# Attendance Sheets

| District | Last Name | Present | Absent | Present/Late |
|---|---|---|---|---|
| District 14 - Town of Wappinger | Amparo | ✓ | | |
| District 4 - Town of Hyde Park | Black | ✓ | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | ✓ | | |
| District 3 - Town of LaGrange | Borchert | ✓ | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | ✓ | |
| District 22 - Towns of Beekman and Union Vale | Coviello | ✓ | | |
| District 6 - Town of Poughkeepsie | Flesland | ✓ | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | ✓ | | |
| District 21 - Town of East Fishkill | Horton | ✓ | | |
| District 15 - Town of Wappinger | Incoronato | ✓ | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | ✓ | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | ✓ | | |
| District 12 - Town of East Fishkill | Metzger | ✓ | | |
| District 17 - Town and Village of Fishkill | Miccio | ✓ | | |
| District 1 - Town of Poughkeepsie | Nesbitt | | ✓ | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | ✓ | | |
| District 9 - City of Poughkeepsie | Rieser | ✓ | | |
| District 5 - Town of Poughkeepsie | Roman | ✓ | | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | ✓ | | |
| District 20 - Town of Red Hook | Strawinski | ✓ | | |
| District 24 - Towns of Dover and Union Vale | Surman | | ✓ | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | ✓ | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | ✓ | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | ✓ | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | ✓ | | |
| **Present:** 22 | **Total:** | 22 | 3 | |
| **Absent:** 3 | | | | |
| **Vacant:** 0 | | | | |

**Date: 04/11/2017**

Regular Meeting

of the

Dutchess County Legislature

Tuesday, April 11, 2017

The Clerk of Legislature called the meeting to order at 7:00 p.m.

Roll Call by the Clerk of the Legislature

PRESENT: 22 Borchert, Miccio, Bolner, Strawinski, Amparo, Black, Coviello, Forman, Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger, Pulver, Rieser, Roman, Sagliano, Thomes, Truitt, Tyner, Washburn

ABSENT: 3 Brendli, Nesbitt, Surman

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Pastor Linda Willey of Fishkill United Methodist Church, followed by a moment of silent meditation.

**Proclamations, Commendations, and Presentations**

Proclamation: Autism Awareness Month

The Chairman entertained a motion from the floor, duly seconded, to suspend the rules to allow the public to address the Legislature with respect to agenda items.

Elizabeth Armstrong, Town of Poughkeepsie, spoke in support of the reestablishment of the Human Rights Commission and urged the Legislature to develop sanctuary policies.

Torre Aslam, spoke in favor of Resolution No. 2017059 and urged support for youth services.

No one else wishing to be heard, the Chairman entertained a motion from the floor, duly seconded, to resume the regular order of business.

Chairman Borchert entertained a motion to approve the March 2017 minutes.

The March 2017 minutes were adopted.

**Reports of standing committees, special committees, and liaisons to other committees and boards**

## COMMUNICATIONS RECEIVED FOR THE APRIL 2017 BOARD MEETING

Received from County Clerk, March foreclosure statistics.

Received from Town of LaGrange Town Clerk, Notice of Public Hearing for A Local Law to Amend the Zoning Map Established By section 240-22 of Chapter 240, "Zoning," of the Town Code to Change the Zoning District Designation of Three (3) Parcels from General Business ("GB," Formerly "C-2:0 Zoning District to the Commercial ("C") Zoning District.

Received the following from Seneca County Board of Supervisors:

Resolution No. 42-17, Urging the Governor and State lawmakers to Provide Funding for Local Update of Census Addresses (LUCA),

Resolution No. 53-17, Supporting Research and Funding to Address Harmful Algal Blooms in the Finger Lakes and Southern Tier Region, and

Resolution No. 37-17, Board of Supervisors Expresses Opposition to Unfunded State Mandates.

Received from Sullivan County Legislature, Resolution No. 87-17, Requesting an Extension of New York State Tax Law Section 1210 (33) Which Authorized an Increase to the Three Percent Rate Authorized by State Tax Law for the Period Beginning December 1, 2017, and Ending November 30, 2019, for a Total Sales Tax Rate of 8%, 4% of Which Would be Revenue for Sullivan County.

Received from Greene County, Resolution No. 96-17, Supporting Cornell Cooperative Extension Associations in the State of New York.

Received from Senator Terrence P. Murphy, letter requesting the County to send Home Rule requests before the end of session.

Received emails from the following in support of making Dutchess County a sanctuary county:

Catherine McNary, Staatsburg

Anibal Roberto Garcia, Tivoli

Karen Bogart, Hyde Park

Linda Haas Manley, Poughkeepsie

Received letters from the following in support of making Dutchess County a sanctuary county:

Rob Baumstone, Stanfordville

Cathleen Meccariello, Stanfordville

Received from Commissioner of Public Works, Order of Succession.

Received from Budget Director, Contingency and Capital Reserve Account Status as of March 9, 2017.

Received from Water and Wastewater Authority, Unapproved February 15, 2017 Minutes and draft agenda for March 22, 2017 meeting.

Public Safety

RESOLUTION NO. 2017055

RE: AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES AND THE DISTRICT ATTORNEY

Legislators ROMAN, BOLNER, MICCIO, PULVER, SAGLIANO, FLESLAND, TRUITT, BLACK, JETER-JACKSON, HORTON, and LANDISI offer the following and move its adoption:

WHEREAS, the County Executive allocated funds for the 2017 Domestic Violence Outreach Worker Program (Program) to the District Attorney, and

WHEREAS, after allocating such funds it was determined that for the Program the amount of $134,376 is eligible for 49% State reimbursement through the Department of Community and Family Services (DCFS), and

WHEREAS, in order to maximize revenue for the Program it is necessary for DCFS to contract with the District Attorney's office in an inter-departmental agreement for the District Attorney to provide services to DCFS in connection with the Program, and

WHEREAS, it is necessary to amend the 2017 Adopted County Budget to move the amount of $134,376 to the DCFS budget thereby enabling DCFS to benefit from the 49% state reimbursement, and

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2017 Adopted County Budget as follows:

APPROPRIATIONS

| | | |
|---|---|---|
| Increase | | |
| A.1165.10.1010 | Positions | $ 29,531 |
| A.1165.10.8200 | Payments to State Social Security | 2,259 |
| A.1165.10.8400 | Hospital, Med. & Surg. Insurance | 15,513 |
| | | $ 47,303 |
| A.6070.4430.86 | Interdept. Contract DA Services | $134,376 |
| Decrease | | |
| A.6070.4400.4559 | Contract Agencies Family Services | ($47,303) |
| | | $134,376 |

REVENUES

Increase

| | | |
|---|---|---|
| A.1165.10.12650.04 | Attorneys fees, Sp. Victims, DCFS Reimb. | $134,376 |
| | | $134,376 |

CA-045-17
AMS/LDF/kvh/
G-0198-A
03/13/17
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 134,376

Total Current Year Revenue $ 65,844
and Source

Source of County Funds *(check one)*: ☑ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: $42,666

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:
A total of $47,303 currently budgeted in DCFS for a Family Services contracted Domestic Violence Outreach Worker is being moved to the District Attorney's budget as an employee of the County and this position will be included in the 2018 budget for your consideration. Additionally, the County is able to maximize revenue with a contract between DCFS and the DA's Office for all Domestic Violence Outreach Workers, which is why we are increasing the interdepartment transfer.

Prepared by: Tiffanie Massey Prepared On: 3/2/2017

# *Public Safety Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert* | absent | |
| District 17 - Town and Village of Fishkill | Miccio* | ✓ | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | ✓ | |
| District 20 - Town of Red Hook | Strawinski* | absent | |
| District 14 - Town of Wappinger | Amparo* | absent | |
| District 1 - Town of Poughkeepsie | Nesbitt (VC) | absent | |
| District 4 - Town of Hyde Park | Black | ✓ | |
| District 5 - Town of Poughkeepsie | Roman (C) | ✓ | |
| District 6 - Town of Poughkeepsie | Flesland | ✓ | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | ✓ | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 21 - Town of East Fishkill | Horton | ✓ | |

**Present:** 7 **Resolution:** ✓ **Total :** 7 (Yes) 6 (No)

**Absent:** 5 **Motion:** ____ **Abstentions:** 0

**Vacant:** 0

**2017055** AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES AND THE DISTRICT ATTORNEY

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 (Yes) 0 (No)

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017055** AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES AND THE DISTRICT ATTORNEY

Date: April 11, 2017

Family & Human Services

RESOLUTION NO. 2017056

RE: AMENDING RESOLUTION NO. 2016223 REGARDING APPROPRIATION OF COUNTY FUNDS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS AND AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Legislators THOMES, BORCHERT, MICCIO, ROMAN, LANDISI, HORTON, BLACK, TRUITT, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, by Resolution No. 2016223 the Dutchess County Legislature disbanded the original Dutchess County Commission on Human Rights, repealed all prior resolutions adopted by this Legislature in furtherance of the original Dutchess County Commission on Human Rights, and re-established the Dutchess County Commission on Human Rights under new terms and conditions as outlined therein, and

WHEREAS, in 2016 the newly re-established Dutchess County Commission on Human Rights started a project entitled The Transformative Dialogue Project (Project) which is a collaboration among the Commission on Human Rights, Northern Dutchess NAACP and the Dutchess County Interfaith Council, and

WHEREAS, the Project's primary goal is to help improve community relations in the greater Poughkeepsie area by providing locations for people to meet and discuss concerns of their neighborhoods, and

WHEREAS, a memorandum from Jody Miller, EEO Officer/Human Rights Officer and Chairwoman of the Dutchess County Commission on Human Rights dated February 22, 2017 which describes the Project is attached hereto and made a part hereof, and

WHEREAS, the Dutchess County Commission on Human Rights now seeks funding for this Project, in order to train facilitators, monitor the Project, evaluate the Project, and provide for technical assistance, and

WHEREAS, Resolution 2016223, which states at Article 5, entitled "Funding", that "the Commission shall otherwise discharge its duties and obligations without any expenditure of any additional County funds" requires amendment in order to authorize the expenditure of County funds by the Department of Human Resources to support the Project as expressly stated herein, and

WHEREAS, it is also necessary to amend the 2017 Adopted County Budget to provide funds necessary for the implementation of the Project, now therefore, be it

RESOLVED, that Article 5, entitled "Funding", of Resolution 2016223 is hereby amended as follows: "The Department of Human Resources may authorize funding to support the mission of the Dutchess County Human Rights Commission as adopted and approved by the Dutchess County Legislature", and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2017 Adopted County Budget as follows, in order to fund the Transformative Dialogue Project.

APPROPRIATIONS

| | | |
|---|---|---|
| Increase | | |
| A.1430.4401.105 | Professional Services Consultants | $10,000 |
| Decrease | | |
| A.1990.4007 | General Contingency | ($10,000) |

CA-039-17
CEB/kvh/G-0602
03/07/17 1

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 10,000

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☑ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):
A.1990.4007

Related Expenses: Amount $ _____
Nature/Reason:
To facilitate the Transformative Dialogue Project

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:
Estimated cost of program is $14,000.00, less $4,000.00 budgeted, leaving a shortfall of $10,000.00

Prepared by: Donna Lehnert Prepared On: 2/23/2017

MARCUS J. MOLINARO
COUNTY EXECUTIVE

JODY B. MILLER
EEO/HUMAN RIGHTS OFFICER

COUNTY OF DUTCHESS
HUMAN RIGHTS COMMISSION

# Memorandum

To: Marcus Molinaro, Dutchess County Executive

From: Jody Miller, Human Rights/EEO Officer

Date: February 22, 2017

Re: Resolution Request for funding for Transformative Dialogue Project

**Resolution Intention & Purpose**
***Transformative Dialogue Project***
***Building a kinder, safer, more connected Poughkeepsie***
Through one on one, small, and large group conversations, one goal of this project is to strengthen the fabric of the community by providing spaces for people to come together to talk about the things that are of concern to them in their neighborhoods. Begun in 2016, this project began as a collaboration between the Dutchess County Human Rights Commission, Northern Dutchess NAACP and the Dutchess County Interfaith Council. This project builds on the work of the first 3 community gatherings that included ordinary citizens, community leaders from civic organizations, faith organizations, police, and local leaders, with Erik Cleven and Judith Saul of the Institute for the Study of Conflict Transformation (ISCT) consulting about their focus and design. Supporting these conversations going forward will help change the nature of conflict interaction in Poughkeepsie, affecting how individuals understand and react to the situations they find themselves in and allowing groups to deal with their differences in non-violent ways. Another goal of the project is to document the changes in the community and the effectiveness of the dialogue process, allowing Poughkeepsie to serve as a model for other communities interested in becoming kinder, safer and more connected. A diverse steering committee is being formed to guide the project that includes members from the Dutchess County Sheriff's Office, Capt. John Watterson; City of Poughkeepsie Police Chief Tom Pape; DC Legislator and Public Safety Committee Chairman, Ken Roman; Human Rights Commission member, Jen Herman; City of Poughkeepsie Mayor's office; representatives from the Latino community; Elouise Maxey, President, Northern Dutchess NAACP, Tyler Jones, DC Interfaith Council and St. Paul's Episcopal Church; among others.

This request for funding in the amount of $10,000 is for training for facilitators, monitoring and evaluation, and on-going technical assistance.

22 Market Street- Fifth Floor, Poughkeepsie, New York 12601 • (845) 486-2165 • Fax (845) 486-2186
www.dutchessny.gov

# TRANSFORMATIVE DIALOGUE PROJECT

## INTRODUCTION

The Poughkeepsie Transformative Dialogue Project was begun by Jody Miller, EEO/Human Rights Officer, in collaboration with Elouise Maxey, President, Northern Dutchess NAACP and Tyler Jones, Board President, Dutchess County Interfaith Council in the summer of 2016 in an attempt to promote conversation and avoid the kinds of problems occurring in many urban areas in response to police shootings of black males. Three community gatherings have been held, with Erik Cleven and Judith Saul of the Institute for the Study of Conflict Transformation (ISCT) consulting about their focus and design. A diverse steering committee is being formed to guide the project. The community's positive response resulted in the desire to begin a more formal project that will promote positive community change and document that result.

## GOALS

The primary goal of the Poughkeepsie Transformative Dialogue Project is to help improve community relations in Poughkeepsie by providing spaces for people to come together to talk about the things that are of concern to them in their neighborhoods. This includes ordinary citizens, community leaders from civic organizations, faith organizations, police, and local leaders. Supporting these conversations will help change the nature of conflict interaction in Poughkeepsie, affecting how individuals understand and react to the situations they find themselves in and allowing groups to deal with their differences in non-violent ways. The secondary goal of the project is to document the changes in the community and the effectiveness of the dialogue process, allowing Poughkeepsie to serve as a model for other communities interested in becoming kinder, safer and more connected.

Transformative Dialogue is a unique way of approaching conflict, which differs from traditional interventions by focusing on the interactional changes that are key to sustainably decreasing tension and conflict. It puts decisions in the hands of the community members of Poughkeepsie. Through interacting with each other, these community members will shape desired outcomes and may decide to implement specific activities beyond the dialogue. Those leading the dialogue are committed to working through community institutions and networks to build trust and involve key community members in shaping the structure of the dialogue process as well as its content. Finally, facilitators and community members will be involved in monitoring and evaluation, developing and documenting relational markers of change.

This project will be supported by Erik Cleven and Judith Saul, affiliated with the Institute for the Study of Conflict Transformation. The Institute is an international think tank that works to produce educational resources, materials and services for the conflict resolution field and the

general public. It seeks to influence collective responses to diversity and difference in a way that can transform conflict from a negative, destructive and sometimes violent event to a positive and constructive experience.

This project defines activities during the calendar year 2017, though formal and informal dialogue sessions, and activities generated as a result, may continue beyond the year.

## ACTIVITIES

### ON-GOING CONSULTATION WITH STEERING COMMITTEE

Judy and Erik will meet via phone with the Steering Committee to provide guidance on focus and structure as the project unfolds. Since Transformative Dialogue is an emergent process, one that is shaped by participants as it develops, these consultations will help the Steering Committee assess what is happening and consider appropriate next steps. They will also track the results of the monitoring that is done as part of the project. It is anticipated that these consultations will happen one to two times each month.

### INITIAL TRAINING

Erik and Judy will offer two days of training on Transformative Dialogue in late February or early March of 2017. The first half-day will introduce Poughkeepsie leaders, the Steering Committee and those interested in facilitating dialogue to the purpose and practice of Transformative Dialogue, discussing its application to their city. The next 1½ days will provide skill training and practice for facilitators. The agenda for this training will include:

SESSION 1 – ORIENTATION TO TRANSFORMATIVE DIALOGUE

- The Relational Understanding of Conflict
- Conflict in Communities
- An Overview of Transformative Dialogue – Goals, Phases and Principles
- Measuring Success: Creating a Baseline in Poughkeepsie

SESSION 2 – GETTING A TRANSFORMATIVE DIALOGUE STARTED

- Guiding a Transformative Dialogue: Facilitators' Goals and Roles
- Core Skills: Attending, Non-Directive Leading and Listening
- Situating a Transformative Dialogue within the Community
- Having Transformative Conversations: Listening, Reflecting and Educating

SESSION 3 – BRINGING PEOPLE TOGETHER

- Supporting Small Group Conversations: Summarizing, Checking In and Staying Out

- Addressing Relationships: in Groups and Outside Groups
- Supporting Group Interactions: Putting the Skills Together
- Challenges: Power, Culture, Plus

SESSION 4 – FACILITATING LARGE GROUP DIALOGUE SESSIONS

- The Purpose and Practice of Facilitating Large Group Interactions
- Tips for Facilitating Open Discussion
- Markers of Change: Documenting Interactional Shifts
- Alternatives to Open Discussion

**ON-GOING SUPPORT TO FACILITATORS**

While the Initial Training will introduce facilitators to the skills they need and offer opportunities to practice, mentoring is a critical part of what facilitators need to be successful. Erik and Judy anticipate consulting with facilitators monthly via phone or skype. These calls will allow facilitators to discuss their work and to address the challenges they face. They will learn from each other as well as from the consultants. Another critical component of these calls will be to check in on the data facilitators are gathering, ensuring that they are noting and recording interactional changes that happen when they are present and anecdotes they hear about changes that occur outside of the formal dialogue.

**FOLLOW-UP TRAINING:** The content of this 1½ day training will be developed in consultation with the Steering Committee and facilitators and based on their needs. It will include a review of the monitoring effort and data gathered to date. It is tentatively planned for May or June of 2017.

**Monitoring and Evaluation – A Critical Component**

Documenting changes in community relationships can be challenging because many of these changes are nonmaterial ones. The Institute for the Study of Conflict Transformation has nonetheless developed a system of monitoring and evaluation to document relational changes and to evaluate the efficacy of dialogue interventions. This consists of a process that includes establishing a baseline against which to measure change, documenting changes in how people relate and who they relate to, differences in community-police interactions, and in people's attitudes to others.

Monitoring and evaluation can be done at different levels. At the most basic level, coordinators and facilitators of dialogue engage in regular debriefing and documentation of indicators of change that they hear and observe in the course of their interactions with community members and local leaders. This may include differences in the types of social interactions that take place

in the community, expressions of trust towards others, conversations that take place, public statements made, the way people talk about the community and its issues, the level of optimism expressed about their community and neighborhoods etc. The ISCT will support the human rights officer, the dialogue facilitators and others in documenting these changes using a rubric specially designed for the Poughkeepsie project. An intern will compile and organize the evidence collected and work with the ISCT in compiling reports and other outputs. This will help show that the investment in dialogue is paying off and will also show how the effects of dialogue change over time. Dialogue does not necessarily produce quick results, but when it does produce change, those changes can be profound.

## ABOUT THE TRAINERS

Erik Cleven is Assistant Professor of International Relations at Saint Anselm College in Manchester, New Hampshire. He is a member of the board of the Institute for the Study of Conflict Transformation. Erik has lived in Norway for many years and worked for several NGO's. During this time he facilitated dialogue between Russians and Chechens and numerous groups in the former Yugoslavia. Erik may be contacted at erkcleven@gmail.com

**Judy Saul** has almost three decades of experience in mediation, facilitation, and training. A Fellow, Board member and trainer with the Institute, she founded a community mediation center in Ithaca, NY and was its Executive Director for over 25 years. Judy has extensive experience planning and facilitating community dialogues and large-scale planning initiatives and is on the roster of the US Institute for Environmental Conflict Resolution. Judy may be contacted at jsaul@transforamtivemediation.org.

## ABOUT THE INSTITUTE:

The Institute for the Study of Conflict Transformation (ISCT) is a think tank dedicated to supporting the development of resources for the conflict resolution field. Since 2007, the Institute has explored the application of transformative practice to dialogue work and to ethno-political conflict situations. In May, 2012, the first transformative dialogue training was held in Nairobi, Kenya. In January of 2013, the second training was held in Lillehammer, Norway cosponsored by the Nansen Center for Peace and Dialogue. Resource and information about the Institute is available at www.transformativemediation.org.

**BUDGET**

| | |
|---|---|
| Consultation with Steering Committee: | $1,800.00 |
| Initial Two Day Training: | $5,645.00 |
| On-Going Support to Facilitators: | $2,250.00 |
| ½ Day Advanced Training: | $4,305.00 |
| COST: | $14,000.00 |
| Less Appropriations included in 2017 Budget: | -$4,000.00 |
| Total Resolution Request: | $10,000.00 |

MARCUS J. MOLINARO
COUNTY EXECUTIVE

JODY B. MILLER
HUMAN RIGHTS/EEO OFFICER

COUNTY OF DUTCHESS
HUMAN RIGHTS COMMISSION

**Transformative Dialogue**
**Project Description & Steering Committee Purpose**
**February, 2017**

***Transformative Dialogue Project Description***
***Building a kinder, safer, more connected Poughkeepsie***
Through one on one, small, and large group conversations, one goal of this project is to strengthen the fabric of the community by providing spaces for people to come together to talk about the things that are of concern to them in their neighborhoods. Begun in 2016, this project builds on the work of the first 3 community gatherings that included ordinary citizens, community leaders from civic organizations, faith organizations, police, and local leaders. Supporting these conversations will help change the nature of conflict interaction in Poughkeepsie, affecting how individuals understand and react to the situations they find themselves in and allowing groups to deal with their differences in non-violent ways. Another goal of the project is to document the changes in the community and the effectiveness of the dialogue process, allowing Poughkeepsie to serve as a model for other communities interested in becoming kinder, safer and more connected.

***What is Transformative Dialogue?***
Transformative Dialogue is a unique way of approaching ethnic and political conflict, which differs from traditional interventions by focusing on the interactional changes that are key to sustainably decreasing tension and conflict. It puts decisions in the hands of the community members of Poughkeepsie. Through interacting with each other, these community members will shape desired outcomes and may decide to implement specific activities beyond the dialogue. Those leading the dialogue are committed to working through community institutions and networks to build trust and involve key community members in shaping the structure of the dialogue process as well as its content. Finally, facilitators and community members will be involved in monitoring and evaluation, developing and documenting relational markers of change.

***Steering Committee Purpose and Role***
The Transformative Dialogue Project Steering Committee is a committed core group of 7-15 members whose purpose is to provide guidance and support to the project, oversee its operations and make decisions in support of the project's goal of ***building a kinder, safer, more connected Poughkeepsie*** through neighborhood conversations. Steering committee members shall be able to contribute skills, time and resources to the Transformative Dialogue Project. To the extent possible, the steering committee will reflect the diversity of the community.

22 Market Street- Fifth Floor, Poughkeepsie, New York 12601 • (845) 486-2165 • Fax (845) 486-2186
www.dutchessny.gov

**Steering Committee Members (to date):**
Jody Miller, DC Human Rights Commission
Elouise Maxey, Northern Dutchess NAACP
Rev. Tyler Jones, Dutchess County Interfaith Council, St. Paul's Episcopal Church
Ken Roman, DC legislator, Town of Poughkeepsie
Capt. John Watterson, DC Sheriff's Dept.
Chief Tom Pape, City of Poughkeepsie Police
Mayor Rob Rolison, City of Poughkeepsie (or representative)
Jen Herman, DC Human Rights Commission
Gabriela Owen, Community Organizer
Jeanine Burns, Taconic Resources for Independence
Dr. Umar Ahmad, Mid Hudson Islamic Association
Rabbi Leah Berkowitz, Vassar Temple
Rev. Sara McRae, Beulah Baptist Church
Mario Johnson, Nubian Directions

# *Family and Human Services Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | ✓ | |
| District 17 - Town and Village of Fishkill | Miccio* | ✓ | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner * | ✓ | |
| District 20 - Town of Red Hook | Strawinski* | absent | |
| District 14 - Town of Wappinger | Amparo* | absent | |
| District 9 - City of Poughkeepsie | Rieser | ✓ | |
| District 10 - City of Poughkeepsie | Jeter-Jackson (VC) | ✓ | |
| District 16 - Town of Fishkill and City of Beacon | Forman | ✓ | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | ✓ | |
| District 21 - Town of East Fishkill | Horton | ✓ | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes (C) | ✓ | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 9 **Resolution:** ✓ **Total :** 9 (Yes) 0 (No)

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017056** AMENDING RESOLUTION NO. 2016223 REGARDING APPROPRIATION OF COUNTY FUNDS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS AND AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 Yes 0 No

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017056** AMENDING RESOLUTION NO. 2016223 REGARDING APPROPRIATION OF COUNTY FUNDS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS AND AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Date: April 11, 2017

Family & Human Services

RESOLUTION NO. 2017057

RE: TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES, OFFICE OF SPECIAL NEEDS (A.6106.76)

Legislators BORCHERT, THOMES, MICCIO, BOLNER, SAGLIANO, JETER-JACKSON, LANDISI, HORTON and BLACK offer the following and move its adoption:

WHEREAS, in the 2017 adopted budget, the Office of Special Needs Reserve (A.6106.76) was created, and

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

WHEREAS, the Office of Special Needs desires to establish a reserve account for the purpose of retaining funds donated to the County to be used for special needs purposes, and

WHEREAS, special needs donations made will close to the special needs reserve at the end of the year, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to establish as it pertains to the Office of Special needs and to transfer funds to the reserve when the 2017 fiscal year is closed out. Those funds will then become available for appropriation in the 2018 budget.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

CA-041-17
CRC/kvh/G-0145
03/07/17

Fiscal Impact: See attached statement

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☑ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:
This resolution is to establish a reserve fund for the purpose of retaining funds donated to the County to be used for special needs.

