

Government Services & Administration
Laid on Desks by Mail and Placed in Legislators Boxes 5/22/15

RESOLUTION NO. 2015162

RE: LOCAL LAW NO. _____ OF 2015, A LOCAL LAW AMENDING
DUTCHESS COUNTY LOCAL LAW NO. 1 OF 2000 AND ESTABLISHING
PROCEDURES FOR COMMERCIAL LEASES AND CONTRACTS AT THE
DUTCHESS COUNTY AIRPORT

Legislators ROLISON, FLESLAND, BORCHERT, INCORONATO, JETER-
JACKSON, WEISS, and SAGLIANO offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt the Local Law
No. _____ of 2015 which has been submitted this day for consideration by said
Legislature.

CA-xxx-15
CRC/kvh/G-1230
05/22/2015

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of June 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of June 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. _____ OF 2015

A LOCAL LAW AMENDING DUTCHESS COUNTY
LOCAL LAW NO. 1 OF 2000 AND ESTABLISHING
PROCEDURES FOR COMMERCIAL LEASES AND
CONTRACTS AT THE DUTCHESS COUNTY AIRPORT

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT.

It is hereby determined by the Dutchess County Legislature that the Dutchess County Airport real property in its entirety, including all structures thereon, should be occupied by tenants and put to optimal use to maximize revenues to keep the Airport in good repair for use by the County or private enterprises. To accomplish this goal and properly manage the Airport, it is necessary to simplify the leasing and contracting procedures to permit efficient action on each proposed tenancy or airport operation.

SECTION 2.

Upon the adoption of this local law, Local Law No. 1 of 2000, Section 3 is hereby amended to read as follows:

Notwithstanding the provisions of any special or local law to the contrary, the County Executive of Dutchess County is hereby authorized to negotiate and execute all agreements for the lease of the real property, in whole or in part, or lease, contract or otherwise agree, on an exclusive or non-exclusive basis, for the entire operation of the Dutchess County Airport or of any part thereof, or for the rendering of various services, or the conduct of business activities, on or at the Dutchess County Airport on such terms and conditions as the County Executive shall determine to be in the best interests of the County without the necessity of a public hearing or further legislative approval.

SECTION 3.

To the extent required by law, the Dutchess County Legislature hereby ratifies all Airport agreements previously executed by the County of Dutchess.

SECTION 4.

This Local Law shall supersede Section 352 of the General Municipal Law to the extent it is inconsistent therewith.

SECTION 5.

This Local Law shall take effect immediately upon compliance with all applicable statutes.

DUTCHESS COUNTY DEPARTMENT OF LAW
JAMES M. FEDORCHAK, COUNTY ATTORNEY
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110 • Fax (845) 486-2002

MEMORANDUM :

TO: Members of the Dutchess County Legislature

FROM: James M. Fedorchak, County Attorney

DATE: May 22, 2015

SUBJECT: Amendment to Local Law No. 1 of 2000
Our File No. G-1230

In preparation for the negotiation of an Airport fixed based operator agreement, we discovered a deficiency concerning the negotiation and processing of agreements for the Dutchess County Airport.

Local Law No. 1 of 2000 established a procedure for the negotiation of lease space within the terminal building at the Dutchess County Airport. By that Local Law, the Legislature delegated authority for such negotiations to the County Executive.

The deficiency is agreements for the rental of other leased spaces such as hangars, hangar space, and tie-downs have been negotiated and executed by the County Executive without authority from the Legislature. Article 14 of the General Municipal Law addresses the procedure for the negotiation and execution of agreements concerning leased space, maintenance and operation of airports. This Article was written with the Board of Supervisors form of government in mind and granted authority for the negotiation and execution of such agreements to

the Supervisors. However, allowances have been made for Charter forms of government to grant such authority to the County Executive.

Local Law No. 1 of 2000 granted partial authority for the negotiation and execution of agreements to the County Executive. We now urge that the Local Law be expanded to address all agreements concerning the operation of the Dutchess County Airport.

In the Charter form of government, the County Executive is vested with the authority to negotiate virtually all agreements in the name of the County. To extend this authority to the operation of the Dutchess County Airport would result in the efficient day to day operation of the Airport. Section 352(6) of Article 14 of the General Municipal Law specifically allows the Legislature to delegate the authority to the County Executive to perform any and all of the powers allowed to the Board of Supervisors that is a form of government which functions without an independent chief executive officer.

Further, the proposed amendment to Local Law No. 1 of 2000 would alleviate the risk of nullifying any agreements which have been executed absent specific authority from the Legislature. For all of the reasons set forth herein, we urge the adoption of this Local Law amending Local Law No. 1 of 2000 at the Legislature's June meeting.

JMF/kvh

Lay on desks

10-21
CYLL
.PW.
CP+ED

RESOLUTION NO. 990308

RE: LOCAL LAW NO. 1 OF 2000, A LOCAL LAW
ESTABLISHING PROCEDURES FOR COMMERCIAL LEASES
IN THE DUTCHESS COUNTY AIRPORT TERMINAL BUILDING

Legislators GUTZLER, HAMMOND, HIGGINS, PIZZUTO, and SWARTZ offer
the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
1 of 2000 which has been submitted this day for consideration by said Legislature.

CA-256-99
IGM:ca
10/20/99

Fiscal Impact: See attached statement.

APPROVED


WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

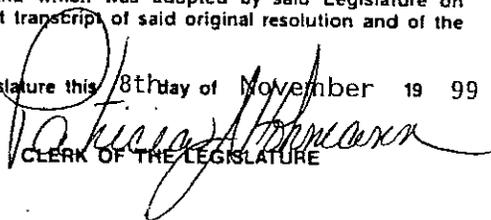
Date 12/14, 1999

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing
resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on
the 8th day of November 19 99 and that the same is a true and correct transcript of said original resolution and of the
whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of November 19 99


CLERK OF THE LEGISLATURE

LOCAL LAW NO. 1 of 2000

Re: Establishing Procedures for Commercial
Leases in the Dutchess County Airport
Terminal Building

BE IT ENACTED by the Dutchess County Legislature as follows:

Section 1. The County of Dutchess took title to the Airport Terminal Building at the Dutchess County Airport in 1998, for unpaid real property taxes.

Section 2. It is hereby determined by the Dutchess County Legislature that the Terminal Building should be fully occupied by tenants to provide sufficient revenues to place it in good repair for future use by the County or private enterprises. To accomplish this goal and properly manage this property, it is necessary to simplify the leasing procedures to permit quick action on each proposed tenancy.

Section 3. The County Executive of Dutchess County is hereby authorized to lease space in the Terminal Building at the Dutchess County Airport for terms not exceeding five (5) years each, on such terms and conditions as he/she shall determine to be in the best interests of the County without the necessity of a public hearing or further Legislative approval.

Section 4. This Local Law shall supersede Section 352 of the General Municipal Law to the extent it is inconsistent therewith.

Section 5. This Local Law shall take effect immediately.

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____

and Source Positive, increased revenues from lease of space in terminal building

Source of County Funds (Contingency, Transfer of Existing Appropriations, Other)

Identify Line Item(s): _____

Related Expenses: _____

Nature of Expenses: _____

Anticipated Savings to County: _____

Net County Cost (this year) : _____

(next five years) : _____

Prepared by: Paul L. Cassillo, Commissioner of Public Works

BOND RESOLUTIONS

Total Principal \$ _____

Anticipated Interest Rate _____ %

Term _____ years. Total Anticipated Fees \$ _____

Anticipated Annual Cost (Principal and Interest) \$ _____

Total Payback (Annual Cost x Term) \$ _____

Potential Related Expenses : Annual \$ _____ Term \$ _____

Potential Related Revenues: Annual \$ _____ Term \$ _____

Related Savings to County (Describe) : _____

Prepared by: _____

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 14. Airports and Landing Fields (Refs & Annos)

McKinney's General Municipal Law § 352

§ 352. Equipment, maintenance and operation

Currentness

The local legislative body of a city, or board of supervisors of a county, or board of trustees of a village, or town board of a town, which has established an airport or landing field and has acquired, leased or set apart real property for such purpose, or has entered into an agreement to operate an airport as a public airport or hereafter does so establish, acquire, lease, or enter into such agreement, or where two or more municipalities shall have established or hereafter do establish a joint airport or landing field pursuant to section three hundred fifty-three-a of this article the local legislative bodies thereof in joint session, may:

