

FOR DISCUSSION ONLY 2/4/16
PUBLIC WORKS & CAPITAL PROJECTS
AMENDED IN COMMITTEE 3-10-16

RESOLUTION NO. 2016031

BOND RESOLUTION DATED MARCH 21, 2016.

A RESOLUTION AUTHORIZING THE COST OF THE DUTCHESS COUNTY JUSTICE AND TRANSITION CENTER PROJECT, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$192,150,000, AND AUTHORIZING THE ISSUANCE OF \$192,150,000 BONDS TO PAY THE COST THEREOF

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, as to which an Expanded Full Environmental Assessment Form has been completed and as to which it has been determined such capital project will not have any significant adverse impacts on the environment; and

WHEREAS, to the extent permitted by all applicable laws, the County will use its best efforts to promote a preference for local businesses and the local resident workforce; and

WHEREAS, the County shall continue to work with consultants as needed, to assist with programming and design of the Justice and Transition Center to meet the needs of special populations including: women, youth and individuals with behavioral health issues; and

WHEREAS, the County shall continue to develop provisions and programs for seamless re-entry into the community to establish a continuum of treatment in order to drive down recidivism; and

WHEREAS, the County has included in the 2016 capital plan \$1 million for a youth center (project and location to be determined) and the County Executive has advised his intent to increase the County's capital commitment for a youth center to \$1.5 million; and

WHEREAS, it has been proven that evidence based youth programming can have a positive impact by reducing the number of youth on track to enter the criminal justice system when they become adults; and

WHEREAS, the County has and will continue to conduct a comprehensive assessment of current interventions and programming that exist within the County as well as make recommendations for enhancements or new programs, with gap analysis to help identify necessary areas of programmatic effort and the number/types of beds required to meet future demands and expected reductions, and to help identify additional current and future needs; and

WHEREAS, the County shall perform a Countywide study related to the integration of existing crime prevention efforts and youth services, and develop a youth services plan to determine the needs, scope and uses for a Youth Center; and

WHEREAS, it is now desired to authorize the financing of the capital project hereinafter described, NOW, THEREFORE,

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

Section 1. The construction of the Dutchess County Justice and Transition Center (the "Project") on the present County Jail site at North Hamilton Street and Parker Avenue, in the City of Poughkeepsie, New York (including the previously acquired Taylor property, the "Campus"), reconstruction of a portion of the existing County Jail, and the construction of a new Law Enforcement Center at said Campus, and other related structures on the Campus, including

demolition of existing structures and/or portions thereof on the premises, together with professional design fees, interest during construction, site improvements, furnishings, equipment, and incidental improvements and expenses in connection therewith, in and for the County of Dutchess, New York, is hereby authorized at a maximum estimated cost of \$192,150,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$192,150,000 bonds of the County of Dutchess, New York, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 30 years, pursuant to subdivision 94, based upon subdivisions 11(a)(1) and 12(a)(1), all of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any

charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

H0487 - Dutchess County Justice and Transition Center Project

APPROPRIATIONS

Increase

H0487.1620.3150	Building-Reconstruction	\$174,240,000
H0487.1620.4401.105	Professional Services Consultants	\$17,100,000
H0487.1620.3900	Bond Issuing Costs	\$810,000
		<u>\$192,150,000</u>

REVENUES

Increase

H0487.1620.57100	Serial Bonds	\$192,150,000
		<u>\$192,150,000</u>

DCJTCP Bond

Justice & Transition Center

Construction Cost	105,517,776
Construction Contingency	10,551,778
Escalation	9,285,564
Furniture, Fixtures & Equipment	1,148,740
Design Fees	12,650,386
Additional 2 Housing Units	15,011,797
Subtotal	154,166,041

Law Enforcement Center

Construction Cost	26,983,381
Construction Contingency	2,698,338
Escalation	1,313,533
Furniture, Fixtures & Equipment	558,460
Design Fees	3,786,445
Bullet Resistance	1,168,931
Subtotal	36,509,089

Project Auditing

Auditing Services	110,000
Subtotal	110,000

Total	190,785,129
Rounded Total	190,790,000

Special Populations

Special Populations Programming and Analysis	50,000
Subtotal	50,000

Youth Center

Youth Services Program Assessment & Schematic Design	500,000
Subtotal	500,000

Total Bond Amount	191,340,000
Bond Issuing Costs	810,000
Total Bondable	192,150,000

Grand Total	192,150,000
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Jail Debt Service

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	BAN		\$176,562	\$176,562
2	BAN	\$272,004	\$613,513	\$885,517
3	BAN	\$835,734	\$1,491,237	\$2,326,971
4	BAN	\$2,166,913	\$2,377,866	\$4,544,779
5	188,875,349	\$6,620,349	3,246,986	\$9,867,335
6	182,255,000	\$5,310,000	4,559,830	\$9,869,830
7	176,945,000	\$5,365,000	4,500,830	\$9,865,830
8	171,580,000	\$5,435,000	4,433,577	\$9,868,577
9	166,145,000	\$5,510,000	4,358,582	\$9,868,582
10	160,635,000	\$5,595,000	4,275,264	\$9,870,264
11	155,040,000	\$5,685,000	4,181,600	\$9,866,600
12	149,355,000	\$5,790,000	4,075,983	\$9,865,983
13	143,565,000	\$5,910,000	3,958,645	\$9,868,645
14	137,655,000	\$6,035,000	3,830,796	\$9,865,796
15	131,620,000	\$6,175,000	3,692,781	\$9,867,781
16	125,445,000	\$6,325,000	3,545,251	\$9,870,251
17	119,120,000	\$6,480,000	3,388,675	\$9,868,675
18	112,640,000	\$6,645,000	3,222,279	\$9,867,279
19	105,995,000	\$6,820,000	3,045,852	\$9,865,852
20	99,175,000	\$7,010,000	2,859,810	\$9,869,810
21	92,165,000	\$7,205,000	2,664,685	\$9,869,685
22	84,960,000	\$7,405,000	2,460,485	\$9,865,485
23	77,555,000	\$7,620,000	2,246,728	\$9,866,728
24	69,935,000	\$7,845,000	2,022,844	\$9,867,844
25	62,090,000	\$8,080,000	1,788,319	\$9,868,319
26	54,010,000	\$8,325,000	1,542,623	\$9,867,623
27	45,685,000	\$8,580,000	1,286,071	\$9,866,071
28	37,105,000	\$8,850,000	1,018,936	\$9,868,936
29	28,255,000	\$9,125,000	741,208	\$9,866,208
30	19,130,000	\$9,415,000	452,897	\$9,867,897
31	9,715,000	\$9,715,000	153,011	\$9,868,011
TOTAL		<u>\$192,150,000</u>	<u>\$82,213,722</u>	<u>\$274,363,722</u>
AVG. PER YEAR		\$6,198,387	\$2,652,056	\$8,850,443

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL	192,150,000	
ANTICIPATED INTEREST RATE		2.76%
TERM	31 YEARS.	ANTICIPATED FEES: \$813,000
ANTICIPATED ANNUAL COST (PRIN + INT):		\$8,850,443
TOTAL PAYBACK (ANNUAL COST x TERMS):		\$274,363,722



**Commission of
Correction**

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

February 3, 2016

Marcus J. Molinaro
Dutchess County Executive
22 Market Street, 6th Floor
Poughkeepsie, NY 12601

Dear Mr. Molinaro,

Thank you for appearing at the December meeting of the Commission of Correction, which allowed for an opportunity to discuss the planned Dutchess County Justice and Transition Center. As you know, the 2014 agreement between the Commission and Dutchess County officials provided a variance for the county to acquire and install a modular housing facility for the purpose of housing up to 200 inmates. In return, county officials agreed to progress toward planning, financing and constructing new permanent correctional space at an agreed-upon schedule.

While our discussion last month revealed the need to revise certain milestones, it is apparent that no further progress can be made until the Dutchess County Legislature adopts a construction bond resolution to finance the project. Following discussions between the Commission and county officials, it was determined that setting April 1, 2016 as a milestone by which the resolution must be passed provides sufficient opportunity to do so.

To date, the Commission is encouraged and supportive of the county's activities toward construction of the Dutchess County Justice and Transition Center, and Commission representatives will remain available as you move forward. It must be clearly understood, however, that the county's failure to meet the agreed-upon milestones, including legislative adoption of the construction bond resolution by April 1, 2016, will constitute a violation of the afore-mentioned agreement, and grounds to revoke the variance allowing for the inmate population of the installed modular housing units.

Thank you for your cooperation and consideration in this matter.

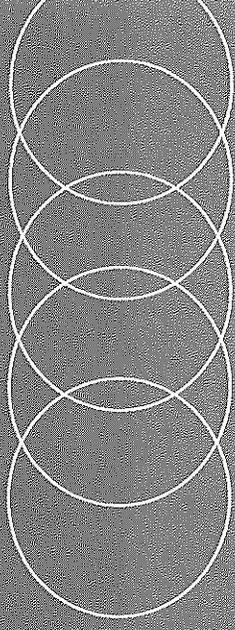
Sincerely,

Thomas A. Beilein
Chairman

February 4, 2016

Dutchess County Justice & Transition Center Project

Section 1: Background



The Sentencing Project Report 1991

“... Dutchess County is a Jurisdiction that is uncharacteristically willing and able to engage itself in the task of solving its problems through constructive reform of its corrections and criminal court systems...”

New York Correction Law § 500-c.

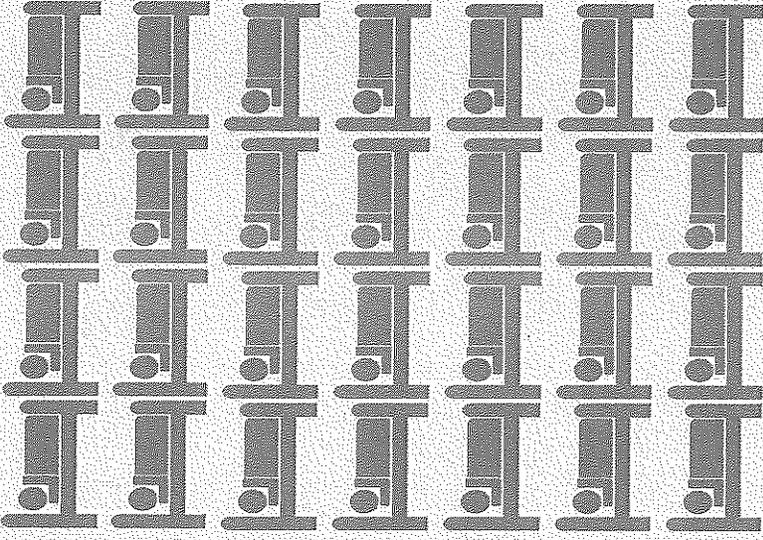
Custody and control of prisoners

" ... The sheriff of each county shall have custody of the county jail of such county... The chief administrative officer shall receive and safely keep in the county jail of his county each person lawfully committed to his custody..."

New York County Law § 217

"Each county shall continue to maintain a county jail as prescribed by law."

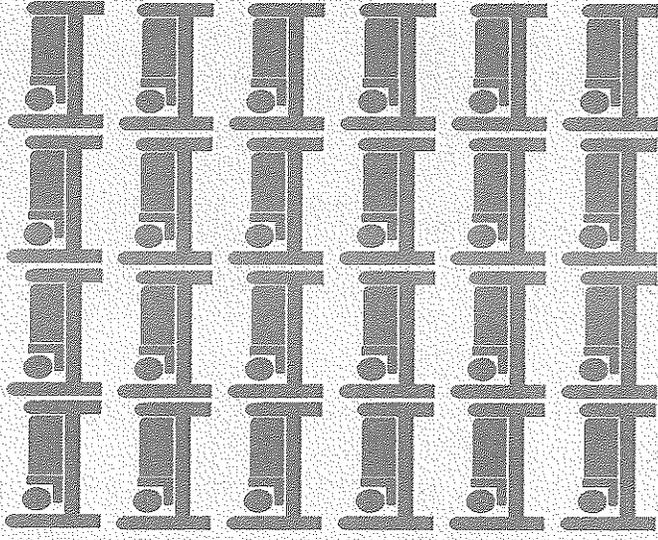
The Dutchess County Jail is a State Mandate