Prepared by: Tiffanie Massey Prepared On: 3/20/2017

# *Family and Human Services Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | ✓ | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner * | | |
| District 20 - Town of Red Hook | Strawinski* | absent | |
| District 14 - Town of Wappinger | Amparo* | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson (VC) | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes (C) | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 9
**Absent:** 3
**Vacant:** 0

**Resolution:** ✓
**Motion:** ___

**Total :** 9 Yes, 0 No
**Abstentions:** 0

**2017057** TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES, OFFICE OF SPECIAL NEEDS (A.6106.76)

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 (Yes) 0 (No)

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017057** TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF COMMUNITY & FAMILY SERVICES, OFFICE OF SPECIAL NEEDS (A.6106.76)

Date: April 11, 2017

Family & Human Services

RESOLUTION NO. 2017058

RE: AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

Legislators BORCHERT, THOMES, MICCIO, BOLNER, SAGLIANO, JETER-JACKSON, LANDISI and HORTON offer the following and move its adoption:

WHEREAS, the United States Congress enacted the Trade Adjustment Assistance (TAA) Program to provide the framework for a unique workforce preparation and employment system designed to meet the needs of businesses and the needs of job seekers and those who want to further their careers, and

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of

* FY 2015 TAA for the period of October 1, 2014 through September 30, 2017,

RESOLVED, that the Commissioner of Finance be and hereby is authorized, empowered and directed to accept the allocation of funding under the above TAA Program and amend the following accounts:

APPROPRIATIONS Increase

| | | |
|---|---|---|
| 2015 | | |
| CD6292.2015.4813 | TAA Participant Funding | $8,500 |
| | | $8,500 |

REVENUE: Increase

| | | |
|---|---|---|
| 2015 | | |
| CD6292.2015.47910.22 | TAA Participant Funding | $8,500 |
| | | $8,500 |

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

CA-042-17
CRC/MY/kvh/G-1263
03/07/17
Fiscal Impact: Attached.

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 8,500

Total Current Year Revenue and Source $ 8,500

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: MARILYN T. YERKS, CFO

Prepared On: 3/7/17

NYS Department of Labor

Trade Adjustment Act Report

TAA PARTICIPANT FUNDING REQUEST ADDITIONAL APPROVALS AND CHANGES TO PREVIOUSLY APPROVED FUNDS

As of: 2/13/2017

LWDA # 60

**FY14**

**New Funding Requests Approved:**

No New Funding Request

**Changes to Previously Approved Funding Requests:**

No Changes to Previous Funding

**Total For This Fiscal Year**

**FY15**

**New Funding Requests Approved:**

| | |
|---|---|
| Training | |
| RUSSELL, ROLAND | $ 8,500.00 |
| Total by Account: | $ 8,500.00 |

**Changes to Previously Approved Funding Requests:**

No Changes to Previous Funding

**Total For This Fiscal Year** $ 8,500.00

# *Family and Human Services Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner * | | |
| District 20 - Town of Red Hook | Strawinski* | absent | |
| District 14 - Town of Wappinger | Amparo* | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson (VC) | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes (C) | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 9
**Absent:** 3
**Vacant:** 0

**Resolution:** ✓
**Motion:** ___

**Total :** 9 Yes, 0 No
**Abstentions:** 0

**2017058** AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 (Yes) 0 (No)

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017058** AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

Date: April 11, 2017

Environment

RESOLUTION NO. 2017059

RE: TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF PLANNING & DEVELOPMENT

Legislators BORCHERT, FORMAN, MICCIO, BOLNER, SAGLIANO, HORTON, TRUITT, METZGER and JETER-JACKSON offer the following and move its adoption:

WHEREAS, the Department of Planning and Development (Department) desires to establish a reserve account as of December 31, 2016, for the purpose of retaining funds to carry out the commitments of the Shared Services Grant Program (Program), thereby allowing the Department to carry out Program objectives which span multiple fiscal years, and

WHEREAS, the Department has encumbered, but not expended 2013, 2014, and 2015 funds for the purpose of carrying out commitments of the Program, and

WHEREAS, the Department has appropriated 2016 funds which have been committed to municipalities who were awarded a shared services grant but not yet expended by the municipalities as of December 31, 2016, and

WHEREAS, the Department has 2017 appropriated funds which have not yet been committed because the Shared Services Grants have not yet been awarded this year, and

WHEREAS, the Commissioner of Finance recommends the establishment of such a fund in order to conform to accepted accounting principles, and

WHEREAS, Section 6.02 of the Dutchess County Charter states the Commissioner of Finance shall have charge of the administration of all financial affairs of the County and shall have all the powers and all the duties conformed or imposed by law, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to establish a reserve account as it pertains to the Planning Department's Shared Services Grant Program and to transfer funds described herein to such account upon the close of the 2016 fiscal year which funds shall then become available for appropriation in future fiscal years.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

CA-040-17
HS/AMC/kvh/G-0145
03/07/17
Fiscal Impact: See attached statement

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☑ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:
This resolution is to establish a reserve fund for retaining funds to carry out the commitments of the Shared Services Grant Program which span multiple years.

Prepared by: Tiffanie Massey Prepared On: 3/2/2017

# *Environment Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | ✓ | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 16 - Town of Fishkill and City of Beacon | Forman (C) | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn (VC) | absent | |

**Present:** 10 **Resolution:** ✓ **Total :** 10 (Yes) 0 (No)

**Absent:** 2 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017059** TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF PLANNING & DEVELOPMENT

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 (Yes) 0 (No)

**Absent:** 3 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017059** TO ESTABLISH A RESERVE AS IT PERTAINS TO THE DEPARTMENT OF PLANNING & DEVELOPMENT

Date: April 11, 2017

Environment

RESOLUTION NO. 2017060

RE: SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE DUNCANDALE FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK.

Legislators FORMAN, PULVER, MICCIO, BOLNER, SAGLIANO, METZGER, and TRUITT offer the following and move its adoption:

WHEREAS, the County is considering a recommendation of the Dutchess County Planning Board (Resolution No. 01/2016) for an award in an amount not to exceed $133,200 in grant funds available through the Dutchess County Partnership for Manageable Growth Program (the "Program"), and

WHEREAS, this award shall be used to partially fund the purchase of an agricultural conservation easement, to be held by the Dutchess Land Conservancy, on approximately 158 acres of property, known as the Duncandale Farm (Tax Grid Number: 7169-00-820523) located on Coleman Station Road in the Town of North East, Dutchess County, New York, and

WHEREAS, as a result of the Dutchess Land Conservancy's organizing efforts and an application to the Program, New York State Department of Agriculture and Markets shall contribute up to $864,950, the Scenic Hudson Land Trust shall contribute up to $149,538, the Dutchess Land Conservancy shall contribute up to $5,000 and Dutchess County shall contribute up to $133,200, for a total contribution of up to $1,152,688 and

WHEREAS, the easement shall provide, among other things, that it shall be held by the Dutchess Land Conservancy, which shall assume primary responsibility to monitor and enforce the easement, and

WHEREAS, the Dutchess County Planning Board Resolution recommending acquisition of this conservation easement and a matching share grant of up to $133,200, through the Program is attached, and

WHEREAS, the Program and General Municipal Law §247 require a public hearing on the issue of acquisition of such easement prior to final authorization thereof, now, therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 8$^{TH}$ day of May, 2017 at 7:00 P.M., in the Legislative Chambers, County Office Building, 22 Market Street, Poughkeepsie, New York on the proposed award of up to $133,200 in matching grant funds through the Dutchess County Partnership for Manageable Growth Program to partially fund the purchase of an agricultural conservation easement of approximately 158 acres of Property, known as the Duncandale Farm, (Tax Grid No. 7169-00-820523) which is located on Coleman

Station Road in the Town of North East, Dutchess County, New York, with additional funds from the New York State Department of Agriculture and Markets in the amount of up to $894,950, the Scenic Hudson Land Trust in the amount of up to $149,538, the Dutchess Land Conservancy in the amount of up to $5,000 for a total contribution of $1,152,688, and be it further

RESOLVED, that the Clerk of the Legislature is directed and empowered to give notice of said hearing pursuant to law.

CA-043-17
AMS/kvh
G-1678
03/13/17
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 0

Total Current Year Revenue and Source $ 0

Source of County Funds *(check one)*: ☑ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

HO476.8020.3006.(TBD) - Easement-Conservation Duncandale Farm

Related Expenses: Amount $ 0

Nature/Reason:

Anticipated Savings to County: $0

Net County Cost (this year): $0

Over Five Years: $0

Additional Comments/Explanation:

The total estimated cost of the acquisition of a conservation easement at the Duncandale Farm is $1,152,688. Seventy-five percent, or $864,950 will be provided by funding from the New York State Department of Agriculture and Markets. The Scenic Hudson Land Trust will provide $149,538 or 13%, Dutchess Land Conservancy $5,000 and the County's PMG funding will provide the 12% balance of $133,200.

The source of County funds is Capital Account H0476, bonds approved by Dutchess County Legislature Resolution No. 2014323 to support the Partnership for Manageable Growth (PMG) Program.

Prepared by: Eoin Wrafter, Department of Planning and Development

**DUTCHESS COUNTY PLANNING BOARD**

**RESOLUTION NO 01/2016**

**RECOMMENDING SIX APPLICATIONS FOR CONSIDERATION THROUGH THE PARTNERSHIP FOR MANAGABLE GROWTH PROGRAM**

WHEREAS, by Resolution No. 990382, Dutchess County established the Open Space and Farmland Protection Matching Grant Program and authorized the Dutchess County Planning Board to review applications for and recommend awards of said funds; and

WHEREAS, by Resolution No. 201276, Dutchess County revised the Matching Grant Program to create the Dutchess County Partnership for Manageable Growth and to increase potential matching grant awards from a maximum of one third to a maximum of one half of the total cost of the acquisition of development rights on farmland; and

WHEREAS, by Resolution No. 2015183, Dutchess County revised the Partnership for Manageable Growth, as follows: (a) funding clarification; (b) removal of the requirement that the County be "last in" in for funding; (c) addition of a preliminary review option; (d) clarification of differences between "open space" and "farmland protection" projects; (e) stipulation that there will be no retroactive funding; (f) passive recreation only; and (g) establishment of criteria for the Municipal Planning Grants; and

WHEREAS, the Dutchess County Planning Board received six applications for matching grant funds submitted by the Dutchess Land Conservancy and/or Scenic Hudson for the acquisition of agricultural conservation easements on a total of 726 acres; and

WHEREAS, the total cost of the six farm conservation easements, including the administrative costs associated with finalizing the acquisitions, are estimated to be $4,482,170; and

WHEREAS, the owners of the properties have signed letters of intent stating their interest in selling the development rights on the properties and granting a conservation easement restricting or limiting future non-farm development on said property; and

WHEREAS, the properties are included in an Agricultural Priority Area identified in the 2015 County Agricultural and Farmland Protection Plan; and

WHEREAS, the board finds that each of the six applicants met or exceed the program criteria; and

WHEREAS, the board has reviewed the six applications based on the program criteria, toured the farms and subsequently prioritized the projects as shown in Attachment A; therefore be it

RESOLVED, that the Dutchess County Planning Board recommends that up to $935,855 of the total project cost described above, be awarded for the acquisition of development rights on the farms, based on the following contingencies:

1) Completion of administrative tasks including but not limited to survey, title search, and base line documentation pursuant to negotiation of an appropriate conservation easement;

2) Negotiation of an agricultural conservation easement conveying the development rights on the Farm property to the appropriate land conservancy, with such rights in New York State, Dutchess County, and the Town as appropriate for program purposes and restricting future use of the property under easement to agriculture-related uses;

3) Development of a Monitoring Agreement between Dutchess County and the appropriate land conservancy for the purpose of enforcing the provisions of the conservation easement acquired with Partnership for Manageable Growth Program funds;

4) Completion of review and approval of the proposed acquisition by the Dutchess County Legislature in its capacity as Lead Agency under the State Environmental Quality Review Act (SEQRA). And be it further

RESOLVED, that an implementation team consisting of representatives from the appropriate land conservancy, the landowners, the Dutchess County Attorney's Office, the Dutchess County Department of Planning and Development, and others as appropriate to complete administrative tasks associated with the acquisition, will be established for the purpose of completing the acquisition.

Approved by the Dutchess County Planning Board
February 23, 2016

Attachement A

# Partnership for Manageable Growth
## 2015 Applications Summary

| Project Title | Category | Acreage | Location | Total Project Cost | PMGP Request | PMGP Request % | Applicant | Cost Per Acre | Award | Balance/Needed |
|---|---|---|---|---|---|---|---|---|---|---|
| Manne Farm/ND-4, LLC | Farmland Protection | 38 | East Fishkill | $201,950 | $80,000 | 40% | Dutchess Land Conservancy | $5,279.74 | $80,000 | $0 |
| Locust Grove Farm (Atkins) | Farmland Protection | 167 | Pleasant Valley | $1,030,150 | $195,000 | 19% | Dutchess Land Conservancy | $6,184.86 | $195,000 | $0 |
| Duncandale Farm | Farmland Protection | 168 | North East | $1,145,850 | $229,580 | 20% | Dutchess Land Conservancy | $6,811.62 | $229,580 | $0 |
| Steel (Great Song Farm) | Farmland Protection | 88 | Milan | $463,600 | $115,750 | 25% | Dutchess Land Conservancy | $5,280.78 | $115,750 | $0 |
| Caora Farm (Ferraro/Weathers) | Farmland Protection | 79 | North East | $371,850 | $69,300 | 19% | Dutchess Land Conservancy | $4,736.94 | $39,670 | $29,630 |
| Chaseholm Farm | Farmland Protection | 187 | Pine Plains | $1,268,770 | $246,225 | 19% | Scenic Hudson Land Trust | $6,784.87 | $0 | $246,225 |
| | | **726** | | **$4,482,170** | **$935,855** | | | | $660,000 | $275,855 |
| Hyde Park Central Sewer District | Infrastructure | n/a | Hyde Park | $14,247,786.00 | $3,561,946.50 | n/a | Town of Hyde Park | n/a | $500,000 | $3,061,946.50 |
| | | | **Total Requests** | **$18,729,956.00** | **$4,497,801.50** | | | | $1,160,000 | |
| | | | **Estimated Available Funding** | | **$1,160,000.00** | | | | $1,160,000 | |
| | | | **Balance** | | **($3,337,801.50)** | | | | $0 | |

# *Environment Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | ✓ | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 16 - Town of Fishkill and City of Beacon | Forman (C) | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn (VC) | absent | |

**Present:** 10 **Resolution:** ✓ **Total :** 10 (Yes) 0 (No)

**Absent:** 2 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017060** SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE DUNCANDALE FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 Yes 0 No

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017060** SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE DUNCANDALE FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Date: April 11, 2017

Environment

RESOLUTION NO. 2017061

RE: SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE CAORA FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK.

Legislators FORMAN, PULVER, MICCIO, BOLNER, SAGLIANO, METZGER and TRUITT offer the following and move its adoption:

WHEREAS, the County is considering a recommendation of the Dutchess County Planning Board (Resolution No. 01/2016) for an award in an amount not to exceed $69,300 in grant funds available through the Dutchess County Partnership for Manageable Growth Program (the "Program"), and

WHEREAS, this award shall be used to partially fund the purchase of an agricultural conservation easement to be held by the Dutchess Land Conservancy on approximately 78 acres on the Caora Farm (Tax Grid Number: 7270-00-729819) located on Sharon Road in the Town of North East, Dutchess County, New York, and

WHEREAS, as a result of the Dutchess Land Conservancy's organizing efforts and an application to the Program, New York State Department of Agriculture and Markets shall contribute up to $291,350, the Scenic Hudson Land Trust shall contribute up to $12,371, the Dutchess Land Conservancy shall contribute up to $36,100 and Dutchess County shall contribute up to $69,300, for a total contribution of up to $409,121, and

WHEREAS, the easement shall provide, among other things, that it shall be held by the Dutchess Land Conservancy, which shall assume primary responsibility to monitor and enforce the easement, and

WHEREAS, the Dutchess County Planning Board Resolution recommending acquisition of this conservation easement and a matching share grant of up to $69,300 through the Program is attached, and

WHEREAS, the Program and General Municipal Law §247 require a public hearing on the issue of acquisition of such easement prior to final authorization thereof, now, therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 8th day of May, 2017 at 7:00 P.M., in the Legislative Chambers, County Office Building, 22 Market Street, Poughkeepsie, New York on the proposed award of up to $69,300 in matching grant funds through the Dutchess County Partnership for Manageable Growth Program to partially fund the purchase of an agricultural conservation easement of approximately 78 acres on the Caora Farm, (Tax Grid No. 7270-00-729819) which is located on Sharon Road in the Town of North East, Dutchess County, New York, with additional funds from the New York State Department of

Agriculture and Markets in the amount of up to $291,350, The Scenic Hudson Land Trust in the amount of up to $12,371, the Dutchess Land Conservancy in the amount of up to $36,100 for a total contribution of up to $409,121, and be it further

RESOLVED, that the Clerk of the Legislature is directed and empowered to give notice of said hearing pursuant to law.

CA-044-17
AMS/kvh
G-1677
03/08/17
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 0

Total Current Year Revenue $ 0
and Source

Source of County Funds *(check one)*: ☑ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

HO476.8020.3006.(TBD) - Easement-Conservation Caora Farm

Related Expenses: Amount $ 0
Nature/Reason:

Anticipated Savings to County: $0

Net County Cost (this year): $0
Over Five Years: $0

Additional Comments/Explanation:

The total estimated cost of the acquisition of a conservation easement at Caora farm is $409,121. Seventy-one percent, or $291,350 will be provided by funding from the New York State Department of Agriculture and Markets. The Scenic Hudson Land Trust will provide 3% or $12,371, the Dutchess Land Conservancy 9% or $36,100 (which may include a bargain sale by the landowner) and the County's PMG funding will provide the 17% balance of $69,300.

The source of County funds is Capital Account H0476, bonds approved by Dutchess County Legislature Resolution No. 2014323 to support the Partnership for Manageable Growth (PMG) Program.

Prepared by: Eoin Wrafter, Department of Planning and Development

**DUTCHESS COUNTY PLANNING BOARD**

**RESOLUTION NO 01/2016**

**RECOMMENDING SIX APPLICATIONS FOR CONSIDERATION THROUGH THE PARTNERSHIP FOR MANAGABLE GROWTH PROGRAM**

WHEREAS, by Resolution No. 990382, Dutchess County established the Open Space and Farmland Protection Matching Grant Program and authorized the Dutchess County Planning Board to review applications for and recommend awards of said funds; and

WHEREAS, by Resolution No. 201276, Dutchess County revised the Matching Grant Program to create the Dutchess County Partnership for Manageable Growth and to increase potential matching grant awards from a maximum of one third to a maximum of one half of the total cost of the acquisition of development rights on farmland; and

WHEREAS, by Resolution No. 2015183, Dutchess County revised the Partnership for Manageable Growth, as follows: (a) funding clarification; (b) removal of the requirement that the County be "last in" in for funding; (c) addition of a preliminary review option; (d) clarification of differences between "open space" and "farmland protection" projects; (e) stipulation that there will be no retroactive funding; (f) passive recreation only; and (g) establishment of criteria for the Municipal Planning Grants; and

WHEREAS, the Dutchess County Planning Board received six applications for matching grant funds submitted by the Dutchess Land Conservancy and/or Scenic Hudson for the acquisition of agricultural conservation easements on a total of 726 acres; and

WHEREAS, the total cost of the six farm conservation easements, including the administrative costs associated with finalizing the acquisitions, are estimated to be $4,482,170; and

WHEREAS, the owners of the properties have signed letters of intent stating their interest in selling the development rights on the properties and granting a conservation easement restricting or limiting future non-farm development on said property; and

WHEREAS, the properties are included in an Agricultural Priority Area identified in the 2015 County Agricultural and Farmland Protection Plan; and

WHEREAS, the board finds that each of the six applicants met or exceed the program criteria; and

WHEREAS, the board has reviewed the six applications based on the program criteria, toured the farms and subsequently prioritized the projects as shown in Attachment A; therefore be it

RESOLVED, that the Dutchess County Planning Board recommends that up to $935,855 of the total project cost described above, be awarded for the acquisition of development rights on the farms, based on the following contingencies:

1) Completion of administrative tasks including but not limited to survey, title search, and base line documentation pursuant to negotiation of an appropriate conservation easement;

2) Negotiation of an agricultural conservation easement conveying the development rights on the Farm property to the appropriate land conservancy, with such rights in New York State, Dutchess County, and the Town as appropriate for program purposes and restricting future use of the property under easement to agriculture-related uses;

3) Development of a Monitoring Agreement between Dutchess County and the appropriate land conservancy for the purpose of enforcing the provisions of the conservation easement acquired with Partnership for Manageable Growth Program funds;

4) Completion of review and approval of the proposed acquisition by the Dutchess County Legislature in its capacity as Lead Agency under the State Environmental Quality Review Act (SEQRA). And be it further

RESOLVED, that an implementation team consisting of representatives from the appropriate land conservancy, the landowners, the Dutchess County Attorney's Office, the Dutchess County Department of Planning and Development, and others as appropriate to complete administrative tasks associated with the acquisition, will be established for the purpose of completing the acquisition.

Approved by the Dutchess County Planning Board
February 23, 2016

Attachement A

Partnership for Manageable Growth
2015 Applications Summary

| Project Title | Category | Acreage | Location | Total Project Cost | PMGP Request | PMGP Request % | Applicant | Cost Per Acre | Award | Balance/Needed |
|---|---|---|---|---|---|---|---|---|---|---|
| Manne Farm/ND-4, LLC | Farmland Protection | 38 | East Fishkill | $201,950 | $80,000 | 40% | Dutchess Land Conservancy | $5,279.74 | $80,000 | $0 |
| Locust Grove Farm (Atkins) | Farmland Protection | 167 | Pleasant Valley | $1,030,150 | $195,000 | 19% | Dutchess Land Conservancy | $6,184.86 | $195,000 | $0 |
| Duncandale Farm | Farmland Protection | 168 | North East | $1,145,850 | $229,580 | 20% | Dutchess Land Conservancy | $6,811.62 | $229,580 | $0 |
| Steel (Great Song Farm) | Farmland Protection | 88 | Milan | $463,600 | $115,750 | 25% | Dutchess Land Conservancy | $5,280.78 | $115,750 | $0 |
| Caora Farm (Ferraro/Weathers) | Farmland Protection | 79 | North East | $371,850 | $69,300 | 19% | Dutchess Land Conservancy | $4,736.94 | $39,670 | $29,630 |
| Chaseholm Farm | Farmland Protection | 187 | Pine Plains | $1,268,770 | $246,225 | 19% | Scenic Hudson Land Trust | $6,784.87 | $0 | $246,225 |
| | | **726** | | **$4,482,170** | **$935,855** | | | | $660,000 | $275,855 |
| Hyde Park Central Sewer District | Infrastructure | n/a | Hyde Park | $14,247,786.00 | $3,561,946.50 | n/a | Town of Hyde Park | n/a | $500,000 | $3,061,946.50 |
| | | | **Total Requests** | **$18,729,956.00** | **$4,497,801.50** | | | | $1,160,000 | |
| | | | **Estimated Available Funding** | | **$1,160,000.00** | | | | $1,160,000 | |
| | | | **Balance** | | **($3,337,801.50)** | | | | $0 | |

# *Environment Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | ✓ | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 16 - Town of Fishkill and City of Beacon | Forman (C) | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn (VC) | absent | |

**Present:** 10 **Resolution:** ✓ **Total :** 10 (Yes) 0 (No)

**Absent:** 2 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017061** SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE CAORA FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 22 (Yes) 0 (No)

**Absent:** 3 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017061** SETTING A PUBLIC HEARING WITH RESPECT TO ACQUISITION OF CONSERVATION EASEMENT FOR THE CAORA FARM IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Date: April 11, 2017

ENVIRONMENT

RESOLUTION NO. 2017062

RE: APPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

Legislators FORMAN, BORCHERT, MICCIO, BOLNER, LANDISI, HORTON, METZGER, and BLACK offer the following and move its adoption:

WHEREAS, a vacancy exist on the Board of Directors of the Dutchess County Resource Recovery Agency by reason of the resignation of Rachel D. Flanagan, and

WHEREAS, the Chairman of the Legislature has appointed Dan Denisoff to fill the unexpired term to the Board of the Dutchess County Resource Recovery Agency subject to confirmation by the Dutchess County Legislature, be it

RESOLVED, that the Dutchess County Legislature does hereby ratify and confirm the appointment of Dan Denisoff to fill the unexpired term ending December 31, 2018.

| APPOINTMENT: | TERM EXPIRES: |
|---|---|
| Dan Denisoff<br>189 Roosevelt Drive<br>Poughquag, NY 12570 | 12/31/18 |

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# Daniel N. Denisoff Jr.

189 Roosevelt Dr.
Poughquag NY 12570
859.240.2224
dndenisoff@aol.com
http://linkedin.com/in/dan-denisoff-00a50b9

**Senior Executive-Plant Operations/ Process Improvement-Food and Beverage**

High-performing Global Manufacturing and Operations Executive with extensive experience in soft drinks, and wine and spirits production and operations. Strong expertise in directing all aspects of the manufacturing, contract packaging, new product development, procurement and supply chain processes. Possesses a proven and consistent track record for organization-wide performance in strategy development, cost reduction, quality improvement, and project execution. Drives overall operations leadership through continuous improvement, innovation and talent enrichment efforts. An inspirational leader with entrepreneurial spirit who takes great pride in being a developer of talent and has the reputation of hard work, honesty and creating a culture of teamwork, employee engagement and excellence.

**Professional Experience**

**D2 OPERATIONS AND PRODUCTIVY CONSULTANTS,** Poughquag, New York
**Owner/President** 2016 – Present

As president of D2 Consulting, I specialize in helping small distilleries and bottling operations improve productivity and operational efficiency. I teach continuous improvement techniques that allow businesses to reduce costs and improve quality across the value chain. I focus on new product development for liquids and packaging, procurement, manufacturing, third-party co-packing, production planning, customer service, logistics, and delivery to customers. I also help companies meet all quality, safety, and environmental regulatory compliance requirements and assist with the development of management systems that will protect a business's people and reputation.

**PERNOD RICARD USA,** New York, New York 2001 – 2016
**Senior Vice President Operations**

Led entire operations of US Value Chain by making and/or delivering nearly $2 billion in gross sales. Responsible for new product development, processing and packaging, procurement, manufacturing, third-party co-packing planning, customer service, logistics, customs and delivery to customers.

- Managed capital budget of $3mm-$4mm annually with 7 direct reports including VP Procurement, VP CPFR, VP Quality, Safety, and Environment, and 2 Managing Directors of Production Facilities. Overall span of control of 300+ employees. Provided direct oversight to two strategic production facilities: Hiram Walker Facility in Ft. Smith, Arkansas and Mumm-Napa winery with an operating budget in excess of $200mm.
- Held real dollar per unit costs flat for 6+ years and eliminated sub-optimization through the horizontal integration of functions since assuming oversight and increased cash flow by $67 million through an upgraded and continuous improvement model that focused on inventory management and operational flexibility.
- Increased Overall Equipment Effectiveness by 59% through creating and executing continuous improvement programs for manufacturing and supply chains known as the PRPS (Pernod Ricard Production System) and LSC (lean supply chain). Established operational KPIs, Balanced Business Scorecard and Analysis & Objective setting process to ensure ongoing sustainability.

- Developed 5-Year Strategic Plan and Road Map for the Manufacturing-Supply Chain function under the parameters of achieving flat or reduced costs while improving efficiency and quality. Established operational governance under the Pillars of Operational Excellence: Quality and Management Systems, Process Improvement and Dependability, Compliance, Innovativeness, Social Responsibility and Sustainability and Talent Excellence.
- Established ISO Management Systems (9000, 14000, 18000 and 22000) at production facilities. Procurement, Supply Chain and CPFR teams currently all maintain ISO 9000 certification and at the same time implemented quality, safety, and environmental regulatory adherence (QSE) guidelines and advanced sustainability and continuous improvement efforts.
- Drove innovation through organization as a member of the global New Business Development and Innovation team and led numerous products and packaging re-engineering projects resulting in annual savings of over $5mm.
- Championed significant shift to sustainable and responsible practices as an executive sponsor of several ERGS, encouraging community involvement, and by making social responsibility and sustainability a core pillar of operational excellence.
- Anchored the US Executive Committee as the longest standing member influencing and leading initiatives of cross-functional company-wide scope.

**Vice President of Operations**

Assisted with all aspects of the management of the largest brown spirit distillery in North America. Total volumes of 27mm proof gallons annually, 450 employees, and thirteen collective bargaining unions.

**Assistant Vice President of Operations,**

Facilitated the purchase process and the integration of North America's largest beverage alcohol distillery into the Pernod Ricard system.

**AUSTIN, NICHOLS AND COMPANY,** New York, NY
**Director of Manufacturing** 1998 – 2001

**PEPSI-COLA COMPANY** 1987 – 1998
**Various Managemeut Positions**

**EDUCATION**

Master of Business Administration
**Bristol University,** Knoxville, TN

Bachelor of Arts in English and Political Science
**State University of New York,** Albany, NY

**ADDITIONAL INFORMATION**

- International experience in plant start-ups and process improvement training. Traveled to over 30 international locations include Japan, Venezuela, Canada, Mexico, Russia, Sweden, and Ireland, Scotland, and France.
- Labor Contract Negotiation, Drug free work place policy and initiation, Environmental and OSHA related compliance, Workers compensation cost reduction.
- Managed co-packing business in-source and out-source
- Board of Directors National Association of Manufacturers since 2013
- Lobbied annually on Capitol Hill for interests regarding the manufacturing sector in the US as well as active as a board member for the National Association of Manufacturers.
- Broad experience with mergers and acquisitions and new business development
- Strong working knowledge of national accounts business in three-tier system

# *Environment Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | ✓ |
| District 12 - Town of East Fishkill | Metzger | | |
| District 16 - Town of Fishkill and City of Beacon | Forman (C) | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn (VC) | absent | |

**Present:** 10 **Resolution:** ✓ **Total :** 9 (Yes) 1 (No)

**Absent:** 2 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017062** APPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | ✓ |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 21 (Yes) 1 (No)

**Absent:** 3 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017062** APPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

Date: April 11, 2017

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2017063

RE: HOME RULE REQUEST – RESOLUTION URGING NEW YORK STATE LEGISLATURE TO APPROVE SENATE BILL S.5270 AND ASSEMBLY BILL A.3029 WHICH LEGISLATION ENABLES DUTCHESS COUNTY TO EXTEND AUTHORIZATION FOR CONTINUATION OF ¾ OF 1% SALES AND COMPENSATING USE TAX

Legislators FLESLAND, BORCHERT, MICCIO, BOLNER, SAGLIANO, JETER-JACKSON, LANDISI, HORTON, TRUITT and BLACK offer the following and move its adoption:

WHEREAS, this Legislature adopted Resolution No. 2016292, which requested the State Legislature to pass legislation permitting Dutchess County to extend authorization for an additional ¾ of one (1%) percent sales and compensating use tax from November 30, 2017 until November 30, 2019, and

WHEREAS, the New York State Legislature has drafted Senate Bill S.5270 and Assembly Bill A.3029 to authorize the County to continue an additional ¾ of one (1%) percent sales and compensating use tax until November 30, 2019, and

WHEREAS, the 2017 County Budget was proposed in anticipation of receiving the additional revenues associated with the extension of the sales and compensating use tax, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby respectfully requests that the New York State Legislature submit for final consideration and approval a Home Rule Request for the 2017 Legislative Session authorizing the County of Dutchess to extend authorization for an additional ¾ of one (1%) percent sales and compensating use tax through November 30, 2019, and, be it further

RESOLVED, that the enabling legislation be in the form and content as shown in the attached Senate Bill S.5270 and attached Assembly Bill A.3029, and, be it, further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward the appropriate number of copies of this Resolution and Home Rule Request form with appropriate transmittal letters to each house in the New York State Legislature.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 4/14/2017

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost $ 0

Total Current Year Revenue and Source $ 36,719,050

A.1331.11100 Sales Tax

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☑ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

This resolution requests home rule legislation to authorize the continuation of the the county sales tax rate at 3 3/4% instead of 3%. Sales tax revenue is critical to fund core county programming and provide revenue to municipalities. This 3/4 of 1% represents an annual impact of $36,719,050. The loss of these funds would be devastating for both the county and local municipalities.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 3/21/17

S T A T E  O F  N E W  Y O R K

3029

2017-2018 Regular Sessions

I N  A S S E M B L Y

January 24, 2017

Introduced by M. of A. SKARTADOS -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to sales and compensating use tax in Dutchess county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Clause 29 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 215 of the laws of
3 2015, is amended to read as follows:
4 (29) the county of Dutchess is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is three-quarters of one percent additional to the
7 three percent rate authorized above in this paragraph for such county
8 for the period beginning March first, two thousand three, and ending
9 November thirtieth, two thousand [seventeen] NINETEEN,
10 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07679-01-7

S T A T E  O F  N E W  Y O R K

5270

2017-2018 Regular Sessions

I N  S E N A T E

March 17, 2017

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to sales and compensating use tax in Dutchess county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Clause 29 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 215 of the laws of
3 2015, is amended to read as follows:
4 (29) the county of Dutchess is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is three-quarters of one percent additional to the
7 three percent rate authorized above in this paragraph for such county
8 for the period beginning March first, two thousand three, and ending
9 November thirtieth, two thousand [seventeen] NINETEEN,
10 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07679-01-7

Discussion on Resolution No. 2017063 proceeded as follows:

Legislator Tyner spoke regarding corporation welfare.

Majority Leader Miccio called point of order for speaking off topic.

Chairman Borchert ruled Legislator Tyner out of order.

Legislator Incoronato spoke regarding the wealthy spending more of their disposable income.

Minority Leader Strawinski point of order for speaking off topic.

Chairman Borchert ruled Legislator Incoronato out of order.

Legislator Tyner spoke regarding corporations that donate to candidates.

Majority Leader Miccio called point of order for speaking off topic.

Chairman Borchert ruled Legislator Tyner out of order.

Roll call on the foregoing resolution resulted as follows:

| | | |
|---|---|---|
| Ayes: | 20 | Borchert, Miccio, Bolner, Strawinski, Amparo, Black, Forman, Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger, Pulver, Rieser, Roman, Sagliano, Thomes, Truitt, Washburn |
| Nays: | 2 | Tyner, Coviello |
| Absent: | 3 | Nesbitt, Brendli, Surman |

# *Budget, Finance, and Personnel Committee Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert * | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano (VC) | | |
| District 6 - Town of Poughkeepsie | Flesland (C) | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | ✓ |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |

**Present:** 12 **Resolution:** ✓ **Total :** 11 1

**Absent:** 0 **Motion:** ___ Yes No

**Vacant:** 0 **Abstentions:** 0

**2017063** HOME RULE REQUEST – RESOLUTION URGING NEW YORK STATE LEGISLATURE TO APPROVE SENATE BILL S.5270 AND ASSEMBLY BILL A.3029 WHICH LEGISLATION ENABLES DUTCHESS COUNTY TO EXTEND AUTHORIZATION FOR CONTINUATION OF ¾ OF 1% SALES AND COMPENSATING USE TAX

Date: April 6, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | absent | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | ✓ |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | ✓ |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | absent | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | | |

**Present:** 22 **Resolution:** ✓ **Total :** 20 ~~5~~ 2

**Absent:** 3 **Motion:** ____ Yes No

**Vacant:** 0 **Abstentions:** 0

**2017063** HOME RULE REQUEST – RESOLUTION URGING NEW YORK STATE LEGISLATURE TO APPROVE SENATE BILL S.5270 AND ASSEMBLY BILL A.3029 WHICH LEGISLATION ENABLES DUTCHESS COUNTY TO EXTEND AUTHORIZATION FOR CONTINUATION OF ¾ OF 1% SALES AND COMPENSATING USE TAX

Date: April 11, 2017

RESOLUTION NO. 2017064

BOND RESOLUTION DATED MAY 8, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $898,900 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF HIGHWAY EQUIPMENT, FOR SAID COUNTY.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE

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

Section 1. The purchase of highway equipment, each item of which costs $30,000 or over, with alternative fuel modalities where appropriate and available, including incidental equipment and expenses in connection therewith, for said County, is hereby authorized at a maximum estimated cost of $898,900.

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of $898,900 serial bonds of said County 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, including the related incidental trailer equipment, is 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 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.

* * * * *

CA-046-17
03/16/17
G-0145-B

**CERTIFICATION FORM**

STATE OF NEW YORK )
) ss.:
COUNTY OF DUTCHESS )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on May 8, 2017, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 21 ayes and 0 noes, with 4 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on May 17, 2017, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

| Newspaper and/or other news media | Date given |
|---|---|
| Southern Dutchess News | May 5, 2017 |
| Poughkeepsie Journal | May 5, 2017 |

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

| Designated Location(s) of posted notice | Date of Posting |
|---|---|
| 22 Market Street, 6th Floor, County Office Building Poughkeepsie, NY 12601 | May 5, 2017 |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 8th day of May 2017.

Carolyn Morris
Clerk, County Legislature

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/17/2017

## 2017 DPW Capital Equipment

| Year | PRIN O/S | PRIN PAYMENT | INTEREST | TOTAL |
|---|---|---|---|---|
| 1 | $898,900 | $59,927 | $28,585 | $88,512 |
| 2 | $838,973 | $59,927 | $26,679 | 86,606 |
| 3 | $779,047 | $59,927 | $24,774 | 84,700 |
| 4 | $719,120 | $59,927 | $22,868 | 82,795 |
| 5 | $659,193 | $59,927 | $20,962 | 80,889 |
| 6 | $599,267 | $59,927 | $19,057 | 78,983 |
| 7 | $539,340 | $59,927 | $17,151 | 77,078 |
| 8 | $479,413 | $59,927 | $15,245 | 75,172 |
| 9 | $419,487 | $59,927 | $13,340 | 73,266 |
| 10 | $359,560 | $59,927 | $11,434 | 71,361 |
| 11 | $299,633 | $59,927 | $9,528 | 69,455 |
| 12 | $239,707 | $59,927 | $7,623 | 67,549 |
| 13 | $179,780 | $59,927 | $5,717 | 65,644 |
| 14 | $119,853 | $59,927 | $3,811 | 63,738 |
| 15 | $59,927 | $59,927 | $1,906 | 61,832 |
| **TOTAL** | | $898,900 | $228,680 | $1,127,580 |
| **AVG. PER YEAR** | | $59,927 | $15,245 | $75,172 |

**FISCAL IMPACT STATEMENT**

| | | |
|---|---|---|
| TOTAL PRINCIPAL | $898,900 | |
| ANTICIPATED INTEREST RATE (Weighted Average) | | 3.18% |
| TERM 15 YEARS. ANTICIPATED FEES: | | $8,900 |
| ANTICIPATED ANNUAL COST (PRIN + INT): | | $75,172 |
| TOTAL PAYBACK (ANNUAL COST x TERMS): | | $1,127,580 |

PREPARED BY HEIDI SEELBACH

## H0505 - 2017 Capital Equipment

| | | | |
|---|---|---|---|
| **APPROPRIATIONS** | | | |
| Increase | | | |
| | H0505.5110.2400.15 | DPW Hwy - Highway & Street Equip 15 Year | $830,000 |
| | H0505.7110.2400.15 | DPW Parks - Highway & Street Equip 15 Year | $60,000 |
| | H0505.5110.3900 | Bond Issuing Costs | $8,900 |
| | | | $898,900 |
| **REVENUES** | | | |
| Increase | | | |
| | H0505.5110.57100 | Serial Bonds | $898,900 |
| | | | $898,900 |

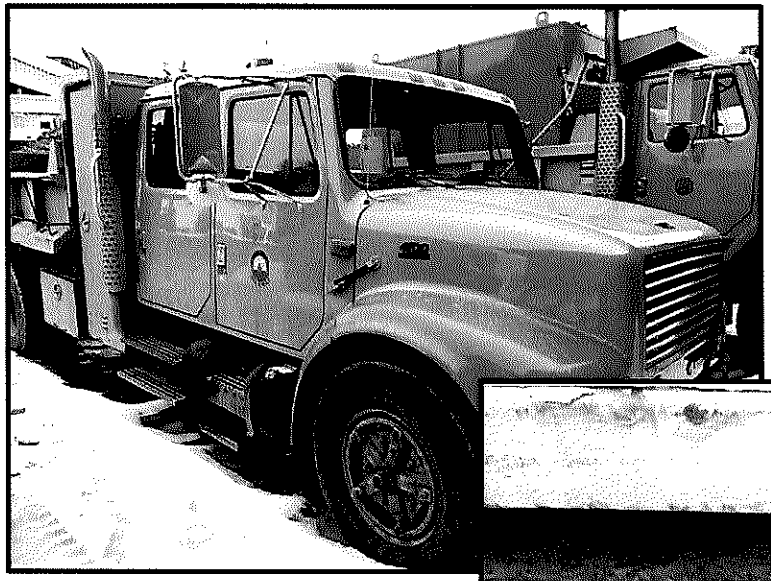
DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS
2017 CAPITAL EQUIPMENT LIST

| Description | Repl/ New | Qty | Estimated Cost | Subtotal | Useful Life (yrs) | Hwy/ Parks |
|---|---|---|---|---|---|---|
| Gang Truck | Repl | 1 | $140,000 | $140,000 | 15 | Hwy |
| Sector Truck - 1 Ton Dump | Repl | 1 | $60,000 | $60,000 | 10 | Hwy |
| 4x6 Plow/Sander/Dump Truck | Repl | 2 | $305,000 | $610,000 | 15 | Hwy |
| 8-ton Tralier w/ elec brakes | New | 2 | $10,000 | $20,000 | 10 | Hwy |
| 1 ton Dump Truck | Repl | 1 | $60,000 | $60,000 | 10 | Parks |
| | | | **Total =** | **$890,000** | | |

rb 3/3/17

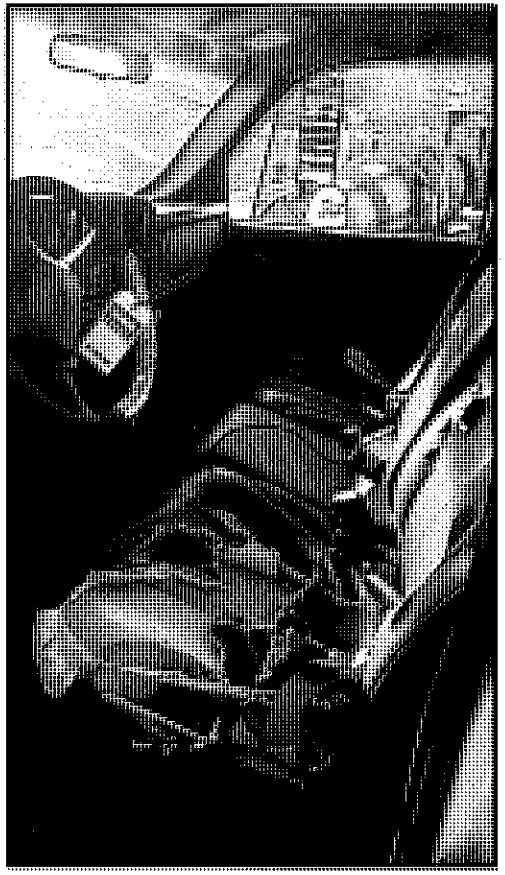
# 2017 Capital Equipment
# New & Replacement

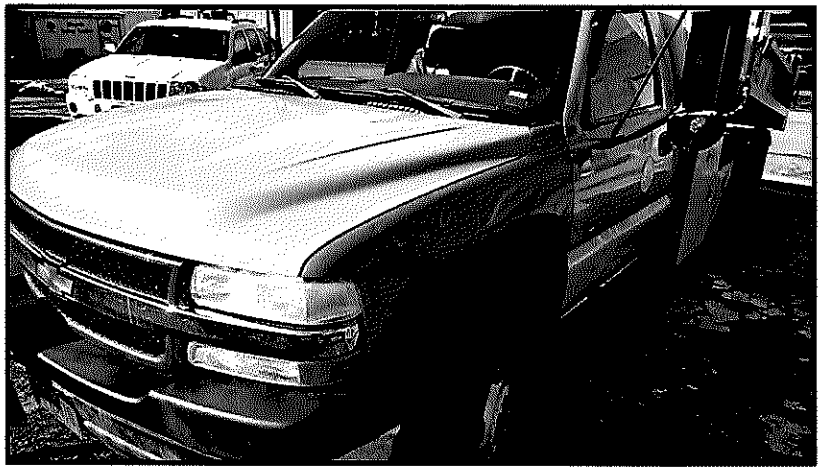
# Highway - Gang Truck G-7 Replacement



Truck G-7 is a 6-person crew cab truck that is used to transport workers, tools and materials to job locations. This is a 1999 International with 133,416 miles. The tools boxes are rusted through, the dump body has significant rust and the engine & transmission are maintenance intensive. Estimated replacement cost $140,000.

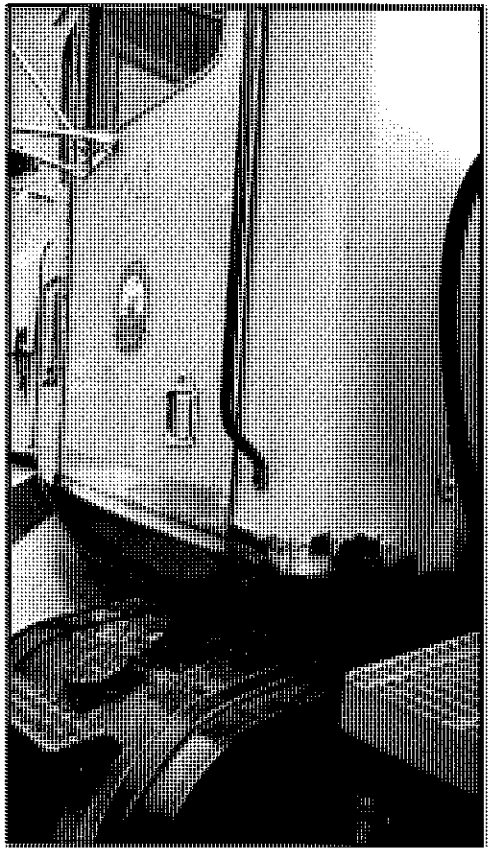
# Highway - Sector Truck P-7 Replacement

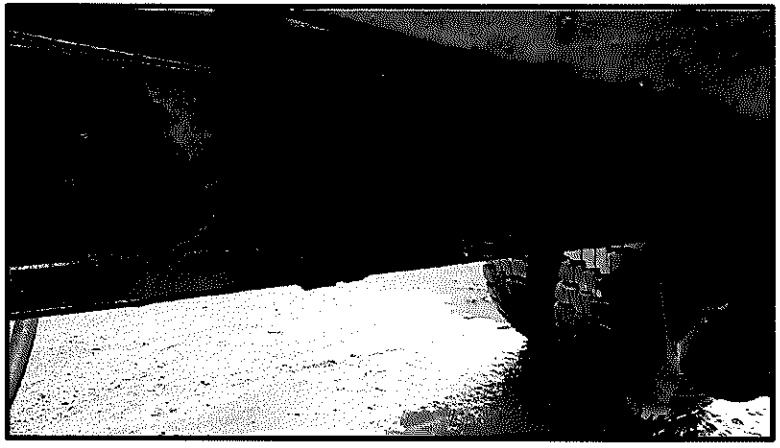


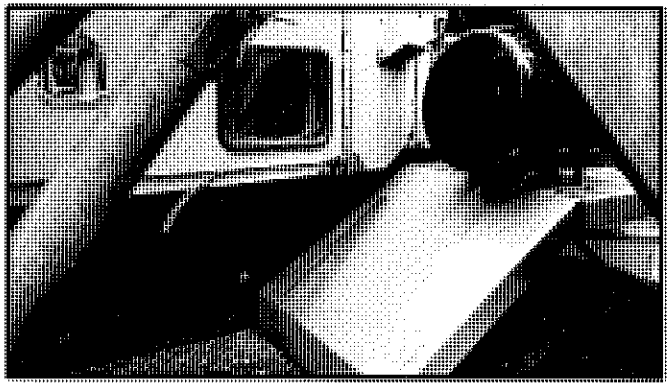


Truck P-7 is a 1-ton pick-up/dump truck. It is a 2000 Chevy 3500 and was used to perform daily highway maintenance (patching potholes, picking up dead deer, transporting gravel, cold patch, traffic cones, tools, etc.) The truck has 136,305 miles and is no longer able to pass a NYS safety inspection due to a rotted frame. Replacement vehicle will include a plow and slide-in sander. Estimated replacement cost 30,000.

# Highway - Plow/Sander Truck Replacement

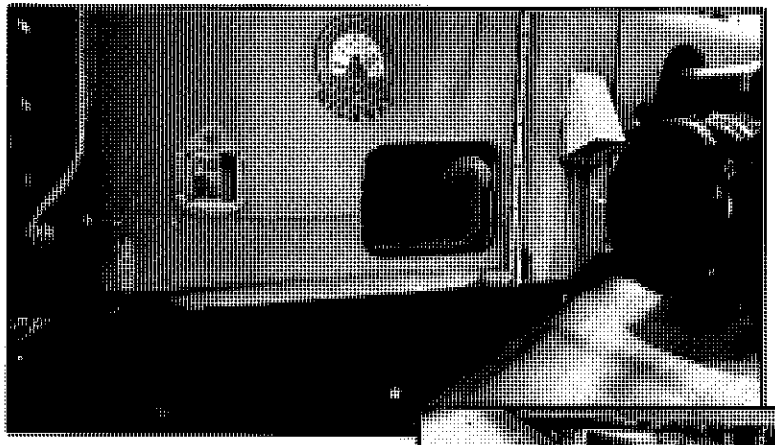


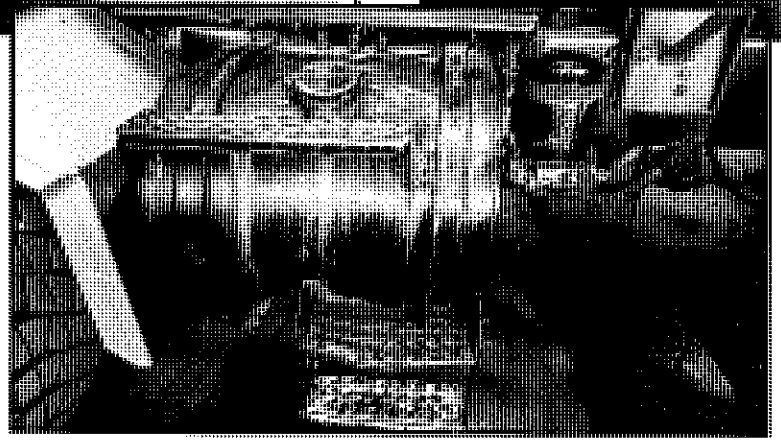




TR-24 is a 4x4 1989 Oshkosh with 59,891 miles. It is used as a snow plow/sander truck during winter months. The frame is beginning to show evidence of rot and the operator's cab is rusted throughout. This truck requires regular repairs and it is unreliable. Estimated replacement cost $300,000.

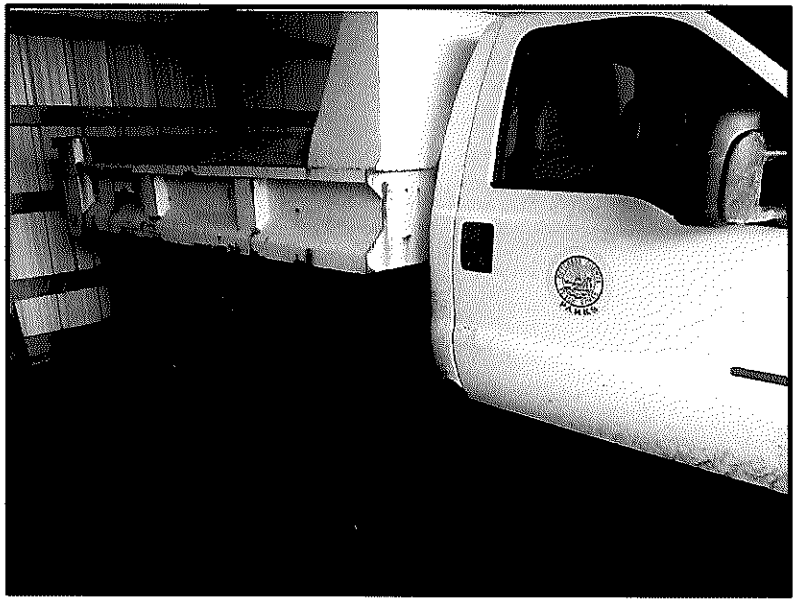
# Highway - Plow/Sander Truck Replacement





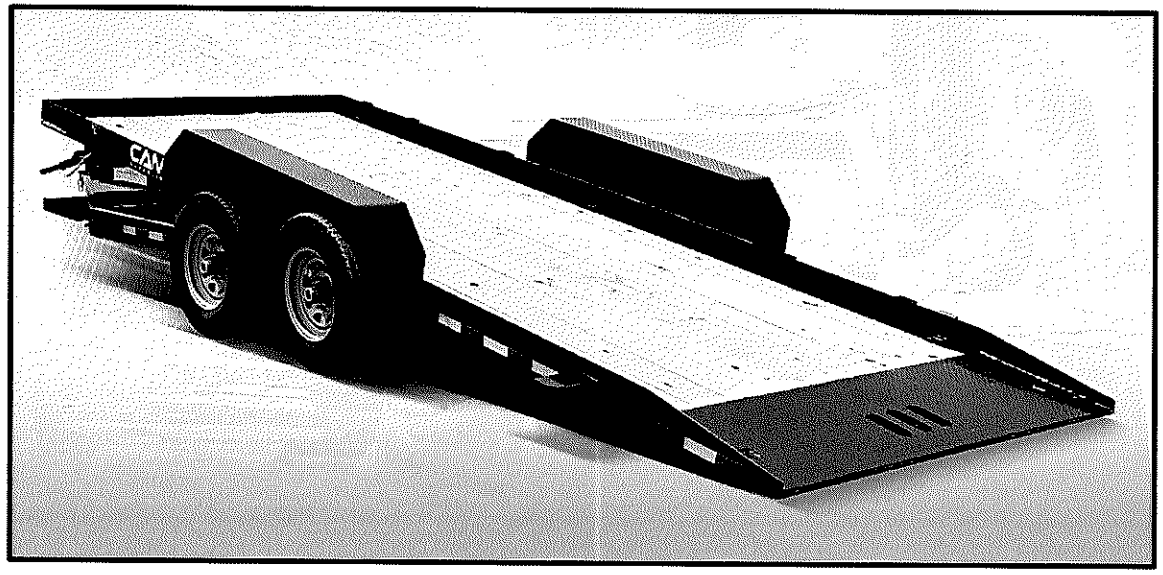
TR-27 is a 1989 Oshkosh with 60,396 miles. It was used as a snow plow/sander truck during winter months. The fenders/catwalks are rusted through, the operator's cab is rotted throughout and the frame is cracked. This truck is no longer in service. Estimated replacement cost $300,000.

