

RESOLUTION NO. 2015278

RE: TO ESTABLISH A RESERVE AS IT PERTAINS
TO THE OFFICE OF VETERAN'S AFFAIRS (A6510)

Legislators HORTON, SAGLIANO, WEISS, JETER-JACKSON, MAC AVERY,
STRAWINSKI, and FARLEY offer the following and move its adoption:

WHEREAS, pursuant to Resolution No. 2014286 the Legislature authorized the County to assume ownership and maintenance of the Dutchess County War Memorial, and

WHEREAS, pursuant to Resolution No. 2014286 and New York State General Municipal Law Section 77-a, the Legislature also authorized the Dutchess County Legislature's Veteran Affairs Committee to exercise oversight responsibility for the maintenance and expenditures for the Dutchess County War Memorial, and

WHEREAS, pursuant to Resolution No. 2014326 the County was authorized to accept gifts of personal property, including money, both restricted and non-restricted, for lawful purposes, and

WHEREAS, the Office of Veteran's Affairs received monies in 2015 in the amount of \$18,100 for the restricted purpose of the maintenance of the Dutchess County War Memorial and said funds were deposited with the Commissioner of Finance, and

WHEREAS, the Office of Veteran's Affairs desires to establish a reserve account for the purpose of retaining funds donated to the County for the maintenance of the Dutchess County War Memorial, and

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to establish a reserve as it pertains to the Office of Veteran's Affairs and to transfer funds to the reserve when the 2015 fiscal year is closed out. Those funds will then become available for appropriation in the 2016 budget.

CA-164-15

JMF/HS/kvh G-0145

10/27/15

Fiscal Impact attached: None

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 3rd day of December 2016, 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 3rd day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 5. Powers, Limitations, and Liabilities

McKinney's General Municipal Law § 77-a

§ 77-a. Construction and maintenance of memorial building or monument by county or city

Currentness

A county, or a city by resolution adopted by the governing board of such municipality by a two-thirds vote of its members, may construct and maintain a memorial building, park or a monument at a place within the municipality or upon any public park thereof, in commemoration of soldiers and sailors of the United States in any war or wars in which the United States shall have engaged, at an expense to be borne by the city or county at large. Such resolution shall create a committee, to be at all times composed of members of such governing boards, to have charge of such construction and of such maintenance, direct expenditures therefor and let a contract or contracts for such construction. Upon the adoption of such resolution, the governing board or other proper authorities of such municipality shall appropriate, raise by tax in the city or county, as the case may be, and make available from time to time to the order of such committee, the amount chargeable to the city or county for such construction and maintenance. In a city having a board of estimate and apportionment, the concurrence of such board, with any action by the governing board, shall be necessary to any action by the city under this section. A county and a city wholly contained therein may unite in the construction and maintenance of such a memorial by such resolution being so adopted by the governing board of each municipality, at an expense to be borne by the city and county at large, or by the city and taxable property of the county outside of the city, in such manner and in such proportions as the resolution shall prescribe. Such resolution shall create a committee to be at all times composed of members of each of such governing boards, to have charge of construction and of such maintenance, direct expenditures therefor and let a contract or contracts for such construction. Upon adoption of such resolutions the governing board or other proper authorities of such municipality shall appropriate, raise by tax in the city or county, as the case may be, and make available from time to time to the order of such committee, the amount chargeable to the city or county for such construction and maintenance.

Credits

(Added L.1919, c. 372, § 1. Amended L.1921, c. 421, § 1.)

McKinney's General Municipal Law § 77-a, NY GEN MUN § 77-a
Current through L.2015, chapters 1 to 417.

RESOLUTION NO. 2014286

RE: AUTHORIZING THE COUNTY OF DUTCHESS TO ASSUME OWNERSHIP AND MAINTENANCE OF THE DUTCHESS COUNTY WAR MEMORIAL IF APPROVED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Legislators FLESLAND, KELSEY, WEISS, NESBITT, INCORONATO, SAGLIANO, BOLNER, HORTON, PERKINS, JETER-JACKSON, JOHNSON, and STRAWINSKI offers the following and moves its adoption:

WHEREAS, the County Executive has requested authorization for the County of Dutchess to assume ownership and maintenance of the Dutchess County War Memorial situated at the northeast intersection of Main Street and Raymond Avenue Extension in the Town of Poughkeepsie, if approved by the New York State Department of Transportation, and

WHEREAS, the parcel of land on which the Dutchess County War Memorial is situated is presumed to be currently owned by New York State as part of its right-of-way to Raymond Avenue Extension, over which the State of New York Department of Transportation has maintenance jurisdiction for State highway purposes, and

WHEREAS, the Dutchess County War Memorial is currently maintained by the Dutchess County War Memorial Committee, Inc., a not-for-profit corporation which has requested that the responsibility for maintenance of the monument, the parcel of real property on which it sits, and the adjacent parking lot be transferred to the County of Dutchess, and

WHEREAS, New York State Highway Law Section 10(32) authorizes the Commissioner of Transportation upon proper request, to abandon a State Highway, or portion thereof, to a municipality, when such parcel is no longer needed by, or useful to the State Highway System, and

WHEREAS, New York Highway Law Section 10(32) requires that such abandoned highway or portion thereof shall thereafter be maintained as a part of the highway or road system of such municipality, and

WHEREAS, the County of Dutchess has initiated the process to assume ownership by letter of request dated September 4, 2014 from Robert H. Balkind, P.E., Deputy Commissioner of Public Works, to the New York State Department of Transportation, and

WHEREAS, the County shall continue to maintain and utilize such abandoned highway or portion thereof for public transportation purposes, and

