

MINUTES OF THE REGUAR MEETING PUBLIC HEARINGS AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON SEPTEMBER 20, 2021 AT 6:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILMAN NEIL KRUPNICK
COUNCILMAN DAVID RAY
COUNCILMAN KENNETH SCHNEIDER
COUNCILMAN STEPHEN WOODCOCK
TOWN CLERK DONNA MCGROGAN
ATTORNEY TO THE TOWN WARREN REPLANSKY

ABSENT: None

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

MOTION: Councilman Schneider
SECOND: Councilman Ray

That the minutes of the September 13, 2021 Town Board meeting, as submitted by the Town Clerk, be approved.

VOICE VOTE:

ALL IN FAVOR	4	
ALL OPPOSED	0	
ABSTAIN	1	CARRIED

Supervisor Rohr abstained from voting because she was not present at the September 13, 2021 meeting.

PUBLIC COMMENT ON RESOLUTIONS ONLY: None.

PUBLIC HEARINGS:

Town Clerk Donna McGrogan read the public hearing notice regarding the Adoption of proposed Local Law No. I of the Year 2021 entitled: "A Local Law opting out of allowing on-site cannabis consumption sites, as authorized under New York State Cannabis Law Article 4" as it appeared in the newspaper.

PUBLIC COMMENT: None

MOTION: Councilman Schneider
SECOND: Councilman Ray

To close the public hearing.

VOICE VOTE:

ALL IN FAVOR	5	
ALL OPPOSED	0	CARRIED

Town Clerk Donna McGrogan read the public hearing notice regarding the Adoption of proposed Local Law No. J of the Year 2021 entitled: "A Local Law opting out of allowing retail dispensaries, as authorized under New York State Cannabis Law Article 4" as it appeared in the newspaper.

PUBLIC COMMENT: None

MOTION: Councilman Schneider

SECOND: Councilman Ray

To close the public hearing.

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

Attorney to the Town, Warren Replansky, reviewed the SEQRA Forms included in the resolutions regarding these two local laws.

WORKSHOP:

1. ADA-compliant playground equipment at Hackett Hill, presented by Legislative Aide Laura Nordstrom

RESOLUTION 9:20 – 1 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ACCEPT THE DUTCHESS COUNTY 2021-2022 MUNICIPAL INVESTMENT GRANT (MIG) PROGRAM FUNDING FOR ADA ACCESSIBLE AND INCLUSIVE DESIGN PLAYGROUND EQUIPMENT FOR THE TOWN OF HYDE PARK RECREATION'S HACKETT HILL PARK

WHEREAS, The COVID-19 pandemic has created a greater need for outdoor space, particularly for those living in urban communities, as well as specific populations most affected by the pandemic; and

WHEREAS, the County has set aside approximately \$1 million to support local initiatives that champion community priorities and improvements for municipalities and residents. The Municipal Investment Grant Program will fund redevelopment to local municipal parks, furthering recreational opportunities and an improved health focus for families; and

WHEREAS, the Town of Hyde Park wanted to utilize this opportunity to apply for funding to provide the Town of Hyde Park with ADA accessible playground and inclusive design equipment for the Town of Hyde Park Recreation's Hackett Hill Park that may be utilized by all children within the community; and

WHEREAS, by Resolution 5:17–10 of 2021 the Town of Hyde Park was authorized to apply for the Dutchess County 2021–2022 Municipal Investment Grant Program Funding; and

WHEREAS, per the letter received by the County Executive dated August 31, 2021, the Town was awarded grant funding in the amount of \$170,000.00 for their Town of Hyde Park ADA accessible playground and inclusive design equipment project for the Town of Hyde Park Recreation's Hackett Hill Park.

NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Town Board is hereby authorized to accept the Dutchess County 2021–2022 Municipal Investment Grant Program Funding in the amount of \$170,000.00 for their ADA accessible playground and inclusive design equipment project for the Town of Hyde Park Recreation's Hackett Hill Park; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Supervisor is also hereby authorized to execute any and all documentation regarding said grant award.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 9:20 – 2 OF 2021

RESOLUTION AUTHORIZING ENTRANCE ONTO THE PROPERTY LOCATED AT 909 VIOLET AVENUE, HYDE PARK TAX ID NO. 6164-02-518685, TO BRING THIS PROPERTY INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 85-5(B) OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTY AS A LIEN AND CHARGE ON THE SAME

WHEREAS, the Town Deputy Building Inspector served a notice of Compliance Order on the owner of the property located at 909 Violet Avenue, Hyde Park, Tax ID No. 6164-02-518685 in accordance with the provisions of Chapter 85-5(b), Grass Maintenance Law, of the Town Code and proof of the sending and posting of said notice has been provided by the Deputy Building Inspector to the Town Board; and

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

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

MOTION: Councilman Woodcock
SECOND: Councilman Schneider

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 9:20 - 3 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO PROVIDE NOTICE PURSUANT TO CHAPTER 40 §40-11(D)(2) OF THE TOWN CODE FOR THE COLLECTION OF UNPAID FIRE INSPECTION FEES

WHEREAS, the Town Board has received a letter dated September 16, 2021, from Peter Longi, Town of Hyde Park Fire Inspector, indicating that a fire inspection of the property located at 107 East Market Street, Hyde Park, New York and owned by HPHR, LLC Tax ID NO. 6165-03-268209 was completed

and had been billed to the said property owner by the Town Comptroller for the amount of \$3,840; and

WHEREAS, Fire Inspector Longi also notified the Town Board that the letter, which was sent to HPHR, LLC on July 30, 2021, required them to pay the said fee no later than August 30, 2021; and

WHEREAS, Fire Inspector Longi also stated in his later to the Town Board dated September 16, 2021, that said fee to date, has not been paid by the property owner; and

WHEREAS, Fire Inspector Longi has requested the Town Board to take appropriate action to charge such fee as an assessment against the real property in accordance with the provisions of Chapter 40 §40-11(D)(2) of the Town Code.

NOW, THEREFORE, BE RESOLVED, that the Town Board hereby notifies HPHR, LLC that such unpaid fire inspection fee shall be charged as an assessment against the property and collected at the same time, and in the same manner, as Town assessed taxes in accordance with Chapter 40 §40-11(D)(2) of the Town Code; and

BE IT FURTHER RESOLVED, that the said property owner HPHR, LLC is hereby notified that it shall have the opportunity to be heard and object before the Town Board prior to the Town Board taking such action to add such sums to the property assessment pursuant to the provisions of Chapter 40 §40-11(D)(2) of the Town Code. Such objection shall be provided by HPHR, LLC to the Town Clerk at 4383 Albany Post Road, Hyde Park, New York, 12538 no later than October 25, 2021; and

BE IT FURTHER RESOLVED, that notice of this Resolution shall be sent to HPHR, LLC by the Town Clerk via certified mail, return receipt requested to the last known address for HPHR, LLC, *to wit*: 270 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632 and by first class regular mail.

MOTION: Councilman Schneider

SECOND: Councilman Krupnick

VOICE VOTE

ALL IN FAVOR	5	
ALL OPPOSED	0	CARRIED

RESOLUTION 9:20 - 4 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO SUBMIT THE 2021-2022 GRANT APPLICATION FOR THE JUSTICE COURT ASSISTANCE PROGRAM (“JCAP”) GRANT FOR THE TOWN OF HYDE PARK JUSTICE COURT

WHEREAS, the Justice Court Assistance Program (“JCAP”) was established in 1999 to provide some State assistance to Town and Village Courts; and

WHEREAS, since the release of the Unified Court Systems Action Plan for Justice Courts in November 2006, the program has been significantly expanded; and

WHEREAS, the maximum JCAP award is \$30,000 and may be used for a variety of purposes, including office / security equipment, and courtroom renovations; and

WHEREAS, the Town Board and the Town Comptroller shall reserve the right to approve the expenditures of those monies awarded to the Justice Court.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town of Hyde Park Town Justice Court to apply for a JCAP Grant in the 2021-2022 grant cycle for an amount up to \$30,000 as requested by the Office of Justice Court Support.