# Parks – 1 Ton Dump Truck Replacement



This Parks vehicle is a 2001 Ford F-450 dump truck with 45,344 miles. It was removed from service in 2016 due to a cracked frame and overall condition of the chassis, cab and dump body. It was sold at auction in 2016. The replacement truck will be a 1 ton pick-up dump truck with plow and slide-in sander. It will be used a s a general Park maintenance vehicle at Wilcox Park or Bowdoin Park. Estimated replacement cost $80,000.

# New 8-Ton Trailer with Electric Brakes



The Department is seeking two new trailers to haul equipment and materials. These trailers will be shared by all DPW Divisions. The additional trailers will add flexibility to the Department by allowing smaller vehicles to move equipment and materials for Parks, Buildings, Highway and Airport Divisions. Estimated replacement cost is $10,000 each.

The foregoing Resolution No. 2017064, A RESOLUTION AUTHORIZING THE ISSUANCE OF $898,900 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF HIGHWAY EQUIPMENT, FOR SAID COUNTY, was offered for discussion only at the April 6, 2017, Public Works and Transportation Committee Meeting, and considered at the May 8, 2017, Board Meeting.

Discussion on Resolution No. 2017064 proceeded as follows:

Legislator Tyner moved to amend Section 2 as follows:

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of $898,900 serial bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Roll call on the foregoing resolution resulted as follows:

| | | |
|---|---|---|
| AYES: | 21 | Borchert, Bolner, Strawinski, Amparo, Black, Brendli, Coviello, Forman, Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger, Pulver, Rieser, Sagliano, Surman, Thomes, Truitt, Tyner |
| NAYS: | 0 | |
| ABSENT: | 4 | Roman, Miccio, Nesbitt, Washburn |

Resolution adopted.

# *Public Works and Capital Projects Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert* | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 4 - Town of Hyde Park | Black | absent | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 15 - Town of Wappinger | Incoronato (VC) | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver (C) | | |

**Present:** 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

**Absent:** 1 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017064** A RESOLUTION AUTHORIZING THE ISSUANCE OF $898,900 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF HIGHWAY EQUIPMENT, FOR SAID

Date: May 4, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ____ **Total :** ____ ____

**Absent:** 4 **Motion:** ✓ Yes No

**Vacant:** 0 **Abstentions:** ____

Legislator Tyner moved to add the following to Section 2:

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of $898,900 serial bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Resolution No. 2017064 Date: May 8, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ✓ **Total :** 21 (Yes) 0 (No)

**Absent:** 4 **Motion:** ___

**Vacant:** 0 **Abstentions:** 0

**2017064** A RESOLUTION AUTHORIZING THE ISSUANCE OF $898,900 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF HIGHWAY EQUIPMENT, FOR SAID COUNTY

Date: May 8, 2017

PUBLIC WORKS & TRANSPORTATION

RESOLUTION NO. 2017065

BOND RESOLUTION DATED MAY 8, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $2,878,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE RECONSTRUCTION OF BRIDGES, CULVERTS AND HIGHWAYS, IN AND FOR SAID COUNTY

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described have been performed and, in the case of compliance with the provisions of the State Environmental Quality Review Act, will be performed on a project-by-project, site-by-site basis before the financing of any particular project; and

WHEREAS, it is now desired to authorize the financing of such capital projects; NOW, THEREFORE

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

Section 1. The County's share of the cost of the reconstruction of bridges, culverts and highways, in and for the County of Dutchess, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $2,878,500.

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of $2,878,500 serial bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 90, based upon subdivisions 10, 20(c) and 20(f) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 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.

CERTIFICATION FORM

STATE OF NEW YORK )
) ss.:
COUNTY OF DUTCHESS )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on May 8, 2017, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 21 ayes and 0 noes, with 4 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on May 11, 2017, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

| Newspaper and/or other news media | Date given |
|---|---|
| Southern Dutchess News | May 5, 2017 |
| Poughkeepsie Journal | May 5, 2017 |

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

| Designated Location(s) of posted notice | Date of Posting |
|---|---|
| 22 Market Street, 6th Floor, County Office Building<br>Poughkeepsie, NY 12601 | May 5, 2017 |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 8th day of May 2017.

Carolyn Morris
Clerk, County Legislature

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/11/2017

## 2017 Highway & Bridge Improvement

| Year | PRIN O/S | PRIN PAYMENT | INTEREST | TOTAL |
|---|---|---|---|---|
| 1 | $2,878,500 | $287,850 | $86,355 | $374,205 |
| 2 | $2,590,650 | $287,850 | $77,720 | 365,570 |
| 3 | $2,302,800 | $287,850 | $69,084 | 356,934 |
| 4 | $2,014,950 | $287,850 | $60,449 | 348,299 |
| 5 | $1,727,100 | $287,850 | $51,813 | 339,663 |
| 6 | $1,439,250 | $287,850 | $43,178 | 331,028 |
| 7 | $1,151,400 | $287,850 | $34,542 | 322,392 |
| 8 | $863,550 | $287,850 | $25,907 | 313,757 |
| 9 | $575,700 | $287,850 | $17,271 | 305,121 |
| 10 | $287,850 | $287,850 | $8,636 | 296,486 |
| **TOTAL** | | $2,878,500 | $474,953 | $3,353,453 |
| **AVG. PER YEAR** | | $287,850 | $47,495 | $335,345 |

**FISCAL IMPACT STATEMENT**

| | | |
|---|---|---|
| TOTAL PRINCIPAL | $2,878,500 | |
| ANTICIPATED INTEREST RATE (Weighted Average) | | 3.00% |
| TERM 10 YEARS. ANTICIPATED FEES: | | $28,500 |
| ANTICIPATED ANNUAL COST (PRIN + INT): | | $335,345 |
| TOTAL PAYBACK (ANNUAL COST x TERMS): | | $3,353,453 |

PREPARED BY HEIDI SEELBACH

## H0506 - 2017 Highway & Bridge Improvements

**APPROPRIATIONS**

Increase

| | | |
|---|---|---|
| H0506.5110.3250.212 | Highway Improvements - CHIPs | $3,450,000 |
| H0506.5120.3450 | Bridge Improvements | $2,850,000 |
| H0506.5120.3450.212 | Bridge Improvements - CHIPs | $600,000 |
| H0506.5110.3900 | Bond Issuing Costs | $28,500 |
| | | $6,928,500 |

**REVENUES**

Increase

| | | |
|---|---|---|
| H0506.5110.57100 | Serial Bonds | $2,878,500 |
| H0506.5110.35010.07 | Consolidated Highway Aid County Roads | $3,450,000 |
| H0506.5120.35010.07 | Consolidated Highway Aid County Roads | $600,000 |
| | | $6,928,500 |

MARCUS J. MOLINARO
COUNTY EXECUTIVE

ROBERT H. BALKIND, P.E.
COMMISSIONER

# COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

## MEMORANDUM

**To:** W.F.X. O'Neil
Deputy County Executive

**From:** Robert Balkind, P.E., Commissioner
Department of Public Works

**Date:** March 7, 2017

**Re:** Proposed 2017 Highway & Bridge Capital Request

Please find attached the Department's 2017 Highway and Bridge Capital Bond request. The request includes estimated funding offsets (revenue) from both the Consolidated Highway Improvement Program (CHIPs) and PaveNY funding.

A detailed breakdown of the specific projects and their estimated costs are attached for your reference. Please let me know if you have any questions.

c: M. Aldrich, Director of Budget and Finance, DPW

# 2017 Highway & Bridge Improvement Program

The Department of Public Works Highway Management Division (Engineering and Highway Construction & Maintenance) conducts a Capital Highway and Bridge Improvement Program each year. These funds are utilized to maintain, repair and improve our County transportation system, which includes 157 bridges, 186 large drainage culverts and structures, and 395 centerline miles of roads. The highway system also includes associated storm water drainage systems (pipes, catch basins and ditches), 40 traffic control signals or beacons, and other safety devices (signs, guide rail, pavement markings, etc.).

Planned programs for 2017 include: *Pavement Management Program, Bridge and Culvert Improvement Program, and Highway, Safety and Drainage Improvement Program.* The total cost for projects included in this request is estimated at $6,900,000.

The County expects to receive approximately $3,450,000 in *Consolidated Highway Improvement Programs Funds* (CHIPS) from New York State that will offset 2017 capital project costs.

Based on estimated project costs and anticipated offsets from CHIPS funding, the net 2017 request is $2,850,000.

**Summary Breakdown of Request:**

| Estimated Program Amount | Program Description |
|---|---|
| $3,000,000 | Pavement Management Program. |
| $3,450,000 | Bridge and Culvert Improvement Program. |
| $450,000 | Highway, Safety and Drainage Improvement Program. |
| **$6,900,000** | **Estimated Total 2017 Projects Cost** |
| -$3,450,000 | Estimated 2017 CHIPs Funds (NYS) |
| -$600,000 | Estimated PaveNY funding (NYS) |
| **$2,850,000** | **2017 Net Request** |

Pavement Management Program

The 2017 Pavement Management program involves resurfacing or reconstruction of approximately 18 – 20 centerline miles of County highways using both contractors and County forces. Special surface treatments, developed to extend pavement life, may be performed by vendors and contractors with the necessary equipment and expertise. Work necessary to prepare the highways for resurfacing or reconstruction, such as culvert pipe replacement, ditch and drainage system repairs and localized surface repairs are included within the scope of this program. In addition, replacement of pavement markings is included within the scope of work under this program. All such work is eligible for CHIPS funding. The estimate for current year funding of this project is $3,000,000. CHIPS funding will be used to offset this program.

Bridge & Culvert Improvement Program

Bridges U-27 & U-28 Replacement, CR 21 (Bruzgal Road) over Fishkill Creek, Town of Union Vale. These two bridges are located next to each other and have low condition ratings of 4.034 and 4.051 respectively. Plans and specifications will be prepared by consultants. Construction will be performed by contracted services and construction inspection will be performed by in-house staff or consultants. Design and right-of-way acquisition is estimated at $525,000. The project will be bid for construction in Spring 2019. The current request is for $525,000.

Bridge E-5 Rehabilitation, CR 9 (Beekman Road) over Sylvan Lake Outlet, Town of East Fishkill. This bridge has a low condition rating of 4.848. Plans and specifications will be prepared by consultants. Construction will be performed by contracted services and construction inspection will be performed by in-house staff or consultants. Design and right-of-way acquisition is estimated at $150,000. The project will be bid for construction in Spring 2018. The current request is for $150,000.

Bridge E-8 Replacement, Phillips Road over Fishkill Creek, Town of East Fishkill. This bridge has a low condition rating of 4.021. Plans and specifications will be prepared by consultants. Construction will be performed by contracted services and construction inspection will be performed by in-house staff or consultants. Design and right-of-way acquisition is estimated at $275,000. The project will be bid for construction in Spring 2019. The current request is for $275,000.

Bridge PP-5 Replacement, Willowvale Road over Shekomeko Creek, Town of Pine Plains. This bridge has a low condition rating of 3.789. Plans and specifications will be prepared by consultants. Construction will be performed by contracted services and construction inspection will be performed by in-house staff or consultants. Design and right-of-way acquisition is estimated at $275,000. The project will be bid for construction in Spring 2019. The current request is for $275,000.

Culvert RH-13 Replacement, CR 56 (Cokertown Road) over Lakes Kill, Town of Red Hook. This culvert is structurally deficient. Plans and specifications are being prepared by DPW Engineering staff. Right-of-way acquisition and consultant costs were funded in the 2016 Capital Bond request. Construction is planned for 2017 and is estimated at $425,000. The current request is for $425,000.

Culverts N-22 & N-23 Replacement, CR 64 (McGhee Hill Road) over unnamed tributary, Town of North East. These culverts are structurally deficient. Plans and specifications are being prepared by DPW Engineering staff. Right-of-way acquisition and consultant costs are estimated at $50,000. The project will be bid in Spring 2018. The current request is for $50,000.

Bridge Painting – various locations throughout the County. This project will involve assessing steel bridges and creating a prioritized list of candidate bridges that will need to be painted. The Department is seeking to paint five or six bridges in 2017 to reduce maintenance costs and prevent structural damage. The 2016 Capital Bond request approved $75,000 for consultant costs to review bridges and develop priority lists for repair and painting. Plans and specifications are being developed and the project will be put out to bid in 2017. Construction and consultant inspection is estimated at $1,750,000. The current request is for $1,750,000.

Highway Safety and Drainage Improvement Program

Miscellaneous Drainage, Safety and Parking Lot Improvements, County-wide. This request is to fund capital repairs to culverts, large pipes, and drainage systems as necessary. These projects may also include repairs to parking lots and other safety-related improvements. Severe weather, unforeseen damage and unanticipated repair needs require the Department to maintain the ability to expend funds on capital projects to keep the transportation system safe and operational. The current request includes $200,000.

Guide Rail/Bridge Rail Installation, Repair or Replacement, County-wide. This request is to fund installation, repair or replacement of highway guide rail or bridge rail at various locations throughout the county road system. The current request includes $250,000.

*Note: Estimates for individual projects are approximate based on current information. Some projects may actually come in lower or higher than estimated; however, the cost for all projects combined will be within the total $6.900 million.*

orrick

Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
+1 212-506-5000
Orrick.com

Douglas E. Goodfriend

E dgoodfriends@orrick.com
D +1 212 506 5211
F +1 212 506 5151

April 18, 2017

**VIA E-MAIL (hseelbach@dutchessny.gov; jforte@dutchessny.gov)**

**REVISED AS TO SEQRA**

Ms. Heidi Seelbach, Commissioner of Finance
Mr. John Forte, First Deputy Commissioner
Dutchess County
Department of Finance
22 Market Street
Poughkeepsie, New York 12601-3294

Re: County of Dutchess, New York
Bridge, Culvert and Highway Improvements - $2,878,500 Bonds (County's Share)
Orrick File: 43218-2-111

Dear Heidi and John:

In accordance with your recent request, I have prepared and enclose herewith a **REVISED** form of bond resolution authorizing the issuance of $2,878,500 serial bonds to pay the cost of the County's share of bridge, culvert and highway improvements. The useful life is 10 years as bridge painting is entitled to 10 years and I have done this combined with the minor highway work. I have added in 1% for costs of issuance as Heidi prefers.

If utilized, please see that the resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the County Legislature and that the Legal Notice of estoppel of the bond resolution, a form of which I enclose herewith for your convenience, is published once in the official newspapers of the County.

When available, kindly return to me a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of estoppel of the resolution from each of the newspapers in which the same is published.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
160533897.02

cc: James Fedorchak, Esq. (jfedorchak@dutchessny.gov)
Ms. Gilda Pedatella (gpedatella@ dutchessny.gov)

# 2017 Road and Bridge Improvement Program

| | |
|---|---|
| Pavement Management Program | $3,000,000 |
| Bridge/Culvert Improvement Program | $3,450,000 |
| Misc. Highway, Safety and Drainage Improvement Program | $ 450,000 |
| **Estimated Total 2017 Project Costs** | **$6,900,000** |
| Anticipated CHIPS Funds (NYS) | -$3,200,000 |
| Anticipated PaveNY Funds (NYS) | -$ 600,000 |
| **2017 NET TOTAL PROGRAM REQUEST** | **$3,100,000** |

# 10 YR. History of Annual Bridge & Highway Bond Requests

| Year | Resolution No. | Net Request** |
|---|---|---|
| 2007 | Res. No. 207090 | $3.284M |
| 2008 | Res. No. 208150 | $2.935M |
| 2009 | Res. No. 209116 | $2.715M |
| 2010 | Res. No. 2010225 | $0.000M |
| 2011 | Res. No. 2011133 | $1.498M |
| 2012 | Res. No. 2012087 | $1.704M |
| 2013 | Res. No. 2013068 | $3.500M |
| 2014 | Res. No. 2014048 | $5.568M |
| 2015 | Res. No. 2015131 | $5.417M |
| 2016 | Res. No. 2016112 | $4.003M |

** Net County funding after NYS offsets, does not include bond costs.

# Dutchess County Roads, Bridges & Culverts by the numbers

395 - Centerline miles of roads to maintain (800 lane miles)

29 - Traffic Signals, in addition to 12 flashing warning lights and signs

157 - bridges to maintain, repair, replace (spans over 20')

186 - large culverts to maintain, repair, replace (spans 3' – 20'.)

15,313 – approximate number of traffic control devices (signs) to maintain

4,000,000 – approximate feet of pavement stripes painted annually

14 – Engineering Division staff

77 – Highway Division operations staff (not including admin/accounting)

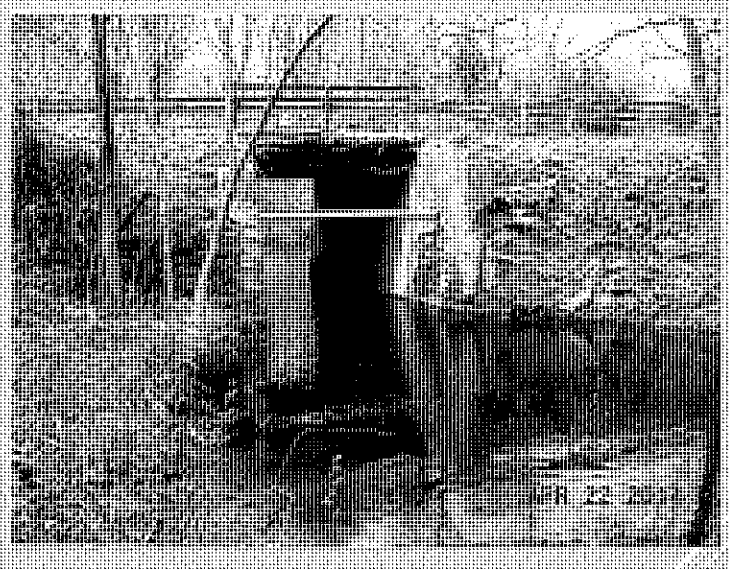
$12M – Annual Operating expenses

$10M – Approximate annual capital expenses

# Previously Funded Projects

# Culvert Replacement Project

CULVERT PV-14, SHEROW ROAD (CR 73) OVER
GREAT SPRING CREEK, TOWN OF PLEASANT VALLEY
**funding was approved in 2016**

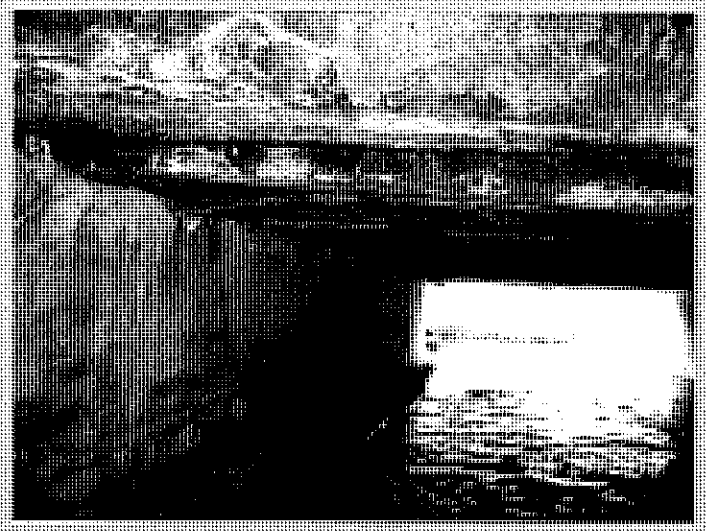


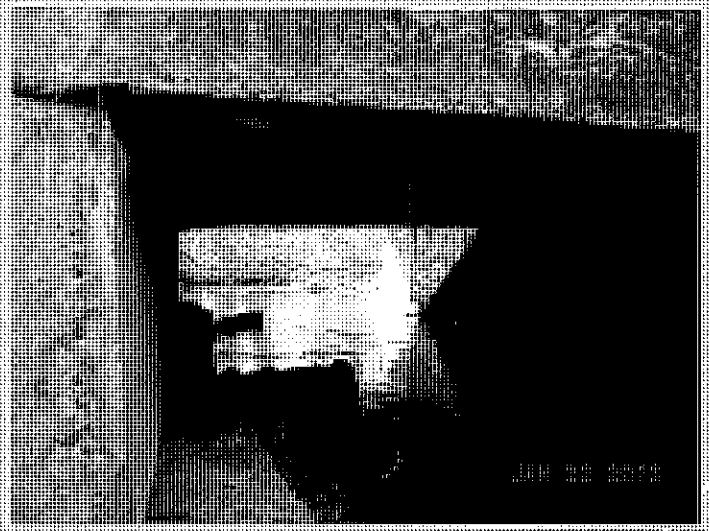
Construction scheduled for June 2017.

# Culvert Replacement Project

CULVERT RH-13, COKERTOWN ROAD (CR 56),
TOWN OF RED HOOK

**funding for design was approved in 2016**



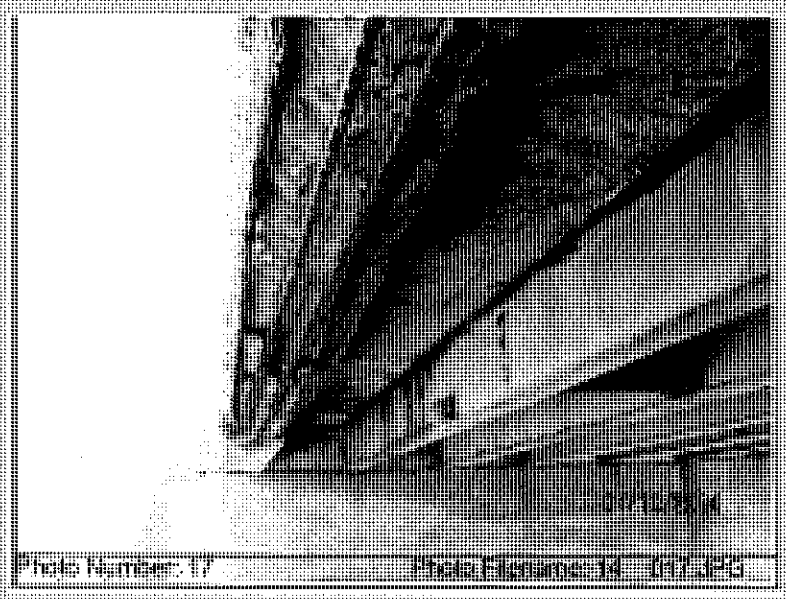


Design in progress, construction scheduled
for June 2018.

# Bridge Replacement Project

BRIDGE PP-12 REPLACEMENT, AMENIA-PINE PLAINS ROAD (CR 83) OVER SHEKOMEKO CREEK, TOWN OF PINE PLAINS

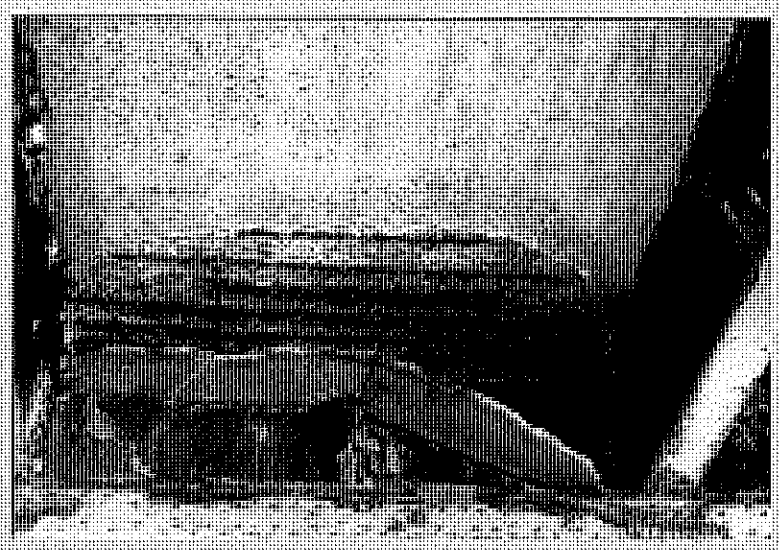
**funding for design was approved in 2016**

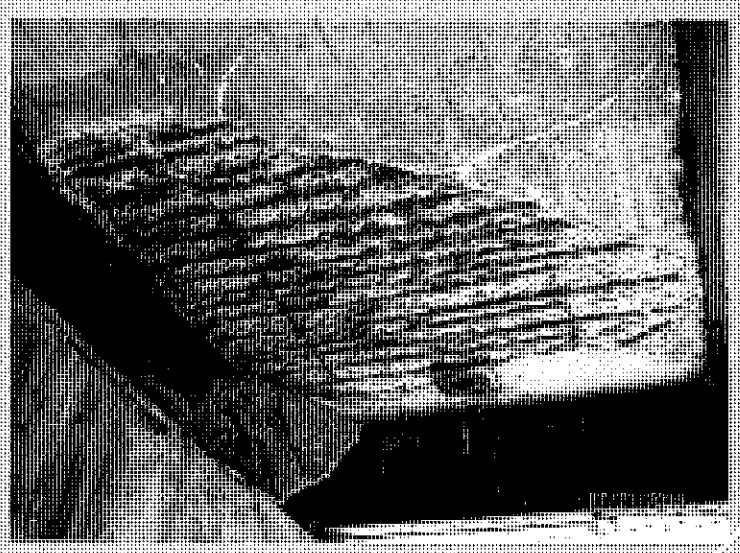


Design in progress, construction scheduled for May 2018.