WHEREAS, the County's obligation of maintenance shall minimally consist of monument repairs, adding names to the monument, providing tents and chairs for ceremonies, and maintaining insurance coverage, and

WHEREAS, the County will request that the Town of Poughkeepsie continue to provide snow removal and lawn care services, and

WHEREAS, New York General Municipal Law §77-a and New York County Law §226 require a two-thirds vote of the total membership of the Dutchess County Legislature for the County to construct and/or maintain monuments and memorials in commemoration of the members of the armed forces of the United States in any of its wars, and

WHEREAS, New York General Municipal Law §77-a requires that the resolution authorizing the maintenance of a memorial site shall create a committee, to be at all times comprised of members of the Dutchess County Legislature to have charge of such maintenance, and direct expenditures therefor, now, therefore, be it

RESOLVED, that this Legislature authorizes the County of Dutchess to assume ownership and maintenance of the Dutchess County War Memorial situated at the northeast intersection of Main Street and Raymond Avenue Extension in the Town of Poughkeepsie, if approved by the New York State Department of Transportation, and to execute such documents as may be necessary as authorized by Dutchess County Administrative Code Section 32.01, and be it further

RESOLVED, that pursuant to the provisions of New York State General Municipal Law Section 77-a, the Dutchess County Legislature's Veteran Affairs Committee shall exercise oversight responsibility of such maintenance and expenditures. Such Legislative Committee may seek input from the members of the current citizens' Dutchess County War Memorial Committee.

CA-170-14
CRC/ca/G-0203
9/12/14; revised 9/16/14; 10/2/14
Fiscal Impact: See attached statement

APPROVED

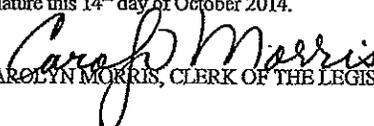
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 10/15/2014

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 14th day of October 2014, 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 14th day of October 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RESOLUTION NO. 2014326

RE: AUTHORIZING ACCEPTANCE OF GIFTS TO THE
COUNTY OF DUTCHESS

Legislators BORCHERT, BOLNER, SAGLIANO, WEISS, PERKINS,
and ROMAN offer the following and move its adoption:

WHEREAS, from time to time units of County Government are offered gifts of personal property, including money, for the furtherance of lawful governmental purposes, and

WHEREAS, these gifts may be of a restricted nature dedicated to a particular purpose or of a general non-restricted nature, in which case the County would make a determination as to their use, and

WHEREAS, Section 215(3) of the County Law allows the County to accept gifts of personal property, including money, for lawful County purposes, and

WHEREAS, the County wishes to allow the units of County Government to accept such gifts of both a restricted and non-restricted nature for lawful County purposes, and

WHEREAS, the County desires to establish a fund for the purpose of receiving restricted contributions county-wide to be expended for purposes specified by the donor, and

WHEREAS, the restricted fund meets the definitions of a special revenue fund as outlined in paragraph 30 of the Government Accounting Standards Board (GASB) Statement Number 54, now therefore, be it

RESOLVED, that the County of Dutchess does hereby authorize the units of Government of the County of Dutchess to accept both restricted and non-restricted gifts of personal property, including money, in the name of the County of Dutchess and be it further

RESOLVED, that the County does hereby authorize the establishment of a special revenue account to be known as the Special Purpose Fund for the deposit of restricted cash/money gifts to the County of Dutchess, and be it further

RESOLVED, that the purpose of the Special Purpose Fund shall be to receive restricted money contributions on a County-wide basis and to expend the funds for purposes defined by the donors, and be it further

RESOLVED, that the Commissioner of Finance is hereby directed to deposit and secure the moneys of this Special Fund in the manner provided by Section 10 of the General Municipal Law and that the Commissioner shall be further authorized to invest the moneys in the Special Purpose Fund in a manner provided by Section 11 of the

General Municipal Law consistent with the investment policy of the County of Dutchess, and be it further

RESOLVED, that any interest earned or capital gains realized on the moneys so deposited or invested in the Special Purpose Fund shall accrue and become part of the Special Purpose Fund, and be it further

RESOLVED, that the Commissioner of Finance shall account for the Special Purpose Fund in a manner which maintains the separate identity each of the restricted purposes in the Fund and shows the date and amount of each sum paid into the Fund, interest earned by the Fund, capital gains or losses resulting from the sale of investments of the Fund, and the amount and date of each disbursement from the Fund and be it further

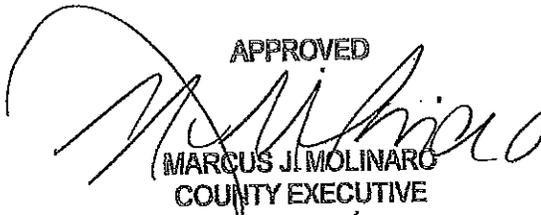
RESOLVED, that disbursements from this Special Purpose Fund shall be made only for the purpose for which the Special Purpose Fund has been established and that no disbursement shall be made from the Special Purpose Fund without the approval of the County Legislature, and be it further

RESOLVED, that unrestricted gifts of money to the County of Dutchess shall be directed to the Commissioner of Finance who shall deposit such gifts in the General Fund of the County of Dutchess, and be it further

RESOLVED, that gifts of personal property other than money made to the units of County Government shall be utilized for the lawful purpose of such unit of County Government, and be it further

RESOLVED, that the Commissioner of Finance shall make an accounting of the unrestricted gift(s) received by each unit of government on an annual basis and submit the same to the County Executive.

CA-206-14
JMF/ca/G-0124
10/22/14

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 12/11/2014

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 4th day of December 2014, 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 4th day of December 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE