

**AGENDA
HYDE PARK TOWN BOARD
REGULAR MEETING & PUBLIC HEARING
MONDAY, AUGUST 10, 2020 AT 6:00 P.M.**

To watch the Town Board meeting live on YouTube, please go to this link:
<https://www.youtube.com/channel/UCcb5NmRUM9SwOAL0vwcyarQ/live>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPT MINUTES OF JULY 13TH, 2020

PUBLIC COMMENT ON RESOLUTIONS & TOWN BUSINESS ONLY

NOTE: "TIME LIMIT OF 3 MINUTES 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 or the Public Hearings.

PUBLIC HEARINGS:

1. CONTINUATION 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'

WORKSHOP:

1. ROUTE 9 CENTRAL SEWER DISTRICT AND ROUTE 9 PEDESTRIAN IMPROVEMENT PROJECT STATUS UPDATES

RESOLUTIONS:

1. ACCEPT AMENDED PROPOSED LOCAL LAW NO. B OF THE YEAR 2020 ENTITLED: "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. ACCEPT AMENDED LOCAL LAW AND TOWN CORE DESIGN AND DEVELOPMENT STANDARDS AND CONTINUING LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. C OF THE YEAR 2020 NOW ENTITLED: "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'"
3. 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 IN THE RESIDENTIAL AREAS OF THE TOWN OF HYDE PARK"

4. COMMENCE
LAW LOCAL LAW ADOPTION PROCESS FOR LOCAL
NO. E OF 2020 ENTITLED: "A LOCAL LAW TO
ESTABLISH A COMMUNITY CHOICE
AGGREGATION (ENERGY) PROGRAM IN THE
TOWN OF HYDE PARK"
5. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO
CREATE THE CLIMATE SMART COMMUNITIES
TASK FORCE
6. AUTHORIZE
ADOPT TOWN OF HYDE PARK TOWN BOARD TO
A TOWN VEHICLE MAINTENANCE POLICY FOR
THOSE EMPLOYEES WHO ARE ASSIGNED
TOWN VEHICLES FOR THE TOWN OF HYDE
PARK AND AMEND THE TOWN OF HYDE PARK
EMPLOYEE HANDBOOK TO INCLUDE SAID
POLICY
7. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO
CANCEL THE REGULARY SCHEDULED
TOWN BOARD MEETINGS FOR MONDAY,
SEPTEMBER 14TH AND MONDAY,
SEPTEMBER 28TH, 2020 AND SCHEDULE
IN ITS PLACE A SPECIAL MEETING FOR
MONDAY, AUGUST 31ST, AND MONDAY,
SEPTEMBER 21ST, 2020
8. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO
EXECUTE AN AGREEMENT WITH MYREC.COM
RECREATION SOFTWARE FOR THE PROVISION
OF RECREATION SOFTWARE FOR THE TOWN
OF HYDE PARK RECREATION DEPARTMENT
9. AUTHORIZE
AWARD TOWN OF HYDE PARK TOWN BOARD TO
THE DINSMORE PARK IMPROVEMENT
PROJECT
TO GREEN MEADOWS ENTERPRISES, INC.
10. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO
APPROVE VACATION CARRY OVER FOR
TOWN OF HYDE PARK RECREATION
DIRECTOR ROBERT POLLARD
11. AUTHORIZE ISSUANCE PURSUANT TO SECTION 90.00 OR

SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF HYDE PARK, DUTCHESS COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

12. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JULY 2020 BUDGET REVISIONS NUMBER 2020-07
13. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 6:22 – 5 OF 2020 AUTHORIZING THE TOWN OF HYDE PARK HIGHWAY SUPERINTENDENT TO AUCTION A HIGHWAY VEHICLE AND INSTEAD AUTHORIZE THE TOWN OF HYDE PARK TOWN BOARD TO SELL SAID VEHICLE TO THE TOWN OF EAST FISHKILL
14. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO CONTINUE THE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND THE COUNTY OF DUTCHESS FOR SNOW REMOVAL
15. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 7:13 – 4 OF 2020 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 TO REFLECT THE CORRECTION OF THE ALLOCATION FOR THE BUDGET YEAR
16. AUTHORIZE EXECUTE TOWN OF HYDE PARK SUPERVISOR TO

A CONTRACT WITH ONE WAY CONSTRUCTION SERVICES, INC. FOR REPAIRS TO THE TOWN OF HYDE PARK POLICE COURT FACILITY

17. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RESIGNATION OF TOWN OF HYDE PARK JUSTICE CLERK JESSICA EDWARDS

18. AUTHORIZE AMEND TOWN OF HYDE PARK TOWN BOARD TO RESOLUTION 1:6 – 38 OF 2020 AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT THE 2020 TOWN BOARD LIAISONS FOR THE TOWN AND COMMUNITY TO REFLECT COUNCILMAN DAVID RAY AS THE LIAISON FOR THE DC MS4 COORDINATION COMMITTEE

19. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO WAIVE THE THIRTY (30) DAY ADVANCE NOTICE OF A LIQUOR LICENSE FOR ON PREMISES CONSUMPTION FOR REX NON VERBA, LLC IN TOWN OF HYDE PARK

20. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 1:6 – 51 OF 2020 AWARDED BIDS FOR THE 2020 TOWN OF HYDE PARK HIGHWAY CONTRACTUAL SERVICES TO AUTHORIZE KEITH HUGHES THE NEXT LOWEST BIDDER AS AN ALTERNATE FOR TREE CONTRACTUAL SERVICES

21. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE EXPENDITURE OF UP TO \$10,000 IN FUNDS FOR PRELIMINARY LEGAL AND APPRAISAL WORK WITH REGARD TO THE POTENTIAL ACQUISITION OF PROPERTY OWNED BY HYDE PARK MOTOR COMPANY INC. IN THE TOWN OF HYDE PARK

NEW AND OLD BUSINESS

ADJOURN

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

***AGENDA SUBJECT TO CHANGE**

RESOLUTION 8:10 – 1 OF 2020

RESOLUTION ACCEPTING AMENDED PROPOSED LOCAL LAW NO. B OF THE YEAR 2020 ENTITLED: “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

WHEREAS, the Town Board, by Resolution 6:8 - 3 of 2020 commenced the local law adoption process for Local Law No. B of the Year 2020 entitled: “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”; and

WHEREAS, since the opening of the public hearing, certain changes have been made to the Local Law based upon comments received from Town Board members, Planning Board Chairmen, the Planning Board, and Dutchess County Department of Planning and Development; and

WHEREAS, the Attorney to the Town, after discussion with the Town Board, has prepared an amended local law reflecting many of those comments; and

WHEREAS, the Local Law has been presented to the Town Board for its review and approval and the Town Board has determined that the Local Law as amended is acceptable for continuing the local law adoption process.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the amended Local Law, Local Law No. B of the Year 2020 entitled: “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” and schedules a continuation of the public hearing for August 31, 2020 at 6:05 p.m. at the Hyde Park Town Board; and be it further

RESOLVED, that the Town Clerk shall post a copy of the Amended Local Law on the Town’s official board and the Town’s website and make a copy of said Local Law available for the public for its review; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to forward a copy of the Local Law, as amended, to the Hyde Park Planning Board for its further review and comment, if any, and to the Dutchess County Department of Planning and Development for its further review and comment.

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. 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

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 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”.

SECTION 2. PURPOSE.

The Town Board has determined that the term “Commercial Recreation” as defined in the Zoning Law should be amended to provide for two categories of commercial recreation use, to wit: indoor and outdoor commercial recreation use and that indoor recreation uses shall be permitted in every zoning district pursuant to a special use permit and site plan approval, except for the Neighborhood (N), Greenbelt (GB) and Hamlet (H) Districts where it is prohibited. Outdoor recreation shall be permitted in the Landings (L), EP Business (EPBD), Corridor Business (CB), Greenbelt (GB), Waterfront (WF), Neighborhood Core (NC), Neighborhood Business (NBD) and Hamlet Core (HC) Districts pursuant to a special use permit and site plan approval, but shall not be permitted in the Neighborhood (N), Hamlet (H), Town Core (TC) and Crossroads Core (CC) Districts.

SECTION 3.

Section 108-2.2 terms defined of the Town Code is hereby amended by deleting the current definition of “Commercial Recreation” and substituting in its place the following:

“RECREATION, COMMERCIAL – A commercial use designed and equipped principally for the conduct of sports and leisure time activities. Video parlors, computer gaming facilities, movie theaters, and bars, as principal uses, are not commercial recreation uses. Commercial recreation is further separated into two categories as follows:

1. **Indoor** – Recreational activities conducted entirely within a building, including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreational business shall also include, but is not limited to, a gymnasium, fitness center, bowling alley, skating rink; tennis and other racquet courts, field house, indoor track, indoor basketball, and indoor pool house. An indoor recreation use may include accessory uses, such as food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sale of sport or exercise-related equipment or clothing and customary accessory uses clearly incidental to the recreation activity.

2. **Outdoor** – Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. Outdoor recreation shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting preserves.
3. Commercial recreation uses, whether indoor or outdoor, shall not include “membership clubs” as that term is defined in §108-2.2 of the Zoning Code.”

SECTION 4.