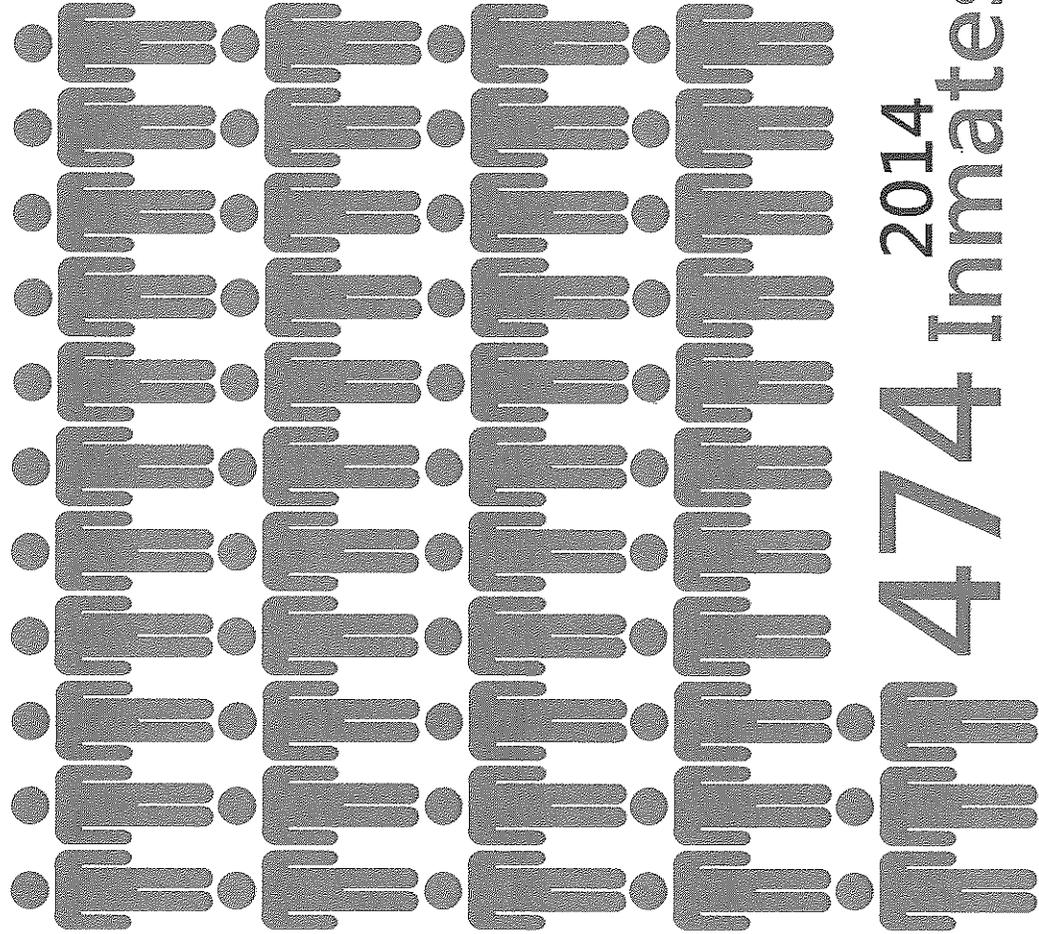
292 Jail Beds

Jail Beds vs. Inmate Population

250 Beds

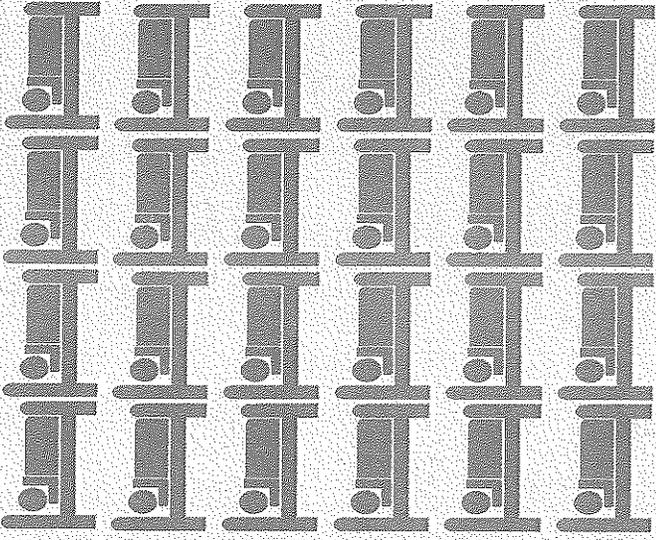


292 Jail Beds

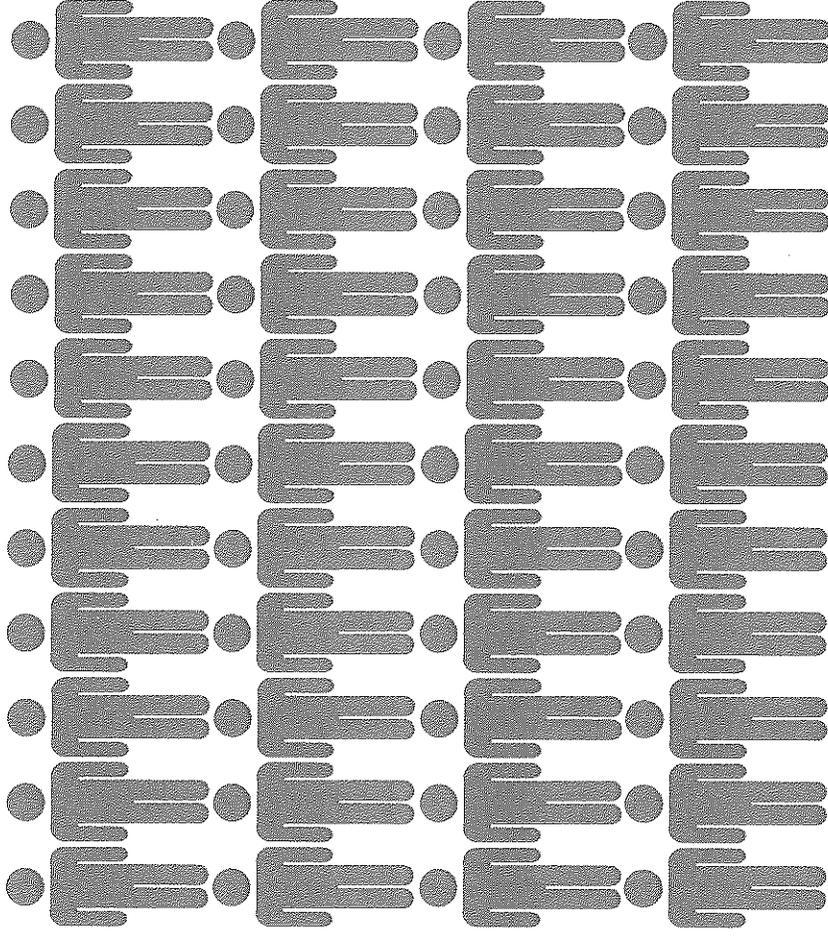


Jail Beds vs. Inmate Population

250 Beds



292 Jail Beds

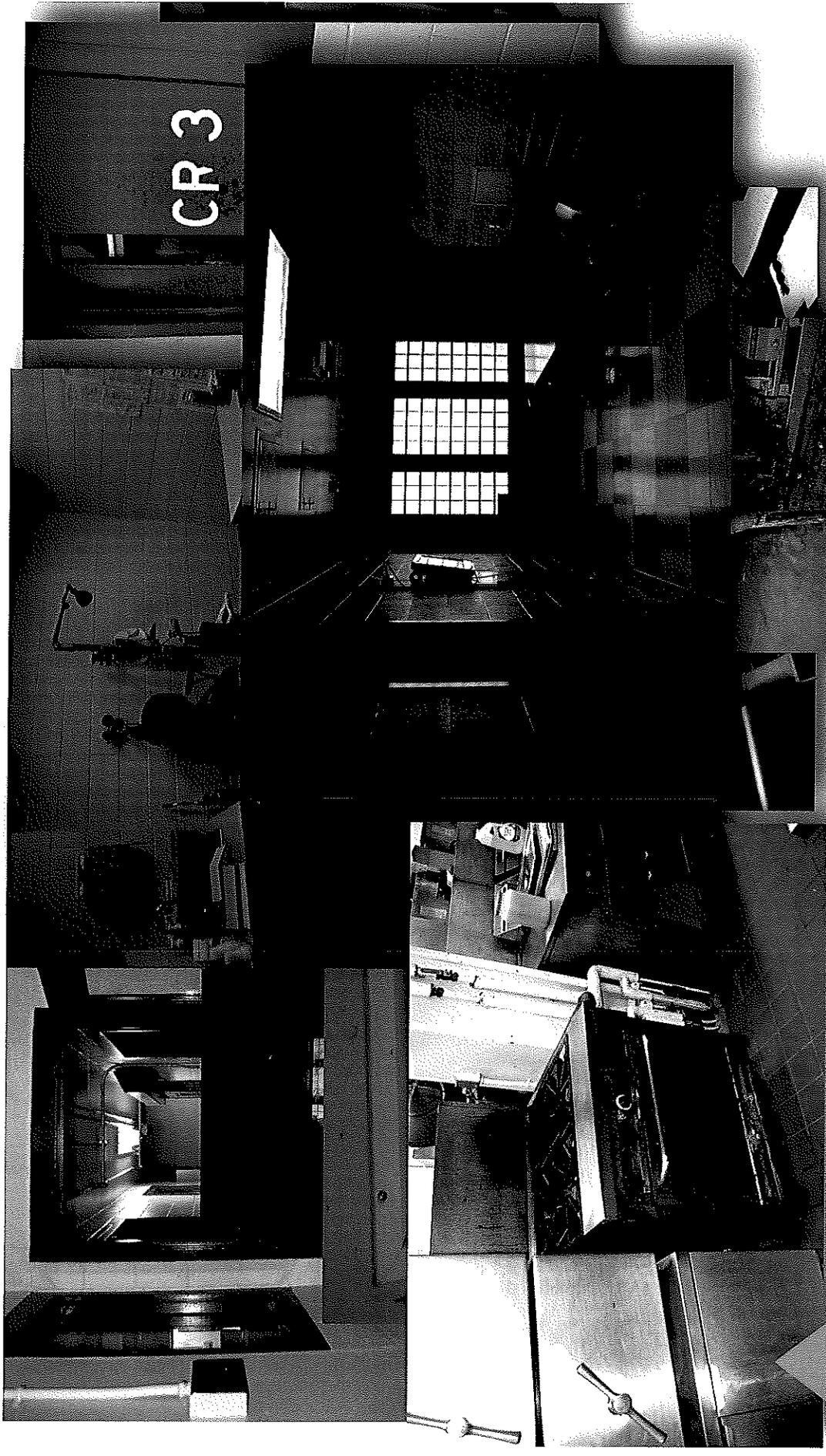


441 Inmates 2015

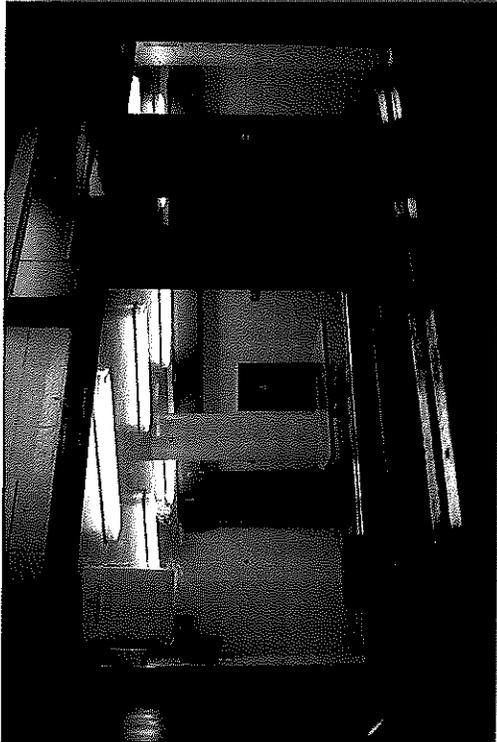
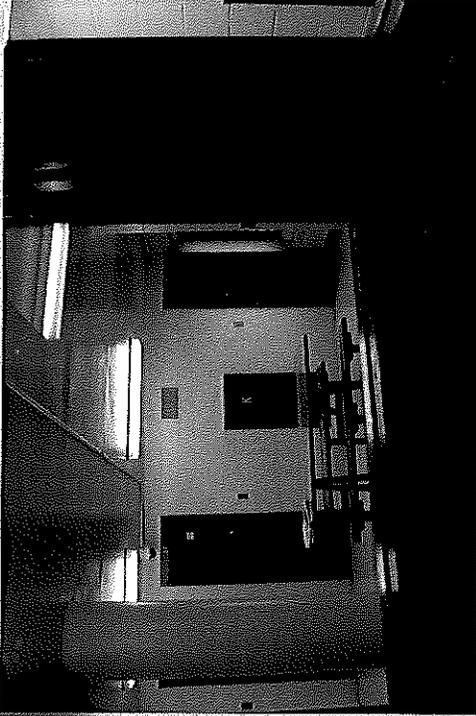
Jail Beds vs. Inmate Population



Inefficient, Unsafe & Expensive



Inefficient, Unsafe & Expensive

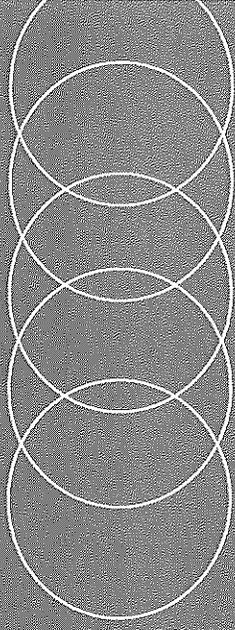


Housing Unit 4



Housing Unit 4

Section 2: Analysis



Criminal Justice Council Needs Assessment

Expand & Enhance
Alternatives to
Incarceration

Create More
Capacity

Alternatives to Incarceration

650
Average # in
ATIs in 2015

2,500
On Probation

13% Incarcerated

Rate of Incarceration

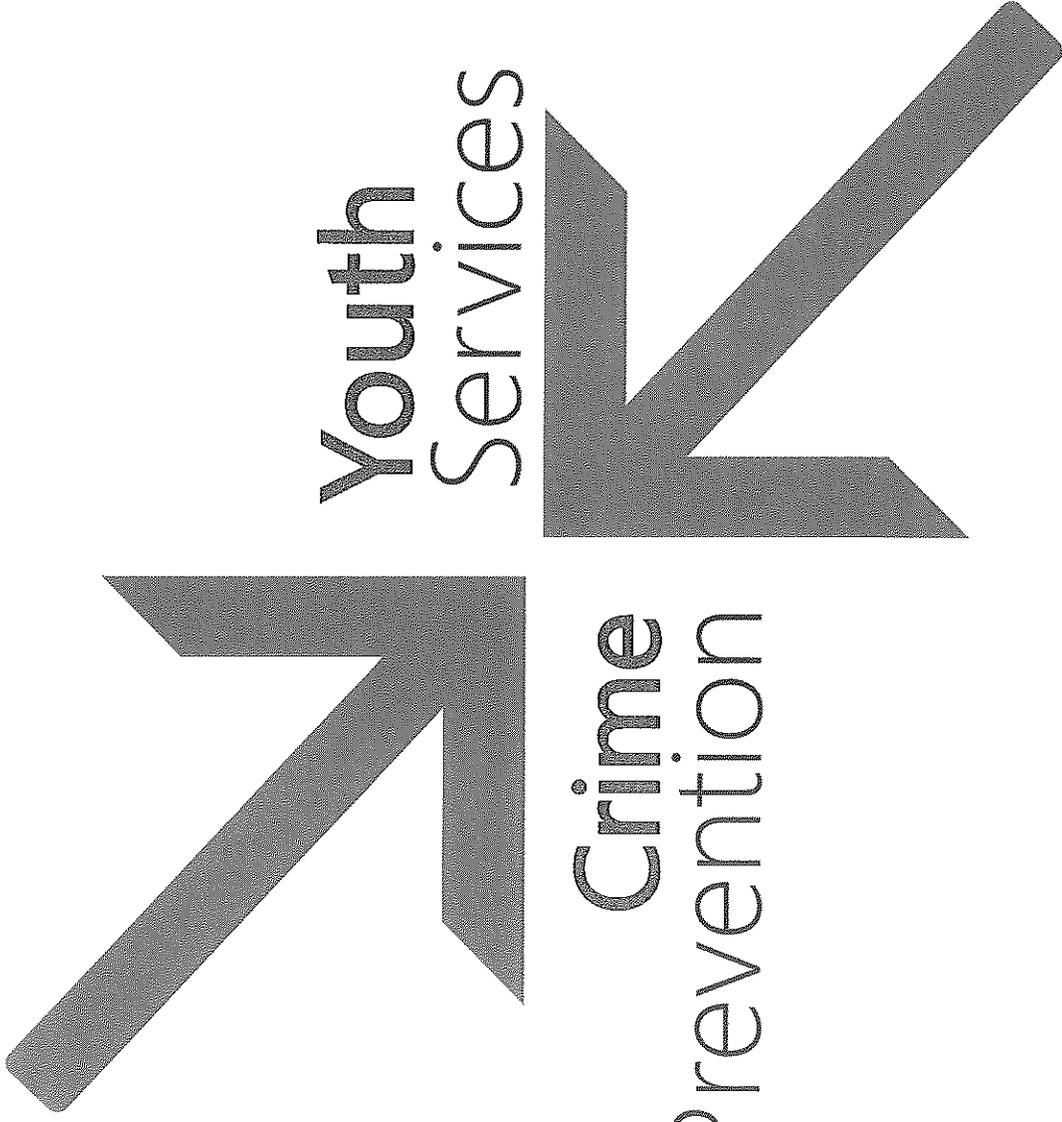
National Average: 250/100,000 Population

