 108, ZONING, OF THE CODE OF THE TOWN OF HYDE PARK TO CREATE A NEW ZONING DISTRICT ENTITLED ‘TOWN CORE’ AND REVISING THE ZONING CHAPTER 108 TO RENAME ‘TOWN CENTER HISTORIC DISTRICT’ THE ‘CORRIDOR BUSINESS ZONING DISTRICT”

WORKSHOPS:

1. PRESENTATION BY TOWN OF HYDE PARK COMPTROLLER OF THE INDEPENDENT AUDIT FINANCIAL REPORTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND THE INDEPENDENT AUDIT REPORT ON COMMUNICATION OF INTERNAL CONTROL MATTERS IDENTIFIED IN THE AUDIT

RESOLUTIONS:

1. ACCEPT AND RECOGNIZE THE INDEPENDENT AUDIT FINANCIAL REPORTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND THE INDEPENDENT AUDIT REPORT ON COMMUNICATION OF INTERNAL CONTROL MATTERS IDENTIFIED IN THE AUDIT
2. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JUNE 2020 BUDGET REVISIONS NUMBER 2020-06
3. AUTHORIZE RELEASE OF A DRIVEWAY BOND FOR PATRICIA AND PATRICK MCLAUGHLIN FOR PROPERTY LOCATION: 34 KYLE COURT, HYDE PARK
4. AUTHORIZE TOWN SUPERVISOR TO EXECUTE A CONTRACT FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT WITH LEXIPOL LLC FOR SERVICES THAT OFFER A ONE-SOURCE SOLUTION FOR POLICY MANAGEMENT, TRAINING, CONTENT, AND IMPLEMENTATION THAT FULLY MEETS THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE LAW ENFORCEMENT ACCREDITATION STANDARDS
5. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPROVE VACATION CARRY OVER FOR TOWN OF HYDE PARK POLICE ASSISTANT JENNIFER LEFEVE
6. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO RESCIND RESOLUTION 4:6 - 20 OF 2020 WHICH ACCEPTED THE 2020 NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES YOUTH DEVELOPMENT GRANT THROUGH THE DUTCHESS COUNTY DEPARTMENT OF COMMUNITY AND FAMILY SERVICES FOR THE TOWN OF HYDE PARK

RECREATION “LEARN TO SWIM PROGRAM”

7. AUTHORIZE TOWN OF HYDE PARK SUPERVISOR TO EXECUTE A STREET LIGHTING AUTHORIZATION ORDER WITH CENTRAL HUDSON GAS AND ELECTRIC CORPORATION FOR A STREETLIGHT TO BE ADDED ON RICHARD ROAD IN THE TOWN OF HYDE PARK
8. AUTHORIZE ENTRANCE ONTO THE PROPERTIES LOCATED AT 4390 ALBANY POST ROAD, HYDE PARK; 4335 ALBANY POST ROAD, HYDE PARK; 4407 ALBANY POST ROAD, HYDE PARK; 5 SYCAMORE DRIVE, HYDE PARK; AND 6 CURRY LANE, HYDE PARK TO BRING THESE PROPERTIES INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 85-5(B) OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTIES AS A LIEN AND CHARGE ON THE SAME
9. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE NUNC PRO TUNC THE TOWN BOARD’S CONSENT TO HAVING DUTCHESS COUNTY BOCES ACT AS LEAD AGENCY FOR THE SEQRA REVIEW OF THE DUTCHESS COUNTY BOCES CAMPUS WIDE RENOVATION AND WATER PROJECT
10. COMMENCE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. D OF THE YEAR 2020 ENTITLED: “A LOCAL LAW REGULATING THE USE OF ALL-TERRAIN VEHICLES, MOTORCYCLES, LIMITED USE MOTORCYCLES AND OFF-HIGHWAY MOTORCYCLES IN THE RESIDENTIAL AREAS OF THE TOWN OF HYDE PARK”

NEW AND OLD BUSINESS

ADJOURN

***A MOTION MAY BE MADE TO ENTER EXECUTIVE SESSION**

***AGENDA SUBJECT TO CHANGE**

RESOLUTION 7:13 - 1 OF 2020

RESOLUTION ACCEPTING AND RECOGNIZING THE INDEPENDENT AUDIT FINANCIAL REPORTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND THE INDEPENDENT AUDIT REPORT ON COMMUNICATION OF INTERNAL CONTROL MATTERS IDENTIFIED IN THE AUDIT

WHEREAS, the Town of Hyde Park Town Board retained the services of the accounting firm PKF O'Connor Davies to perform an audit of the Town's finances for the Fiscal Year ending December 31, 2019; and

WHEREAS, the Town Board has received and reviewed the said Auditors' Report and the Town of Hyde Park Financial Statements and Supplementary Information for Fiscal Year ending December 31, 2019; and

WHEREAS, the 2019 Audit will be available for public review at the office of the Hyde Park Town Clerk and on the Town of Hyde Park website.

NOW, THEREFORE BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby accept the Independent Auditors' Reports prepared by PKF O'Connor Davies for the Fiscal Year ending December 31, 2019.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 - 2 OF 2020

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JUNE 2020 BUDGET REVISIONS NUMBER 2020-06

WHEREAS, the Town Comptroller recommends certain budget revisions to the Town of Hyde Park Budget 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 June 2020 identified as Budget Revisions Number 2020-06.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND</u>				
#2020-06-01	01.3650.400	Demolition of Unsafe Property	2,400.00	
	01.2612	Property Maintenance Fines	2,400.00	
		<i>-To Adjust the Cost for 7 South Cross Road</i>		
#2020-06-02	01.1420.490	Boards Counsel	3,000.00	
	01.1621.440	PCF contract		2,255.00
	01.1110.490	Justice Radio Contract		745.00
		<i>-To Increase the Cost of Legal Service for Planning Board & Zoning Board</i>		
#2020-06-03	01.1621.102	Longevity	300.00	
	01.1620.102	Longevity		300.00
		<i>-To Allocate Between Both Accounts</i>		
#2020-06-04	01.1680.410	Computer Supplies	200.00	
	01.1680.450	Computer Service Contract	930.00	
	01.1680.400	Computer Contractual		1,130.00
		<i>-To Increase the Contract for Infinite Records Storage</i>		
#2020-06-05	01.5010.410	Highway Adm Supplies	200.00	
	01.5010.420	Highway Adm Cell Phone		200.00
		<i>-To Increase Supplies</i>		
#2020-06-06	01.5132.400	Garage Repairs	331.00	
	01.5132.200	Garage Equipment		331.00
		<i>-To Fund Deficit in Repairs</i>		

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
GENERAL FUND CONT'D				
#2020-06-07	01.7020.430	Recreation Adm. - Software	2,995.00	
	01.7020.490	Recreation Adm. - Brochure <i>-To Fund New Software for Recreation Use of Recording & Advertising Programs</i>		2,995.00
#2020-06-08	01.7111.460	Hackett Hill Rental Expense	50.00	
	01.7111.480	Hackett Hill Other Expense	70.00	
	01.7112.440	Pinewoods Park Rental Expense	50.00	
	01.7113.440	Riverfront Park Rental Expense	115.00	
	01.7111.400	Hackett Hill Repair Expense		120.00
	01.7112.400	Pinewoods Park Contractual Exp.		50.00
	01.7113.400	Riverfront Park Contractual Exp. <i>-To Cover the Cost of Porta John Rentals at the Parks and a New Fire Extinguisher</i>		115.00
#2020-06-09	01.7119.420	Hyde Park Trails Tree Removal	900.00	
	01.7111.400	Hackett Hill Repair Expense <i>- To Fund Removal of a Dangerous Tree Along the Trails</i>		900.00
#2020-06-10	01.7180.116	Pool Maintenance Staff	2,125.00	
	01.7180.440	Pool Contracts <i>-To Recognize the Hiring of Pool Staff Instead of Outsourcing</i>		2,125.00
#2020-06-11	01.8010.200	Zoning Equipment	350.00	
	01.1110.490	Justice Radio Contract <i>-To Correct Prior Amendment for Office Chair</i>		350.00
#2020-06-12	01.2750	AIM Related payments	188,012.00	
	01.3001	NYS State Aid <i>-NYS OSC Changed Budget Code for Aid</i>		188,012.00
CAPITAL PROJECTS				
Town ZEV				
#2020-06-13	43.4000.400	ZEV Contractual	1,575.00	
	43.4000.480	ZEV Other Expense	4,120.00	
	43.4000.200	ZEV Equipment		3,158.00
	43.4000.440	ZEV Engineer		1,612.00
	43.5030	Transfer In <i>-To Fund shortage by using General Fund to Support Project</i>	925.00	