The Town Code is hereby amended to add a new Article 29 entitled: “Commercial Indoor and Outdoor Recreational Uses” which shall read as follows:

“§108-29 COMMERCIAL INDOOR AND OUTDOOR RECREATIONAL USES.

All commercial indoor and outdoor recreational uses shall adhere to the following requirements:

- A. **Minimum bulk requirements.** No portion of any outdoor commercial recreation facility area shall be located closer than 50 feet to any property line. Parking shall not be permitted in the front yard. One or more recreational uses are allowed on a lot.
- B. **Location.** Outdoor recreation facilities shall be located on-site and in a manner that minimizes any potential impacts on nearby residential properties. Consideration shall be given to locating outdoor facilities away from residential property lines. The Planning Board may require that said facilities be screened through use of vegetation, fencing, or a combination thereof from adjoining residential properties.
- C. **Hours of operation.** The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
- D. **Site lighting.** A lighting plan shall be provided and designed so as not to negatively impact adjoining residential properties. The Planning Board shall have the power to require downlighting or other mitigation measures to ensure that the lighting of the facility

does not violate dark sky guidelines. The Planning Board may approve a light fixture that exceeds the height set forth in the Schedule of Bulk Regulations for an outdoor recreation use provided it finds that the lighting is integral to operation of the activity and there will be no detrimental impact on adjoining uses.

- E. **Noise.** Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity, and the time and day of the proposed activity. Public address systems are prohibited.
- F. **Waste.** The site plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated, and disposed of in accordance with applicable local, county, state, and federal regulations. The Planning Board shall approve the location of any port-o-san or other temporary waste disposal system that may be allowed in conjunction with an outdoor recreation facility.
- G. **Safety considerations.** Where outdoor recreation facilities are allowed, the Planning Board shall consider the need for safety nets and similar design elements to secure stray balls or other equipment from reaching adjoining properties.
- H. **Limitation on excess reuses.** The square footage of any accessory use to an indoor or outdoor recreation facility shall not exceed 15% of the total square footage of the principal use or structure. The Planning Board shall, however, have the power to modify this requirement in the event that it determines that such modification would not be consistent with the provisions of this law and would not result in a detriment to neighboring properties.
- I. **Special considerations.** Because the range of recreational activities allowed as components of commercial recreation establishments are broad, and the characteristics and intensity of use may vary, the Planning Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location, and the nature of the adjoining community.

SECTION 5.

Schedule 108, Attachment 1, "Schedule of Use Regulations" is hereby amended to eliminate "Commercial Recreation" as a non-residential use and add

two new categories of Commercial Recreation, to wit: Commercial Recreation Indoor, and Commercial Recreation Outdoor. The list of Non-Residential Uses is hereby further amended to provide that indoor recreation uses are allowed in every zoning district pursuant to a special use permit and site plan approval except for the Neighborhood (N), Greenbelt (GB) and Hamlet (H) Districts in which it is prohibited. The list of Non-Residential Uses is further amended to provide that outdoor recreation uses are permitted in the Landings (L), EP Business (EPBD), Corridor Business (CB), Greenbelt (GB), Waterfront (WF), Neighborhood Core (NC), Neighborhood Business (NBD) and Hamlet Core (HC) Districts pursuant to a special use permit and site plan approval and are not permitted in the Neighborhood (N), Hamlet (H) Town Core (TC) and Crossroads Core (CC) Districts. (See attached.)

SECTION 6. 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 7. 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 8. 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 8:10 – 2 OF 2020

RESOLUTION ACCEPTING AMENDED LOCAL LAW AND TOWN CORE DESIGN AND DEVELOPMENT STANDARDS AND CONTINUING LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. C OF THE YEAR 2020 NOW ENTITLED: “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’”

WHEREAS, the Town Board determined that in order to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan as amended by the 2018 Planning and Engineering Report for the Redevelopment of the Town Center (“Town Center Report”), the 2013 Hyde Park Town Board Pedestrian Study; and a Supplemental Planning Memorandum entitled: “Town Center Vision”, and in order to revitalize and redevelop the area generally surrounding the intersection of Pinewoods Road and Albany Post

Road (Route 9), a Town Core (“TC”) Zoning District should be created by local law; and

WHEREAS, the Town Board retained the services of Nelson Pope & Voorhis, LLC, Environmental and Planning Consultants, and its partner, Bonnie Franson, AICP, CEP, PP, to assist in creating the said local law and the Town Core Zoning District Design and Development Standards as an appendix to the Zoning Code; and

WHEREAS, the said Planning Consultant has worked with an advisory committee consisting of the Town Supervisor, the Downtown Initiative Coordinator, the Town’s Planning Board Chairman, a member of the Planning Board, the Town’s Zoning Administrator, the Attorney to the Town and a Planner from DCPD; and

WHEREAS, pursuant to those efforts, a draft local law had been prepared, together with Town Core Zoning District Design and Development Standards, together with a Supplemental Memorandum entitled: “Town Center Vision”; and

WHEREAS, the purpose of the Town Core Zoning District is to acknowledge and preserve important and Town-valued historic architecture, to allow development in accordance with traditional neighborhood patterns and to encourage attractive and compatible in-fill commercial and residential development with public amenities which, hopefully, will result in destination and gathering places for Town residents and visitors; and

WHEREAS, the Town Core Zoning District Design and Development Standards are designed to guide new development by, among other things, allowing the buildings to be larger and yard setbacks to be smaller, while permitting an intensity and density of uses consistent with traditional rural downtowns in the Hudson River Valley; and

WHEREAS, the entire Town Core District will be united by consistent streetscape design and appropriate pedestrian connections; and

WHEREAS, a Supplemental Memorandum entitled: “Town Center Vision” has been prepared to be adopted as an amendment to the Comprehensive Plan; and

WHEREAS, a Part 1 of the Full EAF had been prepared by the Town’s Consultants and submitted to the Town Board, together with the proposed local law and the “Town Center Vision” Memorandum; and

WHEREAS, the Town Board determined that it is the only involved agency with regard to the enactment of this local law and Comprehensive Plan amendment and that this is a Type 1 action under SEQRA; and

WHEREAS, the Town Board had reviewed the Part 1 of the Full EAF, the proposed local law, the Design and Development Standards, and the “Town Center Vision” Memorandum and determined that the said documents were

acceptable for purposes of commencing the local law and Comprehensive Plan review and adoption process; and

WHEREAS, the Town Board assumed lead agency status for purposes of enactment of the said Local Law and amendment to the Comprehensive Plan; and

WHEREAS, the Town Board scheduled public hearings on the adoption of said Local Law and Design and Development Standards as an appendix to the said Local Law, together with the Town Center Vision Memorandum on April 8, 2019; May 6, 2019; June 3, 2019; July 15, 2019; August 12, 2019; September 23, 2019; October 21, 2019; November 4, 2019; November 18, 2019; December 2, 2019; December 16, 2019; January 6, 2020; January 27, 2020; February 10, 2020; February 24, 2020; March 9, 2020; March 23, 2020; April 6, 2020; April 20, 2020; May 4, 2020; May 18, 2020; June 22, 2020; and July 13, 2020; and

WHEREAS, the Town Board had referred the said proposed Local Law, Design and Development Standards and the Town Center Vision Memorandum to the Hyde Park Planning Board and to the Dutchess County Department of Planning and Development for their review and comments; and

WHEREAS, since the date of the opening of the public hearing and receipt of comments from the Dutchess County Department of Planning and Development and the Hyde Park Planning Board, certain amendments have been made to the proposed Local Law and to the Town Core Zoning District Design and Development Standards by the Planning Consultant and the Advisory Committee to address those comments; and

WHEREAS, the proposed Local Law, as amended, together with the Town Core Zoning District Design and Development Standards, have been presented to the Town Board in final form, as ready to continue the adoption process.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the amended proposed Local Law No. C of 2020 now entitled: "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 Districted Entitled 'Town Core' and revising the Zoning Chapter to Rename 'Town Center Historic District' the 'Corridor Business Zoning District' and to Adopt the Town Core Zoning District Design and Development Standards as an Appendix No. 1 to the Town Code" for purposes of continuing the local law adoption process; and be it further

RESOLVED, that the Town Board hereby schedules a continuation of the said public hearing for August 31, 2020 at 6:10 p.m.; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to post notice of said public hearing and to provide said notice of public hearing as may be required by law; and be it further

RESOLVED, that the Town Clerk is hereby directed to post a copy of said Local Law, together with the Town Core Zoning District Design and Development Standards and the Town Center Vision Memorandum on the Town's official website and make said documents available for review by the public during current business hours; and be it further

RESOLVED, that the Town Clerk is hereby directed to refer the documents as amended to the Hyde Park Planning Board and Dutchess County Department of Planning and Development for their 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. C OF THE YEAR 2020

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 to rename "Town Center Historic District" to "Corridor Business" zoning district.

SECTION I. TITLE.

This local law shall be known as “A Local Law Enacting Certain Zoning Amendments to Chapter 108, Zoning, of the Code of the Town of Hyde Park to create the ‘Town Core’ zoning district and to rename the ‘Town Center Historic District’ to ‘Corridor Business’ zoning district.”