NYS Average: 215/100,000 Population

Dutchess County Average:
140/100,000 Population

- **Risk Analysis, Assessment, and Reporting**
(Pre-Trial and Pre-Sentence)
- **Data Analysis**
- **Beacon Drug Court**
- **Saturday Arraignment Pilot (City of Poughkeepsie)**
- **Consolidated Hybrid Interim Program (Town of Poughkeepsie)**
- **Women's Services**
- **Teen Intervene & Restorative Justice Model for Youth**

Alternative Processing

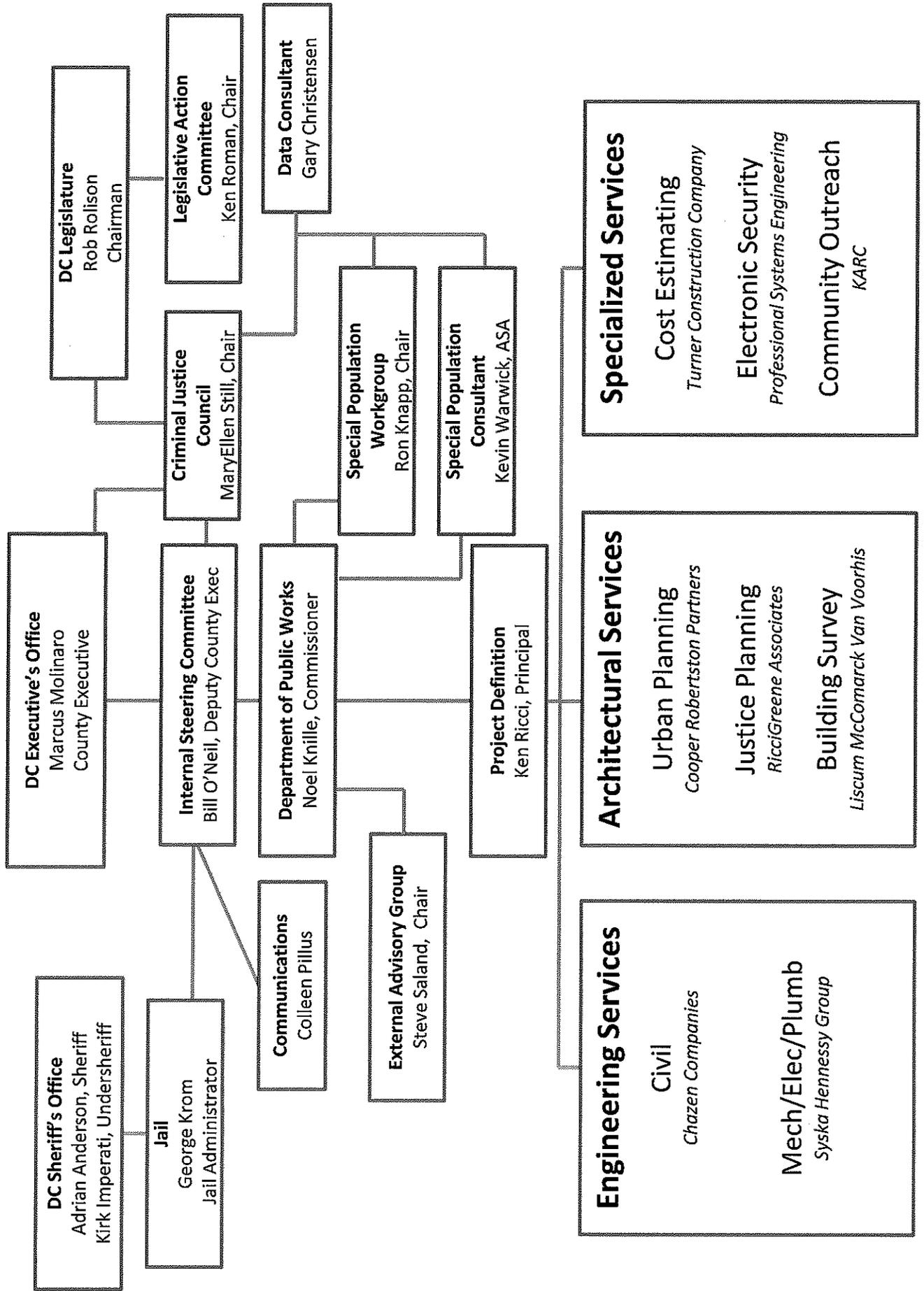


Youth
Services

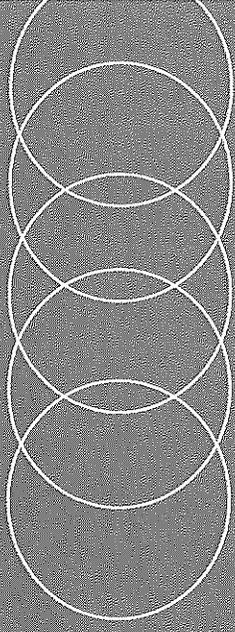
Crime
Prevention

Comprehensive Integration

DCJTC Information Flow



Section 3: Project Definition



Challenges

- **Sizing the Facility**
- **Dealing with the Site**
- **Planning for a Phased Construction**
- **Planning for the Space Needs**
- **Addressing the Needs of Inmates**
- **Addressing Concerns of Varied Stakeholders**
- **Planning for the Overall Neighborhood and Community**

Vitetta, Cerniglia, & Swartz 1999

(DA Smith & Associates)

Year	Low	High	Average	Actual
2005	279	378	329	308
2010	340	468	401	395
2015	362	486	422	441
2020	362	486	422	?

Sizing

420 Inmates Today

- 500 Necessary Classification
- +15% Growth (Over 30 Years)
- 569 Approx Beds Needed**
 - 72 Third Floor Option
- 497 Approx Beds Needed**
 - 100 Decommission/Repurpose Beds
- 397 Approx Beds Needed (or 469)**

Sizing Considerations



1945

1995

1984

Existing Jail Site



Existing Sheriff's Building (1945)