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____

Councilman Ray _____

Councilman Marrine _____

Councilman Schneider _____

Supervisor Rohr _____

RESOLUTION 7:13 – 3 OF 2020

RESOLUTION AUTHORIZING THE RELEASE OF A DRIVEWAY BOND FOR PATRICIA AND PATRICK MCLAUGHLIN FOR PROPERTY LOCATION: 34 KYLE COURT, HYDE PARK

WHEREAS, the Highway Superintendent accepted a check from Patricia and Patrick McLaughlin for Property Location: 34 Kyle Court, Hyde Park; and

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.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby direct the Town Supervisor to issue a check in the amount of \$1,000.00 for the above driveway location to Patricia and Patrick McLaughlin, 34 Kyle Court, Hyde Park, NY 12538; and

BE IT FURTHER RESOLVED, that the Town will retain the \$100.00 filing fee from the applicant for this driveway location.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 - 4 OF 2020

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A CONTRACT FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT WITH LEXIPOL, LLC FOR SERVICES THAT OFFER A ONE-SOURCE SOLUTION FOR POLICY MANAGEMENT, TRAINING, CONTENT, AND IMPLEMENTATION THAT FULLY MEETS THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE LAW ENFORCEMENT ACCREDITATION STANDARDS

WHEREAS, Lexipol, LLC offers a one-source solution for policy management, training, content, and implementation that fully meets New York State Division of Criminal Justice Law Enforcement Accreditation Standards, and it currently serves eight-one (81) clients in New York State; and

WHEREAS, the Town of Hyde Park Police Department currently manages the development and oversight of its' departmental policies; and

WHEREAS, Chief Robert Benson has recommended to the Town Supervisor and the Town Comptroller that the Town enter into a contract with Lexipol, LLC for these services; and

WHEREAS, both the Town Supervisor and Town Comptroller are in agreement that entering into this contract with Lexipol, LLC would greatly benefit the Police Department in maintaining their policy and procedures for their department; and

WHEREAS, the contract would be a period of twelve (12) months at a sum of \$7,665.00 to be allocated from the Police Department budget for 2021.

NOW, THEREFORE BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute a contract with Lexipol, LLC on behalf of the Town of Hyde Park Police Department for a period of twelve (12) months at a sum not to exceed \$7,665.00 to be allocated from the Hyde Park Police Departments fiscal budget for 2021 in a form acceptable to the Attorney to the Town.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Marrine _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 7:13 - 5 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE VACATION CARRY OVER FOR TOWN OF HYDE PARK POLICE ASSISTANT JENNIFER LEFEVE

BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Town of Hyde Park Police Assistant Jennifer Lefevé to carry over up to 16 hours of accrued vacation time which she was unable to use prior to her anniversary date of July 26, 2020, and that said carry over vacation time must be used no later than January 26, 2021.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 – 6 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO RESCIND RESOLUTION 4:6 - 20 OF 2020 WHICH ACCEPTED THE 2020 NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES YOUTH DEVELOPMENT GRANT THROUGH THE DUTCHESS COUNTY DEPARTMENT OF COMMUNITY AND FAMILY SERVICES FOR THE TOWN OF HYDE PARK RECREATION “LEARN TO SWIM PROGRAM”

WHEREAS, the NYS Office of Children and Family Services through the Dutchess County Department of Community and Family Services requested proposals for their Youth Development Programs (YDP) from municipalities in Dutchess County for the calendar year January 1, 2020 to December 31, 2020; and

WHEREAS, the Town of Hyde Park submitted their application on December 11, 2019 for the Town of Hyde Park Recreation’s “Learn to Swim” program in the estimated amount of \$5,600; and

WHEREAS, the Town of Hyde Park was notified in a letter from Dutchess County Department of Community and Family Services on March 13, 2020 that the Town of Hyde Park was awarded the 2020 NYS Office of Children and Family Services Funding Youth Development Program Grant award for up to \$5,600 for their “Learn to Swim Program”; and