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 108, Article 34, Amendments. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town law, the Town Board hereby asserts its intention to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

The purpose of these zoning amendments is to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan, as amended by the 2018 Planning & Engineering Report for the Redevelopment of the Town Center (“Town Center Report”), the 2013 Hyde Park Town Center Pedestrian Study, and a Supplemental Memo entitled “Town Center Vision”. It is a specific objective of the Town of Hyde Park, as set forth in the Town Center Report, to revitalize and redevelop the area generally surrounding the intersection of Pine Woods Road and Albany Post Road (Route 9) by creating the Town Core (“TC”) zoning district. The purpose of the Town Core zoning district is to acknowledge and preserve important and Town-valued historic building architecture, allow development in accordance with traditional neighborhood building patterns, and encourage attractive and compatible infill commercial and residential development with public amenities, which creates a destination and gathering place for town residents and visitors. The Town Core Design and Development Standards will guide new development. These Standards will allow buildings to be larger and yard setbacks to be smaller, and the intensity and density of uses will be consistent with traditional rural downtowns in the Hudson River Valley. The entire TC district will be united by consistent streetscape design and appropriate pedestrian connections. Because properties within the Town’s two historic cores have been removed from TCHD zoning district, the Town is further amending all references to the existing Town Center Historic District to the Corridor Business (“CB”) zoning district. Consistent with the Town’s desire to revitalize the Town Core area, two-family dwellings will be allowed in the Corridor Business district and in the newly created Town Core zoning district which are formed from the TCHD district (in which district two-family dwellings are currently prohibited). Multifamily dwellings are currently permitted in the TCHD zone, and these amendments will expand housing options and encourage introduction of residents who would reinvigorate the Town Core which adjoins the Corridor Business zone. Two-family dwellings are allowed in the Neighborhood zone and would continue to be allowed, but by special use approval, to ensure that the use remains compatible with existing one-family dwellings in the neighborhood as two-family dwellings are more intensive residential uses. Two-family dwellings would continue to be permitted in the Neighborhood Core, Hamlet, Hamlet Core, Crossroads Core, Landing, East Park Business and Neighborhood Business districts but subject to site plan approval, and further subject to special use permit where more than one two family dwelling is placed on a lot already improved by one or more one-family or one or more two family dwellings. Further, through a review and analysis of the various uses that would be allowed in the new Town Core zoning district, revisions have been made to several use

definitions as set forth in this Local Law to ensure the vision for, and objectives guiding, the Town Core zoning district are met. Lastly, to preserve the integrity of the Town Core zoning district and its intended uses, a provision relating to the interpretation of prohibited uses has been added.

SECTION IV. REVISIONS TO CHAPTER 108.

Chapter 108, Zoning, of the Code of the Town of Hyde Park is hereby amended as follows:

- 1. Definitions.** Section 108-2: Article 2: Definitions, Section 108-2.2. Terms defined, is hereby amended to delete the existing definitions of “Community Residence”, “Commercial Use (General)”, “Health-Care Facility”, “Multiple Dwelling”, “Residential Care Facility”, “Town Center Historic District (TCHD)” and “Bed-and-Breakfast”, and to add the following definitions in alphabetical order:

“ARTISANAL CRAFT

A use involving a production process characterized by minimal automation, little division of labor, and conducted by a person or small number of highly skilled craftsman skilled in an applied art mostly using their hands and non-automated tools to make furniture, sculpture, clothing, jewelry, or other functional or decorative items.”

“BED-AND-BREAKFAST

An owner-occupied residence resulting from conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten (10) transient lodgers for which compensation is paid. A bed-and-breakfast shall offer from one bedroom to four bedrooms without kitchens. A bed-and-breakfast is not deemed a home occupation and shall require site plan review and approval by the Planning Board, which shall determine, among other requirements, adequate parking.”

“COMMERCIAL USE (GENERAL)

A nonresidential use involving an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee not otherwise specified in the use regulation. This use shall not be interpreted to include any temporary or transient overnight accommodations or permanent residences or dwellings. Also referred to herein as "general commercial use" or "commercial, general."

“COMMUNITY RESIDENCE

For purposes of this Zoning Chapter, a community residential facility shall be the equivalent of an intermediate “community residence” as defined in Section 1.03 of the New York State Mental Hygiene Law which serves no more than 14 individuals, or a family-type home for adults as defined by NYCRR, Title 18, Chapter II, Subchapter D, Part 489. A community residential facility shall not be construed to include multiple dwellings under this definition.”

“CORRIDOR BUSINESS (CB) ZONING DISTRICT

A zoning district that encompasses properties on either side of NYS Route 9 south of the Town Core zoning district, the boundaries of which are shown on the Town Zoning Map.”

“HOSPITAL, GENERAL

As per Article 28 of the NYS Public health law, a health care facility engaged in providing medical or medical and surgical services primarily to in-patients by or under the supervision of a physician on a twenty-four hour basis with provisions for admission or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities. The term general hospital shall not include a residential health care facility, psychiatric hospital, public health center, diagnostic center, treatment center, outpatient lodge, dispensary and/or laboratory or central service facility serving more than one institution.”

“HOSPITAL OR FACILITY, PSYCHIATRIC

Inpatient services of a psychiatric center under the jurisdiction of the NY Office of Mental Health or other psychiatric inpatient facility psychiatric center, institute, clinic, ward, institution or similar facility as defined in Section 1.03 of the NYS Mental Hygiene Law.”

“PROFESSIONAL MEDICAL OFFICE

Professional offices in which medical care is provided to persons solely on an outpatient basis by one or more members of the medical professions including chiropractors, dentists, doctors, osteopaths, podiatrists, therapists, or other licensed medical service providers. Professional medical offices may, subject to any applicable state and/or federal regulatory requirements, also include, but are not limited to, medical testing labs or offices, offices for x-ray, sonograms, MRI, CAT scans and other medical imaging services, offices for the administration of nuclear medicine, radiation therapy, infusion, dialysis and similar medical treatments, offices for outpatient surgical and nonsurgical procedures. "Professional medical offices" shall not mean general hospital, psychiatric hospital or facility, nursing home, residential health care facility, developmental disability school, community residence, or any other inpatient medical or psychiatric facility.”

“MULTIPLE DWELLING

A building or structure providing three or more dwelling units. Nothing herein shall be construed to allow supervised or supportive living facilities as those terms are defined in Section 1.03 of the New York State Mental Hygiene Law under this definition.”

“RESIDENTIAL CARE FACILITY

A residence for three or more infirm children, adolescents or adults who require personal care, supervision and services, where compensation and/or reimbursement of costs is paid to an operator pursuant to state and/or federal standards, licensing requirements, or programs funding such services. A residential care facility shall also include a nursing home and assisted living facility. A residential care facility shall not be interpreted to allow multiple dwellings under this definition.

“J. Core Districts: Neighborhood Core, Hamlet Core, Crossroads Core and Town Core Districts (NC, HC, CC, TC)”

7. **Bulk regulations - height.** Amend 108-4. Article 4: General Regulations, Section 108-4.4.A(3) Bulk regulations, by deleting the phrase “, except that these provisions shall not apply to the CC Zoning District” to add a new subsection “A(5)”, as follows:

“(5)The Planning Board may waive the requirements set forth in subsection A(3) herein for applications proposed in the CC and TC zoning districts, where the proposed building height will not have a significant visual impact on a designated place on the State or National Register of Historic Places, and is consistent with the intent of the zoning districts.”

8. **Bulk regulations – front yards.** Amend 108-4. Article 4: General Regulations, Section 108-4.4 Bulk regulations, existing subsection “D”, by deleting subsection “(3)” and adding a new subsection “(3)” as follows:

“Any lot having frontage on two or more streets shall provide a front yard on each such street, except that the Planning Board, during site plan review, may waive this requirement for properties in the CC and TC zoning district, where the board determines that the waiver will accomplish the intended design objectives of this district. The area within any sight triangle area reserved under the provisions of § 108-4.5C(1)(d) may be included for the purposes of satisfying such yard requirement.”

9. **Site development standards – pedestrian access and circulation.** Amend 108-4. Article 4: General Regulations, Section 108-4.5.B., Required off-street parking, as follows:

- a. Delete the word “convalescent home,”.
- b. Rename “medical clinic” to “medical office, professional”.
- c. Add the following parking standards, in alphabetical order in the list entitled “Common Number of Spaces for Off-Street Parking:

Community Residence	1 space per employee for the largest shift, plus 1 space per 3 beds for visitors, in addition to the requirements for a one-family residence.
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Residential Care Facility	0.5 spaces per unit/bed, plus 1 space per employee for the largest shift, plus 1 space per 4 units/beds for visitors.
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10. **Site development standards – pedestrian access and circulation.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting the first sentence of 108-4.5(C)(3)(d) and replacing it with the following:

“In all Hamlet, Hamlet Core, Crossroads Core, Town Core, Landing, Neighborhood Core, East Park Business, Corridor Business and Neighborhood Business Districts, the development of any lot shall

provide a walkway utilizing sidewalks or an equivalent acceptable to the Planning Board along the full frontage of said lot to connect adjacent lots and to enhance and provide definition to the street providing frontage for the lot.”

- 11. Site development standards –architectural features standards - roofs.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting 108-4.5.G (1)(d)[1] and adding a new subsection [1] as follows:

“[1] Flat roofs are inconsistent with the traditional building character of the Town and are not permitted except when allowed by the approval of the Planning Board within the Town Core zoning district, in accordance with the Town Core Design and Development Standards.”

