

**HYDE PARK TOWN BOARD
SPECIAL MEETING, PUBLIC HEARING, & WORKSHOP
MONDAY, NOVEMBER 2, 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/UCcb5NmRUM9SwOAL0vwcayrQ/live>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPT MINUTES OF OCTOBER 19, 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 HEARING:

1. PRELIMINARY BUDGET FOR THE TOWN OF HYDE PARK FOR FISCAL YEAR 2021

WORKSHOP:

1. TOWN BOARD DISCUSSION ON SUGGESTED PROJECTS FOR THE 2021 DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SUBMISSION

RESOLUTIONS:

1. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO SET THE PUBLIC HEARING FOR THE SPECIAL DISTRICTS BENEFIT ASSESSMENT ROLLS
2. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF OCTOBER 2020 BUDGET REVISIONS NUMBER 2020-10
3. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE THE INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING BETWEEN THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) AND THE TOWN OF HYDE PARK
4. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT NICK WHITELEY TO THE TOWN OF HYDE PARK RECREATION COMMISSION
5. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT DEBBIE ST. ONGE TO THE TOWN OF HYDE PARK RECREATION COMMISSION
6. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE ON BEHALF OF THE TOWN OF HYDE PARK POLICE DEPARTMENT A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HYDE PARK AND THE COUNCIL ON ADDICTION PREVENTION & EDUCATION OF DUTCHESS COUNTY, INC. (CAPE)
7. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ACCEPT GRANT FUNDING FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE HYDE PARK POLICE DEPARTMENT'S PARTICIPATION IN THE 2020 BULLETPROOF VEST PARTNERSHIP (BJA) GRANT PROGRAM

8. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE THE 2021 PROCUREMENT SPECIALIST SHARED SERVICE EXTENDED AGREEMENT WITH DUTCHESS COUNTY
9. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 9:21 – 10 OF 2020 AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO SUBMIT THE 2020-2021 GRANT APPLICATION FOR THE JUSTICE COURT ASSISTANCE PROGRAM (“JCAP”) GRANT FOR THE TOWN OF HYDE PARK JUSTICE COURT TO REFLECT A CHANGE IN THE WORDING OF THE RESOLUTION AT THE REQUEST OF THE OFFICE OF JUSTICE COURT SUPPORT
10. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A CONTRACT WITH NELSON, POPE, AND VOORHIS, LLC FOR PLANNING AND ZONING CONSULTING SERVICES FOR THE TOWN OF HYDE PARK
11. COMMENCE COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. F OF THE YEAR 2020 ENTITLED: “A LOCAL LAW AMENDING CHAPTER 102 OF THE TOWN CODE WITH REGARD TO TIMBER HARVESTING TO PROVIDE, IN RELEVANT PART, THAT A SPECIAL USE PERMIT AND SITE PLAN APPROVAL SHALL BE REQUIRED FOR ALL TIMBER HARVESTING ACTIVITIES COVERED BY SAID CHAPTER”

EXECUTIVE SESSION

NEW AND OLD BUSINESS

ADJOURN

***AGENDA SUBJECT TO CHANGE**

RESOLUTION 11:2 – 1 OF 2020

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK
TOWN BOARD TO SET THE PUBLIC HEARING FOR THE
SPECIAL DISTRICTS BENEFIT ASSESSMENT ROLLS**

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby schedule a Public Hearing pursuant to Article 12-a of the Town Law, to be held on November 16, 2020 at 6:10 p.m. to consider the Special Districts Benefit Assessment Rolls and to hear all persons interested in said Special Districts Assessment Rolls, and to take such actions thereon as required by law with respect to the following Special Districts: Greenfields Sewer District, Pinebrook Lighting District, and Woodland Gr. Drainage; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish notice of said public hearing in accordance with the requirements of the law.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 - 2 OF 2020

**RESOLUTION APPROVING BUDGET REVISIONS TO THE
TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF
OCTOBER 2020 BUDGET REVISIONS NUMBER 2020-10**