WHEREAS, the Town of Hyde Park Town Board accepted the 2020 NYS Office of Children and Family Services Funding Youth Development Program Grant Award in the amount of up to \$5,600 by Resolution 4:6 – 20 of 2020; and

WHEREAS, due to the unforeseen COVID-19 pandemic which closed and cancelled the Town of Hyde Park Recreation’s pool therefore also cancelling the “Learn to Swim Program” the Town of Hyde Park was no longer in need of said funding.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby rescind due to the cancellation of the Recreation program from COVID-19, Resolution 4:6 – 20 of 2020 in which the Town accepted the 2020 NYS Office of Children and Family Services Funding Youth Development Program Grant Award in the amount of up to \$5,600.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 - 7 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A STREET LIGHTING AUTHORIZATION ORDER WITH CENTRAL HUDSON GAS AND ELECTRIC CORPORATION FOR A STREETLIGHT TO BE ADDED ON RICHARD ROAD IN THE TOWN OF HYDE PARK

WHEREAS, Town residents have expressed their concerns in regard to the need for an additional streetlight on Richard Road in the Town of Hyde Park; and

WHEREAS, Central Hudson was contacted to address this need and Central Hudson advised the Town that an additional streetlight could be installed on Richard Road once a Street Lighting Authority Order was filed; and

WHEREAS, Central Hudson Gas and Electric Corporation has submitted a Street Lighting Authority Order in which Central Hudson proposes the installation of a streetlight on Richard Road, Order H5-07911 as additional lighting within the Consolidated Light District for the Town of Hyde Park; and

WHEREAS, the resolution has been reviewed and approved by the Town Comptroller.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute the Street Lighting Authority Order H5-07911 with Central Hudson Gas and Electric Corporation for the additional streetlight on Richard Road.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 – 8 OF 2020

RESOLUTION AUTHORIZING ENTRANCE ONTO THE PROPERTIES LOCATED AT 4390 ALBANY POST ROAD, HYDE PARK; 4335 ALBANY POST ROAD, HYDE PARK; 4407 ALBANY POST ROAD, HYDE PARK; 5 SYCAMORE DRIVE, HYDE PARK; AND 6 CURRY LANE, HYDE PARK TO BRING THESE PROPERTIES INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 85-5(B) OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTIES AS A LIEN AND CHARGE ON THE SAME

WHEREAS, the Town Deputy Building Inspector served a notice of Compliance Order on the owner of the properties, listed at: 4390 Albany Post Road, Hyde Park, Grid #6065-04-827283; 4335 Albany Post Road, Hyde Park, Grid #6065-20-855142; 4407 Albany Post Road, Hyde Park, Grid #6065-16-790318; 5 Sycamore Drive, Hyde Park, Grid #6165-02-551946; and 6 Curry Lane, Hyde Park, Grid #6065-04-596166 in accordance with the provisions of Chapter 85-5(b), Grass Maintenance Law, of the Town Code and proof of the sending and posting of said notices have been provided by the Deputy Building Inspector to the Town Board; and

WHEREAS, the Town Deputy Building Inspector has reported to the Town Board that these properties have not been brought into compliance with the provisions of the Law, as specified in the said Compliance Order.

NOW, THEREFORE, BE IT RESOLVED, that the Town Highway Superintendent, and such other employees or officers of the Town of Hyde Park, or a private contractor retained by the Town are hereby authorized to enter the properties listed above and bring these properties into compliance with the standards of Chapter 85-5(b), Grass Maintenance Law, of the Town Code as specified in the Compliance Order sent to the property owners and that all costs incurred by the Town shall be assessed against the property and shall constitute a lien and charge on the property until it is paid or otherwise satisfied or discharged, and that the same shall be collected in the same manner and at the same time as other Town charges.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 – 9 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE NUNC PRO TUNC THE TOWN BOARD’S CONSENT TO HAVING DUTCHESS COUNTY BOCES ACT AS LEAD AGENCY FOR THE SEQRA REVIEW OF THE DUTCHESS COUNTY BOCES CAMPUS WIDE RENOVATION AND WATER PROJECT