- 12. Site development standards –architectural features standards - height.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting 108-4.5.G (3)(b) and by adding a new subsection (b) as follows:

“(b)The height of any new building shall be within one full story of the existing buildings on adjacent lots, except that the Planning Board may allow an alternative building height within the CC and TC districts so as to be consistent with the design standards applicable to these districts.”

- 13. Historic overlay standards.** Amend 108-4. Article 4: General Regulations, Section 108-4.6.B., Historic overlay standards, by deleting it and adding the following new section 108-4.6.B:

“Places listed on the National and State Registers of Historic Places. Any use on a lot abutting such place shall obtain site plan approval for external structural alterations or construction and shall provide an open space along the common property line. Such open space shall be equal in depth to the contiguous open space on the lot designated as an historic place or 100 feet, whichever is less. Within the CC and TC zoning districts, the Planning Board may waive the open space requirements where it determines that said waiver is necessary to accomplish the goal and intent of the design guidelines set forth in 108-5.11.1, Crossroads Core District standards or 108-5.11.2, Town Center Historic District standards. ”

- 14. Drive-through facilities in CC District.** Amend Section 108-5.11.1.D, Prohibited uses, by deleting subsection (7) and replacing same with the following:

“(7) Drive-through facility;”

- 15. Drive-through standards applicable to CC District.** Amend Section §108-5.11.1.I.(9) of the Code by deleting this section.

- 16. TC Standards.** Delete section 108-5.11.2, Town Center Historic District standards, and replace with the following new section:

“§108-5.11.2 Town Core (TC) District standards.

A. Objective. In order to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan, as amended by the 2018 Planning & Engineering Report for the Redevelopment of the Town Center, the 2013 Hyde Park Town Center Pedestrian Study, and a Supplemental Memo entitled “Town Center Vision”, the Hyde Park Town Board hereby creates a new Town Core zoning district to revitalize and redevelop the area generally surrounding the intersection of Pine Woods Road and Albany Post Road (Route 9). The Town Core zoning district acknowledges and preserves important and Town-valued historic building architecture, allows development in accordance with traditional neighborhood building patterns, and encourages attractive and compatible infill commercial and residential development with public amenities, which creates a destination and gathering place for town residents. The Town Core Design and Development Standards will guide new development. These Standards allow buildings to be larger and yard setbacks to be smaller, and the intensity and density of uses will be consistent with traditional rural downtowns in the Hudson River Valley. The entire TC district will be united by consistent streetscape design and appropriate pedestrian connections.

B. Applicability.

- (1) Where a determination is made that an application requires site plan, special use permit, or subdivision approval from the Planning Board, the Town Core Design and Development Standards shall apply to the following:
 - (a) New construction.
 - (b) Expansions or additions to buildings legally existing at the time of the enactment of this local law involving more than a fifty percent (50%) increase of any building area and gross square feet.
- (2) Except as regulated in (B)(3) hereafter, the Planning Board, in its discretion, may require that an application comply with §III, Architectural Patterns of the Town Core Design and Development Standards, for any application which seeks an expansion or addition to a legally existing non-conforming building pursuant to Article 6 of the Town Zoning Chapter and such application involves the alteration of the existing façade of the building. The Planning Board, however, may waive any requirements in §III which it determines are not relevant or where such waiver would not be detrimental to the objectives of the Town Core Code provisions. A rationale for such waiver shall be provided by the Planning Board.
- (3) A change in use of a lawfully existing building from a nonresidential use to a residential use or mixed nonresidential/residential use, shall be subject to §III, Architectural Patterns of the Town Core Design and Development Standards. The Planning Board, however, may waive any requirements set forth in §III which it determines are not relevant or where such waiver would not be detrimental to the objectives of the Town Core Code provisions. A rationale for such waiver shall be provided by the Planning Board.

C. Design Standards. Development within the Town Core zoning district is hereby guided by the standards set forth in the Town Core Design and Development Standards, which is included as a separate Attachment to this Zoning Chapter. Unless set forth in this Section 108-5.11.2 , where there is a conflict between this Zoning Chapter and the Design and Development Standards, the latter shall prevail.

D. Prohibited uses.

- (1) In order to promote and create a pedestrian and mixed use, tourism-based environment, the following uses are specifically prohibited in the TC district:
 - (a) construction yard or building material supply yards;
 - (b) gas stations, or the principal use of a property for four or more electric vehicle charging stations”;
 - (c) automotive sales and automotive repair establishments;
 - (d) car wash;
 - (e) any outdoor storage, where said storage exceeds 120 square feet of the lot, or 120 square feet of the use to which it is accessory where there is more than one principal use or building on a lot;
 - (f) self-storage facility;
 - (g) adult uses;
 - (h) supportive or supervised living facility as those terms are defined in Section 1.03 of the New York State Mental Hygiene Law under this definition.

E. Pre-existing nonconforming structures.

- (1) Any single-family detached dwelling legally existing on the effective date of this Zoning Chapter and located in any subarea of the Town Core zoning district shall be deemed a conforming structure and a permitted use and shall be allowed to continue.
- (2) Any building in existence on the effective date of this Zoning Chapter that becomes a nonconforming structure may be continued only in accordance with Article 6, Nonconforming Uses, Structures and Lots.

F. Site plan requirements. In addition to the submission requirements set forth in Section 108-9.4 of this Zoning Chapter, the following additional information shall be submitted to the Planning Board, and the Planning Board has authority to approve same in conjunction with site plan approval:

- (1) Master plan for future development. A property may not be able to achieve full build-out until such time that central sewer is made available. The Planning Board may require an applicant to prepare a conceptual master plan for the entire parcel whenever an application to subdivide or develop only a portion of a larger parcel is submitted and said master plan. The development of a master plan is intended to ensure that partial development or subdivision of a parcel will not preclude future development consistent with the purposes of the TC zoning district. Any master plan shall be developed at a sufficient level of detail to enable the Planning Board to determine that the present land use application will not impede

future development in accordance with the Town Core Design and Development Standards. The Planning Board shall approve, approve with modifications, or disapprove the master plan.

- (2) Building elevations and floor plans. Building elevations which express the architectural design of any new building or building alteration shall be submitted to the board, along with information regarding the materials to be used in building construction. Floor plans shall be submitted to document the number of dwelling units, dwelling unit size, bedroom mix, or gross floor area of nonresidential space that is proposed. This submission is in addition to any renderings required by the Town Core Design and Development Standards.

G. Building type waiver permit.

- (1) Any Applicant that proposes to construct a development with a building type(s) that does not comply with a building type set forth in the Town Core Design and Development Standards may apply to the Planning Board for a Building Type Waiver Permit.
- (2) The Planning Board, in its discretion, may approve a Building Type Waiver Permit only where it finds the waiver meets the standards set forth below. The Building Type Waiver Permit shall be granted only after a public hearing is held in accordance with the procedures and public notification set forth in Section 108-8.3 of this Zoning Chapter. A decision on the Building Type Waiver Permit may be made concurrently with any site, special use permit or subdivision plan decision. The Planning Board, in its discretion, may approve the permit where it finds the following:
 - (a) The building type shall be consistent with the Purposes set forth in Section 103 of the Town Core Design and Development Standards to the maximum extent practicable;
 - (b) The waiver shall not have a detrimental impact on adjoining residential uses or the community character of same;
 - (c) The waiver is being approved to allow for the appropriate development of the Town Core zoning district consistent with the Town Core Design and Development Standards; and
 - (d) The waiver will not have a detrimental impact or impede the development of the remainder of the Town Core zoning district;

Or

- (e) The specific use is a civic facility, charitable institution, or educational institution or cultural facility specifically allowed by the Zoning Chapter within the TC district and requires a unique building form not included among those herein shown and the Planning Board finds it also meets the requirements of (a) through (d) herein.
- (3) Any decision of the Planning Board to waive the building type standards shall be set forth in writing and made part of the record. Where a Building Type Waiver Permit is granted, the land use application shall comply with the Corridor Business zoning district bulk standards set forth within 108 Attachment 2, Schedule of Bulk Regulations, of this Zoning Chapter. The Planning Board, in its discretion, can condition its approval on adherence to other applicable requirements set forth in the Town Core Design and Development Standards.

17. Town Center Historic District Standards. Renumber Section §108-5.11.2 Town Center Historic District standards to read:

“§108-5.11.3 Corridor Business District standards”

18. Prohibited uses. Amend Article 4, General Regulations, Section 108-4.1, Applicability of regulations, to add a new subsection “D” as follows:

“D. Any use not listed specifically within the Schedule of Use Regulations shall be considered a prohibited use in all districts under this chapter. Where permitted or uses allowed by special use permit are identified by generic words or descriptions, the Zoning Administrator shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Administrator shall consider to what extent the proposed use is similar to the class of use indicated in the District Schedule of Use Regulations. If a use is specifically listed elsewhere in the District Schedule of Use Regulations, it is excluded from a generic classification.”