# Bridge Replacement Project

BRIDGE M-7 REPLACEMENT, ACADEMY HILL RD
(CR 51) OVER ROELIFF-JANSEN KILL, TOWN OF MILAN
**funding was approved in 2013, 2014 and 2016**





Design is complete, construction scheduled
for June 2017.

# Bridge Replacement Project

BRIDGE PO-17X & L-43, DEGARMO RD (CR 43) OVER WAPPINGER CREEK,
TOWNS OF POUGHKEEPSIE & LAGRANGE

funding was approved
In 2012, 2013 and 2014

Bridge was completed and open to traffic in November 2016,
ahead of schedule and under budget.

# Bridge Replacement Project

BRIDGE C-31, HIBERNIA ROAD OVER WAPPINGER CREEK,
TOWN OF CLINTON

funding was approved
in 2013, 2014 and 2016

Bridge was completed and open to traffic in November 2016,
ahead of schedule and under budget.

# Bridge Replacement Project

BRIDGES PP-2 & PP-11, HOFFMAN ROAD OVER SHEKOMEKO CREEK,
TOWN OF PINE PLAINS

funding was approved
in 2015

Bridge was completed and open to traffic in December 2016,
on schedule and under budget.

# Bridge Replacement Project

BRIDGE RH-18, LINDEN AVE (CR 79) OVER AWKILL CREEK,
TOWN OF RED HOOK

funding was approved in 2014 and 2015

Bridge was completed and open to traffic in August 2016,
ahead of schedule and within budget.

# Bridge Replacement Project

BRIDGE D-32, RIDGE ROAD OVER COOPERTOWN BROOK,

TOWN OF DOVER

**Federal Aid Project**
**funding was approved in 2001 & 2007**

**Bridge was completed and open to traffic in September 2016, within budget.**

# Bridge Replacement Project

BRIDGE PV-15, NORTH AVENUE (CR 72) OVER SWALLOW STREAM,
TOWN OF PLEASANT VALLEY

**Project funding was approved in 2014 & 2015**

**Bridge was completed and open to traffic in December 2016, 3 months late due to significant re-design efforts.**

# Highway Improvement Project

NORTH AVENUE (CR 72) AT HURLEY ROAD,
TOWN OF PLEASANT VALLEY

Project funding was approved in 2015 and 2016

Right-of-way is being acquired, construction plans 75% complete, construction bids to be issued Fall 2017.

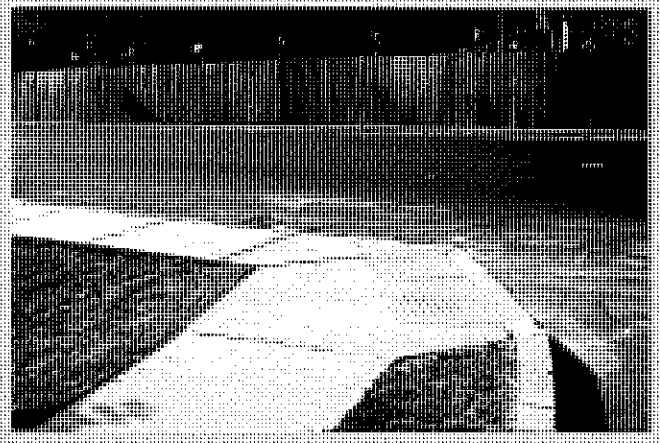
# Pavement Management

## WORK COMPLETED BETWEEN MAY 2016 AND OCTOBER 2016

| Road Name | Description/Location | Miles | Process | Township |
|---|---|---|---|---|
| N. Jackson St (CR 34) | NYS 52 – CR 35 | 0.53 | Mill/Resurface | T/O Fishkill |
| Bog Hollow Rd (CR3) | CR 4 – CT State Line | 3.19 | Shoulder Mill/ Chip Seal | Amenia/Dover |
| Boston Cors Rd (CR 63) | CR 62 – Bridge N-2 | 2.11 | Shoulder Mill/ Chip Seal | North East |
| Overlook Rd (CR 46) | Mountain Rd to PV Line | 1.7 | Shoulder Mill/ Overlay | LaGrange |
| Red Schoolhouse Rd (CR 36) | McGrath Blvd – Cynwood Rd | 1.0 | Microsurfacing | Fishkill |
| Centre Rd (CR 18) | Breezy Hill Rd – Gresom Pl. | 2.0 | Shoulder Mill/ Overlay | Clinton |
| South Quaker Ln (CR 16) | NYS 115 - CR 41 | 2.96 | Shim/Overlay | Hyde Park |
| All Angels Hill RD (CR 94) | NYS 82 to 1000' south of CR 28 | 1.0 | Mill/Resurface | Wappinger |
| Clinton Cors Rd (CR 13) | NYS 82 to Hibernia Rd | 0.85 | Shoulder Mill/ Overlay | LaGrange |
| Old Quaker Hill Rd (CR 66) | S. Quaker Hill Rd – CR 67 | 1.71 | Shoulder Mill/ Chip Seal | Pawling |
| New Hackensack Rd (CR 104) | CR 110 – CR 94 | 0.94 | HIPR/Overlay | Wappinger |
| Cross Rd (CR 100) | Cottage St. – CR 40 | 1.39 | Shoulder Mill/ Overlay | Poughkeepsie/Hyde Park |
| Little Rest Rd (CR 99) | NYS 343 – NYS 44 | 1.45 | Shoulder Mill/ Chip Seal | Washington |
| Clinton Hollow Rd (CR 18) | Gresom Pl. – NYS 115 | 2.0 | Shoulder Mill/ Overlay | Clinton |
| Freedom Rd (CR 47) | Sleight Pass Rd – LaGrange T.L. | 2.0 | Shoulder Mill/ Overlay | Pleasant Valley |

# Pavement Management

## WORK COMPLETED BETWEEN MAY 2016 AND OCTOBER 2016



New pavement and sidewalks with new ADA ramp on CR 34

Shoulder Repairs & HMA placement on CR 66

Shim and HMA resurfacing on CR 63

# Highway Reconstruction Project

CRUM ELBOW ROAD (CR 41) DRAINAGE AND SAFETY IMPROVEMENTS
CARDINAL ROAD AND MATUK DRIVE, TOWN OF HYDE PARK

funding was approved in 2015

Project was completed in September 2016 on schedule and under budget.

# Highway Reconstruction Project

MIDDLEBUSH ROAD (CR 93) CURVE RE-ALIGNMENT BETWEEN PLEASANT LANE AND CAMELI DRIVE, TOWN OF WAPPINGER

**Federal Aid Project**
**funding was approved in 2001 & 2007**

**Work was completed in September 2016, on schedule and under budget.**

# Requested Project Funding

# PROPOSED 2017 PROJECTS

- Pavement Management County-Wide
- Bridges U-27 & U-28 Replacement - design costs
- Bridge E-5 Rehabilitation - design costs
- Bridge E-8 Replacement - design costs
- Bridge PP-5 Replacement - design costs
- Culvert RH-13 Replacement - construction costs
- Culverts N-22 & N-23 Replacement - design costs
- Bridge Painting County-Wide - construction costs
- Miscellaneous Safety/Drainage/Parking lot repairs
- Guide Rail/Bridge Rail Replacements/Repairs

# PROPOSED 2017 BRIDGE PROJECT

## BRIDGES U-27 & U-28 REPLACEMENT, BRUZGAL ROAD (CR 21) OVER FISHKILL CREEK, TOWN OF UNION VALE

BRIDGES ARE RATED 4.034 AND 4.051 RESPECTIVELY. REQUEST IS FOR $525,000 FOR DESIGN COSTS AND ENVIRONMENTAL STUDIES.

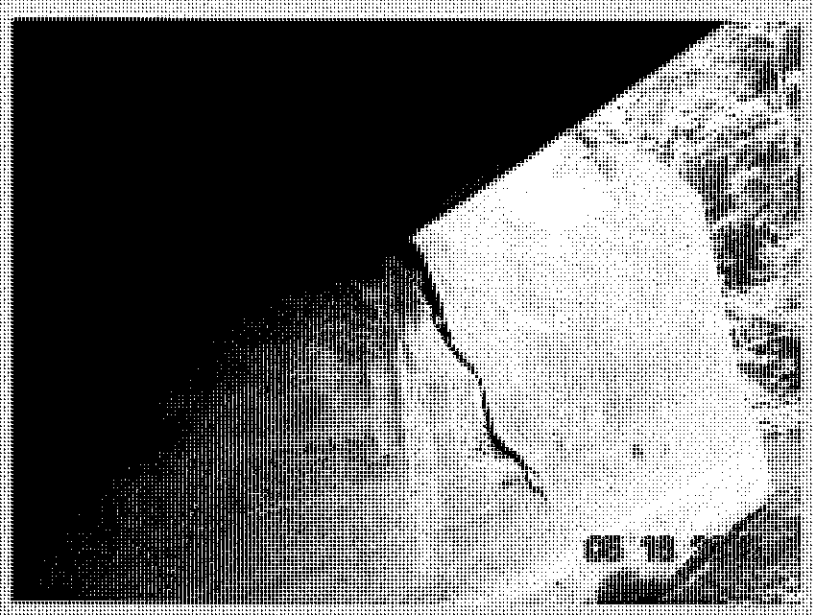
# PROPOSED 2017 BRIDGE PROJECT

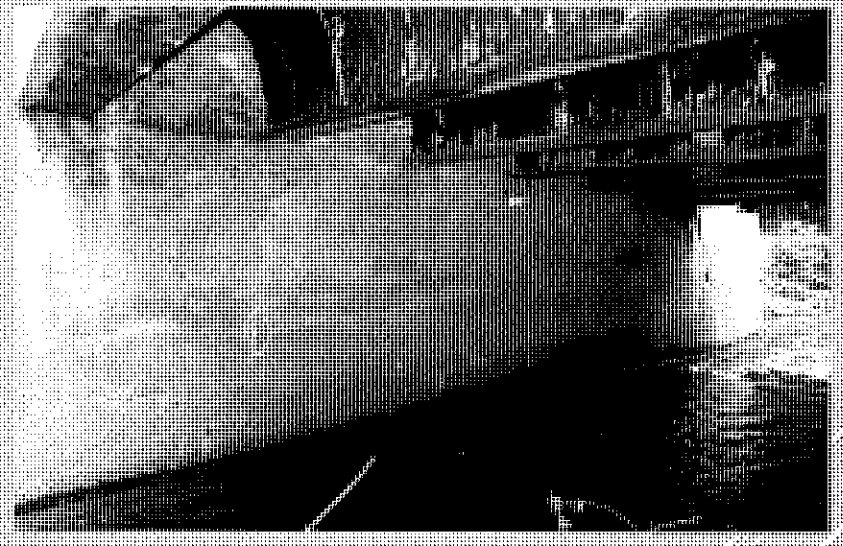
## BRIDGE E-5 REHABILITATION, BEEKMAN ROAD (CR 9) OVER FISHKILL CREEK TRIB., TOWN OF BEEKMAN

BRIDGE IS RATED 5.000, REQUEST IS FOR $150,000 FOR DESIGN COSTS AND ENVIRONMENTAL STUDIES.

# PROPOSED 2017 BRIDGE PROJECT

## BRIDGE E-8 REPLACEMENT, PHILLIPS ROAD (CR 9) OVER FISHKILL CREEK, TOWN OF BEEKMAN





BRIDGE IS RATED 4.021, REQUEST IS FOR $275,000 FOR DESIGN COSTS AND ENVIRONMENTAL STUDIES.

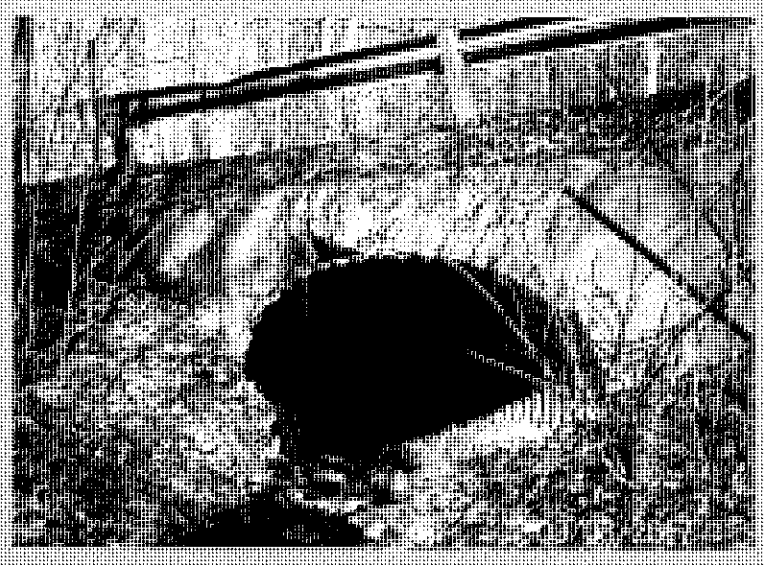
# PROPOSED 2017 CULVERT PROJECT

## CULVERT RH-13 REPLACEMENT, COKERTOWN ROAD (CR 56), TOWN OF RED HOOK

CULVERT IS IN POOR CONDITION , REQUEST IS FOR $425,000 FOR CONSTRUCTION COSTS.

# PROPOSED 2017 CULVERT PROJECT

## CULVERTS N-22 & N-23 REPLACEMENT, MCGHEE HILL ROAD (CR64), TOWN OF NORTH EAST



CULVERTS ARE IN POOR CONDITION , REQUEST IS FOR $50,000 FOR DESIGN AND ENVIRONMENTAL STUDIES.

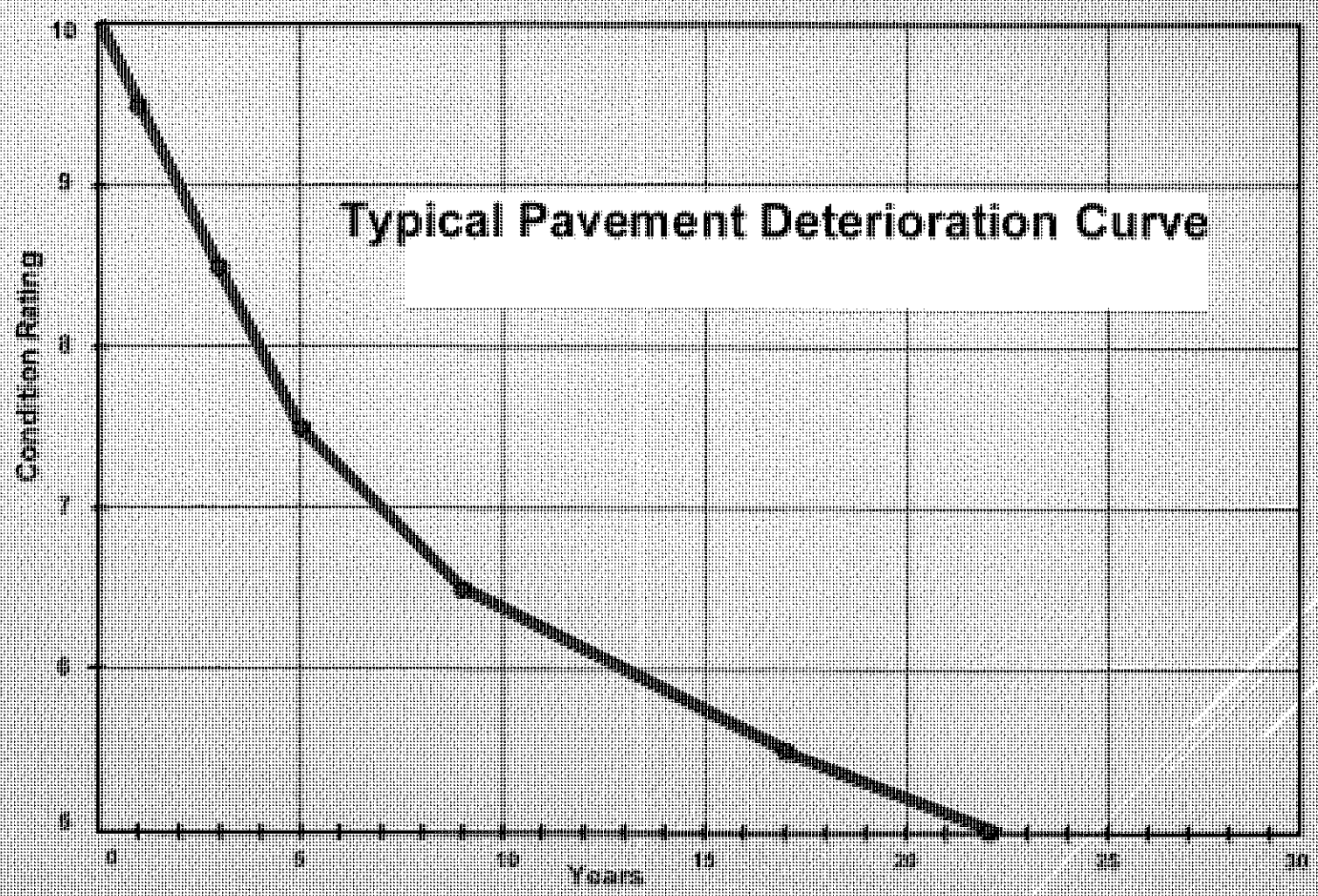
# Why is it important to invest in pavement management?

REGULAR PAVEMENT MANAGEMENT KEEPS THE ROAD SURFACE IN GOOD CONDITION, REDUCING WEAR & TEAR ON VEHICLES, PROVIDES QUALITY ROADS FOR TRAVELERS, AND PROMOTES COMMERCE AND ECONOMIC INVESTMENT.

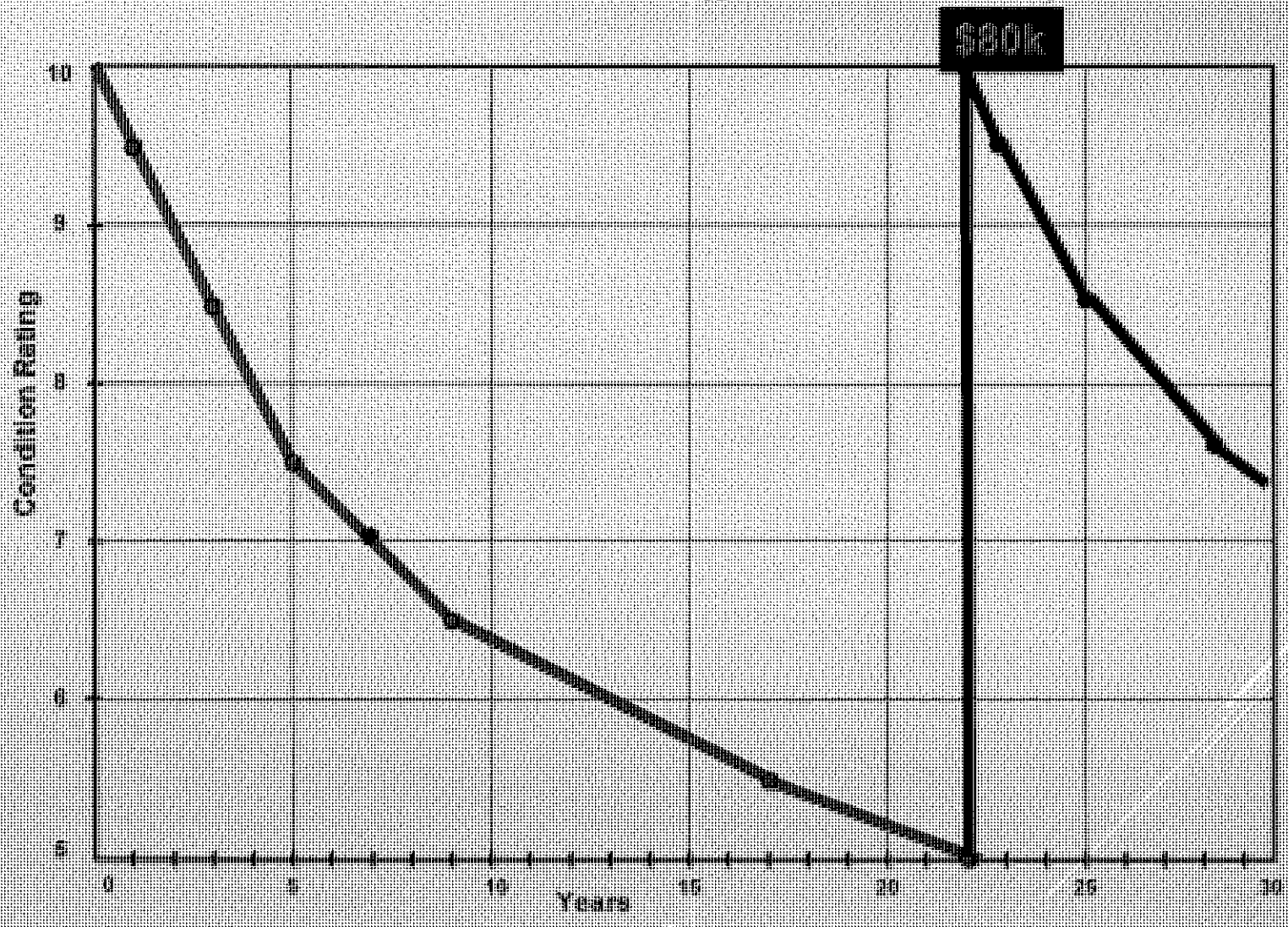
OVER THE LONG TERM, REGULAR PAVEMENT SURFACE MANAGEMENT REDUCES THE COST OF KEEPING THE HIGHWAY NETWORK IN A STATE OF GOOD REPAIR.

HOW CAN SPENDING MONEY REDUCE THE COSTOF MAINTAINING COUNTY ROADS ???

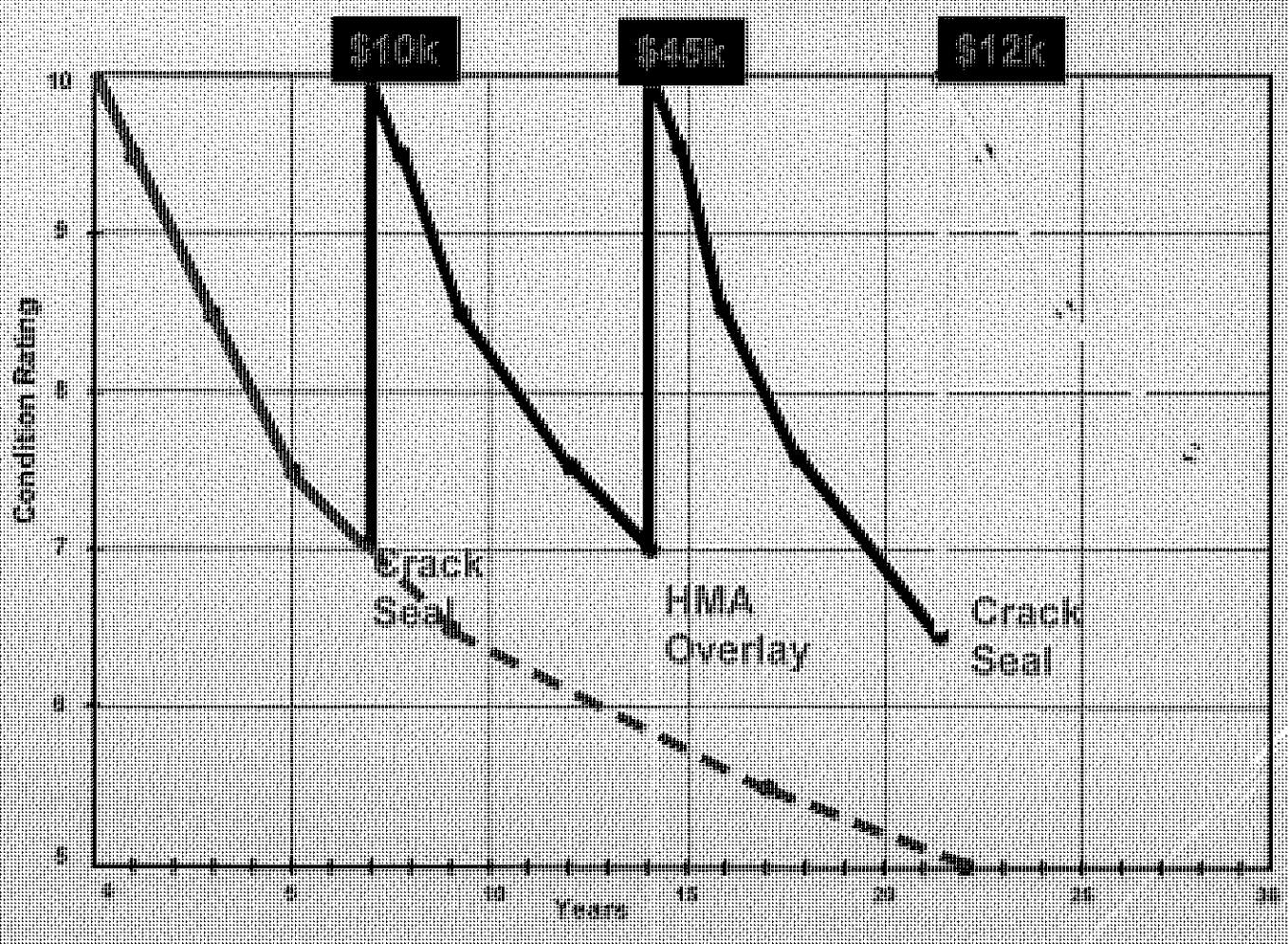
# Typical Pavement Deterioration Curve



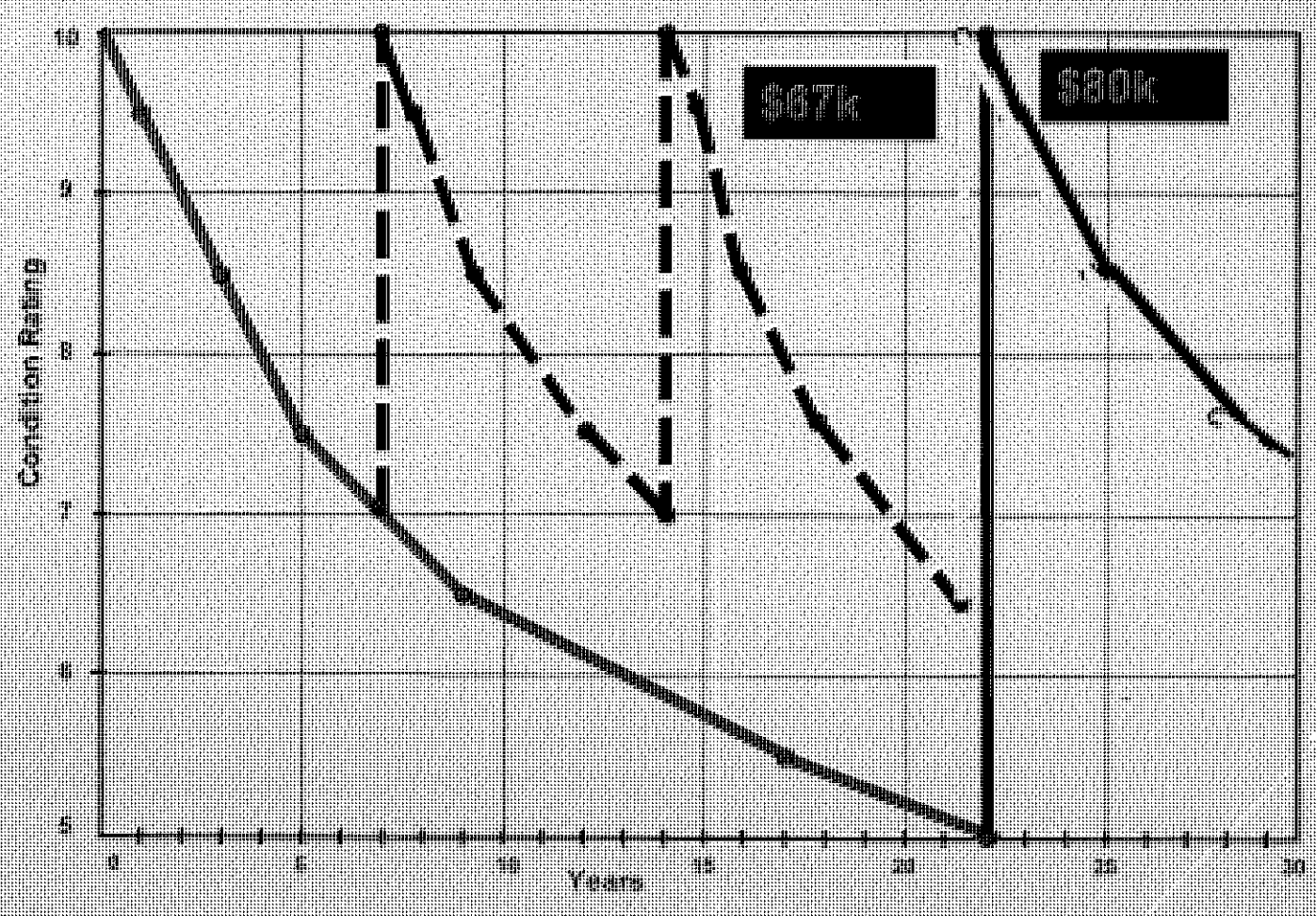
# Cost of Reconstruction after 22 years of Deterioration (per lane mile)