WHEREAS, Dutchess County Board of Cooperative Educational Services (“Board”) is considering to undertake a development project consisting of the following improvements at the BOCES Campus on Salt Point Turnpike: (i) construction of a new alternative high school building; (ii) minor additions and renovations of certain existing facilities; and (iii) addition of parking, wastewater treatment, and possibly water supply facilities to accommodate these improvements (“the Proposed Action); and

WHEREAS, Dutchess County Boces proposes to act as Lead Agency for the SEQRA review of this project and has requested that the Town Board consent to Dutchess County Boces acting as Lead Agency for this action; and

WHEREAS, the Town Board has determined that Dutchess County Boces is the appropriate agency to conduct the environmental review of this project; and

WHEREAS, this request needed to be executed and returned to Dutchess County Boces by July 1, 2020 prior to July 13th, scheduled Town Board Meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute Nunc Pro Tunc a Consent to have Dutchess County Boces act as Lead Agency for the SEQRA review for their proposed renovation and water project.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 7:13 – 10 OF 2020

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. D OF THE YEAR 2020 ENTITLED: “A LOCAL LAW REGULATING THE USE OF ALL-TERRAIN VEHICLES, MOTORCYCLES, LIMITED- USE MOTORCYCLES AND OFF-HIGHWAY MOTORCYCLES IN THE RESIDENTIAL AREAS OF THE TOWN OF HYDE PARK”

WHEREAS, the Town Board has received numerous complaints from citizens, and from the Police Department, concerning the proliferation of unreasonably loud and disruptive recreational operation of ATVs, motorcycles, limited use motorcycles, and off-highway motorcycles in the residential areas of the Town of Hyde Park; and

WHEREAS, the Town Police have advised the Town Board that appropriate regulations are required to regulate the use of these vehicles; and

WHEREAS, the Attorney to the Town, at the request of the Town Board, has drafted a proposed Local Law regulating the use of all-terrain vehicles, motorcycles, limited use motorcycles and off-highway motorcycles in residential areas of the Town of Hyde Park and the law has been reviewed by the Police Department and the Town Board and has been found acceptable for purposes of commencing the local law adoption process; and

WHEREAS, this action has been determined to be a Type II action under SEQRA which does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby commences the local law adoption process for Local Law No. D of the Year 2020 entitled: A Local Law Regulating the Use of All-Terrain Vehicles, Motorcycles, Limited Use Motorcycles and Off-Highway Motorcycles in the Residential Areas of the Town of Hyde Park”; and be it further

RESOLVED, that the Town Board hereby schedules a public hearing on the adoption of said Local Law for August 10, 2020 at 6:05 p.m.; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish and post notice of said public hearing and to refer the said Local Law to the Town of Hyde Park Planning Board for its review and comments, and to the Dutchess County Department of Planning and Development for its review.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Marrine	_____
Councilman Schneider	_____
Supervisor Rohr	_____

TOWN OF HYDE PARK

LOCAL LAW NO. D OF THE YEAR 2020

**A LOCAL LAW REGULATING THE USE OF ALL-TERRAIN
VEHICLES, MOTORCYCLES, LIMITED USE MOTORCYCLES AND
OFF-HIGHWAY MOTORCYCLES IN THE RESIDENTIAL AREAS
OF THE TOWN OF HYDE PARK**

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

SECTION 1. TITLE.

This Local Law shall be entitled: “A Local Law Regulating the Use of All-Terrain Vehicles, Motorcycles, Limited Use Motorcycles and Off-Highway Motorcycles in the Residential Areas of the Town of Hyde Park”.

SECTION 2. PURPOSE AND AUTHORITY.

The proliferation of the unreasonably loud and disruptive recreational operation of ATVs, motorcycles, limited use motorcycles, and off-highway motorcycles in the residential areas of the Town of Hyde Park, which operation is not of such nature, intensity, duration and repetition as to be detrimental to the life, health, repose and safety of the public, has reached such proportions that the Town Board, pursuant to the authority of §10 of the Municipal Home Rule Law, Vehicle and Traffic Law §2404(6), and the New York Constitution, Article IX, in order to preserve, protect and promote public health, safety and welfare has determined to adopt restrictions on the use of ATVs, motorcycles, limited use motorcycles and off-highway motorcycles (“nuisance vehicles”) on private property near residences in the Town of Hyde Park. The Town of Hyde Park finds that the current and repeated recreational operation of nuisance vehicles on private property near residences within the Town of Hyde Park creates irritating dust, fumes and noise, interferes with quiet, peaceful repose and normal residential activities, and constitutes a public nuisance to the residents of the Town of Hyde Park; and the purpose of this law is to prohibit all recreational operation of nuisance vehicles on private property in close proximity to residences in the Town of Hyde Park.