MOTION: Councilman Krupnick

SECOND: Councilman Ray

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 9:20 - 5 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH VERIZON WIRELESS TO PERMIT THE INSTALLATION, MAINTENANCE, AND OPERATION OF COMMUNICATIONS EQUIPMENT ON THE PROPERTY LOCATED ON ROUTE 9G, TAX PARCEL NO. 494023, IN THE TOWN OF HYDE PARK

WHEREAS, the Town is the owner of a parcel of land located on Route 9G, in the Town of Hyde Park, having Tax Parcel No: 6164-03-494023, consisting of approximately 7.82 acres, which is currently vacant and is not being used by the Town for any municipal purpose; and

WHEREAS, Verizon Wireless of the East LP d/b/a Verizon Wireless (hereinafter "Verizon") has offered to license the subject property for a period of five years at a total yearly rental of \$18,000 for purposes of installation, maintenance, and operation of communications equipment on the said property; and

WHEREAS, the Attorney to the Town is in the process of reviewing and amending the proposed License Agreement; and

WHEREAS, the most significant terms of the License Agreement have been reviewed by the Town Board and found to be acceptable and in the best interests of the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Supervisor is hereby authorized to execute a Land License Agreement with Verizon in the same, or substantially similar form as submitted to the Town Board and approved by the Attorney to the Town.

MOTION: Councilman Woodcock

SECOND: Councilman Schneider

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 9:20 - 6 OF 2021

RESOLUTION ADOPTING LOCAL LAW NO. I OF THE YEAR 2021 ENTITLED "A LOCAL LAW OPTING OUT OF ALLOWING ON-SITE CANNABIS"

CONSUMPTION SITES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS LAW ARTICLE 4”

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (as known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health; and

WHEREAS, the New York State law provides that towns can opt-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities from locating within their jurisdiction, but to do so, the municipality must pass a local law by December 31, 2021, and if the town fails to do so, the town will be unable to opt-out at a future date; and

WHEREAS, the Town of Hyde Park Town Board has determined that it is in the best interest of the Town of Hyde Park to opt-out of on-site consumption facilities (“cannabis lounges”) within its jurisdiction; and

WHEREAS, this opt-out determination does not prohibit the consumption and possession of cannabis by individuals or production and distribution as these elements are regulated by New York State Law; and

WHEREAS, whatever action the Town takes, the legislation of the Town will not constitute support or endorsement of marijuana use within the Town in that such activities are strictly regulated by New York State Law; and

WHEREAS, this opt-out determination, while prohibiting on-site consumption facilities, does not prevent the Town from opting-in to allow such facilities at a later date; and

WHEREAS, the Town Board has studied the issues and the proposed local law, with the assistance of the Town Attorney and input from the Town Planning Consultant and have determined that the proposed local law is in the best interest of the Town of Hyde Park; and

WHEREAS, the Town Attorney has drafted a proposed Local Law; and

WHEREAS, the Town Board has determined to move forward with the adoption of said proposed Local Law with full reservation of rights, as a legislative act of the Town Board; and

WHEREAS, the Town Board has determined that this is an unlisted action under SEQRA, however, because there are no other involved agencies, the Town Board shall serve as lead agency for the SEQRA review of this action, and shall prepare the appropriate SEQRA documentation and analysis; and

WHEREAS, the Town Board determined that the Local Law is acceptable for purposes of undertaking the local law adoption process, including, but not limited to, preparing the appropriate SEQRA material, making the requisite referrals, and hearing from the public and other interested parties, and

WHEREAS, by Resolution dated August 23, 2021, the Town Board accepted the said Local Law and scheduled a public hearing on said Local Law for September 20, 2021, at 6:05 p.m.; and