# Cost of 3 Surface Treatments after 7, 14 and 21 years of Deterioration



# Cost Comparison of 3 Surface Treatments vs. Single Reconstruction



# 2017 Pavement Management Program

Total Estimated Cost = $3.0 Million

Approximately 20-24 Centerline Miles of County Highway to receive treatment

Treatments may include:

1. Hot Mix Application (HMA) resurfacing
2. Cold In-Place Recycling
3. Full-Depth Reclamation (FDR)
4. Heating/Scarifying/Overlay
5. Fiber Mat w/ surface treatment
6. Specialty Surface Treatments
   (Nova-Chip, Slurry-Seal, Chip-Seal, Ultra-thin)

# 2017 Road and Bridge Improvement Program

| | |
|---|---|
| Pavement Management Program | $3,000,000 |
| Bridge/Culvert Improvement Program | $3,450,000 |
| Misc. Highway, Safety and Drainage Improvement Program | $ 450,000 |
| **Estimated Total 2017 Project Costs** | **$6,900,000** |
| Anticipated CHIPS Funds (NYS) | -$3,200,000 |
| Anticipated PaveNY Funds (NYS) | -$ 600,000 |
| **2017 NET TOTAL PROGRAM REQUEST** | **$3,100,000** |

The foregoing Resolution No. 2017065, A RESOLUTION AUTHORIZING THE ISSUANCE OF $3,131,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE RECONSTRUCTION OF BRIDGES, CULVERTS AND HIGHWAYS, IN AND FOR SAID COUNTY, was offered for discussion only at the April 6, 2017, Public Works and Transportation Committee Meeting, and considered at the May 8, 2017, Board Meeting.

Discussion on Resolution No. 2017065 proceeded as follows:

Legislator Tyner moved to amend Section 1 as follows:

Section 1. The County's share of the cost of the reconstruction of bridges, culverts and highways, in and for the County of Dutchess, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $2,878,500, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Assistant Minority Leader Amparo questioned if someone was available to address bond language.

Scott L. Volkman, Legislative Counsel, stated, "not to speak for bond counsel or for the law department, but the form of a bond resolution is statutory. There are certain statutory requirements which must be met and they are outlined in these sections. Amendments to the language are typically only authorized if they are permitted by statute, it's either yes or no based upon the language that is there. For instance, the two proposed amendments that were unable to garner a second, would be out of order and inappropriate in any event, because it would violate the terms and requirements of the finance law as to the content of a proper bond resolution. So a bond resolution is a very specific area of the law. The ability to borrow money tax free is contingent upon proper execution of that and that is why we have highly trained bond counsel that represent the county and most municipalities when it comes to the issuance of bonds. The language is there for a reason, it is statutory and should not be altered."

Roll call on the foregoing resolution resulted as follows:

AYES: 21 Borchert, Bolner, Strawinski, Amparo, Black, Brendli, Coviello, Forman, Flesland, Horton, Incoronato, Jeter-

| | | |
|---|---|---|
| | | Jackson, Landisi, Metzger, Pulver, Rieser, Sagliano, Surman, Thomes, Truitt, Tyner |
| NAYS: | 0 | |
| ABSENT: | 4 | Roman, Miccio, Nesbitt, Washburn |

Resolution adopted.

# *Public Works and Capital Projects Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert* | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 4 - Town of Hyde Park | Black | absent | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 15 - Town of Wappinger | Incoronato (VC) | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver (C) | | |

**Present:** 11
**Absent:** 10
**Vacant:** 0

**Resolution:** ✓
**Motion:** ____

**Total :** 11 (Yes) 0 (No)
**Abstentions:** 0

**2017065** A RESOLUTION AUTHORIZING THE ISSUANCE OF $2,878,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE RECONSTRUCTION OF BRIDGES, CULVERTS AND HIGHWAYS, IN AND FOR SAID COUNTY

Date: May 4, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ✓ **Total :** ____ ____

**Absent:** 4 **Motion:** ✓ **Yes** **No**

**Vacant:** 0 **Abstentions:** ____

Legislator Tyner moved to add the following to Section 1:

Section 1. The County's share of the cost of the reconstruction of bridges, culverts and highways, in and for the County of Dutchess, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $2,878,500, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Resolution No. 2017065 Date: May 8, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
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| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ✓ **Total :** 21 (Yes) 0 (No)

**Absent:** 4 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017065** A RESOLUTION AUTHORIZING THE ISSUANCE OF $2,878,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE RECONSTRUCTION OF BRIDGES, CULVERTS AND HIGHWAYS, IN AND FOR SAID COUNTY

Date: May 8, 2017

RESOLUTION NO. 2017066

BOND RESOLUTION DATED MAY 8, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AGGREGATE $858,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR VARIOUS DEPARTMENTS IN AND FOR SAID COUNTY.

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

Section 1. To pay the cost of the purchase of various motor vehicles for various departments, with alternative fuel modalities where appropriate and available, including in each case incidental equipment and expenses in connection therewith, there are hereby authorized to be issued $858,500 serial bonds of the County of Dutchess, New York pursuant to the provisions of the Local Finance Law, apportioned as follows:

a) the purchase of a pick-up truck for maintenance purposes, at a maximum estimated cost of $45,955, being a class or objects or purposes, having a period of probable usefulness of fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $45,955 serial bonds of the $858,500 serial bonds of the County of Dutchess, New York, herein authorized; and

b) the purchase of vehicles for various departments to replace those in present service, at a maximum estimated cost of $812,545, being a class or objects or purposes, having a period of probable usefulness of three years, pursuant to subdivision 77(1st) of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $812,545

Section 2. It is hereby determined that the aggregate maximum estimated cost of the aforesaid objects or purposes described in Section 1 hereof is $858,500, and that the plan for the financing thereof by the issuance of the $858,500 serial bonds herein authorized to be issued pursuant to the provisions of the Local Finance Law therefore apportioned to each such class of objects or purposes in accordance with the maximum estimated cost of each specified in Section 1 hereof.

Section 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. This resolution, which takes effect immediately, shall be published in summary form 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.

* * * * *

CA-048-17
G-0145-B
3/16/17

CERTIFICATION FORM

STATE OF NEW YORK )
) ss.:
COUNTY OF DUTCHESS )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on May 8, 2017, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 21 ayes and 0 noes, with 4 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on May 17, 2017, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

| Newspaper and/or other news media | Date given |
|---|---|
| Southern Dutchess News | May 5, 2017 |
| Poughkeepsie Journal | May 5, 2017 |

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

| Designated Location(s) of posted notice | Date of Posting |
|---|---|
| 22 Market Street, 6th Floor, County Office Building Poughkeepsie, NY 12601 | May 5, 2017 |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 8th day of May 2017.

Carolyn Morris
Clerk, County Legislature

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/17/2017

2017 Motor Vehicles (cars, pick-up truck) - various departments

| Year | PRIN O/S | PRIN PAYMENT | INTEREST | TOTAL |
|---|---|---|---|---|
| 1 | $858,500 | $273,912 | $13,650 | $287,562 |
| 2 | $584,588 | $273,912 | $9,489 | 283,401 |
| 3 | $310,676 | $273,912 | $5,329 | 279,241 |
| 4 | 36,764 | 3,064 | 1,169 | 4,233 |
| 5 | 33,700 | 3,064 | 1,072 | 4,135 |
| 6 | 30,637 | 3,064 | 974 | 4,038 |
| 7 | 27,573 | 3,064 | 877 | 3,940 |
| 8 | 24,509 | 3,064 | 779 | 3,843 |
| 9 | 21,446 | 3,064 | 682 | 3,746 |
| 10 | 18,382 | 3,064 | 585 | 3,648 |
| 11 | 15,318 | 3,064 | 487 | 3,551 |
| 12 | 12,255 | 3,064 | 390 | 3,453 |
| 13 | 9,191 | 3,064 | 292 | 3,356 |
| 14 | 6,127 | 3,064 | 195 | 3,259 |
| 15 | 3,064 | 3,064 | 97 | 3,161 |
| TOTAL | | $858,500 | $36,067 | $894,567 |
| AVG. PER YEAR | | $57,233 | $2,404 | $59,638 |

**FISCAL IMPACT STATEMENT**

| | | |
|---|---|---|
| TOTAL PRINCIPAL | $858,500 | |
| ANTICIPATED INTEREST RATE (Weighted Average) | | 1.59% |
| TERM 15 YEARS. ANTICIPATED FEES: | | $8,500 |
| ANTICIPATED ANNUAL COST (PRIN + INT): | | $59,638 |
| TOTAL PAYBACK (ANNUAL COST x TERMS): | | $894,567 |

PREPARED BY HEIDI SEELBACH

## H0504/EA0504 - 2017 Auto Center Vehicle Bond

| | | | |
|---|---|---|---|
| APPROPRIATIONS | | | |
| Increase | | | |
| | H0504.1170.2300.03 | Public Defender Motor Vehicles 3 Year | $24,500 |
| | H0504.6010.2300.03 | DCFS Motor Vehicles 3 Year | $170,000 |
| | H0504.8020.2300.03 | Planning Motor Vehilces 3 Year | $24,500 |
| | H0504.3140.2300.03 | Probation Motor Vehicles 3 Year | $64,000 |
| | H0504.5020.2300.03 | DPW Engineering Motor Vehicles 3 Year | $80,500 |
| | H0504.3110.2300.03 | Sheriff Motor Vehicles 3 Year | $441,000 |
| | H0504.1640.3900 | Bond Issuing Costs | $8,045 |
| | | | $812,545 |
| | EA0504.5610.2300.15 | DPW Airport Motor Vehicles 15 Year | $45,500 |
| | EA0504.5610.3900 | Bond Issuing Costs | $455 |
| | | | $45,955 |
| REVENUES | | | |
| Increase | | | |
| | H0504.1640.57100 | Serial Bonds | $812,545 |
| | | | $812,545 |
| | EA0504.5610.57100 | Serial Bonds | $45,955 |
| | | | $45,955 |

# 2017 Auto Service Center Vehicle Request

## 2017 Department Vehicles

| | Requesting Department | Vehicle to be Replaced | Year | Make/Model | Marked or Unmarked | Current Mileage | Condition Notes | Department | Replacement Vehicle Type | Marked or Unmarked | Estimated Cost | Remarks | Useful Life |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Probation | 5639 | 2010 | Ford Crown Victoria | N/A | 121,000 | high mileage, poor condition | Probation | Mid-size AWD Sedan | N/A | $32,000 | includes security partition and law enforcement lighting | 3 |
| 2 | Probation | 5915 | 2006 | Ford Taurus Police Intercept | N/A | 107,000 | high mileage, poor condition | Probation | Mid-size AWD Sedan | N/A | $32,000 | includes security partition and law enforcement lighting | 3 |
| 3 | Planning | 5502 | 2010 | Chevy Impala | N/A | 112,000 | high mileage, poor condition | Planning | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 4 | Public Defender | 5215 | 2007 | Chevy Impala | N/A | 85,000 | poor mechanical and body condition | Public Defender | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 5 | DPW - Airport | 3991 | 1999 | Dodge P/U Truck | N/A | 55,510 | poor mechanical and body condition | DPW - Airport | 3/4 ton crew-cab P/U truck with plow, sander | N/A | $45,500 | includes safety lighting package | 5 |
| 6 | DPW - Engineering | 4598 | 2001 | Chevy Cavalier | N/A | 70,456 | rotted frame | DPW - Engineering | Mid-size SUV 4x4 | N/A | $28,000 | includes safety lighting package | 5 |
| 7 | DPW - Engineering | 5630 | 2010 | Honda Civic NG | N/A | 42,656 | totalled | DPW - Engineering | Mid-size SUV 4x4 | N/A | $28,000 | includes safety lighting package | 5 |
| 8 | DPW - Engineering | 5399 | 2009 | Honda Civic NG | N/A | 28,129 | NG fuel no longer available | DPW - Engineering | Mid-size sedan - hybrid | N/A | $24,500 | includes safety lighting package | 3 |
| 6 | DCFS | 5607 | 2010 | Chevy Impala | N/A | 117,000 | high mileage, poor condition | DCFS | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 7 | DCFS | 4999 | 2007 | Ford Taurus | N/A | 100,000 | high mileage, poor condition | DCFS | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 8 | DCFS | 5111 | 2006 | Chevy Impala | N/A | 127,000 | high mileage, poor condition | DCFS | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 9 | DCFS | 5610 | 2010 | Chevy Impala | N/A | 122,000 | high mileage, poor condition | DCFS | Mid-size sedan - hybrid | N/A | $24,500 | | 3 |
| 10 | DCFS | 4671 | 2003 | Chevy Malibu | N/A | 104,000 | high mileage, poor condition | DCFS | Mid-size AWD sedan | N/A | $24,000 | | 3 |
| 11 | DCFS | 5626 | 2008 | Subaru Impreza | N/A | 110,000 | high mileage, poor condition | DCFS | Mid-size AWD sedan | N/A | $24,000 | | 3 |
| 12 | DCFS | 5638 | 2010 | Ford Escape | N/A | 178,000 | high mileage, poor condition | DCFS | Mid-size AWD sedan | N/A | $24,000 | | 3 |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

Non Sheriff Sub Total = $409,000

RB 3/6/17

2018 Sheriff's Office Vehicle Request

2018 Department Vehicles

| | Requesting Department | Vehicle projected to replace | Year | Make/Model | Marked or Unmarked | Current Mileage | Condition Notes | Department | Replace Vehicle Type | Marked of Unmarked | Estimated Cost | Remarks | Useful Life |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | DCSO | 5201 | 2007 | Chev Tahoe | Unmarked | 173,000 | High Milage, High Age | DCSO | Full Size Executive SUV | Unmarked | $45,000 | Law Enforcement Lighting | 3 |
| 2 | DCSO | 5260 | 2007 | Chev Tahoe | Unmarked | 154,000 | High Milage, High Age | DCSO | Mid-size AWD SUV | Unmarked | $32,000 | Law Enforcement Lighting | 3 |
| 3 | DCSO | 5209 | 2007 | Chev Tahoe | Marked | 144,000 | High Milage, High Age | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 4 | DCSO | 5905 | 2013 | Ford Explorer | Marked | 144,000 | High Milage | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 5 | DCSO | 5902 | 2013 | Ford Explorer | Unmarked | 140,000 | High Milage | DCSO | Mid-size AWD SUV | Unmarked | $32,000 | Law Enforcement Lighting | 3 |
| 6 | DCSO | 5947 | 2013 | Dodge Charger | Marked | 120,000 | High Milage, Extensive Vehicle repair history | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 7 | DCSO | 5906 | 2013 | Ford Explorer | Marked | 114,000 | High Milage, Extensive Vehicle repair history | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 8 | DCSO | 5914 | 2013 | Ford Sedan | Marked | 110,000 | High Milage | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 9 | DCSO | 5926 | 2013 | Ford Sedan | Marked | 110,000 | High Milage | DCSO | Mid-size AWD SUV | Marked | $35,000 | Security Partition and Law Enforcement Lighting | 3 |
| 10 | DCSO | 5504 | 2010 | Chevy Impala | Unmarked | 106,000 | High Milage | DCSO | Mid-size AWD SUV | Unmarked | $32,000 | Law Enforcement Lighting | 3 |
| 11 | DCSO | 4392 | 2001 | Dodge Ram | Unmarked | 71,000 | High Age, Very Poor Body Condition, High cost of Maintenance | DCSO | Flat-bed Truck | Unmarked | $80,000 | Law Enforcement Lighting | 7 |

Sheriff Sub-Total $431,000

Background to 20170606

The foregoing Resolution No. 2017066, A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AGGREGATE $858,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR VARIOUS DEPARTMENTS IN AND FOR SAID COUNTY, was offered for discussion only at the April 6, 2017, Public Works and Transportation Committee Meeting, and considered at the May 8, 2017, Board Meeting.

Discussion on Resolution No. 2017066 proceeded as follows:

Legislator Tyner moved to amend Section 1 as follows:

Section 1. To pay the cost of the purchase of various motor vehicles for various departments, with alternative fuel modalities where appropriate and available, including in each case incidental equipment and expenses in connection therewith, there are hereby authorized to be issued $858,500 serial bonds of the County of Dutchess, New York pursuant to the provisions of the Local Finance Law, apportioned as follows, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Roll call on the foregoing resolution resulted as follows:

| | | |
|---|---|---|
| AYES: | 21 | Borchert, Bolner, Strawinski, Amparo, Black, Brendli, Coviello, Forman, Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger, Pulver, Rieser, Sagliano, Surman, Thomes, Truitt, Tyner |
| NAYS: | 0 | |
| ABSENT: | 4 | Roman, Miccio, Nesbitt, Washburn |

Resolution adopted.

# *Public Works and Capital Projects Roll Call*

| *District* | *Name* | *Yes* | *No* |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert* | | |
| District 17 - Town and Village of Fishkill | Miccio* | | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner* | | |
| District 20 - Town of Red Hook | Strawinski* | | |
| District 14 - Town of Wappinger | Amparo* | | |
| District 4 - Town of Hyde Park | Black | absent | |
| District 5 - Town of Poughkeepsie | Roman | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 15 - Town of Wappinger | Incoronato (VC) | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver (C) | | |

**Present:** 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

**Absent:** 1 **Motion:** ___ **Abstentions:** 0

**Vacant:** 0

**2017066** A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AGGREGATE $858,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR VARIOUS DEPARTMENTS IN AND FOR SAID COUNTY

Date: May 4, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ✓ **Total :** ____ ____

**Absent:** 4 **Motion:** ✓ **Yes** **No**

**Vacant:** 0 **Abstentions:** ____

Legislator Tyner moved to add the following to Section 1:

Section 1. To pay the cost of the purchase of various motor vehicles for various departments, with alternative fuel modalities where appropriate and available, including in each case incidental equipment and expenses in connection therewith, there are hereby authorized to be issued $858,500 serial bonds of the County of Dutchess, New York pursuant to the provisions of the Local Finance Law, apportioned as follows, **as long as no Dutchess County contracts regarding this resolution are given to entities that have contributed more than $100 to a county official.**

Motion failed due to lack of second.

Resolution No. 2017066 Date: May 8, 2017

# Roll Call Sheets

| District | Last Name | Yes | No |
|---|---|---|---|
| District 3 - Town of LaGrange | Borchert | | |
| District 17 - Town and Village of Fishkill | Miccio | absent | |
| District 13 - Towns of LaGrange, East Fishkill, and Wappinger | Bolner | | |
| District 20 - Town of Red Hook | Strawinski | | |
| District 14 - Town of Wappinger | Amparo | | |
| District 1 - Town of Poughkeepsie | Nesbitt | absent | |
| District 2 - Towns of Pleasant Valley and Poughkeepsie | Sagliano | | |
| District 4 - Town of Hyde Park | Black | | |
| District 5 - Town of Poughkeepsie | Roman | absent | |
| District 6 - Town of Poughkeepsie | Flesland | | |
| District 7 - Towns of Hyde Park and Poughkeepsie | Truitt | | |
| District 8 - City and Town of Poughkeepsie | Brendli | | |
| District 9 - City of Poughkeepsie | Rieser | | |
| District 10 - City of Poughkeepsie | Jeter-Jackson | | |
| District 11 - Towns of Rhinebeck and Clinton | Tyner | | |
| District 12 - Town of East Fishkill | Metzger | | |
| District 15 - Town of Wappinger | Incoronato | | |
| District 16 - Town of Fishkill and City of Beacon | Forman | | |
| District 18 - City of Beacon and Town of Fishkill | Landisi | | |
| District 19 - Towns of North East, Stanford, Pine Plains, Milan | Pulver | | |
| District 21 - Town of East Fishkill | Horton | | |
| District 22 - Towns of Beekman and Union Vale | Coviello | | |
| District 23 - Towns of Pawling, Beekman and East Fishkill | Thomes | | |
| District 24 - Towns of Dover and Union Vale | Surman | | |
| District 25 - Towns of Amenia, Washington, Pleasant Valley | Washburn | absent | |

**Present:** 21 **Resolution:** ✓ **Total :** 21 (Yes) 0 (No)

**Absent:** 4 **Motion:** ____

**Vacant:** 0 **Abstentions:** 0

**2017066** A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AGGREGATE $858,500 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR VARIOUS DEPARTMENTS IN AND FOR SAID COUNTY

Date: May 8, 2017

LAID ON DESKS 4/11/17

# TABLED IN 2016

RESOLUTION NO. 2017067

RE: LOCAL LAW NO. OF 2017, THE CHILDREN'S PRODUCT SAFETY ACT OF 2017

Legislators TYNER, STRAWINSKI, RIESER and AMPARO offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. of 2017, which has been submitted this day for consideration by said Legislature.

~~STATE OF NEW YORK~~

~~ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. OF 2017

RE: A LOCAL LAW AUTHORIZING THE CHILDREN'S PRODUCT SAFETY ACT OF 2017

BE IT ENACTED BY the County Legislature of the County of Dutchess, as follows:

Section 1. Legislative Intent.

The Legislature hereby finds and determines that there are chemicals of high concern for the environment and human health, as have been determined by many authorities, including the state of Maine Article 38 MRSA Chapter 16-D, *Toxic Chemicals in Children's Products,* as of September 1, 2011.

The Legislature finds that within this list of chemicals of high concern, several are known to be toxic and carcinogenic, including antimony, arsenic, benzene, cadmium, formaldehyde, lead, and mercury.

This Legislature finds and determines that many common children's products contain these toxic chemicals and known carcinogens.

The Legislature finds that antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders.

The Legislature finds that arsenic can cause skin lesion, cancer, developmental delays, neurotoxicity, diabetes, cardiovascular disease, and lung cancer.

The Legislature finds that exposure to benzene can cause harmful effects to the blood, a decrease in red blood cells, and causes cancer in humans.

The Legislature finds that cadmium can result in kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system.

The Legislature finds that formaldehyde can cause respiratory damage, lung and nasopharyngeal cancer, nasal squamous cell cancer, gastrointestinal disorders, inflammation, and ulceration of the mouth, esophagus, and stomach.

The Legislature finds that lead can contaminate drinking water supplies and cause brain damage, hyperactivity, anemia, liver and kidney damage, developmental delays, and even death.

The Legislature finds that mercury can contaminate fish and other wildlife and cause damage to brain development, impacts on cognitive thinking, a decrease in fine motor and visual special skills, and muscle weakness.

This Legislature further finds and determines that several states, localities and the federal government are considering a ban on these seven chemicals in children's products; Westchester, Suffolk, Rockland, and Albany counties have already banned toxic toys.

This Legislature finds that, in the absence of such Federal and New York State enacted laws, Dutchess County is committed to protecting the environment and the public health and welfare of our County's infants and children whose growing bodies are vulnerable to the health hazards caused by these seven chemicals.

Therefore, the purpose of this local law is to protect infants and young children from their harmful health effects.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

A) "Children's Apparel" means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing. Children's apparel does not mean protective equipment designed to prevent injury, including, but not limited to, bicycle helmets, knee pads, or elbow pads.

B) "Children's Product" means any product primarily intended for, made for, or

marketed for use by children. Children's product does not mean batteries, consumer electronics, paper products, or a drug, biologic, medical device, food, food additive regulated by the US Food and Drug Administration, or pesticide regulated by the United States Environmental Protection Agency.

C) "Children" means a person or persons aged twelve and under.

D) "Person" means any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.

Section 3. Prohibitions.

A) No person shall distribute, sell, or offer for sale in the County of Dutchess a children's product or children's apparel containing mercury, antimony, or arsenic above 40 parts per million of total content per chemical.

B) No person shall distribute, sell, or offer for sale in the County of Dutchess a children's product or children's apparel containing lead above 100 parts per million of total lead content in accessible parts or above 90 parts per million in pain or any similar surface coating. This provision shall not apply to a children's product solely based on its containing an enclosed battery or enclosed electronic components.

C) No person shall distribute, sell or offer for sale in the County of Dutchess a children's product or children's apparel containing cadmium above 75 parts per million of total cadmium content.

D) No person shall distribute, sell or offer for sale in the County of Dutchess a children's product or children's apparel containing over a practical quantification limit of formaldehyde, as determined by the Dutchess County Department of Behavioral and Community Health Commissioner.

Section 4. Enforcement.