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 October 2020 identified as Budget Revisions Number 2020-10.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND</u>				
#2020-10-01	01.1110.450	Justice Copier and Maintenance	500.00	
	01.1110.460	Justice Interpreter <i>- To Fund Cost of Copies</i>		500.00
#2020-10-02	01.1330.112	Rec. of Taxes Staff Part Time	5,000.00	
	01.1010.107	Special Compensation <i>-Underbudget for Part Time Staff</i>		5,000.00
#2020-10-03	01.1330.440	Receiver of Taxes Processing Fees	144.00	
	01.1355.440	Assessor Processing Fees	438.00	
	01.1989.400	Undistributed Expense	1,035.34	
	01.1990.400	Contingency <i>- To Cover the Cost of Charges to the Town for its use of County Services</i>		1,617.34
#2020-10-04	01.1621.400	PCF Contractual Expense	4,000.00	
	01.1990.400	Contingency <i>-To Repair the Fire Sprinklers</i>		4,000.00
#2020-10-05	01.3120.440	Police - Labor Attorney	222.75	
	01.1990.400	Contingency <i>- Cover the Cost of Use of Labor Attorney Through September 2020</i>		222.75

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
GENERAL FUND CONT'D				
#2020-10-06	01.1603	Registrar	2,000.00	
	01.4010.400	Registrar <i>- To Reallocate Additional Fees Collected and Remitted to Town Clerk</i>	2,000.00	
#2020-10-07	01.5182.410	Street Lighting Repair (Farm Lane)	3,074.75	
	01.1990.400	Contingency <i>- Cover the Cost to Fix Lights at Farm Lane Due to Vandalism</i>		3,074.75
#2020-10-08	01.2681	Insurance Recovery Assets	17,253.00	
	01.2680	Insurance Recovery Payroll <i>- To Correct Prior Amendment</i>		17,253.00
#2020-10-09	01.2681	Insurance Recovery Assets	2,500.00	
	01.1990.400	Contingency		2,500.00
	01.7110.450	Parks Equipment Maintenance <i>- Estimated Repair to Dump Truck from Vandalism</i>	5,000.00	
#2020-10-10	01.7111.410	Hackett Supplies	2,000.00	
	01.2089	Other Recreation Fees <i>- To Cover the Cost of Supplies</i>	2,000.00	
#2020-10-11	01.7110.200	Parks Equipment	8,750.00	
	01.2665	Sale of Equipment	6,800.00	
	01.2089	Other Recreation Fees <i>- Funding to Trade in Mower for New Model</i>	1,950.00	
#2020-10-12	01.7110.103	Parks Overtime	20.94	
	01.7110.420	Parks Cell Phone <i>-To Cover Overtime Expense</i>		20.94
HIGHWAY FUND				
#2020-10-13	05.3502	Winter State Aid		100.00
	05.9950.900	Transfer to Capital Fund <i>- Correction of NYS Aid for 2020</i>		100.00

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
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CAP PROJECTS

**TOWN
FACILITIES**

#2020-10-14	53.5132.410	Salt Dome Repair	5,700.00	
	53.1620.410	Office Proposal		5,700.00
		<i>- To Fund Cost of Salt Dome Repair</i>		

**SIDEWALKS
PHASE #1**

#2020-10-15	55.9901.900	Transfer	87,000.00	
	55.9909	Use of Fund Balance	87,000.00	
		<i>- Transfer of Excess Funds to Debt Service</i>		

**MOTION:
SECOND:**

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 – 3 OF 2020

**RESOLUTION AUTHORIZING THE TOWN OF HYDE
PARK TOWN SUPERVISOR TO EXECUTE THE INTERLOCAL
CONTRACT FOR COOPERATIVE PURCHASING BETWEEN
THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC)
AND THE TOWN OF HYDE PARK**

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchasing of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the act; and

WHEREAS, an interlocal contract for cooperative purchasing has been provided to the Town by H-GAC, and has been reviewed and approved by the Attorney to the Town, the Town Comptroller, and the Town Supervisor; and

WHEREAS, the Town Board has determined that entering into such a contract will provide a financial benefit at no cost to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to sign the Interlocal Contract for Cooperative Purchasing, in the same or substantially the same form as provided, and/or execute such other documents as may be required to allow the Town to receive the benefits of such program.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 - 4 OF 2020

**AUTHORIZE THE TOWN OF HYDE PARK TOWN BOARD
TO APPOINT NICHOLAS WHITELEY TO THE TOWN OF
HYDE PARK RECREATION COMMISSION**

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

WHEREAS, there is currently a vacancy on the Town of Hyde Park Recreation Commission due to the recent resignation of former member, Robert Babcock; and

WHEREAS, the Town of Hyde Park Town Board would like to appoint Nicholas Whiteley to fill this vacancy effective immediately to fulfill the remainder of Robert Babcock's term which is set to expire November 30, 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby appoint Nicholas Whiteley to the Town of Hyde Park Recreation Commission, effective immediately, to fill the vacancy left by Robert Babcock, to fulfill his remaining term which is set to expire on November 30, 2025.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____

Councilman Ray _____

Councilman Marrine _____

Councilman Schneider _____

Supervisor Rohr _____

RESOLUTION 11:2 - 5 OF 2020

**AUTHORIZE THE TOWN OF HYDE PARK TOWN BOARD
TO APPOINT DEBBIE ST. ONGE TO THE TOWN OF
HYDE PARK RECREATION COMMISSION**

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

WHEREAS, there will currently be a vacancy on the Town of Hyde Park Recreation Commission effective November 30, 2020 since current Commissioner Susan Pretak will not be renewing her term; and

WHEREAS, the Town of Hyde Park Town Board would like to appoint Debbie St. Onge to fill the vacancy that will be left by Susan when she steps down at the end of this month.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby appoint Debbie St. Onge to the Town of Hyde Park Recreation Commission in order to fill the vacancy that will be left by former Commissioner Susan Pretak, effective December 1, 2020 for a term set to expire on November 30, 2027; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board would also like to take this time to thank Susan Pretak for her many years of volunteerism to the Town of Hyde Park as a Recreation Commissioner.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 – 6 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE ON BEHALF OF THE TOWN OF HYDE PARK POLICE DEPARTMENT A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HYDE PARK AND THE COUNCIL ON ADDICTION PREVENTION & EDUCATION OF DUTCHESS COUNTY, INC. (CAPE)

WHEREAS, the Council on Addiction Prevention & Education of Dutchess County, Inc. (CAPE) has submitted a Memorandum of Understanding (“MOU”) between the Town of Hyde Park and CAPE on behalf of the Hyde Park Police Department, which provides, in relevant part, that the Hyde Park Police Department agrees to conduct compliance checks in the Town of Hyde Park to ensure that local malls, gas stations, and other entities which sell alcohol are requiring proper identification before the sale of alcohol (known as “compliance checks”); and

WHEREAS, the terms of said MOU provide, in relevant part, that the Hyde Park Police Department agrees to conduct compliance checks in the Town of Hyde Park from October 1, 2020 through December 31, 2020; and

WHEREAS, the MOU further provides that the Hyde Park Police Department will provide CAPE with a detailed account of the checkpoints and the results that were achieved during those checkpoints for the time periods stipulated; and

WHEREAS, the Town of Hyde Park Police Department will also provide to CAPE a detailed account of said check points in order to request reimbursement of funds to defray the costs of the overtime pay to the Police Department; and

WHEREAS, CAPE shall reimburse the Town for the cost of said police services in an amount not to exceed \$2,500; and

WHEREAS, the Town Board has determined that the execution of this MOU on behalf of the Police Department will help defray the overtime costs to the Police Department for said compliance checks and that the execution of the MOU would be in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute the MOU between the Town of Hyde Park and CAPE on behalf of the Hyde Park Police Department.