WHEREAS, the Town Board duly opened the public hearing on September 20, 2021, and took testimony from the public and closed the public hearing on that date; and

WHEREAS, the Town Board, on September 20, 2021, reviewed Part 2 of the Full Environmental Assessment Form and determined that this action did not have the potential for any significant environmental impacts and that, as a result, a Draft Environmental Impact Statement need not be prepared; and

WHEREAS, the Town Board has determined that it is in the best interests of the citizens of the Town of Hyde Park to opt-out of the State law allowing cannabis retail dispensaries as authorized under New York State Cannabis Law, Article 4.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts Local Law No. I of the Year 2021 entitled: "A Local Law Opting Out of Allowing On-Site Cannabis Consumption Sites as Authorized Under New York State Cannabis Consumption Law Article 4; and

BE IT FURTHER RESOLVED, that this local law is subject to a permissive referendum in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24 and that if a referendum is required, it shall be conducted by special election.

MOTION: Councilman Schneider
SECOND: Councilman Woodcock

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	Aye	
Councilman Ray	Aye	
Councilman Woodcock	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

TOWN OF HYDE PARK

LOCAL LAW NO. I OF THE YEAR 2021

A LOCAL LAW OPTING OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION SITES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS LAW ARTICLE 4

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

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to opt out of allowing on-site cannabis consumption sites in the Town of Hyde Park that would otherwise be allowed under New York State Cannabis Law Article 4.

SECTION 2. AUTHORITY.

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is

subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule §24.

SECTION 3. LOCAL OPT-OUT.

The Town Board of the Town of Hyde Park hereby opts out of allowing on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. PERMISSIVE REFERENDUM / REFERENDUM ON PETITION.

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24. If a referendum is required, it shall be conducted by special election.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the State Secretary of State.

RESOLUTION 9:20 – 7 OF 2021

RESOLUTION ADOPTING LOCAL LAW NO. J OF THE YEAR 2021 ENTITLED “A LOCAL LAW OPTING OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS LAW ARTICLE 4”

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (as known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State's existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health; and

WHEREAS, the New York State law provides that towns can opt-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities from locating within their jurisdiction, but to do so, the municipality must pass a local law by December 31, 2021, and if the town fails to do so, the town will be unable to opt-out at a future date; and

WHEREAS, the Town of Hyde Park Town Board has determined that it is in the best interest of the Town of Hyde Park to opt-out of on-site retail dispensaries within its jurisdiction; and

WHEREAS, this opt-out determination does not prohibit the consumption and possession of cannabis by individuals or production and distribution as these elements are regulated by New York State Law; and

WHEREAS, whatever action the Town takes, the legislation of the Town will not constitute support or endorsement of marijuana use within the Town in that such activities are strictly regulated by New York State Law; and

WHEREAS, this opt-out determination, while prohibiting cannabis retail dispensaries, does not prevent the Town from opting-in to allow such facilities at a later date; and

WHEREAS, the Town Board has studied the issues and the proposed local law, with the assistance of the Town Attorney and input from the Town Planning Consultant and have determined that the proposed local law is in the best interest of the Town of Hyde Park; and

WHEREAS, the Town Attorney has drafted a proposed Local Law; and

WHEREAS, the Town Board has determined to move forward with the adoption of said proposed Local Law with full reservation of rights, as a legislative act of the Town Board; and

WHEREAS, the Town Board has determined that this is an unlisted action under SEQRA, however, because there are no other involved agencies, the Town Board shall serve as lead agency for the SEQRA review of this action, and shall prepare the appropriate SEQRA documentation and analysis; and

WHEREAS, the Town Board determined that the Local Law is acceptable for purposes of undertaking the local law adoption process, including, but not limited to, preparing the appropriate SEQRA material, making the requisite referrals, and hearing from the public and other interested parties; and

WHEREAS, by Resolution dated August 23, 2021, the Town Board accepted the said Local Law and scheduled a public hearing on said Local Law for September 20, 2021, at 6:10 p.m.; and