SECTION 3.

The Town of Hyde Park Code, Chapter 104, is hereby amended to create a new Article VIII, entitled: “Regulation of All-Terrain Vehicles, Motorcycles, Limited Use Motorcycles and Off-Highway Motorcycles in Residential Areas of the Town of Hyde Park”.

“§104-21. DEFINITIONS

ATV

Any all-terrain vehicle as defined in §2281 of the Vehicle and Traffic Law of the State of New York.

LIMITED USE MOTORCYCLE

Any limited use motorcycle as defined in §121-b of the Vehicle and Traffic Law of the State of New York.

NUISANCE VEHICLE

Any non-exempt ATV, motorcycle, limited use motorcycle or off-highway motorcycle as defined in this section.

OFF-HIGHWAY MOTORCYCLE

Any off-highway motorcycle as defined in §125-a of the Vehicle and Traffic Law of the State of New York.

RESIDENCE

Any dwelling or dwelling unit located in the Town of Hyde Park as defined in §108-2.2, Definitions of the Zoning Law of the Town of Hyde Park.

§104-22. PROHIBITED ACTS.

It shall be unlawful:

- A. For any person to operate nuisance vehicles upon public property without written consent of the agency in whose name the title to the land rests;
- B. To operate nuisance vehicles on private property other than private property owned by the nuisance vehicles operator or the operator’s immediate family without the written consent of the owner(s) of such private property. Such written consent must be dated and signed by the record owner(s) of the private lands where the nuisance vehicle is being used, and must be carried on the person of a nuisance vehicle operator at all time the nuisance vehicles is being operated;
- C. To operate a nuisance vehicle between 8:00 p.m. and 9:00 a.m.;
- D. To operate nuisance vehicles that does not comply with the requirements and regulations of the Department of Motor Vehicles of the State of New York, including insurance and registration of such vehicles;

- E. No person shall operate any nuisance vehicle in the Town of Hyde Park upon private real property within 500 feet of a property line or 1,000 feet of a residence at any time, regardless of whether such vehicle is licensed, unlicensed, registered or unregistered by the New York State Department of Motor Vehicles, unless such use is exempt;
- F. To operate nuisance vehicles on public or private property in such a way as to harass, worry or disturb farm animals, domestic animals or wildlife;
- G. To operate any nuisance vehicle within the Town of Hyde Park on private property without a properly functioning muffler system which meets with standards for an nuisance vehicles muffler as specified in New York State Vehicle and Traffic Law §2406(1)(b);
- H. To operate nuisance vehicles near any public roadway so that the operation of such nuisance vehicles creates a hazard to traffic;
- I. To operate a nuisance vehicle that is not in safe operating condition. All nuisance vehicles must have original operating equipment specified and supplied by the manufacturer or replacement equipment that is functionally equivalent to the specifications of the manufacturer of the nuisance vehicles;
- J. To operate a nuisance vehicle on any private street or right-of-way in the Town without the written consent of the owner of the private street or right-of-way. Such written consent must be dated and signed by the record owner(s) of the private street or right-of-way where the is being operated, and must be carried on the person of a nuisance vehicle operator at all times the nuisance vehicle is being operated;
- K. To operate a nuisance vehicle in a careless, reckless, or negligent manner that may endanger the safety of any person, including the operator himself, or the property of any person.
- L. To operate a nuisance vehicle while under the influence of alcohol or drugs in violation of §1192 or 1192(a) of the Vehicle and Traffic Law;
- M. For a parent or guardian to authorize or knowingly permit a child under 16 years of age to operate a nuisance vehicle in violation of any provision of this Chapter; and
- N. For the owner or any other person in possession of a nuisance vehicle to authorize or knowingly permit a child under 16 years to operate such nuisance vehicle in violation of any provision of this Chapter.