This law shall be enforced by the Dutchess County Department of Behavioral and Community Health in accordance with the provisions of the Dutchess County Charter and Code.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Dutchess County Department of Behavioral and Community Health is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law. The Dutchess County Department of Behavioral and Community Health shall initiate educational programs for consumers and retailers about the provisions of this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law or reasonably should know that he/she is in violation of the provisions of this law shall be subject to an initial civil penalty of five hundred dollars ($500) per violation of the law and a subsequent penalty of one thousand dollars ($1,000) per violation.

No penalties shall be imposed by the Dutchess County Department of Behavioral and Community Health until a hearing is held by the Commissioner or his or her designee and the alleged violator is given an opportunity to be heard.

Section 7. Applicability.

A) The provisions of this title shall apply to chemicals in children's products sold or distributed as new and does not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet, or donated to charities.

B) This law shall not apply to protective sporting equipment designed to prevent injury, including, but not limited to, helmets, athletic supporters, knee pads, or elbow pads.

C) The requirements of this law shall apply to motor vehicles or their component parts, or off-highway motorcycles or their component parts, except that the sale of detachable car seats containing the chemicals antimony, arsenic, benzene, cadmium, formaldehyde, lead, or mercury, is not exempt.

D) This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 8. Severability.

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

Section 9. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 10. State Environmental Quality Review Act compliance.

This County Legislature determines that the foregoing action constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 11. Effective Date.

This law shall take effect one year following its filing in the Office of the New York State Secretary of State.

BAN TOXIC TOYS

☒ No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $ 0

Total Current Year Revenue and Source: $ 0

Source of County Funds (check one): Existing Appropriations
Contingency
→ Transfer of Existing Appropriations ←
Additional Appropriations
Other (explain)

Identify Line Item (s):
Related Expenses: p. 497 A. 4010.29 OBCH. Environmental Health (add $5000) in expenses (to purchase toys to test) environmental supplies

Nature of Expenses:

Anticipated Savings to County: p. 683 A. 6100.4458 Medicaid Services (savings by protecting public health) (minus $5000)

Net county Cost (this year): $ 0

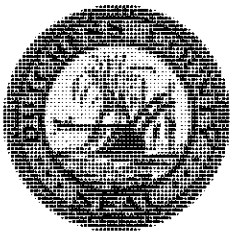
(over five years): $ 0

Additional comments:

no fiscal impact – it's a wash – because protecting public health saves and avoids taxpayer expense in Medicaid

[note: OBCH already has an XRF analyzer to test toys!]

CAROLYN MORRIS
CLERK



LEIGH WAGER
DEPUTY CLERK

DUTCHESS COUNTY LEGISLATURE

# MEMORANDUM

TO: Legislators Tyner, Strawinski, Amparo, and Rieser

FROM: Carolyn Morris, Clerk

RE: THE CHILDREN'S PRODUCT SAFETY ACT OF 2017

DATE: April 26, 2017

This local law was tabled in 2016, therefore, cannot be on the May agenda.

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countylegislature@co.dutchess.ny.us
www.dutchessny.gov

The foregoing Resolution No. 2017067, The Children's Product Safety Act of 2017, was laid on desks on April 11, 2017, and tabled in 2016, therefore cannot be on the May 2017 agenda.

LAID ON DESKS 4/11/17

# PULLED 4/26/17

RESOLUTION NO. 2017068

RE: LOCAL LAW NO. OF 2017, THE DUTCHESS COUNTY PLASTIC BAG LAW OF 2017

Legislators TYNER, STRAWINSKI and RIESER offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. ____ of 2017 which has been submitted this day for consideration by said Legislature.

~~STATE OF NEW YORK~~

~~) ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. OF 2017

RE: LOCAL LAW NO. OF 2017, THE DUTCHESS COUNTY PLASTIC BAG LAW OF 2017

Be it enacted by the County of Dutchess as follows:

Section 1. Legislative purpose.

The intent of this chapter is to improve the environment in the County of Dutchess by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

Section 2. Findings.

Plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life, and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

Section 3. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the following definitions:

CHECKOUT BAG

A carry-out bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags, garment bags, or plastic bags measuring 28 inches by 36 inches or larger in size.

GARMENT BAG

A large plastic bag with two openings that is used to transport clothing from a clothing retailer or a garment cleaner such as a dry cleaner.

PLASTIC PRODUCE BAG

A bag made of very thin plastic used to transport produce, meats or other items selected by customers.

RECYCLABLE PAPER BAG

A paper bag that should have the following characteristics:

A. Contains no old growth fiber;

B. Is 100% recyclable overall and contains a minimum of 40% postconsumer recycled content; and

C. Displays the words "reusable" and "recyclable" on the outside of the bag.

RETAIL SALES

The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at libraries, schools, yard sales, tag sales, and other sales by residents at their homes.

REUSABLE BAG

A bag with handles that is specifically designed and manufactured for multiple reuse and is:

A. Made of cloth or other fabric; and/or B. Made of durable plastic that is at least 2.25 mils thick.

Section 4. Restriction on checkout bags.

Any person engaged in retail sales shall provide only reusable bags and/or recyclable, biodegradable bags and/or recyclable paper bags as checkout bags to customers.

Section 5. Penalties for offenses; continuing violations.

A. In the event that there is noncompliance with this chapter, the owner or local manager shall be notified in writing with a first-time warning and shall forthwith stop the violating activity. Such notice shall be served upon the person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the property and sending a copy of the same by certified mail. Such notice shall provide a period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.

B. The penalty for each violation thereafter shall be a fine not exceeding $75 for each offense.

C. Each day that such violation continues shall constitute a separate violation and shall be punishable as such.

Section 6. Effective date.

This chapter shall become effective on January 1, 2018, to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

RE: PLASTIC BAGS

☒ No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $ 0

Total Current Year Revenue and Source: $ 0

Source of County Funds (check one): Existing Appropriations
Contingency
Transfer of Existing Appropriations
Additional Appropriations
Other (explain)

Identify Line Item (s):
Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): $

(over five years): $

Additional comments:

[law de-facto enforced by public and retail establishment themselves; local law enforcement too]

CAROLYN MORRIS
CLERK

LEIGH WAGER
DEPUTY CLERK

DUTCHESS COUNTY LEGISLATURE

# MEMORANDUM

TO: Legislators Tyner, Strawinski, and Rieser

FROM: Carolyn Morris, Clerk

RE: THE DUTCHESS COUNTY PLASTIC BAG LAW OF 2017

DATE: April 26, 2017

During the Committee Chairmen meeting, the resolution submitted entitled, "THE DUTCHESS COUNTY PLASTIC BAG LAW OF 2017" will not be placed on the May Committee agenda.

Pursuant to Rule 4.5 (F) All resolutions amending the adopted budget or directing a capital expenditure must be submitted with a fiscal impact statement. If the chair determines that the estimate or estimates contained in the fiscal impact statement are inaccurate or unsupported by specific budgetary data, such inaccuracies shall impair or invalidate such resolution and such resolution can be pulled by the chair in the same manner set forth in Rule 4.3 (I).

It was determined that the fiscal impact statement was inaccurate.

Thank you.

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countylegislature@co.dutchess.ny.us
www.dutchessny.gov

The foregoing Resolution No. 2017068, The Dutchess County Plastic Bag Law of 2017, was laid on desks on April 11, 2017, and pulled by the Chair on April 26, 2017.

LAID ON DESKS 4/11/17

# PULLED 4/26/17

RESOLUTION NO. 2017069

RE: LOCAL LAW NO. OF 2017, A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

Legislators TYNER, STRAWINSKI, RIESER and AMPARO offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. of 2017, which has been submitted this day for consideration by said Legislature.

~~STATE OF NEW YORK~~

~~ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. OF 2017

RE: A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

**§ Legislative Intent.**

This Board finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property from commercial and residential lawn applications. This Board further finds that pesticides may pose health and safety risks to people, particularly children, pregnant women, the elderly, and people with infirmities. The intent of this local law is to provide information to county residents about certain pesticide applications to which they may be exposed, so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife, and property.

Accordingly, this Board hereby adopts the special notice requirements for commercial and residential lawn applications of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this local law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and regulations promulgated there under.

This law shall be known as the Dutchess County Neighbor Notification Law for Pesticides.

**§ Definitions.**

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law:

a. "Abutting property" means any property which has any boundary point in common with the property on which the pesticide is to be applied.

b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the educational law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.

c. "Commercial lawn application" means the applications of pesticides to ground, trees, or shrubs on public or private outdoor property. For the purposes of this Local Law the following shall not be considered commercial lawn application:

(1) the application of pesticide for the purpose of producing an agricultural commodity;

(2) residential application of pesticides;

(3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;

(4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the environmental conservation law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and

(5) the application of pesticides on golf courses of turf farms.

d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.

e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.

f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-0303 of the New York Environmental Conservation Law.

g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.

h. "Pesticide" means:

(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

(2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

i. "Premises" means land and improvements or appurtenances or any part thereof.

j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purpose of this Local Law the following shall not be considered residential lawn application:

(1) the application of pesticides for the purpose of producing an agricultural commodity;

(2) the application of pesticides around or near the foundation of a building for purpose of indoor pest control;

(3) the application of pesticides by or on behalf of agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and

(4) the application of pesticides on golf courses or turf farms.

**§ Notification Requirements for Commercial and Residential Lawn Applications.**

The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York Environmental Conservation law.

a. Retail Consumer Information Sign.

(1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the Environmental Conservation law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. Prior Notification of Commercial Lawn Applications.

(1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of the Environmental Conservation law, to:

A. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to

B. owners, owners' agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

(2) Such prior notification provisions shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the

location of such application, the date of such application, the product name and United State Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. Posting of Residential Lawn Applications.

(1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(2) Such markers shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

**§ Enforcement.**

Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Dutchess County Department Behavioral and Community Health shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in the Penalties provision herein of this law and shall be payable to and deposited with Dutchess County. In particular, the Dutchess County Department Behavioral and Community Health shall be responsible for neighbor and applicator provisions and shall be responsible for retail establishment provisions.

**§ Penalties.**

a. Administrative Sanctions.

(1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense.

(2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to the Section on Prior Notification of Commercial Lawn Applications, and a person who violates any provision the subdivision Posting of Residential Lawn Applications, shall for a first such violation, in lieu of penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation.

(3) A person who violates the provisions of the section on Retail Consumer Information Sign shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed on hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

(1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 of the New York Penal Law who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues of by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

(2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

**§ Severability.**

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

**§ Effective Date and Filing.**

This law shall take effect on the first day of January after it shall have been adopted and filed with the office of Secretary of State.

Within twenty days after adoption of this law, the Clerk of the County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Department of Environmental Conservation and one to the New York State Attorney General.

PESTICIDE NOTIFICATION

☒ No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $ 0

Total Current Year Revenue and Source: $ 0

Source of County Funds (check one):
- Existing Appropriations
- Contingency
- → Transfer of Existing Appropriations ←
- Additional Appropriations
- Other (explain)

Identify Line Item (s): Related Expenses: EXPENSE: p. 497 A. 4010.29 DBCH Environmental Health (equip. supplies) (ADD $5000)

Nature of Expenses: SAVINGS: p. 683 A. 6100 4458 Medicaid Services (MINUS $5000) (savings by protecting public health)

Anticipated Savings to County: ~

Net county Cost (this year): $ 0

(over five years): $ 0

Additional comments:

70% of NYS residents live in counties that have this law; the pesticide application industry continues to thrive there.

**CAROLYN MORRIS**
CLERK

**LEIGH WAGER**
DEPUTY CLERK

## DUTCHESS COUNTY LEGISLATURE

# MEMORANDUM

TO: Legislators Tyner, Strawinski, Amparo, and Rieser

FROM: Carolyn Morris, Clerk

RE: A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

DATE: April 26, 2017

During the Committee Chairmen it was determined that the resolution entitled, "A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION" will not be placed on the May Committee agenda.

Pursuant to Rule 4.5 (F) All resolutions amending the adopted budget or directing a capital expenditure must be submitted with a fiscal impact statement. If the chair determines that the estimate or estimates contained in the fiscal impact statement are inaccurate or unsupported by specific budgetary data, such inaccuracies shall impair or invalidate such resolution and such resolution can be pulled by the chair in the same manner set forth in Rule 4.3 (I).

It was determined that the fiscal impact statement was inaccurate.

Thank you.

22 Market Street, Poughkeepsie, NY 12601 • 845-486-2100 • Fax 845-486-2113
countylegislature@co.dutchess.ny.us
www.dutchessny.gov

The foregoing Resolution No. 2017069, A Local Law Authorizing Pesticide Neighbor Notification, was laid on desks on April 11, 2017, and pulled by the Chair on April 26, 2017.

LAID ON DESKS 4/11/17

# PULLED 4/26/17

RESOLUTION NO. 2017070

RE: LOCAL LAW NO. OF 2017, A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

Legislators TYNER STRAWINSKI, RIESER and AMPARO offer the following and move its adoption:

WHEREAS, the County Attorney has stated that the Water Regulations issued by the Dutchess County Board of Health were not enforceable, and

WHEREAS, the County Attorney and County Executive have stated that mandating the testing of private wells can only be done through the legislative branch, and

WHEREAS, it is imperative to ensure that when people buy homes in Dutchess County that they know the status of the water quality of the well serving their home, and

WHEREAS, the Water Regulations also include provisions for well testing by landlords in order to protect renters, and also includes provisions for employers with private wells to comply with well testing to protect employees and customers, and

WHEREAS, it is important to have a water standard for both public and private water sources across the County to ensure public safety, and

WHEREAS, additionally, the information obtained by having private wells tested will help track the path of contamination and alert homeowners of possible water problems, now, therefore, be it

RESOLVED, that the Legislature of the County of Dutchess adopts Local Law No. of 2017, which has been submitted this day for consideration by said Legislature, and, be it further

RESOLVED, that a copy of this resolution with its attachment be forwarded to the Department of Behavioral and Community Health Commissioner and members of the Board of Health.

~~STATE OF NEW YORK~~

~~ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. OF 2017

RE: A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

Section 1: Title.

The Title of this Local Law shall be, "Private Water Supplies".

Section 2: Legislative Finding, Intent, and Purpose.

The Dutchess County Legislature enacts this Local Law for purposes of providing mandatory private well testing on all properties that rely upon a private water supply that is utilized for purposes of human consumption in the County of Dutchess. The intent of this law is to provide a water quality standard for both public and private water sources across the County to ensure the public's safety against contaminated water sources. Towards that end, this local law will ensure that when people buy residential homes in Dutchess County that they know the status of the water quality of the well serving their home, and that all residential rental properties in Dutchess County that fail the test for water quality compliance provide corrective action for the benefit of tenants. This local law also will provide the same assurances of water quality for employees, tenants, and the public at commercial establishments.

Section 3: Definitions.

A. The term "private water supply" shall mean any water supply utilized for the purposes of human consumption not identified as a public water supply by Article 5 of this Code or by Part 5 of the New York State Sanitary Code.

B. The term "residential rental property" shall mean any "dwelling" or "dwelling unit" [as those terms are defined in Article 21 of the Dutchess County Sanitary Code at Section 21.1(G) and 21.1(H) which is occupied by other than an owner thereof and for use or occupation of which rent or consideration is periodically paid to the owner.

C. The term "commercial building" shall mean any structure which is wholly or partially used or intended to be used for commercial purposes, including, but not limited to, office buildings, stores, markets, shops, malls, marinas, restaurants, clubs, gas stations, or car dealerships.

D. The term "commercial rental property" shall mean any "commercial building or commercial unit which is occupied by other than an owner thereof and for use or occupation of which rent or consideration is periodically paid to the owner.

Section 4: Periodic Well Testing and Maximum Contaminant Levels.

A. That the test parameters and associated maximum contaminant levels for private water supplies shall be New York State Sanitary Code Part 5 parameters for public water supplies as

modified and specifically targeted by this Local Law in Section 9 for the needs of the County's private water supplies.

B. The Dutchess County Commissioner of the Department of Behavioral and Community Health will make available to the public within Dutchess County, the private water supply test parameters and associated maximum contaminant levels.

Section 5: Residential Rental Property Well Permit.

Within six months of the passage of this local law every owner of residential rental property with a private well in Dutchess County, which serves a residential rental property's water supply, shall be required to possess a valid residential rental property permit issued by the Dutchess County Commissioner of the Department of Behavioral and Community Health, or appointed designee.

Private wells in operation as of January 1, 2017, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Department of Behavioral and Community Health parameters and such permits shall expire January 1, 2019.

Owners of residential rental property serviced by private wells put into operation subsequent to January 1, 2017, shall be required to apply for a valid residential rental property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of the Department of Behavioral and Community Health, which shall have been performed within one year prior to issuance or renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of the Department of Behavioral and Community Health. All test results must be filed with the Department of Behavioral and Community Health by the laboratory. In the event that test results indicate that tenants' drinking water is not in compliance with current approved Department of Behavioral and Community Health Department parameters, the Department of Behavioral and Community Health will immediately notify the Department of Environmental Conservation.

In the event that test results of residential rental properties indicate that tenants' drinking water is not in compliance with current approved Department of Behavioral and Community Health parameters, tenants shall be so notified in writing by the Landlord within seven days. In addition, if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Behavioral and Community Health, then, enforcement action will be taken by the Dutchess County Department of Behavioral and Community Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by Landlord.

Corrective action may include, but is not limited to, requiring the Landlord to install a filtration system to bring water quality into compliance and/or requiring the Landlord to provide an alternative source of potable water to tenants.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Behavioral and Community Health will result in the Department of Behavioral

and Community Health levying a $1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional $1,000 fine will be levied by the Department of Behavioral and Community Health for each additional thirty day period. If the property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Behavioral and Community Health will take this into consideration and no fine will be levied.

Residential Rental Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 6. Dwelling Well Permit Requirement: Permit non-transferable.

Within six months of the passage of this local law and contingent upon the Dutchess County Legislature providing sufficient resources to enable the Dutchess County Department of Behavioral and Community Health to provide for enforcement of this regulation, every owner of a private well in Dutchess County, which serves a private water supply, shall be required to possess a valid permit issued by the Dutchess County Commissioner of the Department of Behavioral and Community Health, or appointed designee. Private wells in operation as of January 1, 2017 shall be deemed to possess such permit and shall be deemed grandfathered to possess such permit until such time that title to the real property for which the private well provides water for human consumption is transferred at which time the existing well shall be tested by the seller before the closing to determine if it is in compliance with currently approved Department of Behavioral and Community Health parameters as per Section 4. The approved laboratory doing the water testing shall be directed by the seller to provide the full test results to the seller and to file the results with the Department of Behavioral and Community Health. Full test results must be given to the buyer and the Department of Behavioral and Community Health prior to the closing.

If a well test meeting the Department of Behavioral and Community Health collection specifications has been done within three years of the home's sale and if those results are on file with the Department of Behavioral and Community Health and have been given to the buyer, another full test will not be required, except for testing of bacteria, e-coli, nitrates, nitrites and POC (Principal Organic Chemicals); the exceptions should be done within six months.

If the test results are satisfactory, the Department of Behavioral and Community Health will then issue the appropriate well permit prior to closing.

If the test results do not meet the required standards, it will be the responsibility of the buyer and seller to agree on appropriate action before the closing of the sale and issuance of the well permit.

Owners of new private wells put into operation subsequent to January 1, 2017 shall be required to meet the standards set in Section 4, before being granted a valid permit. Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of the Department of Behavioral and Community Health

If the property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Behavioral and Community Health will take this into consideration and no fine will be levied.

Section 7: Commercial Property Well Permit.

Within six months of the passage of this local law every commercial business property with a private well in Dutchess County, where said water from that well is used for consumption by employees and/or the public, that commercial property shall be required to possess a valid permit for such well issued by the Dutchess County Commissioner of the Department of Behavioral and Community Health, or appointed designee.

Private Wells in operation as of January 1, 2017, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Department of Behavioral and Community Health parameters, and such permits shall expire January 1, 2017.

Owners of commercial property serviced by private wells put into operation subsequent to January 1, 2017 shall be required to apply for a valid commercial property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of the Department of Behavioral and Community Health, which shall have been performed within one year prior to issuance of renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of the Department of Behavioral and Community Health. All test results must be filed with the Department of Behavioral and Community Health by the laboratory. In the event that test results indicate that the drinking water is not in compliance with current approved the Department of Behavioral and Community Health parameters, the Department of Behavioral and Community Health will immediately notify the Department of Environmental Conservation.

In the event that test results of such properties indicate that the drinking water is not in compliance with current approved Department of Behavioral and Community Health parameters, commercial property owners will post in a visible location within seven days the test results.

In addition if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Behavioral and Community Health, then enforcement action will be taken by the Dutchess County Department of Behavioral and Community Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by the owner. Corrective action may include, but is not limited to, requiring Owner to install a filtration system to bring water quality into compliance and/or requiring the Owner to provide an alternative source of potable water to employees and/or the public.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Behavioral and Community Health will result in the Department of Behavioral and Community Health levying a $1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional $1,000 fine will be levied by the Department of Behavioral and Community Health for each additional thirty day period. If the

property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Behavioral and Community Health will take this into consideration and no fine will be levied.

Commercial Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 8: Commercial Rental Property Well Permit

Within six months of the passage of this local law every owner of commercial rental property with a private well in Dutchess County, which serves a commercial rental property's water supply, shall be required to possess a valid commercial rental property permit issued by the Dutchess County Commissioner of Department of Behavioral and Community Health, or appointed designee.

Private Wells in operation as of January 1, 2017, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Department of Behavioral and Community Health parameters and such permits shall expire January 1, 2019.

Owners of commercial rental property serviced by private wells put into operation subsequent to January 1, 2017, shall be required to apply for a valid residential rental property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of the Department of Behavioral and Community Health, which shall have been performed within one year prior to issuance or renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of the Department of Behavioral and Community Health. All test results must be filed with the Department of Behavioral and Community Health by the laboratory. In the event that test results indicate that the drinking water is not in compliance with current approved Department of Behavioral and Community Health parameters, the Department of Behavioral and Community Health will immediately notify the Department of Environmental Conservation.

In the event that test results of commercial rental properties indicate that the drinking water is not in compliance with current approved Department of Behavioral and Community Health parameters, commercial property owners will notify tenants in writing and have posted in a visible location within seven days the test results. In addition, if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Behavioral and Community Health, then enforcement action will be taken by the Dutchess County Department of Behavioral and Community Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by Landlord. Corrective action may include, but is not limited to, requiring the Landlord to install a filtration system to bring water quality into compliance and/or requiring the Landlord to provide an alternative source of potable water to tenants, employees, and/or the public.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Behavioral and Community Health will result in the Department of Behavioral and Community Health levying a $1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional $1,000 fine will be levied by the Department of Behavioral and Community Health for each additional thirty day period.

Commercial Rental Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 9: Testing Requirement, Procedures, and Minimum Parameters.

Laboratory requirements

All analysis shall be performed by a Laboratory approved by the New York State Department of Health, "Environmental Laboratory Approval Program".

Collection Requirements and Testing Procedures

Water Samples shall be collected either by a Laboratory approved by the New York State Department of Health, "Environmental Laboratory Approval Program", a Certified Home Inspector or a Licensed Water Treatment Plant Operator.

New Wells- The well should be pumped clear and disinfected with chlorine. The sample shall be collected after the disinfectant has cleared from the system.

Existing Wells- Samples should be taken of the raw water after any existing treatment has been bypassed.

Additional testing at point of use may be necessary to determine the efficacy of any installed treatment systems

Minimum Parameters

The following list of substances and conditions shall be included in the water well test:

Fluoride, Total coliform/E. coli, Antimony, Arsenic, Barium, Chloride, Hardness, Iron, Lead, Manganese, Mercury, Nitrate, Nitrite, pH, Sodium, Sulfate, Turbidity, Principal Organic Chemicals (including MTBE), and zinc

The substances and conditions were selected based on the possibility of their presence in Dutchess County and could present a health hazard if found to be higher than specified parameters.

The Department of Behavioral and Community Health shall determine the recommended parameter for each substance. This may vary from each location as deemed appropriate by the Department of Behavioral and Community Health based on conditions and exposures for a particular locality.

Section 10: Fees

The Department of Behavioral and Community Health is authorized to charge up to $100 for a well permit and/or well certification.

Section 11: Waiver from Testing for Specific Parameters.

The Dutchess County Commissioner of the Department of Behavioral and Community Health may grant a waiver from testing for a specific test parameter or parameters established by this article, provided that prior to the granting of any such waiver the applicant shall establish that:

(a) testing for a specific parameter or parameters is not necessary for the protection of the health of the consumers of the drinking water and that such testing would not be cost effective for the applicant; or

(b) other factors which would render testing for a complete regimen of established parameters unreasonable.

Section 12: Water Test Results Data.

It shall be the responsibility of the Dutchess County Commissioner of the Department of Behavioral and Community Health to make available to the public, a general compilation of water test results data, arranged or identified by municipality, locations, or appropriate geographic areas. Such general compilation shall not include the names of specific property owners or their particular numerical street address, although street names in general and identification by tax map number shall be permissible.

Section 13 Severability.

If any part or provision of this Local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Dutchess County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 14: Supercession.

This Local Law is enacted under the authority of the Municipal Home Rule Law Section 10(1) subparagraphs (i) and (ii)(a)(12), and Municipal Home Rule Law Section 22. To the extent that Sections of the Dutchess County Sanitary Code are inconsistent with this Local law, it is the intent of the Dutchess County Legislature to supersede these Sections by virtue of this Local Law.

Section 15: Effective Date.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation, and following the filing with the Secretary of State.

WELL-TESTING

☒ No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $ 0

Total Current Year Revenue and Source: $ 0

Source of County Funds (check one):
- Existing Appropriations
- Contingency
- → Transfer of Existing Appropriations ←
- Additional Appropriations
- Other (explain)

Identify Line Item (s): Related Expenses: EXPENSE: p. 497 A-4010-29 DBCH Environmental Health (ADD $5000) (envir. supplies)

Nature of Expenses: SAVINGS: p. 683 A. 6100 4458 Medicaid Services (MINUS $5000) (savings by protecting public health)

Anticipated Savings to County: ~

Net county Cost (this year): $ 0

(over five years): $ 0

Additional comments:

The Poughkeepsie Journal has run MANY editorials for this law.

**CAROLYN MORRIS**
CLERK

**LEIGH WAGER**
DEPUTY CLERK

## DUTCHESS COUNTY LEGISLATURE

# MEMORANDUM

TO: Legislators Tyner, Strawinski, Amparo, and Rieser

FROM: Carolyn Morris, Clerk

RE: A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

DATE: April 26, 2017

During the Committee Chairmen meeting it was determined that the resolution entitled, "A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER" will not be placed on the May Committee agenda.

Pursuant to Rule 4.5 (F) All resolutions amending the adopted budget or directing a capital expenditure must be submitted with a fiscal impact statement. If the chair determines that the estimate or estimates contained in the fiscal impact statement are inaccurate or unsupported by specific budgetary data, such inaccuracies shall impair or invalidate such resolution and such resolution can be pulled by the chair in the same manner set forth in Rule 4.3 (I).

