

3. A notice of the public hearing for the local law was posted by the Town Clerk. A copy of the notice is attached as Ex. B.

4. Notice of the public hearing was published in the Poughkeepsie Journal. A copy of the published notice is attached as Ex. C.

5. On February 25, 2008 the Dover Planning Board considered the draft of the local law and passed a resolution recommending against adoption of the local law. A copy of the resolution is attached as Ex. D.

6. The Town of Dover video records its Town Board meeting and posts them on the Internet. I have reviewed the video of the Town Board meeting on February 27, 2008. That video can be seen at <http://www.townofdover.us/MEETINGVIDEOS.CFM>.

7. At the beginning of the February 27th public hearing, the Town Supervisor announced that there was a revised draft of the local law. That revised version of the local law was only provided to the Town Board members either late in the afternoon of that day or at the hearing that evening.

8. The Town Supervisor asked the Town Attorney to review the amendments.

9. Michael Liguori, the Town Attorney briefly explained the proposed changes. He explained that many of them were in response to comments of the Planning Board and were intended to provide the Planning Board more time for review of the plans and to assure that the Planning Board received timely copies of the plans.

10. Mr. Liguori also explained that Section 4 of the amended local law contained a new amendment to § 145-16(C)(2) which would allow lands outside of the MC Overlay District, beyond the boundaries of the HVPC to be treated as part of the MC Overlay District and be rezoned as part of the comprehensive development plan.

11. Mr. Ligouri explained that while no application for Dover Knolls was currently pending, there had been discussions with the Benjamin Companies and the Town Board was aware that a new application would be submitted shortly and that it would include lands outside the MC Overlay District and outside the HVPC. Mr. Ligouri claimed that since an application was being submitted to include lands beyond HVPC, then the zoning law should be changed now to permit lands contiguous to be included in the comprehensive development plan. Mr. Ligouri claimed that this was not a substantial change.

12. Mr. Ligouri did not state who requested the change in the draft law.

13. There were no comments submitted on the original draft local law requesting the change in §145-16(C)(2).

14. Many members of the public during the hearing commented about their surprise upon hearing of the inclusion of lands outside the HVPC and objected to not having a copy of the proposed language or an opportunity to consider its significance before the public hearing.

15. Two members of the Town Board also objected to only receiving the revised local law that afternoon and not having an opportunity to fully consider the amendments.

16. Those members also stated they had no advance knowledge of the plan to include lands outside the MC District.

17. Despite the objections, the Supervisor proceeded to move the adoption of the local law and the law was adopted by a 3-2 vote. The Town Board members who objected to not having received copies of the amended local law voted nay.

18. A copy of the resolution approving the adoption of the Local Law is attached as Ex. E.

19. A copy of the final version of Local Law No. 1 is attached as Ex. F.

20. It must be noted that while the resolution adopting the local law is available on the Town of Dover website, the actual text of the final version of the local law is still not posted anywhere on the Town's website.

Dated: March 28, 2008
Albany, New York

JEFFREY S. BAKER