19. Schedule of Use Regulations. 108 Attachment 1, Schedule of Use Regulations, is amended to rename the “Town Center Historic District” to the “Corridor Business District”, add a new column of uses for the new Town Core District, TC, and several new uses and clarify the uses that are allowed within the overlay zoning districts as follows:

ZONING 108 Attachment 1

Town of Hyde Park

Schedule of Use Regulations

KEY:
 P = Designates a permitted use.
 P* = Designates a permitted use subject to site plan approval by the Planning Board.
 P** = Designates a permitted use subject to site plan approval, except that a special use permit shall also be required where more than one two-family dwelling is placed on a single lot or when one or more two-family dwellings are placed on a lot already improved by one or more one-family dwellings or one or more two-family dwellings.
 P*** = Designates a permitted use, except that site plan review shall also be required when more than one, one-family dwelling is placed on a lot or when one or more one-family dwellings are placed on a lot already improved by a one or more one-family dwellings or one or more two-family dwellings.
 NP = Designates a use not permitted in the district.
 S = Designates a use subject to special use permit and site plan approval.
 (w) = All uses in the Landing must be Water Dependent or Water Enhanced.
 S* = Designates a use subject to special use permit and site plan approval. Limit of four dwelling units per building, except in the CC and TC districts, where more than four (4) dwelling units per building are permitted subject to the requirements of Section 108-5.11.1. and 108-5.11.2 and the Town Core Design and Development Standards.
 S** = The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		
Scrap yard	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Solar farms	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Solar system, freestanding or ground-mounted	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Solar system, rooftop or building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*
Solar thermal system	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications towers and facilities	S	S	S	S	S	S	S	S	S	S	S	S	U	U

NOTES:
 Rooftop or building-mounted solar systems shall be permitted in all zoning districts pursuant to a solar system building permit granted by the Town's Building Inspector and Zoning Administrator, in accordance with the provisions of Chapter 130 of the Code.

 Rooftop or building-mounted solar systems shall be permitted only in the Town's Historic Overlay District or Scenic Overlay District subject to site plan approval by the Planning Board, in accordance with the provisions of Chapter 130 of the Code.

ZONING 108 Attachment 1

Town of Hyde Park

Schedule of Use Regulations

KEY:
 P = Designates a permitted use.
 P* = Designates a permitted use subject to site plan approval by the Planning Board.
 P** = Designates a permitted use subject to site plan approval, except that a special use permit shall also be required where more than one two-family dwelling is placed on a single lot or when one or more two-family dwellings are placed on a lot already improved by one or more one-family dwellings or one or more two-family dwellings.
 P*** = Designates a permitted use, except that site plan review shall also be required when more than one, one-family dwelling is placed on a lot or when one or more one-family dwellings are placed on a lot already improved by a one or more one-family dwellings or one or more two-family dwellings.
 NP = Designates a use not permitted in the district.
 S = Designates a use subject to special use permit and site plan approval.
 (w) = All uses in the Landing must be Water Dependent or Water Enhanced.
 S* = Designates a use subject to special use permit and site plan approval. Limit of four dwelling units per building, except in the CC and TC districts, where more than four (4) dwelling units per building are permitted subject to the requirements of Section 108-5.11.1. and 108-5.11.2 and the Town Core Design and Development Standards.
 S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		

Freestanding or ground-mounted solar energy systems shall be permitted in all zoning districts subject to the issuance of a solar system building permit and site plan approval by the Planning Board pursuant to the provisions of Chapter 130 of the Code.

Solar farms shall be permitted only in the Greenbelt Zoning District subject to a solar system building permit and a special use permit and site plan approval by the Planning Board, pursuant to the provisions of Chapter 130 of the Code.

Building-integrated photovoltaic (BIPV) systems are permitted in all zoning districts provided they are shown on the plans submitted for the building permit application for the building containing this system approved by the Town's Building Inspector and Zoning Administrator in accordance with the provisions of Chapter 130 of the Code.

Solar thermal systems are permitted in all zoning districts subject to the provisions of Chapter 108 of the Town Code.

Telecommunications towers and facilities are subject to the provisions of Chapter 108 of the Town Code.

20. Schedule of Bulk Regulations. 108 Attachment 2, Schedule of Bulk Regulations, is amended to include a column of bulk requirements associated with the new zoning district, TC, as follows:

ZONING 108 Attachment 2														
Town of Hyde Park														
Schedule of Bulk Regulations														
			Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core District ⁽⁷⁾	Corridor Business
			GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB
Height	Building	Maximum	35 ft	35 ft	35 ft	35 ft	35 ft	40 ft	40 ft	35 ft	40 ft	40 ft	⁽⁷⁾	40 ft
	Accessory structure	Maximum	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	⁽⁷⁾	22 ft
Size	Dwelling unit	Least dim.	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	⁽⁷⁾	16 ft
	Dwelling unit	Minimum floor area	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	⁽⁷⁾	400 sf
Coverage	Impervious coverage	Maximum	15% ⁶	15% ⁵	50%	70%	60%	80%	85%	90%	70%	70%	⁽⁷⁾	85%
Yards ² (setbacks)	Front ¹	Minimum	50 ft	50 ft	50 ft	30 ft	20 ft	10 ft	10 ft ⁵	10 ft	20 ft	20 ft	⁽⁷⁾	10 ft
	Side ⁴	Minimum	25 ft	25 ft	20 ft	15 ft	10 ft	10 ft	10 ft ⁵	10 ft	10 ft	10 ft	⁽⁷⁾	5 ft
	Rear	Minimum	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	25 ft	10 ft	20 ft	20 ft	⁽⁷⁾	20 ft
One shed (setbacks)	Front	Minimum	50 ft	50 ft	50 ft	30 ft	20 ft	10 ft	10 ft	10 ft	20 ft	20 ft	⁽⁷⁾	10 ft
	Side	Minimum	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	⁽⁷⁾	5 ft
	Rear	Minimum	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	⁽⁷⁾	5 ft
Scale (gsf)						6,000					40000	7500	⁽⁷⁾	65000
Maximum average density			0.4 DU/A ³ (2.5 A/DU) ³	0.4 DU/A ³ (2.5 A/DU) ³	2 DU/A	4 DU/A	4 DU/A	6 DU/A	10 DU/A	10 DU/A	8 DU/A	8 DU/A	⁽⁷⁾	8 DU/A

ZONING 108 Attachment 2

Town of Hyde Park

Schedule of Bulk Regulations

NOTES:

Refer to § 108-4.4 for further detail.

Scale. Scale limits the gross square feet of a proposed use or structure. Scale limits do not apply to one- and two-family residential use, animal husbandry, or agriculture use. The density limits noted herein shall include accessory apartments. The coverage limits noted herein shall be the maximum for all uses permitted on one lot.

Yard requirements: Such minimums shall be parallel to the applicable lot line for the full length thereof.

Landing: Any lot fronting on the Hudson River shall be permitted to construct water-dependent structures into the river, provided that U.S. Army Corps of Engineers approvals are obtained.

¹ On a corner lot, there shall be provided a side yard on the side street equal in depth to the required front yard in said district.

² Accessory structures, other than fences or walls, with a maximum height of 15 feet may be placed on a lot, provided the setback is no less than the setback required for any building for the front yard and no less than one-half the setback required for any building for the rear and side yards with a minimum setback of five feet. This does not apply to an accessory structure that contains a dwelling unit. An accessory structure that contains a dwelling unit must comply with the bulk requirements for the principal structure.

³ In the Greenbelt and Waterfront Districts, when calculating the density of acreage for a given parcel, all Federal Army Corps of Engineers and NYS DEC regulated wetlands proper as well as lands within the one-hundred-year flood hazard area shall be excluded from the total parcel acreage calculation. Where the resulting residual acreage is equal to or less than 10.0 acres, minimum average density shall be calculated on the basis of 2.0 A/DU for this residual acreage. Where the resulting residual acreage is more than 10.0 acres, the minimum average density shall be calculated on the basis of 2.5 A/DU for this residual acreage.

⁴ Townhouse. A zero-foot side yard setback is permitted for the side yard bordered by another attached dwelling unit.

⁵ Front yard in the CC zoning district. The front and side yards may be reduced to 0 feet, subject to the CC standards.

⁶ For solar farms approved pursuant to § 130-8 of the Town Code, the maximum impervious coverage shall be 25% instead of 15% as listed in the schedule.

⁷ The bulk regulations for the TC zoning district are set forth in the Town Core Design and Development Standards. Where a Building Type Waiver Permit has been approved by the Planning Board, the bulk regulations set forth for the Corridor Business District, as set forth in this Attachment 2, Schedule of Bulk Regulations, shall apply.

21. Zoning District Map revision. Section 108-3.2, Zoning Map, shall be revised as shown on the attached to create and show the boundaries of the TC zoning district.

22. Zoning District Map revision. The map legend listing the zoning districts at Section 108-3.2, Zoning Map, shall be revised to delete “TCHD, Town Center Historic District”, and replace it with the following: “CB, Corridor Business”

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION VIII. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

RESOLUTION 8:10 – 3 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 IN THE RESIDENTIAL AREA 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 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 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 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 31, 2020 at 6:15 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
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 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 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 (“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 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.

NUISANCE VEHICLE

Any non-exempt ATV defined in this section.

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 times when the nuisance vehicle 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 the muffler standards specified in the 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 nuisance vehicle 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 and ATVs by public officers, public officials, or emergency personnel in the course and scope of their duties.
- B. The operation of any ATV 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.