Land Use

COMMERCIAL/
INDUSTRIAL



RESIDENTIAL



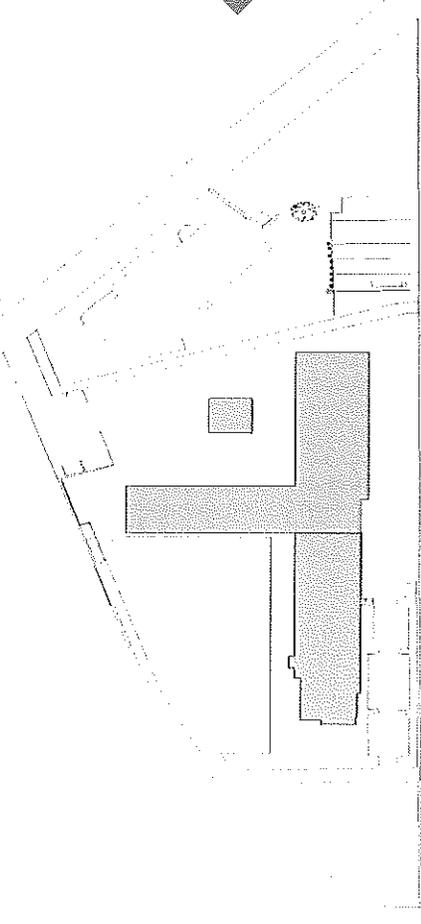
OPEN SPACE



Site Context & Overview

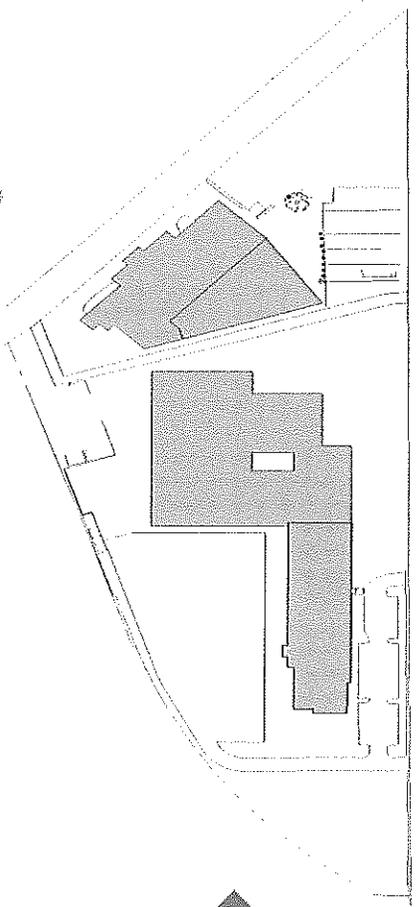
SITE OPTION 1

Law Enforcement Building
On-Site



SITE OPTION 2

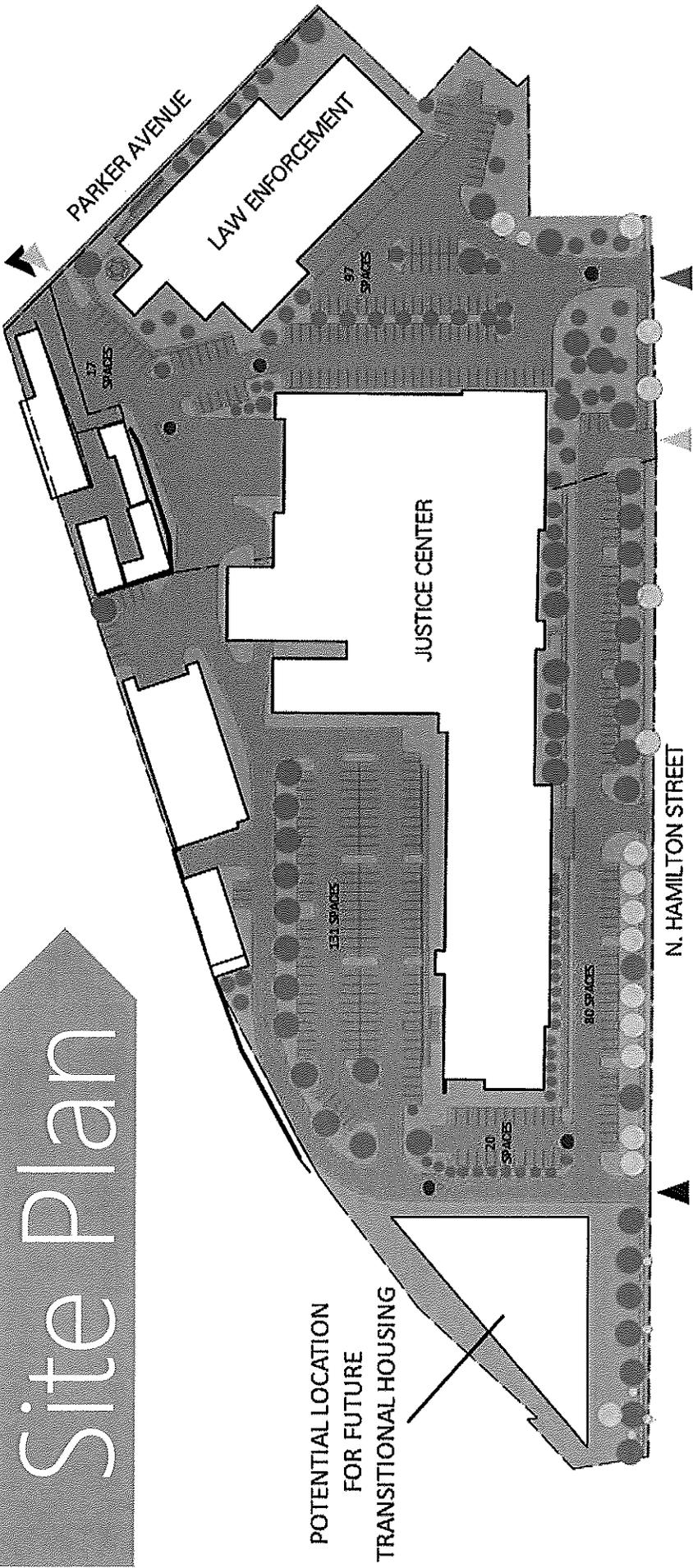
Law Enforcement Building
Off-site



SITE OPTION 3

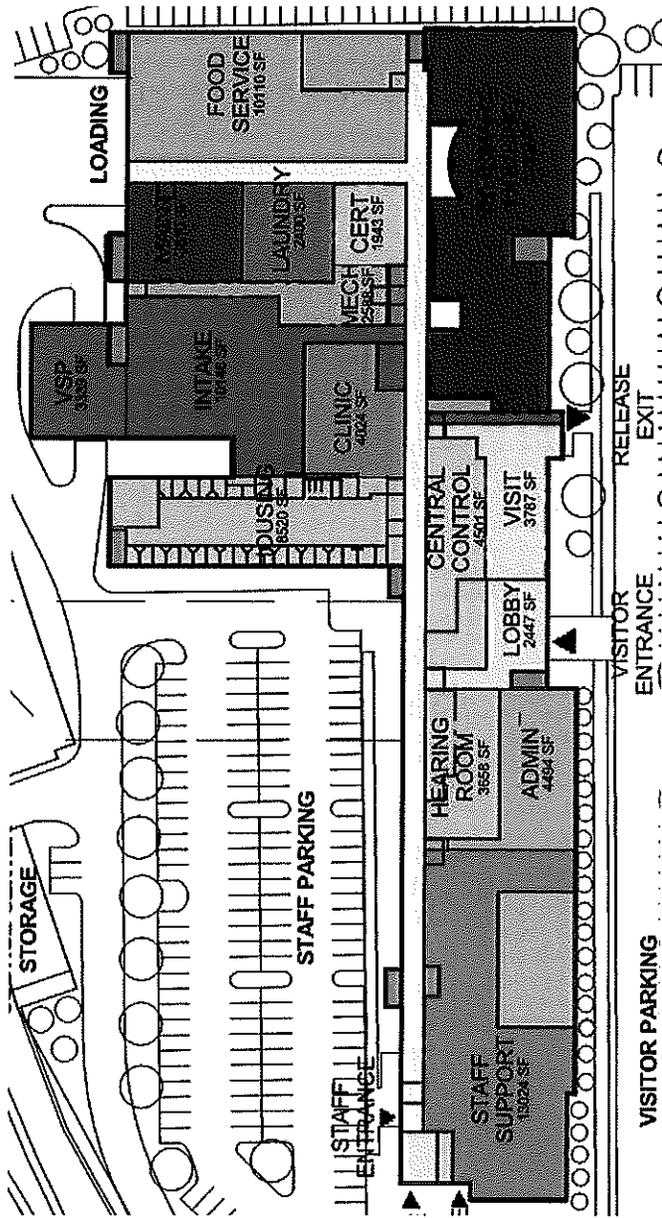
Law Enforcement Building
at Taylor Building
(renovation and addition)

Site Plan



- ▲ VISITOR PARKING
- ▲ JUSTICE CENTER STAFF, TRANSPORT & SERVICE VEHICLES
- ▲ LAW ENFORCEMENT STAFF & PATROL
- CONTROLLED VEHICULAR ACCESS

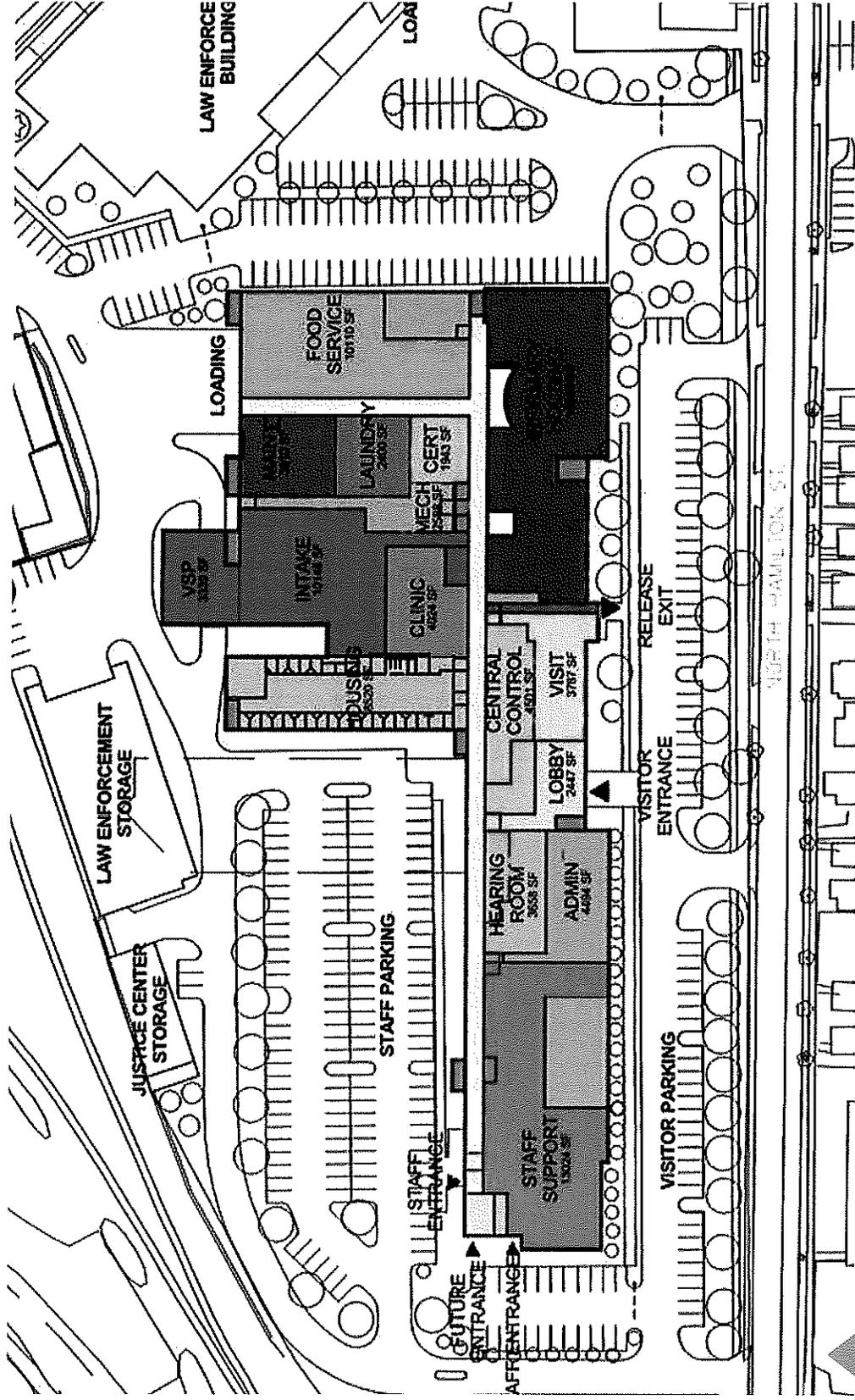
Future



DCJTC Ground Floor

- Entry
- Visitation
- Hearing Room
- Intake
- Infirmary Housing
- Clinic
- Housing
- Admin and Support Services

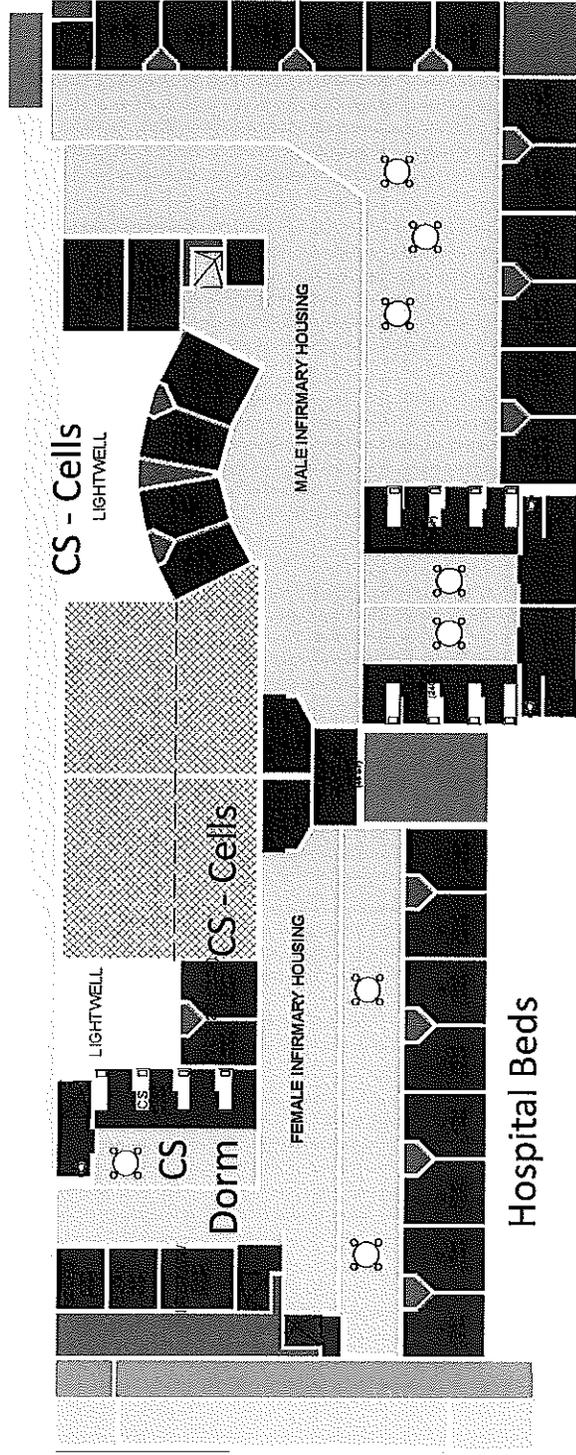
Site Context & Overview



Site Context & Overview

Females

Males



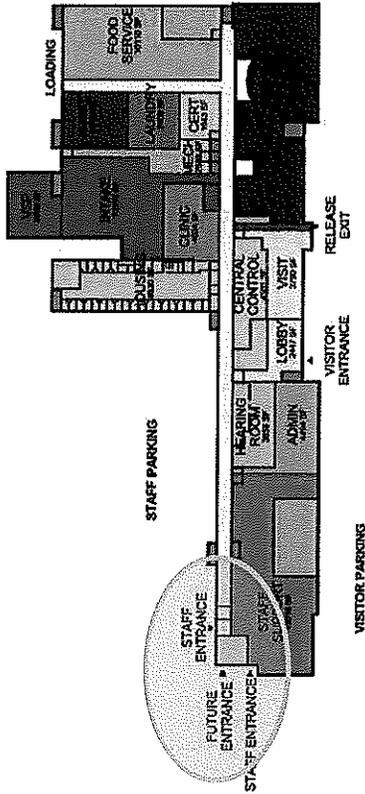
CS - Dorms

Hospital Beds

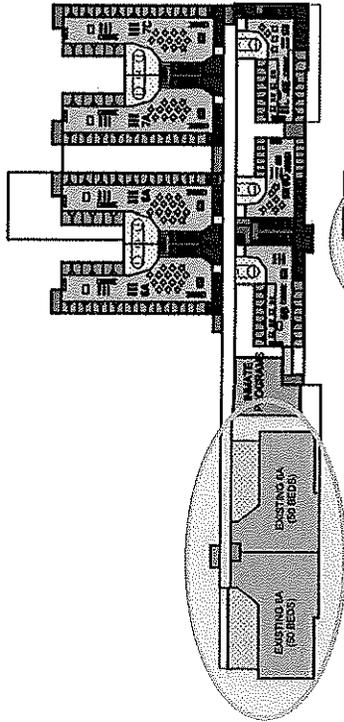
Infirmary – Health & Mental Health

Planning for Potential Inmate Population Change

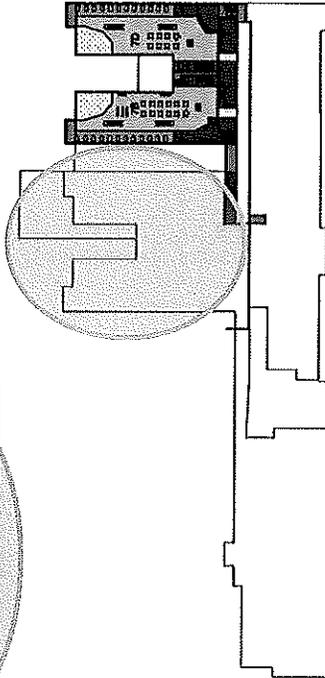
Ground Floor with Future Decommissioned Entrance