§104-23. USE OF PROPERTY FOR OPERATION OF NUISANCE VEHICLES PROHIBITED.

No owner, resident or person in control of private real property within the Town of Hyde Park shall use or permit the use of any nuisance vehicle on such real property unless such use is exempt.

§104-24. EXEMPTIONS.

The following uses of nuisance vehicles are exempt from the provisions of this Article:

- A. The operation of publically owned and emergency vehicles, ATVs, motorcycles, limited use motorcycles, and off-highway motorcycles by public officers, public officials or emergency personnel in the course and scope of their duties.
- B. The operation of any ATV, motorcycle, limited use motorcycle or off-highway motorcycle for the purpose of repairing or servicing it, or for the otherwise lawful maintenance, construction, repair, remodeling or grading of any structure or real property.

§104-25. GENERAL REGULATIONS.

- A. The operator and passenger of a nuisance vehicle shall wear a helmet and goggles or face shields that are approved by the Department of Motor Vehicles of the State of New York for such use.
- B. No person operating a nuisance vehicle shall engage in racing or reckless operation.
- C. No person operating a nuisance vehicle shall carry any other person as a passenger except where designated for such purpose on the vehicle and equipped for such purpose by the manufacturer.

§104-26. ENFORCEMENT.

Duly sworn police officers of the Town of Hyde Park and other duly sworn law enforcement officers with jurisdiction in the State of New York are empowered to enforce this Chapter. Law enforcement officers shall from time to time check the registration and insurance documents for a nuisance vehicle being operated in the Town of Hyde Park. Law enforcement officers shall be authorized to stop any nuisance vehicle that is being operated on private property for the purpose of determining if the operator possesses the required written consent of the property owner(s) to operate a nuisance vehicle on such private property.

§104-27. IMPOUNDMENT.

- A. A Law enforcement officer may impound a nuisance vehicle if:

1. The identity of the operator or owner of the nuisance vehicle is unknown to the officer;
 2. The operator of the nuisance vehicle has no proof of consent of the owner of the land to operate the same on said private property.
 3. The operator is in violation of any provision of this Chapter.
 4. The nuisance vehicle is involved in an accident causing personal injury or death while operated in violation of this Chapter; or
 5. The nuisance vehicle is required as evidence of a crime.
- B. The period of impoundment for the nuisance vehicle shall be for such period of time as is necessary for investigation by the law enforcement officers, which shall include use of the vehicle as evidence in any judicial proceeding. Any person wishing to have a nuisance vehicle released from impoundment must make application before the appropriate court. The nuisance vehicle shall be released upon court order. Upon receipt of said court order by the Police Department, the nuisance vehicle shall be released by the Town of Hyde Park Police Department upon payment by the owner of an impoundment fee of \$250, plus any removal and storage fees incurred by the Police Department, which sum shall be payable to the Town Clerk.
- C. The Town of Hyde Park Police Department, upon the order of the Chief of Police or his duly authorized subordinate may, without court order, release such nuisance vehicle if deemed to have no further need of the vehicle for evidence or as part of an investigation, after payment of the impoundment fee and removal and storage fees.

§104-28. APPEARANCE TICKET.

Any law enforcement officer is authorized to issue appearance tickets for violations of this Chapter to operators and owners of nuisance vehicles, and may file an accusatory instrument with the Town Justice Court pursuant to the rules contained in the Criminal Procedure Law.

§104-29. PENALTIES FOR OFFENSES.

- A. Any person convicted of a violation of this article shall be liable for a penalty of up to \$500 for a first violation; of not less than \$750 for

a second violation committed within one year of the date of the commission of the first violation, and not less than \$750 nor more than \$1,000 for a third violation committed within one year of the date of the commission of the first violation. Each incident is considered a separate violation.

- B. Any person convicted of a fourth or subsequent violation of this article within one year of the date of the commission of the first violation shall be guilty of an unclassified misdemeanor and subject to a penalty of a fine of \$1,000 or 15 days in jail or both.”

SECTION 4. SEVERABILITY.

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.”

SECTION 5. SUPERSESSION.

This local law is hereby adopted pursuant to the provisions 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 to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 6. 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.