RESOLUTION 8:10 – 4 OF 2020

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. E OF 2020 ENTITLED: “A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE TOWN OF HYDE PARK”

WHEREAS, it is the policy of both the Town of Hyde Park and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers; and

WHEREAS, the proposed Local Law entitled: “A Local Law to Establish a Community Choice Aggregation (Energy) Program in the Town of Hyde Park” has been presented to the Town Board, and the Town Board has determined that the said Local Law is appropriate for commencing the local law adoption process; and

WHEREAS, the proposed Local Law would amend the Town Code of the Town of Hyde Park by adding a new Chapter 35 entitled: “Community Choice Aggregation Program” to select one or more energy suppliers on behalf of customers who do not opt out of the program, as set forth in the proposed Local Law; and

WHEREAS, the Town Board has determined that this is a Type II action under SEQRA and does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby schedules a public hearing on the adoption of said Local Law for August 31, 2020 at 6:20 p.m.; and

BE IF FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said public hearing in the Town’s official newspaper not less than ten (10) calendar days prior to the date of said public hearing and to give such other and further notice of said public hearing as may be required by law.

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. E OF 2019

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION
(ENERGY) PROGRAM IN THE TOWN OF HYDE PARK**

Be it enacted by the Town Board of the Town of Hyde Park as follows:

The Code of the Town of Hyde Park is hereby amended by adding a new Chapter 35, entitled “COMMUNITY CHOICE AGGREGATION PROGRAM,” to read as follows:

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the Town of Hyde Park and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program (“CCA Program”) that will allow the Town and other local governments to work together through a shared purchasing model to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Town is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Town.

- D. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Town.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.
- B. CCA ADMINISTRATOR shall mean the Town of Hyde Park duly authorized by the Town Board to put out for bid the total amount of electricity and/or natural gas being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.
- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the Town eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Town that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- E. DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Town that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.

- F. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.
- G. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.
- H. ELIGIBLE CONSUMERS shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Town, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Town, as such boundaries exist on the effective date of the ESA.
- I. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the Town.
- K. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.
- L. PROGRAM ORGANIZER shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.

- O. SUPPLIERS shall mean ESCOs that procure electric power and natural gas for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Town, whereby the Town may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Town may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The Town may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA Program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Town's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§4. Eligibility.

- A. All consumers within the Town, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers that are members of SC1 Residential Service and SC2 General Service shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis.

§5. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§6. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§7. Data Protection Requirements.

- A. The Town may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The Town must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§8. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, act as the Town's agent in awarding said proposals, and forward information regarding such awards to the Town Board for ratification.
- B. Membership to the CCA Advisory Group shall include the Town Supervisor.

§9. Administration Fee.

The Town may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§10. Reporting.

- A. Annual reports shall be filed with the Town Board of the Town by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§11. Effective Date.

This Local Law shall be effective immediately upon passage.

§12. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

RESOLUTION 8:10 – 5 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO CREATE THE CLIMATE SMART COMMUNITIES TASK FORCE

WHEREAS, the Town of Hyde Park Town Board's Conservation Advisory Committee (CAC) has undertaken a number of activities in support of the Town's climate change action initiatives including, among other things, the preparation of Community Choice Aggregation documentation; and

WHEREAS, the NYS Department of Environmental Conservation has encouraged municipalities to create local Climate Change Task Forces to provide the Town with information about establishing and implementing Climate Smart Initiatives, to propose new ideas to the Town, and to identify funding sources for projects and paybacks from investments.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Hyde Park as follows:

1. The Town of Hyde Park Climate Smart Communities Task Force is hereby established;
2. The Task Force shall be initially coordinated by Richard Mattocks;
3. The Task Force shall include at least one member from local government (staff or elected) and at least two community members;
4. Each Task Force member will serve two years;
5. Initially the members shall be as follows:

Community Members:

- Richard Mattocks, Kerri Teed, Erin Drost, Richard Gasiorowski, Susan Maresca, and David McNary

Local Government Member:

- Neil Krupnick

6. The Task Force shall initially develop and present to the Town Board a proposed statement of purpose and proposed activities within six months;
7. The Task Force shall meet at least four times annually;

8. The Task Force shall periodically report to the Town Board on its activities; and be it further

RESOLVED, that the Task Force shall be an Advisory Committee only, but shall comply with the requirements of the New York State Open Meetings Law; and be it further

RESOLVED, that this Resolution shall take effect immediately upon its adoption.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 - 6 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ADOPT A TOWN VEHICLE MAINTENANCE POLICY FOR THOSE EMPLOYEES WHO ARE ASSIGNED TOWN VEHICLES FOR THE TOWN OF HYDE PARK AND AMEND THE TOWN OF HYDE PARK EMPLOYEE HANDBOOK TO INCLUDE SAID POLICY

WHEREAS, certain Town Employees are assigned town vehicles to use for conducting official Town business for the Town of Hyde Park; and

WHEREAS, on January 30, 2006, the Town Board of the Town of Hyde Park adopted an Employee Handbook which was effective on January 1, 2006; and

WHEREAS, the Town Board of the Town of Hyde Park wishes to adopt a Town Vehicle Maintenance Policy as stated below and include it in said Employee Handbook.

Town Vehicle Maintenance Policy

It shall be the responsibility of each employee issued a town vehicle to be responsible for the following maintenance for their assigned vehicle:

1. Arrange for a timely annual inspection of the vehicle
2. Arrange for servicing of the vehicle according to the guidelines of the manufacturer including such maintenance as timely oil changes, etc.
3. Assure that the vehicle is driven at least once a week to help maintain the vehicles battery life
4. Make sure vehicle is disinfected after each use per COVID-19 reopening guidelines

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby adopt the Town of Hyde Park Town Vehicle Maintenance Policy effective immediately; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board does also hereby authorize the Town of Hyde Park Employee Handbook to be amended to include said policy; and

BE IT FURTHER RESOLVED, that a copy of said policy will be distributed to each town employee, and a copy of the amended Employee Handbook will be kept on file with the Town of Hyde Park Town Clerk's Office.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 7 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO CANCEL THE REGULARY SCHEDULED TOWN BOARD MEETINGS FOR MONDAY, SEPTEMBER 14TH AND MONDAY, SEPTEMBER 28TH, 2020 AND SCHEDULE IN ITS PLACE A SPECIAL MEETING FOR MONDAY, AUGUST 31ST, AND MONDAY, SEPTEMBER 21ST, 2020

WHEREAS, the Town Board of the Town of Hyde Park had set their regular meetings for 2020 at their Organizational Meeting in January, and

WHEREAS, certain ongoing projects within the Town have generated the need to schedule an additional Town Board Meeting for the month of August; and

WHEREAS, due to the Jewish Holiday of Yom Kippur falling on the regularly scheduled Town Board Meeting of September 28, 2020 the Town Board needed to adjust the current Town Board Meeting schedule.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby cancel the regularly scheduled Town Board Meetings for Monday, September 14th and Monday, September 28th, 2020; and

BE IT FURTHER RESOLVED, that the Town Board does also hereby schedule a Special Town Board Meeting for Monday, August 31, 2020 and Monday, September 21st in lieu of the previously scheduled Town Board Meetings.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 8 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH MYREC.COM RECREATION SOFTWARE FOR THE PROVISION OF RECREATION SOFTWARE FOR THE TOWN OF HYDE PARK RECREATION DEPARTMENT

WHEREAS, the Town of Hyde Park Recreation Department has notified the Town Board that the Recreation Department requires upgraded software for managing online camp registration and other functions of the Recreation Department; and

WHEREAS, the Recreation Department has received a proposal from MyRec.Com Recreation Software for the provision of recreation management software; and

WHEREAS, the annual fee for such software will be \$2,995.00 for the period of September 1, 2020 to August 31, 2020 with the opportunity to renew for a second year at a cost of \$3,345.00; and

WHEREAS, the Town Supervisor, Town Comptroller, and the Hyde Park Recreation Director have reviewed said proposal and are in agreement that the purchasing of said software would be in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute an agreement with MyRec.Com Recreation Software for the provision of recreation software pursuant to the terms of a contract acceptable to the Attorney to the Town, and the Town Supervisor, without the necessity for approval from the Town Board.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 - 9 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AWARD THE DINSMORE PARK IMPROVEMENT PROJECT TO GREEN MEADOWS ENTERPRISES, INC.

WHEREAS, the Dinsmore Park Basketball Court in the Town of Hyde Park is in need of repairs and/or improvements; and

WHEREAS, the Town of Hyde Park Recreation Commission had requested the basketball court be repaired with an asphalt overlay, and that Pickleball Courts be added to the park; and

WHEREAS, advertisements for bids were duly published and bids were received; and

WHEREAS, the Recreation Director and the Town Clerk have opened and reviewed said bids with the assistance of the Town's Consulting Engineer; and

WHEREAS, the Town Board received six bids for such services, one from Arold Construction, Co., Inc., Casa Builders Inc. dba Friedlander Construction, Green Meadows Enterprises, Inc., Meyer Contracting Corporation, Sport-Tech Construction Corp., and Van Etten Contracting, LLC; and

WHEREAS, the six bids ranged from \$130,000 to \$208,000 for the alternated bid which included both the pickleball and basketball Court reconstruction; and

WHEREAS, the lowest bidder for the alternate bid for the Pickleball and Basketball Court was Green Meadows Enterprises, Inc. with a price of \$130,000; and

WHEREAS, the Town has received funding from a CDBG Grant in the amount of \$100,000 with the balance for the cost of the project to be paid from the Recreation Trust Fund; and

WHEREAS, the Town Board has determined, based upon the advice and input of its Recreation Director, Town's Consulting Engineer, and Town Comptroller that it is in the Town's best interest to award said bid to Green Meadows Enterprises, Inc..