Second Floor with Two Housing Units for Potential Future Decommissioning



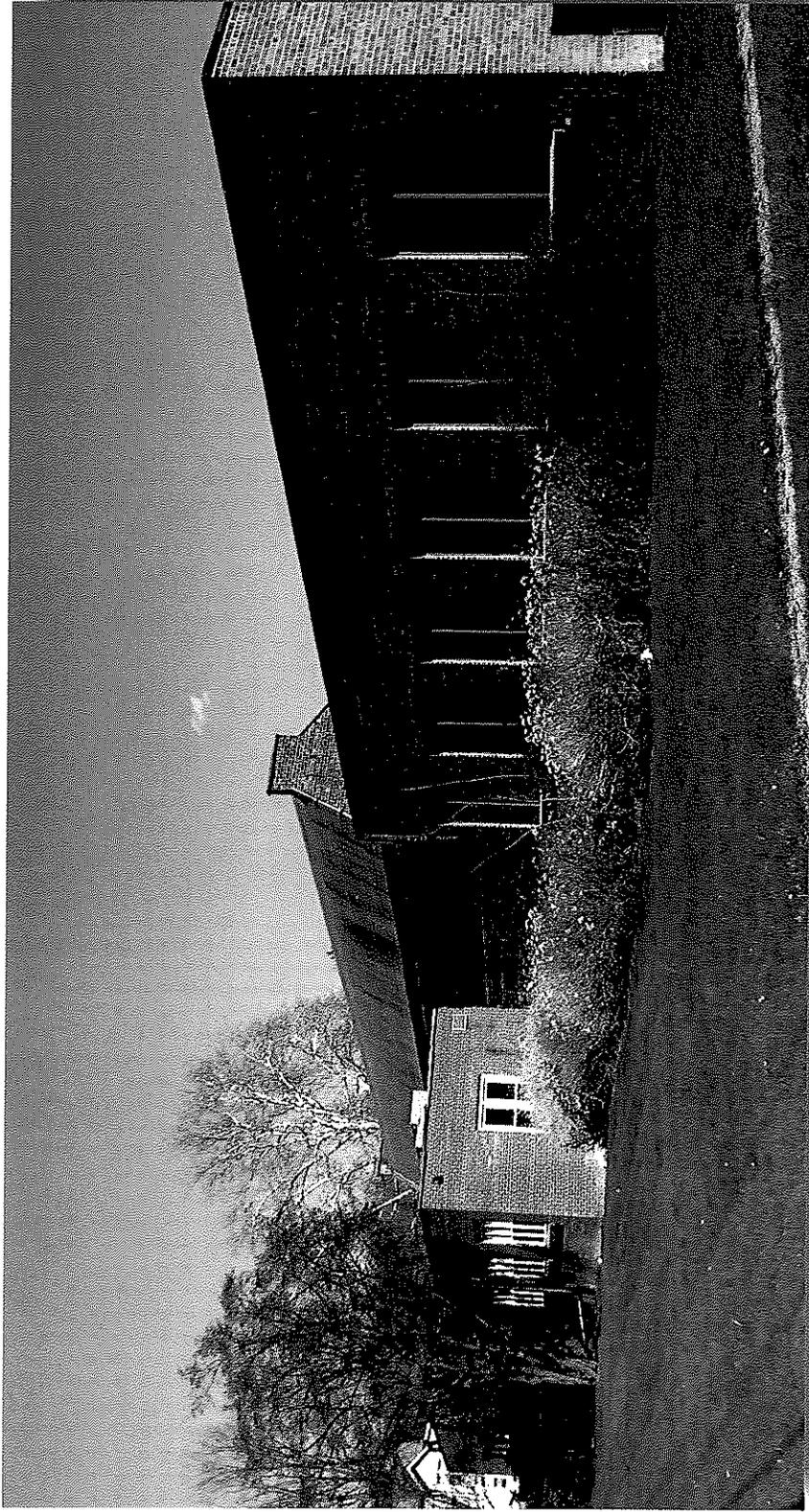
Third Floor with Optional Location for Two Additional Housing Units to be Constructed



Construct a Modern Facility

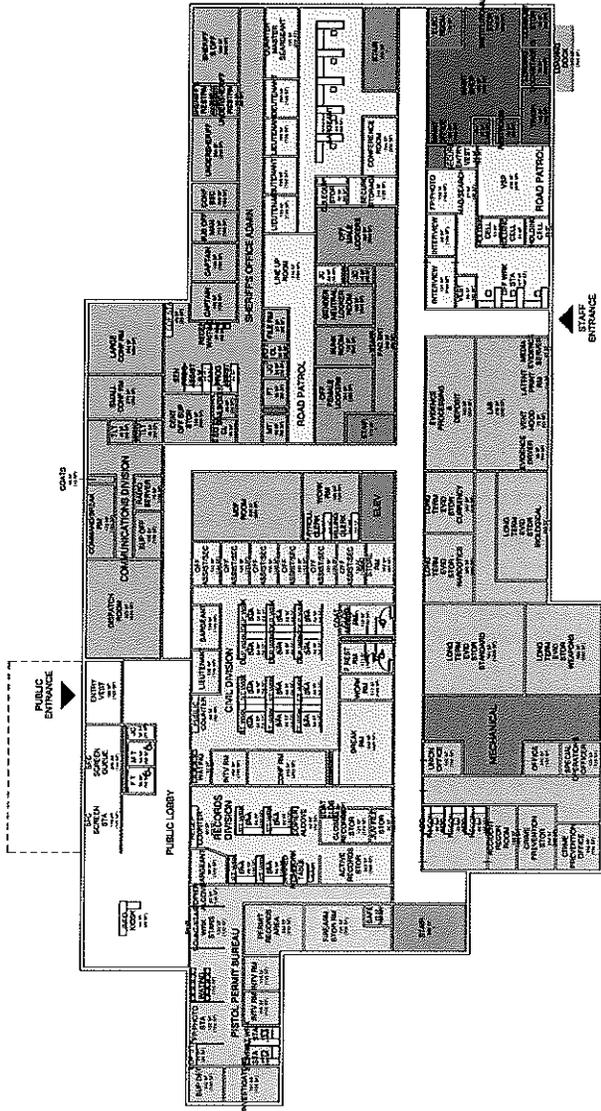


Taylor Manufacturing Facility

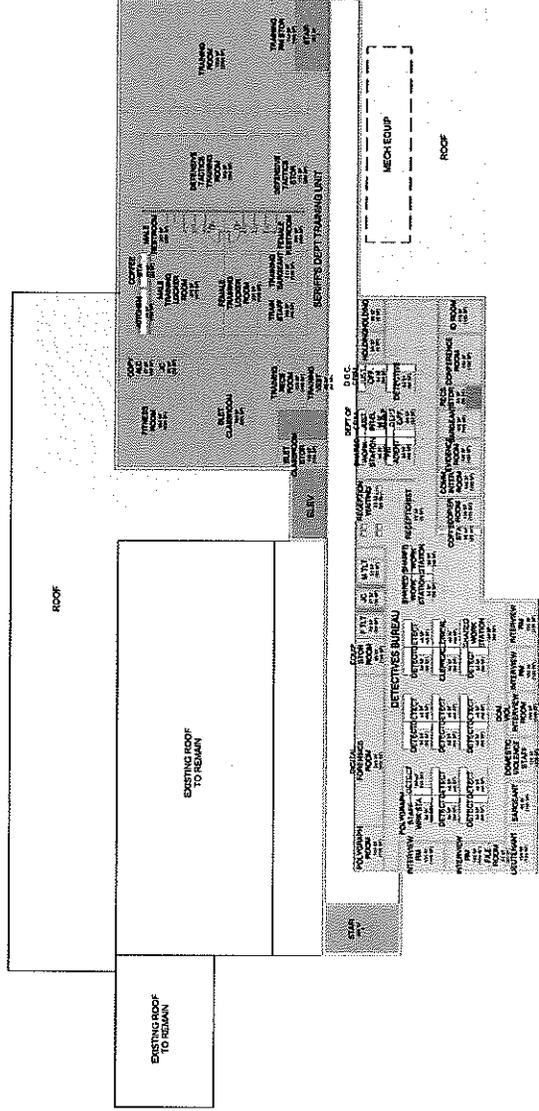


DCLEC
 Ground Floor
 Public Access
 Civil
 Records
 Permits
 Sheriff Administration
 Road Patrol
 Evidence

DCLEC
 Second Floor
 Detectives
 Training



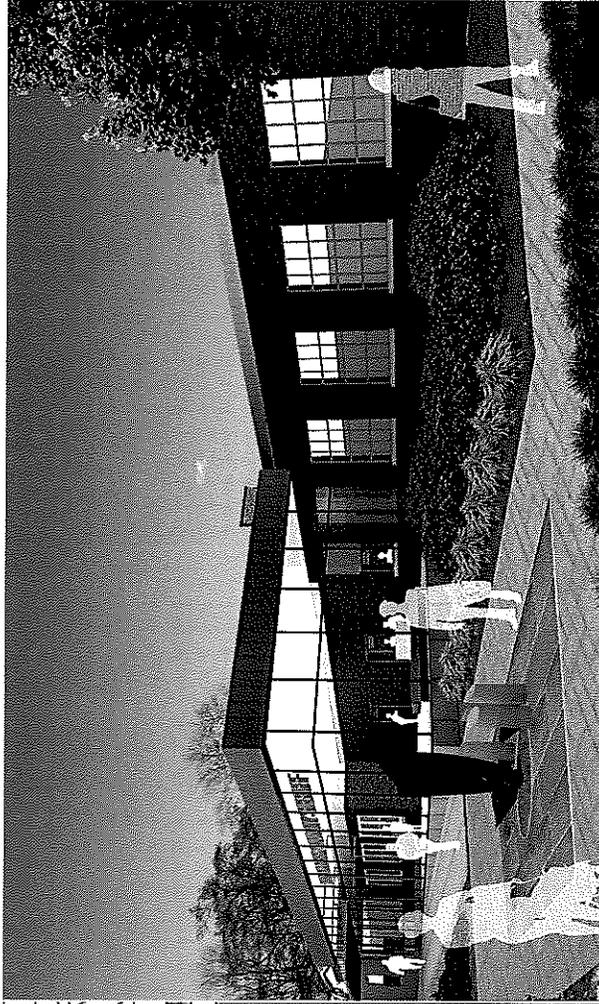
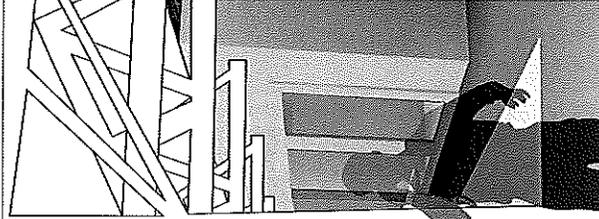
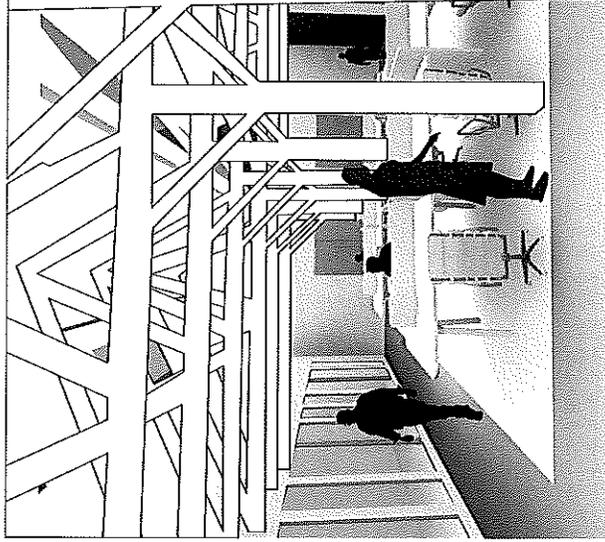
LAW ENFORCEMENT BUILDING
 LEVEL 1



LAW ENFORCEMENT BUILDING
 LEVEL 2

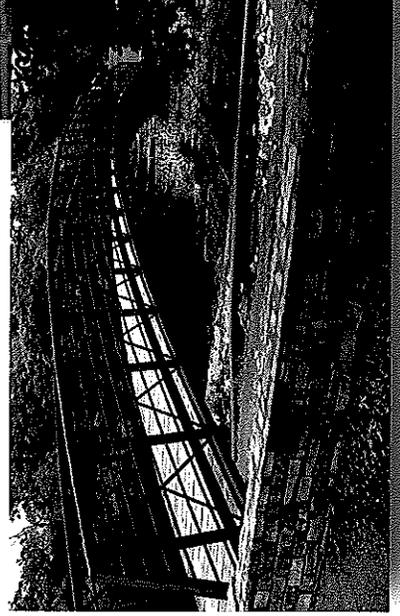
Renderings

Elevations, Internals, Programming Space, & Rendering of LEC & JTC

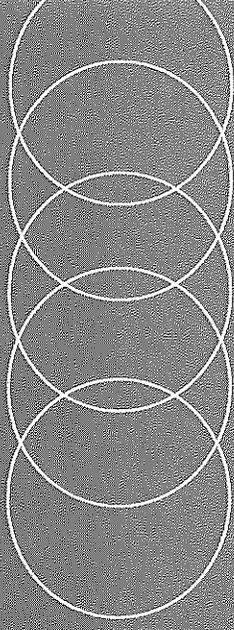


Area Considerations

- Landscaping
- Park Like
- Not Looking Like a Jail
- Rail Trail & Walkway Connections
- Fallkill Creek



Section 4: Plan



Phased Approach

- Renovate & Expand Taylor Building
- Move the Sheriff's Office
- Build the Justice & Transition Center (New Structure)
- Move Support Functions & Inmates
- Dismantle Temporary Inmate Housing
- Demolish 1984 Jail Section
- Finish Parking Lot
- Renovate 1995 Section and Connect to DCJTC

Proposal Summary

Justice & Transition Center- 297,000 Square Feet

- 569 Bed Facility with Options to Scale Back
- New Design for Greater Efficiency
- Facility Structured for Expanded Program Space

Law Enforcement Center – 55,800 Square Feet

- Greater Public Access
- Improved Efficiency & Security

Time Line

Request For Proposals

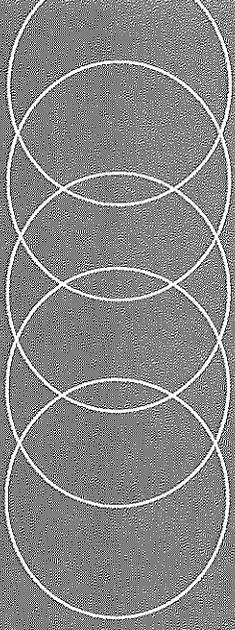
- RFP (LEC/JTC) Sent Out: Feb 5
- Legislative Approval: Mar 21
- Review Proposals: March
- Contract Negotiation: April - May

Time Line

- *Legislative Approval:* Mar 21
- *LEC Design:* May 2016 – Jan 2017
- *LEC Construction:* Mar 2017 – Apr 2018
- *JTC Design:* Dec 2016 – May 2018
- *JTC Construction:* Sept 2018 – Apr 2020

Project Milestones

Section 5: Cost Benefit Analysis



Law Enforcement Center

By Facility

Site Work (Including Demolition)	\$3,640,000
Renovated Building	3,031,000
New Building	25,370,000
Storage Building	3,173,000
Canine Facility	125,000
Bullet Resistance	1,170,000
Total	\$36,509,000

Law Enforcement Center

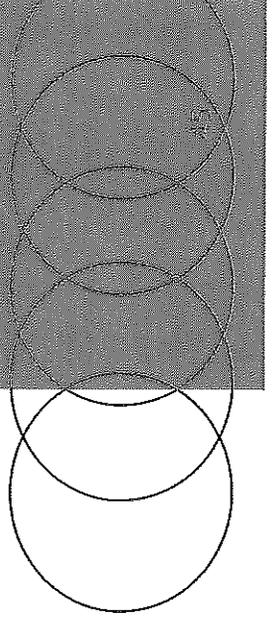
By Cost Area

Construction Cost	\$26,983,000
Construction Contingency	2,698,000
Escalation	1,314,000
Furniture, Fixtures & Equipment	558,000
Design Fees	3,786,000
Bullet Resistance	1,170,000
Total	\$36,509,000