WHEREAS, the Town Board duly opened the public hearing on September 20, 2021, and took testimony from the public and closed the public hearing on that date; and

WHEREAS, the Town Board, on September 20, 2021, reviewed Part 2 of the Full Environmental Assessment Form and determined that this action did not have the potential for any significant environmental impacts and that, as a result, a Draft Environmental Impact Statement need not be prepared; and

WHEREAS, the Town Board has determined that it is in the best interests of the citizens of the Town of Hyde Park to opt-out of the State law allowing cannabis retail dispensaries as authorized under New York State Cannabis Law, Article 4.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts Local Law No. J of the Year 2021 entitled: "A Local Law Opting Out of Allowing Cannabis Retail Dispensaries as Authorized Under New York State Cannabis Consumption Law Article 4; and

BE IT FURTHER RESOLVED, that this local law is subject to a permissive referendum in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24 and that if a referendum is required, it shall be conducted by special election.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	Aye	
Councilman Ray	Aye	
Councilman Woodcock	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

TOWN OF HYDE PARK

LOCAL LAW NO. J OF THE YEAR 2021

**A LOCAL LAW OPTING OUT OF ALLOWING CANNABIS
RETAIL DISPENSARIES AS AUTHORIZED UNDER
NEW YORK STATE CANNABIS LAW ARTICLE 4**

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

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to opt out of allowing cannabis retail dispensaries in the Town of Hyde Park that would otherwise be allowed under New York State Cannabis Law Article 4.

SECTION 2. AUTHORITY.

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule §24.

SECTION 3. LOCAL OPT-OUT.

The Town Board of the Town of Hyde Park hereby opts out of allowing cannabis retail dispensaries from being established and operated within the Town's jurisdiction.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5. PERMISSIVE REFERENDUM/
REFERENDUM ON PETITION.**

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24. If a referendum is required, it shall be conducted by special election.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the State Secretary of State.

RESOLUTION 9:20 - 8 OF 2021

RESOLUTION AUTHORIZING TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A CONSENT JUDGMENT FOR THE REIMARVEL LLC TAX CERTIORARI PROCEEDING, INDEX NO. 2021-53035

WHEREAS, the Petitioner Reim Marvel LLC has filed an Article 7 Petition seeking a reduction in the assessment of its property located 232 South Quaker Lane, in the Town of Hyde Park, from \$614,000 to \$80,000; and

WHEREAS, the Petition and supporting documents have been reviewed by the Attorney to the Town and the Assessor; and

WHEREAS, the Attorney to the Town has negotiated a settlement of the tax certiorari which will provide, in relevant part, a reduction of the assessment from \$614,000 to \$149,500 with a waiver of any refund of the Town’s portion of tax overpayment for the 2021/2022 tax year; and

WHEREAS, the Consent Judgment has been reviewed and approved by the Town Assessor.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute a Consent Judgment with Reim Marvel LLC in the same, or substantially similar, form as the Judgment annexed hereto.

MOTION: Councilman Woodcock
SECOND: Councilman Schneider

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Dutchess, at 10 Market Street, Poughkeepsie, New York on the ____ day of _____, 2021.

PRESENT: Hon. James V. Brands, J.H.O.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS
-----X

In the Matter of the Application of
REIMARVEL LLC,

CONSENT JUDGMENT

Petitioner,

Index No.: 2021-53035

- against -

TOWN OF HYDE PARK, a Municipal Corporation, its ASSESSOR and its BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real Property under Article 7 of the Real Property Tax Law.