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby award the bid for the Dinsmore Park Improvement Project to Green Meadows Enterprises Inc. for a bid price not to exceed \$130,000; and

BE IT FURTHER RESOLVED, that the Town Board does also hereby authorize the Town Supervisor to execute any and all documents in regards to the

Dinsmore Park Improvement Project upon approval of the Town Comptroller and Attorney to the Town.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 - 10 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE VACATION CARRY OVER FOR TOWN OF HYDE PARK RECREATION DIRECTOR ROBERT POLLARD

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Town of Hyde Park Recreation Director, Robert Pollard to carry over up to 40 hours of accrued vacation time which he was unable to use prior to his anniversary date of August 20, 2020, and that said carry over vacation time must be used no later than February 20, 2021.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 11 OF 2020

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF HYDE PARK, DUTCHESS COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the Town of Hyde Park, Dutchess County, New York (hereinafter, the “Town”) heretofore issued \$5,172,877 Public Improvement (Serial) Bonds, 2011, dated July 28, 2011, pursuant to duly authorized bond resolutions authorizing said serial bonds for certain Town purposes, and a bond determinations certificate of the Supervisor (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2011, now outstanding in the amount of \$3,210,000, maturing on July 1 annually in each of the years 2021 to 2031, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$3,210,000 outstanding principal balance of said bonds maturing in the years 2021 to 2031, both inclusive (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Hyde Park, Dutchess County, New York, as follows:

Section 1. For the object or purpose of refunding the \$3,210,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion

thereof, there are hereby authorized to be issued not exceeding \$3,400,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,040,000, as provided in Section 4 hereof. The Town Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-20 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal

Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and 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. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in

Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$3,040,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Hyde Park, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding 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. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to an underwriter as shall be determined by the Supervisor for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to a purchasing underwriter if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the purchaser or to the underwriter in accordance with said purchase contract upon the receipt by the Town of said the purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor. The Supervisor shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds 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 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK:

Councilman Krupnick
Councilman Ray
Councilman Marrison
Councilman Schneider
Supervisor Rohr

RESOLUTION 8:10 - 12 OF 2020

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JULY 2020 BUDGET REVISIONS NUMBER 2020-07

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 July 2020 identified as Budget Revisions Number 2020-07.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND</u>				
#2020-07-01	01.1110.200	Justice Equipment	1,153.00	
	01.3389	State Aid - JCAP <i>- Anticipated Grant Award for COVID Related Expenses</i>	1,153.00	
#2020-07-02	01.1110.400	Contractual Expense	589.74	
	01.1110.480	Conferences		292.74
	01.1110.490	Radio Contract <i>- To Fund Legal Book Updates</i>		297.00
#2020-07-03	01.1430.400	Payroll Contract	6,000.00	
	01.1010.107	Special Compensation <i>- The Change from ADP to Paylocity Created Setup Fees not Budgeted</i>		6,000.00
#2020-07-04	01.3120.106	PT Police Dispatcher OT	2,000.00	
	01.3120.111	PT Police Dispatcher	33,007.90	
	01.3120.110	Police - FT Assistant <i>- Chief Has Been Using PT Dispatchers More Frequently for Coverage</i>		35,007.90
#2020-07-05	01.3120.421	Police Vehicle Modems	3,840.00	
	01.5031	Transfer for Capital Projects (Fund 40) <i>- To Transfer the Annual Cost for Modems in the Police Cars Equipped with New laptops</i>	3,840.00	

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND CONT'D</u>				
#2020-07-06	01.3120.471	Police Rules & Regs Manual	7,665.00	
	01.1010.107	Special Compensation <i>- Board Approved Contract for Developing Rules & Regulations</i>		7,665.00
#2020-07-07	01.3310.400	Sign Expenses	2,000.00	
	01.1010.107	Special Compensation <i>- To Replace Signs Vandalized this Year</i>		2,000.00
#2020-07-08	01.5010.410	Highway Superintendent Supplies	328.68	
	01.5010.420	Highway Superintendent Cell phone <i>- To Increase Budget for Supplies</i>		328.68
#2020-07-09	01.5410.420	Sidewalks Utilities	1,000.00	
	01.5410.400	Sidewalks Expense <i>- Replenish Budget for Increased Electrical Cost Due to New Ornamental Lights</i>		1,000.00
#2020-07-10	01.7110.450	Parks Equipment Maintenance	1,000.00	
	01.7310.112	Youth Swim Seasonal <i>- Replenish Budget for Anticipated Year End Expenses</i>		1,000.00
#2020-07-11	01.7114.410	Greenfields Supplies	300.00	
	01.7114.400	Greenfields Contractual <i>- Replenish Budget for Current Expenses</i>		300.00
#2020-07-12	01.8161.400	Landfill Monitoring	500.00	
	01.8161.450	Landfill Mowing Contract	1,000.00	
	01.8161.440	Landfill Gas Sampling		500.00
	01.1010.107	Special Compensation <i>- Funding for Landfill</i>		1,000.00
#2020-07-13	01.9050.800	Unemployment Insurance	1,181.00	
	01.1010.107	Special Compensation <i>- 2nd Qtr. Unemployment Liability</i>		1,181.00

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
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HIGHWAY FUND

#2020-07-14	05.5130.490	Workplace Drug Test	10.00	
	05.5130.160	Meal Allowance		10.00
		-To Cover Deficit		

CAPITAL PROJECTS

Police Tech. Upgrade

#2020-07-15	40.3120.200	Equipment	1,150.00	
	40.3120.410	Supplies		50.00
	40.3120.460	Consulting - OCIS		1,100.00
		- Revised Budget for Proposed		

#2020-07-16	40.9901.900	Transfer to General Fund	3,840.00	
	40.3120.480	Other Expenses		3,840.00
		- Transfer Verizon Contractual Cost to General Fund for Future Budgets		

Town Facilities

#2020-07-17	53.5031	Interfund Transfer	300.00	
	53.5710	Bond Proceeds	100,000.00	
	53.1440.400	Engineer	2,450.00	
	53.1620.410	Office Proposal	33,000.00	
	53.1620.420	Paving of Parking Lot	40,350.00	
	53.5132.410	Salt Dome Repair	23,000.00	
	53.5132.480	Other Expenses	1,500.00	
		- To Establish Budget for Various Projects Funded by Proposed Debt		

Highway Resurfacing

#2020-07-18	58.5031	Interfund Transfer	300.00	
	58.5710	Bond Proceeds	630,000.00	
	58.5112.400	Paving Expenses	629,750.00	
	58.5112.490	General Government Service	550.00	
		- To Establish Budget for Paving of Roads Funded by Debt and Chips		

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
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CAPITAL PROJECTS CONT'D

Parks Improvement

#2020-07-19	72.7115.200	Construction	30,000.00	
	72.7115.450	Contractual Expenses - Fencing	5,000.00	
	72.5030	Transfer from Recreation Trust	35,000.00	
		<i>- To Supplement the Costs at Dinsmore Park by Using Recreation Trust</i>		

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 13 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 6:22 – 5 OF 2020 AUTHORIZING THE TOWN OF HYDE PARK HIGHWAY SUPERINTENDENT TO AUCTION A HIGHWAY VEHICLE AND INSTEAD AUTHORIZE THE TOWN OF HYDE PARK TOWN BOARD TO SELL SAID VEHICLE TO THE TOWN OF EAST FISHKILL

WHEREAS, Resolution 6:22 – 5 of 2020 authorized Town of Hyde Park Highway Superintendent to sell at auction a 2015 International 6 x 4 10 wheel dump truck 7500 SFA Maxx Force 10 350 HP, VIN #3HAWPSUT0FL710853, which was no longer needed for Town of Hyde Park Highway Fleet; and

WHEREAS, the Highway Superintendent took the vehicle to Absolute Auction and placed said vehicle on the auction list on July 27, 2020; and

WHEREAS, the Highway Superintendent was looking to receive a price of \$100,000 for said vehicle but the highest bid for this vehicle was only \$71,000; and

WHEREAS, the Town of East Fishkill is in need of an additional vehicle for their Highway Department Fleet and is willing to buy this vehicle directly from the Town of Hyde Park for the Town’s asking price of \$100,000.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby amend Resolution 6:22 – 5 of 2020 to reflect that the Town of Hyde Park Highway Superintendent did not sell the above-mentioned vehicle at auction; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board does also hereby authorize for said vehicle to now be sold in **AS IS CONDITION** to the Town of East Fishkill for a price of \$100,000; and

BE IT FURTHER RESOLVED, that the Town Supervisor is also hereby authorized to sign any and all documents in regards to said sale upon the approval of the Town Comptroller and Attorney to the Town; and

BE IT FURTHER RESOLVED, that the proceeds from the sale of the vehicle shall first be used to pay debt service that is outstanding if any, and any balance that remains shall be paid into the Highway Department Town fund.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 - 14 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO CONTINUE THE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF HYDE PARK AND THE COUNTY OF DUTCHESS FOR SNOW REMOVAL