Justice & Transition Center

By Facility

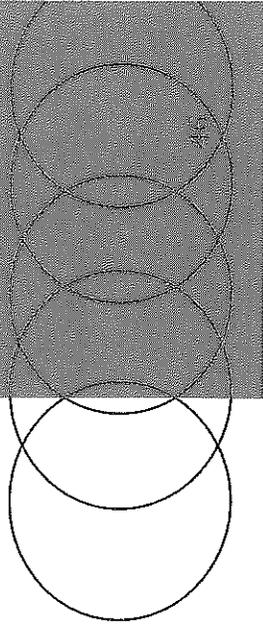
Site Work	\$7,629,000
Renovated Building	14,038,000
New Building	116,608,000
Storage Building	879,000
Additional Housing Units	15,012,000
Auditing Services	110,000
Total	\$154,276,000



Justice & Transition Center

By Cost Area

Construction Cost	\$105,518,000
Construction Contingency	10,552,000
Escalation	9,285,000
Furniture, Fixtures & Equipment	1,149,000
Design Fees	12,650,000
Additional Housing Units	15,012,000
Auditing Services	110,000
Total	\$154,276,000



Total Project Cost

Law Enforcement Center	\$ 36,509,000
Justice & Transition Center	154,276,000
Rounded Sub Total	\$190,790,000
Special Populations & Youth Funding	550,000
Bond Issuing Costs	810,000
Grand Total	\$192,150,000

Annual Debt Service = \$9.9 million

Year 2021

Cost Area	Existing Jail	New Justice & Transition Center
Utilities	\$630,000	\$570,000
Housing Out	9,260,000	320,000
Transports	1,140,000	30,000
Correction Officer Staffing	24,810,000	20,470,000
Overtime	2,290,000	1,950,000
Food	540,000	800,000
Medical Care	4,490,000	5,430,000
Administration & Supervision	1,810,000	1,810,000
Other Expenses	2,320,000	2,320,000
Operating Total	\$47,290,000	\$33,700,000

2021 Cost Avoidance: \$13.6 Million

Cost v. Benefit Summary - 2021

Cost Area	Existing Jail	New Justice & Transition Center
Operating Total	\$47,290,000	\$33,700,000
Debt Service Jail/ Justice & Transition Center	1,050,000	8,100,000
Debt Service Law Enforcement Center	590,000	1,800,000
Total	\$48,930,000	\$43,600,000

Annual Savings: \$5.3 Million

Short Term Fiscal Impact

- Bond Anticipation Notes
- First BAN Issuance - January 2017
- BANs Covert to Bond
- Bond Issued in 2020
- Limited Impact Until Facility is Operational

Year	BAN Payment
2016	\$0
2017	177,000
2018	886,000
2019	2,327,000
2020	4,545,000

Bond Reflected in 2021 Debt Service

2021	\$9,900,000
(First Year with Bond)	

Cost Benefit Summary

Limited Short Term Fiscal Impact

Est. Operational Cost Avoidance: \$13.6 Million

Savings Including Debt Service: \$5.3 Million

This Proposal...

- **Ends Housing Out**
- **Enhances our ATI Programs**
- **Provides Sound Efficient Space for Services**
- **Reduces Operational Costs**
- **Saves Taxpayers: \$5 Million Annually**

Thank You.



COUNTY OF DUTCHESS

Memo

TO: Dale Borchert, Chairman of the Legislature
Greg Pulver, Chairman, Public Works and Capital Projects Committee

FROM: William F.X. O'Neil, Deputy County Executive 

DATE: February 26, 2016

RE: Justice and Transition Center Project

I am responding to Legislators' questions regarding the Justice and Transition Center project.

Question: *There has been much dialogue surrounding the soil conditions in the ground and also limitations regarding commercial vs. residential use of some of the properties. Please explain in more detail the process as to how the regulated "use" of the property may be changed for use as a transition center.*

Response:

NYSDEC indicated at a recent meeting, that the use of the site as a Justice and Transition Center is allowable subject to incorporating certain engineering measures.

Expected engineering measures include:

- The DCJTC project does not intend to use any groundwater from the site.
- Installation of a sub-slab vapor mitigation system.
- Update soil management plan for the site.
- Soil screening during construction,

The costs of these measures have been included in the Project Cost Estimate. Design work and construction has been contemplated in the DCJTC plan and will be under the supervision of the NYSDEC.

Question: *After the Bond is approved, who will be the team involved in the final design and implementation of the project.*

Response:

Dutchess County has issued an RFP out for the Final Design Architect. The schedule for this RFP is attached. It is intended that the final design architect(s) will be selected by March 31/April 1. See Attachment #1

Question: *Please provide a more formal timeline of the ensuing design and construction period.*

Response:

See attached most current Project Schedule which has been reviewed with the NYS COC.
See Attachment #2

Question: *We have in hand a letter from the COC that identifies that the lack of the funding will constitute "grounds" to revoke the variance, please elaborate as to what the timing would be on the revocation as well as identify any opportunities or lack of opportunities for an appeal of that decision.*

Response:

We have been working closely with the COC as this process has been developed, but if we do not get funding approval, that relationship will change. We have gained the trust of the COC after years of a strained relationship. Failure to get legislative approval will indicate that we cannot move forward on the project and therefore any further negotiations will be greatly impacted. There is no doubt they will pull our waiver. We could defy them, but it is likely they will seek a court order and we have signed an MOA which commits us to give up the temporary housing if we do not have a waiver. We could appeal the decision...to the COC, but we would have to house out during the process, and it is unlikely they would allow us to continue the use of the pods without the commitment to build a permanent facility.

Question: *What happens if the design phase shows a significant reduction in the overall costs? Will the borrowings be reduced?*

Response:

Yes. We will only borrow what we need through the BANs, and then bond the total when the Justice and Transition Center is completed.

Question: *How will the construction Auditor be selected? How will they report on findings?*

Response:

An RFP was issued for an Auditor during the project definition phase and it covers all phases of design construction as well. Toski & Co. Certified Public Accountants, which has become EFPR Group, won the bid and have been auditing payments to be sure they meet the contract terms for this first phase since December 2014. They report on a quarterly basis to DPW, The Budget Office, and Finance. As we move into the construction phase they will be auditing and submitting reports on a monthly basis.

Question: *Will the Legislature need to opine on design choices or expenditures in the future after Bonding resolutions adopted?*

Response:

Need, no. Will we provide updates and seek input, yes.

Question: Please provide a schedule of current Debt service commitments, including use of the bond. Please also identify Bonding approved, but not drawn down, with interest rates on an annual basis till the debt is extinguished. The schedule should show the following:

- Debt service for the College
- Debt service for General Government uses
- Debt service for Public Safety
- Debt service for Airport

Response:

See Attachment #3 and #4

Question: Also include a discussion of "off the Books" guarantees of commitments, such as guarantee of other public Authority debt if any.

Response:

Dutchess County has the following Component Units which the County is considered to be financially accountable.

DCC-major component unit
RRA-major component unit
WWA-major component unit
IDA-non-major component unit
Soil & Water-non-major component unit
LDC-non-major component unit
TASC-blended component unit

Of these entities, debt of DCC is including in the Counties debt service figures. DC does guarantee WWA's & RRA's debt. IDA does not report any debt in their financial statements. Soil & Water and LDC do not have any debt and Dutchess County is not responsible for the TASC's debt.

Question: What were the two new ATI programs that were implemented mid-year 2015?

Response:

The two programs mentioned were Saturday arraignment and CHIP (Coordinated Hybrid Interim Program).

Question: Do you know when (month or date) they began?

Response:

Coverage of Saturday arraignments in the City of Poughkeepsie began in mid-July of 2015. When individuals are arrested and held in the lock-up, a probation officer will come in to interview them and conduct an assessment for eligibility for pretrial release. The probation officer provides the judge with relevant information and documentation and makes a recommendation regarding pretrial release to the judge. The judge then makes a decision whether to remand or release. If released, the individual never actually goes to jail, but is expected to make all future court appearances and follow all court directives until disposition of the case.

CHIP is a blend of pretrial and interim supervision that began in the Town of Poughkeepsie Court on June 1, 2015. It is now available to all courts. All parties to the case (DA, defense attorney, Probation, the defendant and the judge) must be in agreement. A contract is signed and the defendant subsequently has an opportunity to show he or she can comply with any conditions that are part of the agreement which is reflected in the ultimate sentence.

Question: *How many people were diverted with these two programs?*

Response:

To date, 20 people were diverted from jail due to Saturday arraignments and 40 people have participated in CHIP (it was 25 at the time of the presentation).

C: All Legislators
Carolyn Morris, Clerk of the Legislature

Dutchess County DPW

DCJTC with DCLEC RFP Timeline

(Week of)	18-Jan	25-Jan	1-Feb	8-Feb	15-Feb	22-Feb	29-Feb	7-Mar	14-Mar	21-Mar	28-Mar	4-Apr	11-Apr	18-Apr	25-Apr	2-May	Comments
RFP released (Feb 5)																	
Tour of Site (Feb 17)																	
Written Questions Due (Feb 24)																	
Responses to Written Questions Released (Mar 1)																	
Proposals Due to Dutchess County (Mar 9)																	
Proposals Distributed to Evaluation Committee Electronically (Mar 11)																	
Review of proposals by DC to Select Shortlisted Firms																	
Individual Ratings Due to Central Services (March 17)																	
Legislative Vote on Approval of DCJTC/DCLEC Bond (Mar 21)																	
Evaluation Committee Meeting to Determine Shortlist (Mar 22)																	
Notification of Shortlisted Firms (Mar 23)																	
Paper and Elec. Copies of Shortlisted Firms to Arch/Eng/CM Selection Review Committee in Preparation for Presentations (Mar 23)																	
Presentations by Shortlisted Firms (Mar 30-31)																	
Design Professional(s) Selected (Mar 31)																	
Contract Negotiations (3 weeks)																	
Design Professional Under Contract (Apr 29)																	

Dutchess County Debt Service Analysis

Year	Current Outstanding Debt Service ALL OTHERS	New Projects Debt Service ¹	Total Debt Service ALL OTHERS	Current Outstanding Debt Service SHERIFF / JAIL	New Justice and Transition Center ²	Total Debt Service SHERIFF / JAIL	Total Debt Service	Budget Impact Increase/ (Decrease) in Debt Service
2016	18,799,015		18,799,015	1,828,004		1,828,004	20,627,019	
2017	17,207,885	1,582,309	18,790,194	1,464,553	176,562	1,641,115	20,431,309	(195,710)
2018	14,974,125	2,412,445	17,386,570	1,339,013	885,517	2,224,530	19,611,100	(820,209)
2019	13,482,266	3,386,242	16,868,508	1,287,403	2,326,971	3,614,374	20,482,882	871,782
2020	12,311,456	4,357,288	16,668,744	94,650	4,544,779	4,639,429	21,308,173	825,291
2021	9,820,881	5,875,141	15,696,022	91,725	9,867,335	9,959,060	25,655,082	4,346,909

¹New Projects include: \$11.6M in projects that have already been authorized but have not yet been bonded, \$4M for the Partnership for Manageable Growth Program, \$20M for county buildings and infrastructure maintenance, \$20M for road and bridge repair and improvements, \$326K for public transit bus replacement (our share- 10%), \$6M for DCC buildings and infrastructure maintenance, \$2.7M for vehicle replacement, \$6M for DPW equipment replacement, \$1.3M in parks upgrades and infrastructure maintenance, \$1.5M to partner on a Youth Service Center and \$380K for Airport projects (our share- 5%). The debt service calculation includes an average bond interest rate of 2.72% for 2016, 2.93% for 2017, 3.12% for 2018, 3.12% for 2019 and 2.83% for 2020 bonds.

²Years 2017-2020 reflect the cost of BANS with the bond issued in 2020 and debt service on the bond beginning in 2021.

Note: The Justice and Transition Center (JTC) Cost Benefit Analysis compares JTC operations plus the \$9.9M debt service vs. the alternative practice of housing out and the cost of our current jail and it's upkeep. That analysis reflects a cost savings of \$5.3M annually beginning in 2021. The debt service analysis above reflects current outstanding debt service and new debt service on projected capital projects county-wide and its year to year impact on the County Budget. Over the next five years current debt service will decrease by (\$10.8M) with only \$5.9M in new debt service excluding the debt service associated with the JTC project, for a debt service savings of \$4.9M.

2016 Debt Service Summary by Fund			
Fund	Serial Bond Principal	Serial Bond Interest	Debt Service Totals
General Fund	14,384,107	4,080,786	18,464,893
Community College	1,307,522	181,353	1,488,875
Airport	260,723	56,697	317,420
Public Transportation	291,408	64,423	355,831
Total	16,243,760	4,383,259	20,627,019

2016 Debt Service Summary by Department			
Department	Serial Bond Principal	Serial Bond Interest	Debt Service Totals
Community College	\$1,307,522	\$181,353	\$1,488,875
DPW Airport	\$260,723	\$56,697	\$317,420
DPW Buildings	\$3,518,184	\$998,159	\$4,516,343
DPW Highway & Engineering	\$5,312,315	\$1,732,849	\$7,045,164
DPW Parks	\$933,713	\$336,217	\$1,269,930
Emergency Response	\$612,061	\$239,716	\$851,777
Finance	\$1,515,000	\$308,260	\$1,823,260
Jail	\$1,583,500	\$256,453	\$1,839,953
Public Transportation	\$291,408	\$64,423	\$355,831
Office of Central and Information Systems	\$639,745	\$99,399	\$739,144
Planning & Development	\$210,846	\$90,088	\$300,934
Probation & Community Correction	\$45,743	\$13,293	\$59,036
Sheriff	\$13,000	\$6,352	\$19,352
Total	\$16,243,760	\$4,383,259	\$20,627,019

Why we need the Justice & Transition Center...