-----X

The above petitioner having heretofore served and filed a Petition and Notice to review the tax assessment fixed by the Town of Hyde Park for the 2021 assessment roll, upon certain real property located in the Town of Hyde Park, Dutchess County, New York, and designated as tax map No.: 133200-6265-04-803015-0000 (232 South Quaker Lane) on the Official Assessment Map of the Town of Hyde Park, and

The petitioner having appeared by Stenger, Diamond & Glass, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Warren S. Replansky, P.C., by Warren S. Replansky, Esq., Attorney for the Town of Hyde Park, and the parties having made their settlement, it is hereby

ORDERED, that the assessment on the property referred to herein, be and the same is hereby reduced, corrected, and fixed for the 2021 assessment roll as follows:

DESCRIPTION (Tax Map No.): 133200-6265-04-803015-0000 (232 South Quaker Lane)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2021	614,000	149,500	464,500

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessment and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the DUTCHESS COUNTY COMMISSIONER OF FINANCE, for tax map 133200-6265-04-803015-0000 (232 South Quaker Lane), the amounts of Dutchess County taxes and ad valorem Special District Taxes, if any, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the HYDE PARK CENTRAL SCHOOL DISTRICT, for tax map No: 133200-6265-04-803015-0000 (232 South Quaker Lane), the amount of School taxes, and Library taxes if applicable, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment

thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Dutchess County Commissioner of Finance or the Town of Hyde Park, for tax map No. 133200-6265-04-803015-0000 (232 South Quaker Lane), the amount of Town, Special District and any other ad valorem taxes paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Dutchess County Commissioner of Finance, The Town of Hyde Park, Hyde Park Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Diamond & Glass, LLP, as attorneys for the petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuation as stipulated herein, however, in the event that the State, County and Town tax bill cannot be amended in sufficient time to reflect the reduced assessment, the Petitioner waives any refund of the portion of the overpayment of the Town tax that may be due and it is further

ORDERED, that this Stipulation shall not impair the ability of the Town's Assessor to reassess the property in the event that any improvements, or additions are made to the property which warrant an increase in assessment after the date of this Consent Judgment.

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceeding herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceeding be and the same is settled and discontinued.

Dated: Poughkeepsie, New York

_____, 2021

E N T E R,

HON. JAMES V. BRANDS, J.H.O.

Signing and entry of the within
Order is hereby Consented to:

WARREN S. REPLANSKY, P.C.

BY: _____
WARREN S. REPLANSKY, ESQ.
Attorneys for Respondents
PO Box 838, 60 East Market Street
Rhinebeck, NY 12572
(845) 876-7979
warren@wreplanskylaw.com

STENGER, DIAMOND & GLASS, LLP

BY: _____
KAREN E. HAGSTROM, ESQ.
Attorneys for Petitioner
1136 Route 9
Wappingers Falls, NY 12590
(845) 298-2000 x133
khagstrom@sdglaw.com

RESOLUTION 9:20 – 9 OF 2021

RESOLUTION ACKNOWLEDGING THE PROMOTION OF RORY BLACKWELL FROM MOTOR EQUIPMENT OPERATOR TO AUTO MECHANIC FOR THE TOWN OF HYDE PARK HIGHWAY DEPARTMENT

WHEREAS, Highway Superintendent Howard Fisher, III has promoted Motor Equipment Operator Rory Blackwell to the title of Auto Mechanic effective August 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby acknowledge this promotion; and

BE IT FURTHER RESOLVED, that said position will be at an hourly rate established by the CSEA Highway Unit Collective Bargaining agreement and shall be subject to all Civil Service Law rules and regulations.

MOTION: Councilman Schneider
SECOND: Councilman Woodcock

VOICE VOTE

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

OLD & NEW BUSINESS:

Hyde Park Community Day was a success. Supervisor Rohr congratulated the Recreation Leader Theresa Gasparini.

At the next meeting, Supervisor Rohr will be updating the Town on current grants, as well as reviewing the tentative budget for 2022.

MOTION: Councilman Schneider
SECOND: Councilman Ray

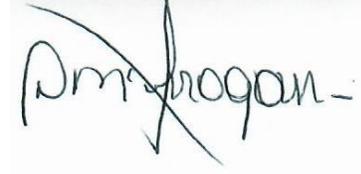
To adjourn.

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

The meeting adjourned at 6:40pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna McGrogan", is written over a light gray rectangular background.

Donna McGrogan
Town Clerk