WHEREAS, the Town of Hyde Park had entered an Intermunicipal Agreement (IMA) with the County of Dutchess which provides, in relevant part, for snow and ice removal and ice control services through September 30, 2017 with the addition of two extensions for one year each which expires as of September 30, 2020; and

WHEREAS, the County of Dutchess has proposed a continuation of the Intermunicipal Agreement for snow removal and ice control services for the period of October 1, 2020 through September 30, 2021 which includes a pilot program that would pay per mile; and

WHEREAS, the proposed IMA for 2020 has a provision to be extended for additional periods of one year each upon such terms and conditions as the parties may agree to; and

WHEREAS, this IMA has been reviewed, and approved, in conceptual form by the Town Board, Town Highway Superintendent, Town Comptroller, and Town Attorney; and

WHEREAS, this IMA does reference a provision between the County of Dutchess and Hyde Park Landing Ltd. and Peter J. Andros and Katherine S. Andros filed in the Office of the Dutchess County Clerk on May 29, 2002 as Document No. 2 2002 5136.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby approve the execution of the Intermunicipal Agreement for snow removal and ice control services for the period October 1, 2020 through September 30, 2021, and the county accepts full responsibility for snow removal activities and other duties as set forth in the Agreement dated December 12, 2001 between the County of Dutchess and Hyde Park Landing Ltd. and Peter J. Andros and Katherine S. Andros filed in the Office of the Dutchess County Clerk on May 29, 2002 as Document No. 2 2002 5136.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 - 15 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 7:13 – 4 OF 2020 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 TO REFLECT THE CORRECTION OF THE ALLOCATION FOR THE BUDGET YEAR

WHEREAS, Resolution 7:13 – 4 of 2020 authorized the Town Supervisor to sign an agreement with Lexipol, LLC for services that offer 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

WHEREAS, it stated in the resolution that the contract would be a period of twelve (12) months at a sum of \$7,665.00 and would be allocated from the Police Department Budget for 2021; and

WHEREAS, since the agreement needed to be signed and the program put in to place prior to the adoption of the 2021 budget, the resolution should have stated that it was to be allocated from the 2020 budget and would be reflected in the July 2020 Budget Revisions.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby amend Resolution 7:13 – 4 of 2020 to reflect the above change in regards to the allocation of the contract with Lexipol, LLC for the Town of Hyde Park Police Department’s policy software.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 16 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK SUPERVISOR TO EXECUTE A CONTRACT WITH ONE WAY CONSTRUCTION SERVICES, INC. FOR REPAIRS TO THE TOWN OF HYDE PARK POLICE COURT FACILITY

WHEREAS, on June 25, 2020 there was an incident that occurred at the Town of Hyde Park Police Court Facility that caused severe damage to the fire sprinkler system as well as the building itself; and

WHEREAS, upon approval of the Town’s insurance claim, a quote was received from One Way Construction Services, Inc. in the amount of \$31,000.00 for said repairs; and

WHEREAS, the Town Supervisor and Town Comptroller are in agreement with this proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute a contract in a form acceptable to the Town Attorney with One Way Construction Services, Inc. for an amount not to exceed \$31,000.00

**MOTION:
SECOND:**

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 17 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RESIGNATION OF TOWN OF HYDE PARK JUSTICE CLERK JESSICA EDWARDS

WHEREAS, Town of Hyde Park Justice Clerk, Jessica Edwards has submitted her letter of resignation effective August 15, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Justice Clerk, Jessica Edwards; and

BE IT FURTHER RESOLVED, that the Hyde Park Town Supervisor and Town Board extend their appreciation and gratitude to Jessica Edwards for her many years of dedicated service to the Town of Hyde Park.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 18 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 1:6 – 38 OF 2020 AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT THE 2020 TOWN BOARD LIAISONS FOR THE TOWN AND COMMUNITY TO REFLECT COUNCILMAN DAVID RAY AS THE LIAISON FOR THE DC MS4 COORDINATION COMMITTEE

WHEREAS, Resolution 1:6 – 38 of 2020 Appointed the 2020 Town Board Liaisons for the Town and Community; and

WHEREAS, the DC MS4 Coordination Committee was not listed and appointed a liaison.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby amend Resolution 1:6 – 38 of 2020 to reflect the appointment of Councilman David Ray as the liaison to the DC MS4 Coordination Committee as listed below.

- | | |
|---------------------------|---|
| Neil Krupnick: | Conservation Advisory Council
Building Department
Planning Department
Planning Board
Zoning Board of Appeals
Historian |
| David Ray: | Board of Ethics
Hyde Park Central School District
Hyde Park Fire Department
Paul Tegtmeier Memorial
Veterans Affairs
DC MS4 Coordination Committee |
| Joseph Marrine: | Board of Assessment Review
Compliance for Anti-Harassment
Historian
Justice Department
Recreation Department
Roosevelt Fire Department
Workplace Violence Prevention
Audit Committee |
| Kenneth Schneider: | Chamber of Commerce
Highway Department
Police Department
Roosevelt Fire Department |

Aileen Rohr:

Chamber of Commerce
DCWWA
Dog Control
Personnel Negotiations
Police Department
Safety Plan Committee

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 19 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO WAIVE THE THIRTY (30) DAY ADVANCE NOTICE OF A LIQUOR LICENSE FOR ON PREMISES CONSUMPTION FOR REX NON VERBA, LLC IN THE TOWN OF HYDE PARK

WHEREAS, Rex Non Verba, LLC intends to file an application for its New York State Liquor License for a Liquor, Wine & Beer License for their restaurant at 57 Old Post Road, Staatsburg, New York 12580; and

WHEREAS, pursuant to New York State Alcoholic Beverage Control Law Section 110(b), an Applicant must give the municipality thirty (30) days’ notice of the pending liquor license application unless the municipality consents to waive the thirty (30) day requirement; and

WHEREAS, the Town Board has determined that in this case, the waiver of the thirty (30) day waiting requirement is appropriate and it would not result in a detriment to the health, safety, and welfare of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby waive the thirty (30) day notice period for Rex Non Verba, LLC, 57 Old Post Road, Staatsburg, New York, 12580 allowing an earlier submission of the liquor license application; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send a letter to the New York State Liquor Authority indicating the Town’s waiver.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 20 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 1:6 – 51 OF 2020 AWARDED BIDS FOR THE 2020 TOWN OF HYDE PARK HIGHWAY CONTRACTUAL SERVICES TO AUTHORIZE KEITH HUGHES THE NEXT LOWEST BIDDER AS AN ALTERNATE FOR TREE CONTRACTUAL SERVICES

WHEREAS, the Town of Hyde Park Town Board authorized the Highway Superintendent and the Town Clerk to solicit bids for certain highway contractual services for 2020 by Resolution 1:6 – 51 of 2020; and

WHEREAS, the bids were solicited in accordance with the requirements of §103 of the General Municipal Law; and

WHEREAS, the bids received were duly opened and reviewed by the Town Highway Superintendent; and

WHEREAS, the Town Board and the Town Comptroller received the recommendations from the Town Highway Superintendent in a letter dated December 23, 2019 to award the bid for Tree Services to Bullfrog LLC d/b/a Gene's Tree Experts; and

WHEREAS, due to the ongoing pandemic Bullfrog LLC d/b/a Gene's Tree Experts has been unable to obtain and supply the required insurance and contract according to the Town's bid requirements; and

WHEREAS, the Highway Superintendent would now like to award the bid to the next lowest bidder Keith Hughes as an alternate back-up per his e-mail dated August 6, 2020 in the event that Bullfrog LLC d/b/a Gene's Tree Experts is unable to provide the necessary required insurance and contract before August 11, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby amend Resolution 1:6 – 51 of 2020 to name Keith Hughes the next lowest bidder as an alternate back-up in the event Bullfrog LLC d/b/a Gene's Tree Experts is unable to provide the necessary required insurance and contract before August 11, 2020; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does also hereby authorize the Town Supervisor to execute the necessary contract with Keith Hughes if said bid is awarded pending approval of the Attorney to the Town and the Town Comptroller.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 8:10 – 21 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE EXPENDITURE OF UP TO \$10,000 IN FUNDS FOR PRELIMINARY LEGAL AND APPRAISAL WORK WITH REGARD TO THE POTENTIAL ACQUISITION OF PROPERTY OWNED BY HYDE PARK MOTOR COMPANY INC. IN THE TOWN OF HYDE PARK

WHEREAS, the Town Board of the Town of Hyde Park has determined that it would be in the best interests of the Town to explore the acquisition of four contiguous properties owned by Hyde Park Motor Company Inc. located at 4390 Albany Post Road; 6 East Market Street; 4378 Albany Post Road; and 4382 Albany Post Road, in the Town of Hyde Park for various possible public purposes; and

WHEREAS, the Town Board has determined that before embarking on the acquisition process, a certain amount of professional due diligence work is required to be performed.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the expenditure of \$10,000 to be used by the Town Board in its discretion to pay for a preliminary appraisal and legal fees in conjunction with acquisition proceedings for said properties; and

BE IT FURTHER RESOLVED, that said expenditure per the Town Comptroller will be reflected in the Town’s August 2020 Budget Revisions.

**MOTION:
SECOND:**

ROLL CALL VOTE BY TOWN CLERK

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