MOTION:
SECOND:
ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 - 7 OF 2020

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK
TOWN BOARD TO ACCEPT FUNDING FROM THE
BUREAU OF JUSTICE (BJA) FOR THE HYDE PARK POLICE
DEPARTMENT'S PARTICIPATION IN THE 2020 BULLETPROOF
VEST PARTNERSHIP (BJA) GRANT PROGRAM**

WHEREAS, the Bureau of Justice Assistance (BJA) has awarded funding to the Hyde Park Police Department for participation in the 2020 Bulletproof Vest Partnership Grant Program (BJA); and

WHEREAS, the BJA's assistance of funding in paying half of the accrued expenses for armor to law enforcement officers will help the Hyde Park Police Department improve safety and reduce deaths and serious injuries by helping them to afford proper fitting body armor for their officers; and

WHEREAS, the 2020 funding awarded to the Town of Hyde Park Police Department would be \$4,601.63 for participating in said Partnership Grant for 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize and direct the Town Supervisor to accept funding in the amount of \$4,601.63 for the Town of Hyde Park Police Department's participation in the 2020 Bulletproof Vest Partnership Grant Program(BJA).

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 - 8 OF 2020

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN
SUPERVISOR TO EXECUTE THE 2021 PROCUREMENT SPECIALIST
SHARED SERVICE EXTENDED AGREEMENT WITH DUTCHESS COUNTY**

WHEREAS, in 2017 the Governor of the State of New York and members of the State Legislature enacted a state budget including a provision that mandated the County Executive lead a panel comprised of all city, town and village executives in the creation of a county wide shared services property tax savings plan; and

WHEREAS, during the course of 2017, the panel, led by the County Executive, formulated a plan that represented the hard work and dedication of all our municipalities and participating school districts to save taxpayer dollars by reducing costs; and

WHEREAS, one of the projects that was included in the plan was for the utilization of a County Procurement Specialist. The project includes the purchase of County provided procurement assistance by municipalities. The Project Plan contains a full list of assistance that would be provided to a municipality as well as the applicable rates; and

WHEREAS, as the project was developed, municipalities determined that there would be administrative cost savings with avoiding workloads, such as: the creation of bids, RFPS and quote documents/specifications, moderating the bid process, evaluating bid/RFP/quote responses and the tabulation of results. There could also be significant savings in cooperative purchasing agreements and piggybacking off other municipal and state contracts; and

WHEREAS, the Town has received a request to continue participation in this program and the documentation, and proposed Extended Agreement, relating to this program have been reviewed by the Town Board, Attorney to the Town and the Town Comptroller; and

WHEREAS, the Town Board has determined that it would be in the best interest of the Town to continue their participation in this Shared Service with the County of Dutchess.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the Town Supervisor to execute the Extended Shared Services Agreement with the County of Dutchess for another term ending October 31, 2021.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 - 9 OF 2020

**RESOLUTION AMENDING RESOLUTION 9:21 – 10 OF 2020
AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR
TO SUBMIT THE 2020-2021 GRANT APPLICATION
FOR THE JUSTICE COURT ASSISTANCE PROGRAM (“JCAP”)
GRANT FOR THE TOWN OF HYDE PARK JUSTICE COURT TO REFLECT A
CHANGE IN THE WORDING OF THE RESOLUTION AT THE REQUEST OF
THE OFFICE OF JUSTICE COURT SUPPORT**

WHEREAS, by Resolution 9:21 – 10 of 2020 the Town Supervisor was authorized to submit on behalf of the Town of Hyde Park Justice Court the 2020-2021 Grant Application for the Justice Court Assistance Program (“JCAP”) Grant for the Town of Hyde Park Town Court; and

WHEREAS, when said application was received by the Office of Justice Court Support, the Town of Hyde Park Justice Court was informed that due to the Office of Justice Court Support’s audit at the end of 2019 a recommendation was made that the wording of all future resolutions in regards to the submissions for the JCAP Grant be changed.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby amend Resolution 9:21 – 10 of 2020 to now authorize the Town of Hyde Park Town Justice Court to apply for a JCAP Grant in the 2020-2021 grant cycle for an amount up to \$30,000 as requested by the Office of Justice Court Support.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 – 10 OF 2020

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK
TOWN SUPERVISOR TO EXECUTE A CONTRACT WITH NELSON,
POPE, AND VOORHIS, LLC FOR PLANNING AND ZONING
CONSULTING SERVICES FOR THE TOWN OF HYDE PARK**