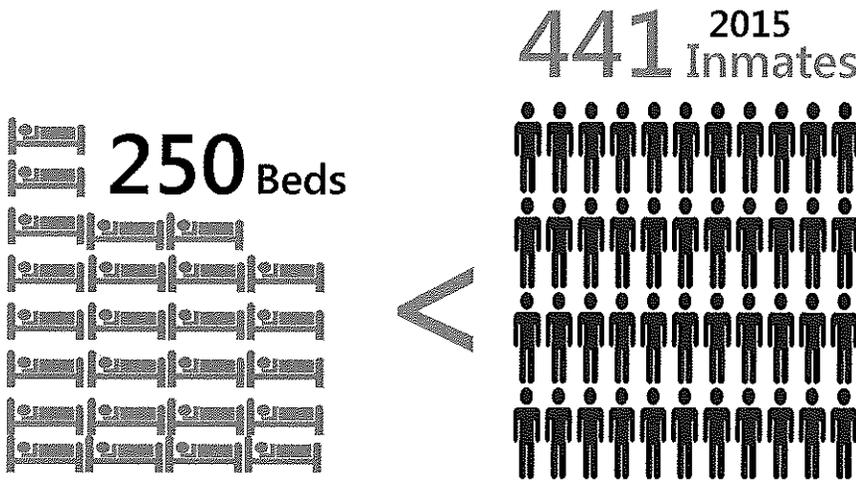
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The Dutchess County Jail is a State Mandate

New York County Law § 217

"Each county shall continue to maintain a county jail as prescribed by law."

The current County Jail is old, inefficient, unsafe, and too small for our jail population. The lack of space has necessitated housing hundreds of inmates in other county jails around the state, at a cost to taxpayers of **\$8 million per year**. Housing out is inhumane, and limits access to the courts and critical programming.



Temporary housing (PODS) have allowed all inmates to stay in Dutchess County. Length of stay and population numbers have declined, programming has expanded and taxpayers are saving \$1 million annually. However, the PODS variance is only temporary. If funding is not approved for the Justice & Transition Center by April 1st, the variance will be revoked by the state and the PODS must be shut down and housing out will continue.

Alternatives to Incarceration:

Dutchess County has a robust system of Alternatives to Incarceration. Probation officers screen inmates in the jail every day for alternative options based on risk. Programming efforts include:

2,500 On Probation

650 Average # in ATIs in 2015

13% Incarcerated

- Mobile Crisis Intervention Team
- Crisis Intervention Training for Law Enforcement
- Mental Health First Aid Training
- Teen Intervene prevention program
- Function Family Therapy initiative
- Restorative Justice Model for Youth
- Beacon Drug Court
- County Felony Drug Court
- Saturday Arraignment Pilot
- 24/7 Public Defense at Arraignment
- Consolidated Hybrid Interim Program
- RESTART re-entry & transition programming
- Job Training & Placement

County	Incarceration Rate
Dutchess*	135
Albany	185
Orange	164
Rensselaer	194
Broome	248
Chautauqua	207
Onondaga	225
Oneida	186
Niagara	185
Ulster	134

Dutchess County's incarceration rate is well below the national and state average per one hundred thousand of population. Our programming efforts have produced a rate lower than our peer county with similar jail populations.

Women's Reporting Center
Specialized services for women including child care and peer mentoring.

Stabilization Center
Opening later this year, the center will serve as a 24/7 resource to divert individuals from jail.

* As of February 24th



DUTCHESS COUNTY ASSOCIATION OF CHIEFS OF POLICE

P.O. Box 5147, Poughkeepsie, New York 12602-5147

*President – Captain Gerry Lennon, Dutchess County Sheriff’s Office
Vice President – Lieutenant Robert Benson, Town of Hyde Park Police
Secretary – Chief Douglas Solomon, City of Beacon Police
Treasurer – Captain Michael Jankowiak, New York State Police*

**RESOLUTION IN SUPPORT OF THE DUTCHESS COUNTY JUSTICE AND
TRANSITION CENTER PROJECT**

WHEREAS, the Dutchess County Jail is outdated, too small, and an inefficient structure to operate, and

WHEREAS, the Dutchess County Sheriff’s Office was constructed in 1928 and due to the building’s age and design is deficient in a variety of ways including but not limited to; inadequate space for the staff and public to interact, modern law enforcement activities cannot be conducted properly, and parts of the building has accessibility challenges, and

WHEREAS, the Dutchess County government has proposed a construction project entitled the Dutchess County Justice and Transition Center Project (DCJTCP), and

WHEREAS, DCJTCP entails the renovation and construction of a new correctional facility and the construction of a new Sheriff’s Office through renovation of an existing structure and new construction on the former Taylor Manufacturing site on Parker Avenue in the City of Poughkeepsie, and

WHEREAS, Dutchess County government has conducted an extensive and thorough review and analysis of the Dutchess County criminal justice system, and

WHEREAS, Dutchess County government has conducted an extensive and thorough review and analysis of the various alternative to incarceration programs that it offers to people involved in the criminal justice system, and

WHEREAS, as a result of this review and analysis, Dutchess County government has enhanced its alternative to incarceration programs, and

WHEREAS, Dutchess County government has made a commitment to provide Crisis Intervention Training (CIT) to every police officer in Dutchess County in order to assist police officers in dealing with people who have mental health and substance abuse issues, and

WHEREAS, Dutchess County government has commenced working on a construction project at 230 North Rd, Poughkeepsie entitled the Stabilization Center, and

WHEREAS, the Stabilization Center will be a resource for police officers to bring people with mental health and substance abuse issues instead of bringing them to the Dutchess County Jail, and

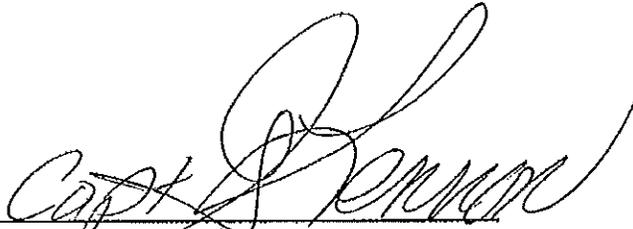
WHEREAS, the County Executive has stated publicly that if Dutchess County government does not construct a new correctional facility that the New York State Commission on Correction will revoke the variance that it gave allowing the construction of the temporary inmate housing facilities, commonly known as the PODS, and

WHEREAS, the County Executive has publicly stated that if the variance is revoked, the County will be forced to house its inmates in other correctional facilities at a cost of millions of dollars to the taxpayers of Dutchess County that the County has not budgeted for, and

WHEREAS, the Dutchess County Chief's Association is against the housing out of inmates due to inherent risks associated with housing out to the law enforcement officers who are involved in transporting the inmates across the state, and

WHEREAS, Dutchess County government has sought input on the DCJTCP from a wide cross section of County residents by holding numerous public meetings, now therefore be it

RESOLVED, that for all of the reasons stated above, the Dutchess County Police Chief's Association supports the construction of the Dutchess County Justice and Transition Center Project.

A handwritten signature in cursive script, appearing to read "Capt. G. Lennon", written over a horizontal line.

Unanimous approval by vote 02-24-16
Dutchess County Association of Chiefs of Police
President, Gerard F. Lennon
Dutchess Co. Sheriff's Office

Morris, Carolyn

From: Dblalock [dblalock5270@gmail.com]
ent: Thursday, February 04, 2016 9:02 AM
fo: CountyLegislature
Subject: Jail expansion

Dear Legislators,

As you are listening to the presentation on jail expansion I would hope that you are also thinking of ways to improve on any model offered. Your role is to define policy and the county executive's is to implement it. This is your time to put in the hard work of determining what is in the best interest of everyone involved and how to keep from jumping headlong down a rabbit hole that could pull our struggling economy down beyond any hopes of recovery. The county has enacted several measures to reduce the number of individuals who would in the past have been housed in the jail and programs that should, given some time, reduce recidivism. We need to give those and perhaps other worthwhile endeavors a chance to work. I understand that we have to replace the oldest portion of the jail but am opposed to jumping into a huge project that will negatively impact the county budget and taxpayers for decades.

Dutchess County residents are already struggling to pay their taxes and way too many are just walking away from the investment they've made in their homes because there are few jobs and no substantial relief in sight. We can't afford to lose taxpayers which is why you need to go slowly and use caution when making a decisions on important issues such as this. I urge you to do the work to make sure any expenditure has quantifiable value and to be able and willing to individually validate your reasoning to the citizens and taxpayers of this county because you are making critical decisions on their behalf.

Respectfully

Debra Blalock

Respectfully

Debra Blalock

Morris, Carolyn

From: White, Jessica
Sent: Sunday, February 07, 2016 7:12 PM
To: Strawinski, Micki
Cc: Morris, Carolyn
Subject: RE: Jail Debt Service

Hello Legislator Strawinski,

When our financial advisors prepare the bond schedules their numbers are precise to multiple decimal places. The difference of \$4 that you are calculating is a result of their exact figures including change in each cell (which you do not see) adding to a total vs. your entries of whole numbers adding to a total-- so the difference is due to rounding. I am copying Carolyn in the event that other Legislators have this same question. Please let me know if you have any further questions or concerns.

Regards,
Jess

From: Micki Walsh-Strawinski [mickiws7856@gmail.com]
Sent: Friday, February 05, 2016 9:56 AM
To: White, Jessica
Subject: Jail Debt Service

Hi Jessica -

I think there is a little typo in the Jail Debt Service totals. I have attached a spread sheet that shows: Interest total should be 82,213,726 and total should be 274,363,726. Unless there is some other explanation as to why it is a mere \$4 off.

Best
Micki Strawinski

Morris, Carolyn

From: Black, Hannah
Sent: Sunday, February 07, 2016 10:24 PM
To: Morris, Carolyn
Subject: FW: Costly Jail!!

Hi Carolyn,

Will you please forward the below email to the entire Legislature? Mr. Gehlert would like his concerns read by all legislators. Thank you!

Hannah Black
Dutchess County Legislator
District 4
Town of Hyde Park

From: EdGehlert41@aol.com [EdGehlert41@aol.com]
Sent: Saturday, February 06, 2016 12:14 PM
To: Black, Hannah
Cc: countyexec
Subject: Costly Jail!!

Hannah:

When you ran for office you were opposed to this new jail idea.

in order to blunt the cost may I suggest an idea, if proposal is ok.

Building needs to be energy efficient & use as much natural lite as possible.
(Natural lite will reduce inmates & guards LDS.)

Also in order to reduce cost's SOLAR needs to be applied to building & or property.

This way at least some if not all of the energy cost's will be covered, if large enough
maybe even help cover some BOND cost!!

Here is another: I am sure there is some Fed. money, but set up a FAST CHARGE
for newer plug in vehicles with Solar on roof. Employees, County could use as we move
away from gas & diesel cars.

Thanks,

Edgar Gehlert
Hyde Park
8453668879

Morris, Carolyn

From: dblancero@jponline.com
ent: Friday, March 11, 2016 9:29 PM
fo: County Legislators; CountyLegislature
Subject: Bond for Jail

County Legislators:

As a resident of Dutchess County, I oppose the \$192 million bond for a jail/sheriff's complex that the County Legislature will vote on at its March 21 meeting. Past County-commissioned, and taxpayer-funded, studies have documented other approaches that will save taxpayers money while keeping people out of jail, and lead to safer healthier communities. We ask that the County's Executive branch and the Legislature do the work necessary to save lives as well as money and come up with a better, more affordable plan.

--
Douglas Blancero
Red Hook, New York
dblancero@gmail.com

Morris, Carolyn

From: victoria [vram@aol.com]
ant: Thursday, March 10, 2016 8:23 PM
To: CountyLegislature
Subject: New jail

No one can afford this \$192 million plus
Jail...the city deserves to be included in this gigantic bill decision...city needs monies to clean up the
streets..drugs..housing..maybe if you did that we wouldn't need a bigger jailhouse..???..it's obscene ..dutchess
county has no jobs..people leaving in grooves and now tax us even more...

Victoria arrick rn
Lagrangeville ny

Morris, Carolyn

From: Joel Tyner [joeltyner@earthlink.net]
Sent: Sunday, March 06, 2016 1:08 PM
To: CountyLegislature
Subject: Oppose the \$192 million jail bond

County Legislators

As a resident of Dutchess County, I oppose the \$192 million bond for a jail/sheriff's complex that the County Legislature will vote on at its March 21 meeting. Past County-commissioned, and taxpayer-funded, studies have documented other approaches that will save taxpayers money while keeping people out of jail, and lead to safer healthier communities. We ask that the County's Executive branch and the Legislature do the work necessary to save lives as well as money and come up with a better, more affordable plan.

--

Joel Tyner
joeltyner@earthlink.net
Staatsburg

Morris, Carolyn

From: Debra Blalock [debrablalock2012@yahoo.com]
sent: Sunday, March 06, 2016 10:33 AM
To: CountyLegislature
Subject: Oppose the \$192 million jail bond

County Legislators

As a resident of Dutchess County, I oppose the \$192 million bond for a jail/sheriff's complex that the County Legislature will vote on at its March 21 meeting. Past County-commissioned, and taxpayer-funded, studies have documented other approaches that will save taxpayers money while keeping people out of jail, and lead to safer healthier communities. We ask that the County's Executive branch and the Legislature do the work necessary to save lives as well as money and come up with a better, more affordable plan.

--

Debra Blalock
debrablalock2012@yahoo.com
Milan, NY

Morris, Carolyn

From: Elisa Sumner [Elisasumner@gmail.com]
Sent: Sunday, March 06, 2016 10:11 AM
To: CountyLegislature
Subject: Oppose the \$192 million jail bond

County Legislators

As a resident of Dutchess County, I oppose the \$192 million bond for a jail/sheriff's complex that the County Legislature will vote on at its March 21 meeting. Past County-commissioned, and taxpayer-funded, studies have documented other approaches that will save taxpayers money while keeping people out of jail, and lead to safer healthier communities. We ask that the County's Executive branch and the Legislature do the work necessary to save lives as well as money and come up with a better, more affordable plan.