1. Construct, develop, improve, equip, maintain and operate the same.
2. Adopt regulations and establish fees or charges for the use thereof, and fix civil penalties for the violation of such regulations and provide for their enforcement.
3. Provide and charge for all services, concessions or other usual or incidental facilities rendered, conducted or maintained thereat.
4. Purchase and sell aviation petroleum products, aircraft accessories¹ and parts, and provide and charge for the servicing and repairing of aircraft, and for all other services reasonably necessary or incidental to the operation of such airport or landing field.
5. Lease, or sub-lease the real property or lease, contract or otherwise agree, on an exclusive or non-exclusive basis, for the entire operation of such airport or landing field, or of any part thereof, or for the rendering of various services, or the conduct of business activities, on or at said airport or landing field subject to the provisions of section three hundred fifty-two-a of this chapter; provided, however, that no such lease or contract shall be made until the governing body of the municipality shall have held a public hearing in respect thereto on at least ten days notice published in two newspapers having general circulation in the municipality, and provided further that any lease of an entire or portion of an airport or landing field, together with the facilities thereon, or contract for the operation of an airport or landing field or portion thereof shall be for a term not exceeding forty years and shall expressly provide that the said airport or landing field shall be used only for aviation purposes and for other purposes required for or necessary to the efficient and successful operation of an airport or landing field, upon such terms as shall require the operation of the same as a public airport or landing field for the general use of the public and for the benefit of such city, county, village or town. Notwithstanding the provisions of any general or local law to the contrary, any municipality which was a party to an agreement in effect on or prior to January first, nineteen hundred sixty for the operation of an airport or landing field may, enter into an amended and supplemental agreement for a period not exceeding fifteen years beyond the expiration date of the existing agreement with such additional modifications in the terms of the agreement consistent with the provisions of this chapter, as may be approved by the governing body of the municipality after a public hearing in respect thereto on at least ten days notice given in the manner provided in this subdivision.

5-a. Notwithstanding the provisions of paragraph five of this section or any other provision of law to the contrary, any town in Suffolk county may lease, for a term not exceeding forty years, real property acquired for an airport or landing field, and not necessary for the efficient and proper operation of the airport or landing field, for such other purposes as the governing board may determine, provided such other purposes do not interfere with the proper and efficient operation of the remainder of the airport or landing field. Any such lease shall be subject to requirement of a public hearing as set forth in paragraph five of this section.

5-b. Notwithstanding the provisions of subdivision five of this section or any other provision of law to the contrary, the county of Oneida may lease, for a term not exceeding forty years, real property acquired for an airport or landing field, and not necessary for the efficient and proper operation of the airport or landing field, for such other purposes as the governing board may determine, provided such other purposes do not interfere with the proper and efficient operation of the remainder of the airport or landing field. Any such lease shall be subject to requirement of a public hearing as set forth in subdivision five of this section.

6. Vest jurisdiction in any officer, board or body of such city, county, village or town to perform any or all of the foregoing powers, and establish or create a suitable office, board or body for that purpose; in vesting jurisdiction in such office, board or body, the local legislative body may reserve to itself such specific powers as it may deem proper, and may make the exercise of any such powers subject to its approval. Where a joint airport shall have been established or is hereafter established by two or more municipalities pursuant to section three hundred fifty-three-a of this article such jurisdiction shall be vested in a joint board or body as the local legislative bodies of the participating municipalities in joint session shall provide.

The expenses incurred in connection herewith shall be a city, county, village or town charge as the case may be.

Credits

(Added L.1945, c. 760, § 1. Amended L.1947, c. 904, § 1; L.1949, c. 419, § 1; L.1952, c. 587, § 1; L.1954, c. 406, § 1; L.1957, c. 570, § 1; L.1961, c. 745, § 1; L.1963, c. 896, § 1; L.1967, c. 797, § 1; L.1975, c. 568, § 1.)

Notes of Decisions (34)

Footnotes

1 So in original.

McKinney's General Municipal Law § 352, NY GEN MUN § 352

Current through L.2015, chapters 1 to 13, 50 to 58, 60 to 61.

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