WHEREAS, Nelson, Pope, and Voorhis, LLC were initially hired to provide consulting services as part of the Hyde Park Downtown Initiative; and

WHEREAS, now the Town wishes to extend the consulting services of Nelson, Pope, and Voorhis, LLC to assist the Town with other projects; and

WHEREAS, the current contract would include the examination and refinement of the process for the Town of Hyde Park Planning Board applications as well as other related consulting services requested by the Town of Hyde Park; and

WHEREAS, this contract is not to exceed \$3,000.00, to be billed at an hourly rate in accordance with the contracted fee schedule.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to execute a contract with Nelson, Pope, & Voorhis, LLC for Planning and Zoning Consulting Services for an amount not to exceed \$3,000.00, and to be billed at an hourly rate in accordance with the contracted fee schedule.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

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

RESOLUTION 11:2 – 11 OF 2020

**RESOLUTION COMMENCING THE LOCAL LAW ADOPTION
PROCESS FOR LOCAL LAW NO. F OF THE YEAR 2020
ENTITLED: “A LOCAL LAW AMENDING CHAPTER 102 OF THE
TOWN CODE WITH REGARD TO TIMBER HARVESTING TO
PROVIDE, IN RELEVANT PART, THAT A SPECIAL USE PERMIT
AND SITE PLAN APPROVAL SHALL BE REQUIRED FOR ALL TIMBER
HARVESTING ACTIVITIES COVERED BY SAID CHAPTER”**

WHEREAS, the Town’s Zoning Administrator (ZA) has advised the Town that to properly regulate the conduct of timber harvesting a special use permit should be required in conjunction with all timber harvesting operations regulated by Section 102 of the Town Code; and

WHEREAS, the Town Code currently regulates timber harvesting activities solely through permit application to the Town’s Zoning Administrator pursuant to Chapter 102 of the Town Code; and

WHEREAS, the Town Board has requested the Attorney to the Town to draft a local law amending Section 102 of the Town Code to provide, in relevant part, that all applications for timber harvesting permits pursuant to Chapter 102 of the Town Code shall be subject to a special use permit application and approval by the Planning Board; and

WHEREAS, in the Town of Hyde Park, the Town Zoning Code provides that special use permits also require site plan approval; and

WHEREAS, the Attorney to the Town has prepared a Local Law amending Chapter 102 of the Town Code to provide, in relevant part, that all applications for timber harvesting activities pursuant to Chapter 102 of the Town Code require a special use permit and site plan approval by the Planning Board; and

WHEREAS, the Attorney to the Town has drafted said Local Law and has included in said Local Law certain other new provisions with regard to the regulation of timber harvesting activities; and

WHEREAS, the Local Law has been reviewed by the Town’s Zoning Administrator and Conservation Advisory Council and certain changes to the proposed Local Law have been made in consideration of comments made by the ZA and CAC; and

WHEREAS, the proposed Local Law has been presented to the Town Board for purposes of commencing the local law adoption process and has found to be acceptable for purposes of commencing that process; and

WHEREAS, the Town Board has determined that this is an Unlisted Action under SEQRA and that the Town Board is the only agency involved in this action and that the Town Board will be conducting an uncoordinated SEQRA review of the same

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts proposed Local Law No. F of the Year 2020 entitled: “A Local Law Amending Chapter 102 of the Town Code with Regard to Timber Harvesting to Provide, in Relevant Part, that a Special Use Permit and Site Plan Approval shall be Required for All Timber Harvesting Activities Covered by said Chapter”; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said Local Law for December 7, 2020 at 6:05 p.m.; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts the proposed Part 1 of the Full EAF prepared by the Attorney to the Town; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to post and provide notice of said public hearing, as provided by law, and to refer a copy of the Local Law and Part 1 of the EAF to the Dutchess County Department of Planning and to the Town of Hyde Park Planning Board for their 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. F OF THE YEAR 2020

A LOCAL LAW AMENDING CHAPTER 102 OF THE TOWN CODE WITH REGARD TO TIMBER HARVESTING TO PROVIDE, IN RELEVANT PART, A SPECIAL USE PERMIT SHALL BE REQUIRED FOR ALL TIMBER HARVESTING ACTIVITIES COVERED BY SAID CHAPTER

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 Chapter 102 of the Town Code with Regard to Timer Harvesting to Provide, In Relevant Part, a Special Use Permit shall be Required for All Timber Harvesting Activities Covered By Said Chapter Section 108 Attachment 1 to Specify in Which District Such Uses are Permitted”.