--
Elisa Sumner
Elisasumner@gmail.com
Dover plains

Morris, Carolyn

From: Kristofer Munn [kristofer@munn.com]
Sent: Monday, March 07, 2016 1:27 PM
To: CountyLegislature
Subject: Oppose the \$192 million jail bond

County Legislators

As a resident of Dutchess County, I oppose the \$192 million bond for a jail/sheriff's complex that the County Legislature will vote on at its March 21 meeting. Past County-commissioned, and taxpayer-funded, studies have documented other approaches that will save taxpayers money while keeping people out of jail, and lead to safer healthier communities. We ask that the County's Executive branch and the Legislature do the work necessary to save lives as well as money and come up with a better, more affordable plan.

--
Kristofer Munn
kristofer@munn.com
Red Hook

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 1. Power to Contract Indebtedness and Periods of Probable Usefulness

McKinney's Local Finance Law § 11.00

§ 11.00 Periods of probable usefulness

Effective: October 26, 2015

Currentness

a. A municipality, school district or district corporation may not contract indebtedness for any object or purpose for a period longer than the period of probable usefulness set forth below for such object or purpose, provided, however, that for purposes of selling bonds or notes evidencing indebtedness contracted for any two or more objects or purposes, or any combination thereof, for which the periods of probable usefulness as determined pursuant to this section are not all the same, such indebtedness may be contracted for a period no longer than the weighted average period of probable usefulness of the objects or purposes. Unless the context requires otherwise, whenever the phrase "period of probable usefulness" is used in this chapter, it shall include weighted average period of probable usefulness. For purposes of this chapter, indebtedness contracted for an object or purpose (or class of objects or purposes) shall be deemed to be contracted for no longer than the period of probable usefulness of such object or purpose (or class of objects or purposes) irrespective of whether such indebtedness is combined with indebtedness contracted for other objects or purposes (or classes of objects or purposes) for purpose of sale and the combined indebtedness is contracted for the weighted average period of probable usefulness of all of the objects or purposes (or classes of objects or purposes) for which it is contracted. Weighted average period of probable usefulness shall be determined by the governing body by computing the sum of the products derived from multiplying the dollar value of the portion of the proceeds of the indebtedness expected to be received for each object or purpose (or class of objects or purposes) by the period of probable usefulness, or, if less, the maximum authorized maturity of indebtedness to be contracted for such object or purpose (or class of objects or purposes), as determined by the bond resolution authorizing such indebtedness, and dividing the resulting sum by the dollar value of the proceeds expected to be received by the municipality, school district or district corporation from the combined indebtedness. Preliminary costs of surveys, maps, plans, estimates, and hearings in connection with a capital improvement, and costs incidental to such improvement, including but not limited to legal fees, printing or engraving, publication of notices, taking of title, apportionment of costs, and interest during construction, shall be deemed part of the cost of the object or purpose in connection with which they are incurred. Where a municipality is authorized by law to pay to the state or a county all or part of the cost of a capital improvement, the period of probable usefulness determined in this paragraph for a like capital improvement shall be the period of probable usefulness for the municipality's share of the cost of such capital improvement. The period of probable usefulness of each such object or purpose is hereby determined to be as follows:

1. Water systems. The acquisition, construction or reconstruction of or addition to a water supply or distribution system, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, forty years, except for the city of New York; for the city of New York, fifty years, as authorized by section two of article eight of the state constitution; the replacement of such furnishings, fifteen years.

the franchises thereof or original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, ten years; the replacement of such furnishings, five years.

10. Bridges, tunnels, viaducts and underpasses. The acquisition, construction or reconstruction of or addition to a bridge, tunnel, viaduct or underpass, whether or not including the acquisition of land or rights in land, and whether or not including retaining walls or approaches thereto, of stone, concrete, or steel or of a combination of two or more of these materials, if the estimated cost of the improvement, as set forth in the resolution authorizing the issuance of obligations therefor is in excess of five million dollars, forty years; if the estimated cost of the improvement, as set forth in the resolution authorizing the issuance of obligations therefor is five million dollars or less, twenty years, except land or rights in land; land or rights in land for such an improvement, thirty years; painting as may be necessary from time to time for the preservation and restoration of a bridge, ten years.

11. Buildings. The acquisition or construction of buildings not included in any other subdivision hereof, whether or not including grading or improvement of the site, original furnishings, equipment, machinery or apparatus required for the purposes for which such buildings are to be used, as follows:

(a) Class "A" (fireproof and certain fire resistant) buildings.

(1) Buildings, the walls of which are constructed of brick, stone, concrete, metal or other incombustible material, and in which there are no wooden beams or lintels, except wood glue laminated structural members, and in which the floors, roofs, stairhalls, and other means of vertical communication between floors and their enclosures are built entirely of brick, stone, metal or other incombustible materials, and in which no woodwork or other inflammable material is used in any of the rough partitions, floor or ceiling structures, or

(2) Buildings, not more than one story above the ground, the outer walls of which are constructed of brick, stone, concrete, metal, stucco or other fire-resisting material and which are to be used as school houses by school districts wholly outside of a city, thirty years.

(b) Class "B" (fire-resistant) buildings. Buildings, the outer walls of which are constructed of brick, stone, concrete, metal, stucco or other fire-resisting material, twenty-five years.

(c) Class "C" buildings. Buildings which are neither class "A" nor class "B", as defined in items (a) and (b) above, including any such building which is rebuilt or altered so that it, together with any addition or vertical or other extension, is not fireproof or fire-resisting, as thus defined, fifteen years.

12. Additions to or conversion of buildings. (a) (1) The construction of an addition or additions to or the reconstruction of a class "A" building, whether or not such construction or reconstruction includes grading or improvement of the site, twenty-five years, except as hereinafter provided; the conversion of a class "B" or class "C" building into a class "A" building, whether or not such conversion includes grading or improvement of the site, twenty-five years. If indebtedness has been contracted or is to be contracted with a maximum maturity of over twenty-five years, but not to exceed thirty years, to finance the cost of acquisition or construction of a class "A" building and if more than twenty-five annual installments of principal on the indebtedness evidenced or to be evidenced by bonds or notes have not matured, then the foregoing twenty-five year period of probable usefulness for the construction of an addition to such class "A" building shall be increased by the number of years over twenty-five as there are unmatured annual installments of principal on such indebtedness which has been or is to be contracted for the class "A"

88. [Added by L.1990, c. 540, § 1. See, also, subd. 88 below] Criminal justice information system in the county of Suffolk. The expenses incurred by the county of Suffolk for the acquisition and installation of a criminal justice information system, including computer hardware and software, reconstruction of county buildings and facilities required in connection with such installation and furnishings and equipment to be used in connection with such system, ten years.

89. [Added by L.1990, c. 796, § 1. See, also, subd. 88 above] Underground liquid fuel tanks. (a) the acquisition and installation of tanks for the storage of liquid fuel at ambient pressure, including connected pipes, valves, meters, pumps, leak detection equipment and vent alarms and the construction of groundwater monitoring wells, fifteen years;

(b) the excavation, emptying or disposal of such existing tanks or their contents, ten years.

89. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least five years, five years.

90. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least ten years, ten years.

91. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least fifteen years, fifteen years.

92. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least twenty years, twenty years.

93. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least twenty-five years, twenty-five years.

94. One or more objects or purposes for which a period of probable usefulness has been determined under any other subdivision of this paragraph to be at least thirty years, thirty years.

95. Payment by Suffolk county for the retirement incentive programs adopted in nineteen hundred ninety-five in accordance with the provisions of chapter twelve of the laws of nineteen hundred ninety-five and in nineteen hundred ninety-seven in accordance with the provisions of chapter forty-one of the laws of nineteen hundred ninety-seven, and payment by Suffolk county for past service payments pursuant to any special retirement plan for sheriffs, undersheriffs and deputy sheriffs in accordance with the provisions of chapter one hundred sixty-five of the laws of nineteen hundred ninety-five, the time remaining as the payment period under such statutes.

96. Payment by the village of Rockville Centre, in the county of Nassau, of contributions to the New York state and local police and fire retirement system to provide additional pension benefits, pursuant to section three hundred eighty-four-e of the retirement and social security law, to police officers employed by such village, ten years.

one county, a duplicate original of such bond, approved by the finance board, or in the case of the city of New York the chief fiscal officer thereof, shall be filed in the office of the clerk of each county in which the municipality, school district or district corporation is located, except that in a city containing more than one county such bond shall be filed only in the office of the city clerk. The expense of such bond shall be a charge upon the municipality, school district or district corporation. The provisions of this paragraph shall not apply to a bank or trust company which has been designated as fiscal agent of a municipality, school district or district corporation pursuant to the provisions of paragraph a of this section, unless the finance board of such municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall by resolution determine that such bank or trust company shall be required to furnish a bond for the faithful performance of its duties as fiscal agent.

c. No municipality, school district or district corporation, or any fiscal agent thereof, shall charge, impose, collect, or receive from the holder of any obligation issued pursuant to this chapter, or issued pursuant to laws in effect prior to the effective date of this chapter, any fee or consideration for any services required to be performed by a fiscal agent pursuant to the provisions of this chapter. However, the holder of an obligation shall bear the expense of preparing new bonds or coupons which he shall request to be issued pursuant to the provisions of title five of this article, also the actual and necessary expenses for the mailing, shipping or the insuring of obligations incurred in connection with the rendition of services performed by a fiscal agent at his request. At least annually every fiscal agent shall render to and file with the finance board of the municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, for which he or it acts a statement of all moneys received and disbursed by such agent for the expenses mentioned in this paragraph. Notwithstanding the foregoing provisions of this paragraph, if the finance board of a municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall determine that it would be to the financial advantage of the municipality, school district or district corporation not to impose and collect such mailing, shipping or insurance charges, it may adopt a resolution directing its fiscal agent not to impose and collect any or all of such charges.

d. Notwithstanding any other provisions of law, the comptroller of the city of New York may prescribe rules and regulations for the registration, conversion, reconversion and transfer of the bonds and notes of the city of New York, including the preparation and substitution of new bonds, for the payment of the principal thereof, redemption premium, if any, and interest thereon, and for other authorized services to be performed by such fiscal agent.

e. Any bank or trust company acting as the fiscal agent of a municipality, school district or district corporation may bid for, purchase, acquire, hold, sell or dispose of obligations of the municipality, school district or district corporation for which it acts as such agent, and may enter into other service contracts with the municipality, school district or district corporation. No bank or trust company acting as such fiscal agent shall print, engrave, or otherwise prepare, new bonds or coupons required in connection with the conversion and reconversion of bonds as provided in title five of this article, if such bank or trust company acts as fiscal agent in such conversion or reconversion.

Credits

(L.1942, c. 424. Amended L.1944, c. 614, § 2; L.1945, c. 837, § 19; L.1946, c. 806, § 11; L.1947, c. 590, eff. May 1, 1947; L.1947, c. 591, eff. May 1, 1947; L.1983, c. 483, § 4, eff. July 15, 1983.)

McKinney's Local Finance Law § 70.00, NY LOC FIN § 70.00
Current through L.2016, chapter 1.

McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 4. Local Obligations: Terms, Form and Contents Thereof; Sale and Issuance Thereof

McKinney's Local Finance Law § 52.00

§ 52.00 Recital of validity in obligations

Currentness

Any obligation issued by a municipality, school district or district corporation may contain on its face a recital in substantially the following form:

“It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this (*Here insert type of obligation*), exist, have happened and have been performed, and that the issue of (*Here insert type of obligations*) of which this is one, together with all other indebtedness of such (*Here insert name of municipality, school district or district corporation*) is within every debt and other limit prescribed by the Constitution and laws of such State.”

Credits

(L.1942, c. 424.)

McKinney's Local Finance Law § 52.00, NY LOC FIN § 52.00
Current through L.2016, chapter 1.

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McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)
Chapter 33-a. Of the Consolidated Laws
Article II. Local Indebtedness
Title 6. Local Obligations: Estoppel from Contesting Validity Thereof

McKinney's Local Finance Law § 81.00

§ 81.00 Bond resolution, or note resolution or certificate, containing estoppel clause; publication and notice

Currentness

a. If a resolution of a finance board authorizing the issuance of bonds or notes or the certificate of a chief fiscal officer authorizing the issuance of notes contains the statement referred to in section 80.00 of this chapter, such resolution after adoption, or a summary of such resolution, or such certificate after its execution and filing, shall be published in full by the clerk of the municipality, school district or district corporation or such other official or person as the finance board or such fiscal officer may designate, together with a notice in substantially the following form:

“The resolution (or the resolution a summary of which is) (or certificate) published herewith has been adopted (or authorized) on the _____ day of _____, 19____, and the validity of the obligations authorized by such resolution (or certificate) may be hereafter contested only if such obligations were authorized for an object or purpose for which the (Here insert name of municipality, school district or district corporation) is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

.....
(Clerk or other official or person designated by the finance board or chief fiscal officer)”

If a summary of such resolution is published as provided in this section, such summary shall list the class or classes of objects or purposes for which the obligations to be authorized by such resolution are to be issued together with the period or periods of probable usefulness and the amount of obligations to be issued for each such class of objects or purposes, and in addition, such summary shall state an office of the municipality, school district or district corporation where the resolution summarized thereby shall be available for public inspection. Such resolution shall be kept available for public inspection at such office during normal business hours for twenty days following the publication of such summary as provided in this title.

b. However, if such resolution is subject to a mandatory or permissive referendum, or is submitted to a referendum by the finance board on its own motion, such resolution or summary thereof shall not be published together with such notice until it shall have been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, until the period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed, and such notice shall state that such resolution has been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, that the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed, as the case may be.

c. If any bond resolution or capital note resolution does not contain a determination of the period of probable usefulness of the specific object or purpose or class of objects or purposes for which such resolution authorizes the issuance of obligations, there shall be published, together with such resolution or summary thereof and notice, the certificate of the appropriate body or official containing such determination.

d. Such publication as shall be required by this section shall be in the official newspaper or newspapers of the municipality, school district or district corporation or if there be no such newspaper or newspapers, then in such newspaper or newspapers having a general circulation in the municipality, school district or district corporation as the finance board shall designate.

Credits

(L.1942, c. 424. Amended L.1944, c. 608, §§ 26, 27; L.1981, c. 1050, § 4, eff. Nov. 11, 1981, deemed eff. Oct. 31, 1981.)

McKinney's Local Finance Law § 81.00, NY LOC FIN § 81.00
Current through L.2016, chapter 1.

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