SECTION 2. PURPOSE.

The Town Zoning Administrator has advised the Town Board that to properly regulate the conduct of timber harvesting, a special use permit should be required in conjunction with all timber harvesting activities regulated by §102 of the Town Code.

SECTION 3.

Section 102 of the Town Code is hereby amended as follows:

1. Section 102-2(D) of the Code is hereby amended to delete the said subsection (D) and redesignate subsection (E) as subsection (D).
2. In Section 102-3, Definitions, the definition of the term “Application” shall be amended to change the reference from Code Enforcement Officer to Zoning Administrator.
3. Section 102-4, Permit Requirements, is hereby rescinded and a new §102-4 is enacted to provide as follows:

“No person, firm, partnership, corporation or other entity (hereinafter referred to as “Person”) shall engage in commercial timber harvesting, as defined in this chapter, without the issuance of a special use permit in accordance with the provisions of §102-6.”

4. Section 102-6(A) is hereby rescinded and, in its stead, a new subsection (a) is enacted which shall read as follows:

“A person desiring to engage in commercial timber harvesting in the Town shall file a timber harvesting permit application with the Zoning Administrator (ZA), together with payment of the timber harvesting application fee in an amount which shall be set from to time by resolution of the Town Board in the Town Fee Schedule. The application shall be signed by the owner of the

real property on which the activity will occur or their designated agent.”

5. Section 102-6(B) is hereby amended to change the term “CEO” to read “ZA” in the first and second sentences.
6. Section 102-6(D)(2) is rescinded and in its stead the following new Section 102-6(D)(2) is hereby adopted which shall read as follows:

“If the ZA determines that the basic application: (i) is complete; (ii) that it is not an application for clear cutting as that term is defined in Section 102-3 of the Town Code; (iii) that the haul roads in the area to be harvested do not have slopes exceeding 15% for more than 200 feet; and (iv) that no streams are present and/or contiguous to the harvest area as shown on the topographic map(s), the above steps will complete the basic information required for the timber harvesting application he/she shall forward the application to the Planning Board for future action as provided hereinafter.”

7. Section 102-6(E)(1) is hereby amended to insert the word “additional” between the words “following” and “information”.
8. Section 102-6(E) is hereby amended to delete subparagraph (2) and renumber subparagraph (3) subparagraph (2).
9. Section 102-6(6) is hereby amended to add the additional subparagraphs as follows:

“G. Referral to Planning Board for Special Permit and Site Plan Approval.

- (1) When the full timber harvest application, and, if applicable, clear cutting applications are complete, the ZA shall forward the entire application to the Planning Board for special permit approval for the timber harvesting application in accordance with the special use permit and site plan application procedures set

forth in Articles VIII and IX of the Hyde Park Code.

- (2) All timber harvesting operations shall be conducted in accordance with the approved timber harvesting plan. The timber harvesting plan shall be developed by the New York State Cooperating Consultant Forester or a professional forester with active membership in the Society of American Foresters or the Association of Consulting Foresters. Such plan shall contain the following information:
 - (a) location of haul roads, trails, landings and staging areas;
 - (b) limits of harvesting operation and buffer zones to be provided along streams, property boundaries and public roads;
 - (c) description of the harvesting activity; *i.e.* clear-cutting, diameter limit cutting, fitting, section cutting including the dates between which such harvesting activity will occur;
 - (d) erosion control plan;
 - (e) reclamation plan; and
 - (f) such other and further information as the Planning Board may require.
- (3) Where appropriate, permits will be secured by the applicant prior to any clearing for an access to a public road, stream crossing or wetlands disturbance. The Town of Hyde Park Highway Superintendent shall approve all access points within his/her jurisdiction.

- (4) The Planning Board shall be permitted to seek advice from the Dutchess County Soil and Water Conservation District in relation to the logging road layout and stream disturbances and shall be permitted to retain the services of an independent qualified forester to review any clear cutting activities, or any other as part of the application.
- (5) Loading areas which must be located in the same zone as the operation shall be smooth to remove all ruts and debris. Wood and soil waste material shall be buried or removed to a point out of sight of any road or adjacent property. A 50 foot buffer zone shall be required between any logging area or landing site and any public road or adjacent property.
- (6) No commercial logging operations or removal of product shall take place between the hours of 8:00 p.m. and 8:00 a.m.
- (7) The Zoning Administrator shall have the authority to order the suspension of logging operations if, in his/her opinion, conditions created by spring thaw, adverse weather or any other cause make soil erosion probable.
- (8) The Zoning Administrator shall have the authority to order the suspension of logging operations if, in his/her opinion, conditions created by spring thaw, adverse weather or any other cause make soil erosion probable.
- (9) The Town Highway Superintendent shall have the authority to:

- (a) Order the suspension of logging operations if it is determined that conditions created by the spring thaw, adverse weather or other cause may likely damage a public road.
 - (b) Restrict the weight of logging trucks in accordance with the capabilities or condition of roads, bridges and culverts.
 - (c) Require the repair of roads, bridges and culverts damaged as a result of a logging operation.
- (10) All streams shall be crossed in accordance with the provisions of New York State Environmental Conservation Law, Article 15, and all other applicable state and federal laws, rules and regulations.
- (11) There shall be no skidding in any stream channel except at approved stream crossings.
- (12) Haul and skid trails shall be maintained and abandoned in a manner that will prevent erosion.
- (13) The logger shall clean up any debris or deposits of any kind on public roads and shall repair or pay the cost of repair of any damage done to roads, curbs, utility lines and any other property resulting from the logging operation.
- (14) The Planning Board may require that, prior to completion of the operation, a report be filed by the forester with the Planning Board and Zoning Administrator indicating what measures have been taken in order to restore the property and prevent erosion.
- (15) The term of this permit shall be for one year. However, since the

operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, a one-year extension may be granted by the Zoning Administrator. Any additional extensions shall require application to the Planning Board.

(16) The Planning Board shall have the right to require any additional conditions, including, but not limited to, restoration of damaged roads and expanded buffer areas, deemed necessary to protect the health, welfare and safety of the residents of the Town of Hyde Park.

(17) Any logging operation in existence at the time of the enactment of this chapter may continue without interruption, provided that application be made within thirty (30) days of said enactment for a special use permit under the provisions of this chapter and that such permit be granted by the Planning Board.”

10. Bonding. The Planning Board shall have the power to require bonding to insure that the logging activities shall not cause any damage to any public road or right-of-way and to insure the repair of any damage done to roads, curbs, utility lines and any other property resulting from the logging operation.”

SECTION 4. AMENDMENTS TO SCHEDULE OF USE REGULATIONS.

The Town of Hyde Park Schedule of Use Regulations, 108, Attachment 1, of the Town Code is hereby amended as follows:

1. “Forestry Use” as listed as a non-residential use is hereby eliminated in its entirety.

2. Schedule of Use Regulations is hereby amended to provide under the category of “Non-Residential Uses, the use “Timber Harvesting” as a use permitted in all zoning districts subject to special use permit and site plan approval (S) except the Crossroads Core and Town Core Districts where the use is not permitted (NP).

SECTION 5. AMENDMENTS TO ARTICLE 2, “DEFINITIONS”.

Amendment to Article 2; “Definitions”.

- (a) Section 108-2.2 terms defined in the Town Code is hereby amended to omit the current definition of “Forestry Use” and in its place, insert in property alphabetical order, the term “Timber Harvesting” with the following definition:
 - (i) Commercial logging activity proposing harvesting of more than 50 standard cords of wood or 50,000 board feet of timber as measured by international “¼ inch log rule in any one year”. Timber harvesting operations are regulated by Chapter 102 of the Town Code.

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.