It was determined that the fiscal impact statement was inaccurate.

Thank you.

22 Market Street, Poughkeepsie, NY 12601 • 845-486-2100 • Fax 845-486-2113
countylegislature@co.dutchess.ny.us
www.dutchessny.gov

The foregoing Resolution No. 2017070, A Local Law for Well Testing to Protect Property Buyers, Tenants, and Customers of Commercial Establishments in Dutchess County from Drinking Contaminated Water, was laid on desks on April 11, 2017, and pulled by the Chair on April 26, 2017.

LAID ON DESKS 4/11/17

RESOLUTION NO. 2017071

RE: LOCAL LAW NO. OF 2017, THE LUCILLE PATTISON CAMPAIGN FINANCE REFORM ACT OF 2017

Legislators TYNER, COVIELLO, STRAWINSKI, AMPARO, RIESER, JETER-JACKSON, and BRENDLI offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. of 2017, which has been submitted this day for consideration by said Legislature.

# NO FURTHER ACTION TAKEN IN 2017

~~STATE OF NEW YORK~~

~~ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. OF 2017

RE: THE LUCILLE PATTISON CAMPAIGN FINANCE REFORM ACT OF 2017

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

WHEREAS, large political contributions from those seeking or currently performing business with the County ("Pay-to-Play"), may raise concerns on the part of taxpayers and residents as to their trust in government contracts; and

WHEREAS, it has become common for some individuals or entities to make substantial political contributions to those holding elective County office who are ultimately responsible for awarding contracts for County business; and

WHEREAS, it is important to foster public confidence in governmental operations by preventing any actual, or even any perception of, corruption; and

WHEREAS, the Dutchess County Legislature sets forth a policy to set maximum dollar amounts that professional business entities may contribute politically, beyond which they become ineligible to receive a public contract from the County of Dutchess.

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

Section 1. Title.

This Local Law shall be known by and may be cited as The Lucille Pattison Dutchess County Campaign Finance Reform Act of 2017.

Section 2. Defimitions.

The terms listed below shall have the following meamings for purposes of this local law:

(a) "County" means the County of Dutchess or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.

(b) "County elected official" means the County Executive, a County Legislator, the County Clerk, the County Comptroller, the District Attorney or the Sheriff.

(c) "Contract" for purposes of this local law means any agreement or contract, including any amendment or modification thereto, excluding Project Labor Agreements, with the County of Dutchess as defined in this Section 2 (a) for:

(i) the rendition of any services or work;
(ii)the sale or lease of any land or building except for real property acquired by the County via a tax sale or tax foreclosure procedure pursuant to Article 10 or Article 11 of the New York State Real Property Tax Law;

(iii) a grant, loan or loan guarantee;

(d) "Professional Business Entity" means an individual including the individual's spouse, if any, and any child living at home; person: firm; corporation, professional corporation, partnership, organization, union, or association in the rendering of any work contracted through the County. The definition of a professional business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, officers in the aggregate, as well as any subsidiaries directly controlled by the Professional Business Entity.

(e) "In-kind contributions" shall include

Goods and services offered free of charge;
Goods and services offered at less than the usual and normal charge;
Payments by a third party for goods and services rendered to a candidate or political committee.

The value of a particular in-kind gift is determined as follows:

Goods: (such as equipment supplies, facilities and mailing lists) are valued at their normal purchase or rental price.

Services (such as advertising, printing or consulting) are valued at the prevailing commercial rate at the time the services are rendered (i.e., the amount that was paid or would have been paid for the services).

Discounts are valued at the amount discounted (i.e., the difference between the usual and normal charge and the amount paid)

Section 3. Campaign Contribution Limits.

A. No professional business entity who contracts with the County of Dutchess or its boards shall make a monetary or in-kind contribution in excess of $250.00 per annum to:

a) An individual holding the position of Dutchess County Legislator or is a candidate for said position if that contract must be approved or voted on by such individual; or a committee controlled by such individual.

B. No professional business entity who contracts with the County of Dutchess or its boards shall make a monetary or in-kind contribution in excess of $1,000.00 per annum to:

a) An individual holding the position of Dutchess County Executive, Dutchess County Clerk, Dutchess County Comptroller, Dutchess County District Attorney or Dutchess County Sheriff or is a candidate for said position if that contract must be approved or voted on by such individual; or a committee controlled by such individual.

Section 4. Campaign Contributions made prior to the Effective Date.

No contribution or money or any other thing of value, including in-kind contributions, made by a professional business entity to those individuals or entities set forth in Section 3 shall be deemed a violation of this section, be disqualified thereby, if that contribution was made by the

professional business entity prior to the effective date of this local law. The disclosure requirements shall not apply to contracts awarded subsequent to the effective date if the Request for Proposal process was initiated prior to the effective date.

Section 5. Contribution Statement by Professional Business Entity.

Prior to the awarding of a Contract, the Commissioner of Central and Information Services shall receive a sworn statement from the professional business entity under penalty of perjury that the entity has not made a campaign contribution in violation of Section 3 of this local law during the four (4) years preceding such sworn statement.

The professional business entity under penalty of perjury will make the statement that it has not knowingly made a contribution in violation of the local law hereof, during the four (4) years preceding such sworn statement, and has not made or solicited contributions through intermediaries, third parties, immediate relatives for the purpose of concealing the source of the contribution during that same four (4) year time period.

Section 6. Review of NYS Board of Elections Disclosure Statements.

Sixty days prior to awarding a Contract, the Commissioner of Central and Information Services shall review the New York State Disclosure Statements filed by County Elected Officials, and candidates for such offices, for the past four (4) years to determine whether the business entity has contributed to such individual's campaign in an amount in excess of the campaign contribution limits set forth in Section 3 of this local law. In the event it is found that such professional business entity has exceeded the threshold campaign contribution limits, the Commissioner of Central and Information Services shall notify the business professional entity that it has exceeded the campaign contribution limits as provided for in this local law. The professional business entity will have thirty (30) days to cure the defect by requesting that the excess contributions be returned immediately. Proof of receipt of the return of such excess contributions must be submitted to the Commissioner of Central and Information Services at least five business days prior to the awarding of the Contract. In the event, that proof of return of the excess contributions funds are not submitted by the professional business entity within the timeframes set forth herein, then the professional business entity proposal or applications will be rejected by the Commissioner of Central and Information services.

Section 7. Individual or Entity "Doing Business with the County of Dutchess" Database.
The County Executive's office shall, on a bi-annual basis, in January and July, compile a list of names, based on the County's records, listing those professional business entities doing business with the County of Dutchess, as of those months, with this list being made available for public viewing in the office of the Dutchess County Commissioner of Central and Information Services.

Section 8. Exemption.

The contribution limitations specified in this Local Law do not apply to contracts that must be awarded to the lowest bidder pursuant to New York State Law, to sole source providers, or to those contracts awarded as emergency contracts when the public exigency requires the immediate emergency services as determined by an Executive Order or Resolution of the Dutchess County Legislature.

Section 9. Violations/Penalty.

(a) A professional business entity that files a false sworn Contributions Statement will have its Contract with Dutchess County declared null and void and will be disqualified from being awarded any contract with the County for a period of four years from the date of the filing of the false sworn Contributions Statement and the matter shall be referred to the Dutchess County District Attorney for prosecution.

(b) The professional business entity shall have a continuing duty to report any violations of this law that may occur during the negotiation, proposal process or duration of a contract. Any professional business entity who violates Section 3 of this local law shall be in material breach of the terms of the Contract, and the County Attorney shall seek damages against the professional business entity as provided for in said Contract.

(c) Any professional business entity who violates Section 3 of this local law shall be disqualified from eligibility for the submission of proposals or applications for future Contracts for a period of four calendar years from the date of such violation.

Section 10. Incorporation by Reference.

The regulatory and penalty provisions of this local law may be incorporated by reference into a Dutchess County Procurement Policy and all Dutchess County Contracts as defined in Section 2 (c) of this local law.

Section 11. Severability

If any provision of this Local Law is held invalid, such invalidity shall not affect the remaining provisions of the Local Law which shall remain effective absent the invalid provision, and to this end, the provisions of the Local Law are declared to be severable.

Section 12. Effective Date.

This Local Law shall take effect on January 1, 2018.

CAMPAIGN FINANCE REFORM

☒ No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $ 0

Total Current Year Revenue and Source: $ 0

Source of County Funds (check one): Existing Appropriations
Contingency
Transfer of Existing Appropriations
Additional Appropriations
Other (explain)

Identify Line Item (s):
Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): $

(over five years): $

Additional comments:

NO FISCAL IMPACT

[.... except, possibly, a positive one – from limiting pay-to-play/county contracts – could well end up saving taxpayer millions annually]

CAROLYN MORRIS
CLERK

LEIGH WAGER
DEPUTY CLERK

# DUTCHESS COUNTY LEGISLATURE

## MEMORANDUM

TO: Legislators Tyner, Coviello, Strawinski, Amparo Rieser, and Brendli

FROM: Carolyn Morris, Clerk

RE: Resolution No. 2017071

DATE: April 25, 2017

Resolution No. 2017071 will not be placed on the May Committee agenda.

Please see comments from the Chairman and Legislative Attorney attached.

22 Market Street, Poughkeepsie, NY 12601 • 845-486-2100 • Fax 845-486-2113
countylegislature@co.dutchess.ny.us
www.dutchessny.gov

COUNTY OF DUTCHESS
STATE OF NEW YORK

DALE L. BORCHERT
CHAIRMAN OF THE LEGISLATURE

# Memorandum

To: Legislators Tyner, Coviello, Strawinski, Amparo, Rieser, and Brendli

From: Dale L. Borchert, Chairman of the Legislature

Re: Resolution 2017071

Date: April 25, 2017

In light of the input of our legislative counsel, I have made the decision that Resolution 2017071 will not appear on the May Committee Agenda. When a variation of this law was proposed in the previous biennium of the legislature, it was the opinion of our legislative counsel that campaign finance was preempted at the state level and thus enacting any county level legislation would be an overreach of our authority. In light of some new information and further research from one of the sponsors of this local law, legislative counsel has agreed to once again review this issue in order to ascertain whether or not anything has changed that would prompt a modification in his previously issued opinions on this matter. In order for our counsel to follow through and do his due diligence, we will postpone consideration of this issue until the June Committee Agenda is reviewed. At that time I will make a final decision on whether or not this measure meets the requirements to be placed on the agenda.

22 Market Street, Poughkeepsie, New York 12601
Phone: 845.486.2112 Fax: 845.486.2113
dborchert@dutchessny.gov
www.dutchessny.gov

# *Dutchess County Legislature*

*Scott L. Volkman*
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*
*Telephone: 845-486-2100 Fax: 845-486-2113*

Date: April 25, 2017

To: Committee Chairs

From: Scott L. Volkman, Legislative Counsel SV/

Re: **Lucille Pattison Campaign Finance Reform Act of 2017**

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I have given consideration to the proposed local law as submitted. I do take issue with the title evoking the name of the former County Executive which has no bearing upon the proposed law.

As to the law itself, as has been past practice, if it is the opinion of Legislative Counsel as established by myself and my predecessor, that if a proposed law is not valid or legal, then the recommendation to the Committee Chairs is that it not be considered agendable. That has been the past practice with respect to this proposed local law and earlier variations of this local law. As of now, my opinion on the preemption issue remains unchanged. However, in light of the commentary and research from one of the sponsors I have agreed to revisit the issue. That does not mean that I concur or will concur with the comments. It simply means that I have agreed to review the issue, again, to see if anything has changed that would require me to change my prior opinion. As my research is not sufficiently complete, (I was not consulted prior to this being re-introduced) I am unable to make a final determination in time to have this matter on the May Committee Day agenda.

Until an opinion can be rendered as to whether or not this matter is agendable it would be inappropriate to proceed with it at this time. I will be finished with my research and make a recommendation to Committee Chairs in time for the June meeting cycle. For the foregoing reasons it is my recommendation this matter not appear on the May Committee agenda.

SLV/dap

REPLY TO: 1136 Route 9, Wappingers Falls, NY 12590
845-298-2000 Fax 845-298-2842
svolkman@dutchessny.gov
*www.dutchessny.gov*

CAROLYN MORRIS
CLERK

LEIGH WAGER
DEPUTY CLERK

# DUTCHESS COUNTY LEGISLATURE

## MEMORANDUM

TO: Legislators Tyner, Coviello, Strawinski, Amparo Rieser, and Brendli

FROM: Carolyn Morris, Clerk

RE: Resolution No. 2017071

DATE: June 2, 2017

Resolution No. 2017071 will not be placed on the June Committee agenda.

Please see comments from the Chairman and Legislative Attorney attached.

22 Market Street, Poughkeepsie, NY 12601 • 845-486-2100 • Fax 845-486-2113
countylegislature@co.dutchess.ny.us
www.dutchessny.gov

COUNTY OF DUTCHESS
STATE OF NEW YORK

# DALE L. BORCHERT
# CHAIRMAN OF THE LEGISLATURE

**MEMORANDUM:**

To: Legislators Tyner, Coviello, Strawinski, Amparo, Rieser and Brendli

From: Dale L. Borchert, Chairman of the Legislature

Re: Resolution 2017071

Date: June 1, 2017

A thorough review of the opinions provided to me by Legislative Counsel Scott Volkman and Dutchess County Attorney James M. Fedorchak indicate that Resolution 2017071 does not meet the requirements to be placed on the June Committee Agenda.

The local law that has been proposed is one that is very similar to proposals that this body has seen in many of the previous biennium of the Dutchess County Legislature. With remarkable consistency, the opinion of our counsel as well as his predecessor has been that Dutchess County would be overstepping its authority in enacting any such measure, as the State of New York intends to occupy the entire field of campaign finance law. As a result of research presented to us by one of the sponsors, I asked Legislative Counsel to once again investigate the issue at hand in an effort to discern whether or not any evidence existed that would justify a departure from the position of previous chairs on this issue. In an effort to do our due diligence, I delayed rendering a decision on this matter in May in order to allow time for our counsel to engage in the careful review this matter deserves.

In reviewing our counsel's memo, it is clear to me that he has found no such evidence that changes his previously held opinion. Mr. Volkman clearly states that he has not seen any new case law expanding local authority that would cause him to reverse his legal opinion on this matter. As in previous years, he again cites Article 14 of the New York State Election law, as is confirmed by Mr. Fedorchak in a subsequent memo, as illustrative of New York State's intent to

22 Market Street, Poughkeepsie, New York 12601
Phone: 845.486.2112 Fax: 845.486.2113
dborchert@dutchessny.gov
www.dutchessny.gov

preempt this area of law. Mr. Fedorchak's opinion goes further, citing three recent United States Supreme Court cases of which this proposal would appear to run afoul. Mr. Volkman continues to present a scenario as demonstrated in the case of McDonald v. New York City Campaign Finance Board in which, under narrowly defined and specific criteria, a locality can set some of its own regulations. Mr. Volkman clearly illustrates that this case upholds the right of New York City to implement a system of public financing of political campaigns. Since that was not something that was proposed in this local law, that case does not apply to the current situation.

I commend the legislators who have brought forward this legislation as well as the members of the public who have opined on behalf of this proposal. It is my belief that an engaged and active electorate is vital for our community, and is perhaps one of the best defenses against the abuses of those who wish to buy influence in our government. One of the hallmarks of American democracy is in understanding the limits to the power that one yields in their elected office. Regardless of how noble the subject matter is, I believe it is incumbent upon us to make certain that we refrain from overstepping the powers of our office. It may be that the time has come to revisit the rules and regulations that govern elections in our nation and in our state, but they must be addressed at the appropriate levels of government for them to have the desired impact and staying power.

It is for these reasons that I concur with Legislative Counsel that Resolution 2017071 is not agendable for the June Committee Agenda. Please see the attached opinions of Legislative Counsel as well as from the Dutchess County Attorney for further and more detailed explanation.

# *Dutchess County Legislature*

*Scott L. Volkman*
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*
*Telephone: 845-486-2100 Fax: 845-486-2113*

May 30, 2017

Dale L. Borchert, Chairman
Dutchess County Legislature
22 Market Street
Poughkeepsie, New York 12601

Re: Campaign Finance Reform

Dear Chairman Borchert:

I have considered the proposed local law that was recently laid on the desks for introduction to the County Legislature. I have also considered comments from the sponsors associated with the proposed local law. Campaign Finance is regulated by Article 14 of the New York State Election Law. The proposed local law attempts to further regulate the field of campaign contributions, disclosure and reporting. I have previously opined that the County is pre-empted by Article 14 of the Election Law from enacting such requirements. I have researched this subject again to determine whether there has been any subsequent case law or authority or administrative opinions since my August 11, 2014 letter to then-Chairman Rolison on this subject. Although there are the requisite two sponsors, as discussed below, it continues to be my unqualified opinion that the proposed local law is not agendable.

This subject has become, again, what amounts to a politically charged issue, as it has been on a recurring basis. Whether it serves some populist or progressive political agenda and whether or not there is merit or a willingness to embrace "Campaign Finance Reform" (as a political buzz-word), and even across mainstream political party lines, it does not make this issue one where Dutchess County or any County has jurisdiction or authority to regulate.

My comments and opinion are not intended to offend anyone, but there seems to be an inexplicable misinterpretation, purposeful or otherwise, that the County can do what the County wants to do. That simply is not true and such arguments are irresponsible and without merit. Notwithstanding alleged verbal comments from an attorney from the New York State Board of Elections to the contrary, the County does not have the absolute ability to regulate its own affairs. The County has no more authority to enact this law than it does to enact local laws regarding gun control, abortion, fracking or capital punishment, just to name a few. There seems to be a fundamental misunderstanding with regards to pre-emption and interpreting case law with respect to holdings and precedent. No matter how much any Legislator or the Legislature or the public may want to adopt a law, it does not mean that it can do so and, even if the Legislature ultimately did so, it does not make it legal or immune from legal challenge.

"Research" that one of the sponsors performed does not, in fact, change this or provide the Legislature with any legitimate authority to take action on this. First, the fact remains that one sponsor had an opportunity (with different Legislative Counsel) while in the majority party in 2008 and 2009, to enact this very same law. It was introduced but not acted upon during that term. There was no legal opinion generated to contradict opinions on pre-emption on the subject going back to 2000. While I have been vilified as the road-block here, the fact is that Legislative Counsel in 2008 and 2009 failed to opine any differently in writing or on the record that we can find. Either the majority, at that time, did not really want to address this issue for their own political reasons, or they simply recognized that the County had no authority to enact that law, or more than likely, both. It simply and quietly was not acted upon, apparently without protest, objection, or the now common righteous indignation, only to resurface in each successive term, with hypocritical claims that the majority is being obstructionists by not allowing this to be allowed on the agenda for debate and a vote.

Nothing has changed on the issue of pre-emption regarding Article 14 of the Election Law since my previous memorandum on the subject dated August 11, 2014, nor in fact since my memorandum dated August 1, 2012, August 14, 2006, June 11, 2004 and my predecessor's opinion from September 7, 2000. The fact that there may be a more recent decision on the general subject from 2014, does not minimize the precedential value of prior, older opinions or decisions simply because of age. The referenced 2014 McDonald decision is inapplicable to our situation.

There is also a clear misunderstanding of the implications of the McDonald v. New York City Campaign Finance Board decision issued by the Appellate Division First Department in 2014, which I addressed in substantial detail in my memorandum of August 11, 2014. There is a lack of understanding as to the nature of that case, the issue before the court, the decision of that court and the precedent established by that court. One of the sponsors stated that I asserted that the New York City Campaign Finance Law was pre-empted by New York State. That is simply not true. That is not, and has never been my opinion. In fact, much of my opinion in 2014 was actually devoted to addressing the fact that New York City Campaign Finance Law was, and always has been, valid, as was confirmed by the Court in the McDonald case. The distinction was, and is, that the McDonald case involved the issue of public campaign financing. The other municipalities that have adopted some version of a campaign finance law, including Rockland County and Orange County, do not have publicly financed campaigns and the two issues cannot be considered together. Neither the Orange County law nor the Rockland County law have been judicially tested and offer no precedential value to Dutchess County. They are separate and distinct issues. As a result of the McDonald case, its decision, holding and its precedential value can legally only apply to publicly financed campaigns.

There have been no substantive decisions in any court that I can find since the McDonald decision in 2014, which would expand the scope of local authority beyond the issue of publicly financed campaigns or would contradict my opinion on pre-emption under Article 14 of the Election Law. There are no informal or formal decisions from the Attorney General's Office which would contradict my opinion on pre-emption nor any prior Attorney General opinions on pre-emption. Even Attorney General Schneiderman recognized the limited applicability of McDonald when he issued a press release following the Appellate Division decision stating it was "a great victory for the public financing of elections and for the people of the City of New York".

Simply put, it applied only to public campaign finance and to New York City. A verbal conversation with an attorney with the New York State Board of Elections does not change anything. There have been no amendments to the New York State Election Law which would give any County or any municipality any authority or any local options to address campaign financing at the local level except for publicly financed campaigns.

It continues to be my opinion that the proposed local law is pre-empted by Article 14 of the Election Law. As a result, it is not agendable. Each Legislator has taken an Oath of Office to uphold the Constitution and Laws of the State of New York and Dutchess County. Part of that involves not acting beyond the scope of authority granted by those laws. I see no reason to re-address the legal issues in further detail. Those issues have been addressed at length by the following, which are available in the Clerk's Office:

A. Letter from myself to Robert Rolison, Chairman, dated August 11, 2014;
B. Memorandum from myself to Robert Rolison, Chairman, dated August 1, 2012;
C. Memorandum from myself to Legislators Bunnell and Tyner dated August 14, 2006;
D. Letter from myself to Legislator Tyner dated June 11, 2004; and
E. Letter from Anthony Quartararo, Legislative Counsel, to Chairman Bradford Kendall, dated September 7, 2000.

You have the clear authority to pull the Resolution and Local Law from consideration pursuant to Rule 4.3(I) and provide notification and written explanation from yourself to the sponsors.

Yours very truly,

SCOTT L. VOLKMAN
LEGISLATIVE COUNSEL

cc: Carolyn Morris, Clerk
Ben Traudt, Assistant to the Chairman

REPLY TO: 1136 Route 9, Wappingers Falls, NY 12590
845-298-2000 Fax 845-298-2842
svolkman@dutchessny.gov
www.dutchessny.gov

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

**MEMORANDUM:**

TO: Marcus J. Molinaro, County Executive

FROM: James M. Fedorchak, County Attorney
Caroline E. Blackburn, Senior Assistant County Attorney

DATE: June 1, 2017

SUBJECT: Pay to Play Legislation- Legal Research
Our File No. G-1705-D

Issue: Does the Dutchess County Legislature have the authority to adopt a local law governing "Pay-To-Play"?

Answer: No, such a law is preempted by Article 14 of the NYS Election Law, and a trilogy of United States Supreme Court decisions call into question the constitutional viability of a Pay-To-Play Law of this nature.

## I. Background

The Pay-to-Play Law was laid on the desks on April 11, 2017. Its salient provisions are these:

(1) No professional business entity which contracts with Dutchess County or its boards may make a monetary or in-kind contribution in excess of $250.00 per year to an individual County Legislator or candidate if that legislator votes or approves the contract,

(2) No professional business entity which contracts with Dutchess County or its boards may make a monetary or in-kind contribution in excess of $1,000 per year to the County Executive, County Clerk, County Comptroller, District Attorney, or Dutchess County Sheriff, or a candidate for any one of those offices, if that person would approve or vote upon the contract,

(3) Before being awarded any County contract, each professional business entity must submit a sworn statement that he has not made a campaign contribution within the last 4 years,

(4) the Commissioner of Dutchess County Office of Central and Information Services (OCIS) must search the New York State Disclosure Statements filed by County Elected Officials for the past 4 years to determine whether any potential contract awardee has contributed to a campaign in excess of the amounts stated above,

(5) The County Executive must create a "Doing Business with the County of Dutchess" database wherein the County Executive shall compile a list of professional business entities doing business with the County.

(6) This local law does not apply to General Municipal Law 103 contracts, to sole source providers, or to emergency contracts.

(7) Businesses who violate this local law shall have their contracts declared null and void and shall be disqualified from contracting with the County for 4 years.[1]

## II. State Preemption

The Dutchess County Legislative Counsel has issued various opinions from 2000 to 2014 that a local law substantially similar to the current Pay to Play Law cannot be adopted by the Dutchess County Legislature because Article 14 of the New York State Election Law entirely preempts a local legislative body from enacting its own campaign finance laws. We have reviewed Legislative Counsel's memoranda, as well as Article 14 of the Election Law and relevant case law, and we agree that the matter is preempted by State statute, and that preemption, standing alone, gives sufficient reason to defeat consideration of the law.

Municipal Home Rule Law and Article 14 of the New York State Constitution give counties the authority to enact local legislation which is not inconsistent with the Constitution or with general laws of the State. Additionally, where the State has enacted legislation which occupies the entire field, a local legislative body is prohibited from enacting additional regulation on the subject – even if that legislation is arguably "consistent" with the State law – unless the State law clearly and explicably empowers a local body to do so. Robin v. Village of Hempstead, 30 NY2d 347 (1972). Article 14 of the Election Law has entirely preempted the field of campaign contributions, independent expenditure limits, and disclosure of campaign financing without exception, and further regulation is thus not permitted. We address relevant sections of Article 14 of the Election Law for your review:

**14-102: Statements of Campaign Receipts ...to/by Political Committees**
Requires every political committee to file receipts.

**14-104: Statements of Campaign Receipts to/by Candidates**
Requires any candidate for election to public office to file receipts.

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[1] We note that we have several questions regarding individual aspects of this local law. We shall withhold discussion of these issues, however, due to our conclusion based upon total preemption and constitutional viability.

**14-106: Political Advertisement and Literature**

Requires that all ads, television scripts, internet, text message, or any other printed matter published to 500 people or more be filed with NYS Board of Elections.

**14-107: Independent Expenditure Reporting**

Independent expenditures over $1000 shall clearly state the name of the person who paid for or distributed the communication. Prior to making an independent expenditure, must register with NYS Board of Elections.

**14-107-a: Prohibited Spending by Independent Expenditure Committees and Political Action Committees**

No independent expenditure committee shall contribute to any candidate, committee, or PAC, or party committee. A PAC shall not make any independent expenditure, and may only make contributions to any independent expenditure committee if the committee does not have common operational control. No candidate, candidate's authorized committee, or party committee shall contribute to an independent expenditure committee that is making expenditures benefitting the candidate.

**14-112: Political Committee Authorization Statement**

Any political committee taking part in an election (other than by making contributions) must file with the NYS Board of Elections a sworn statement whether the candidate has or has not authorized the committee to do so.

**14-114: Contribution and Receipts Limitations**

An individual may make contributions, loans, or guarantees of funds of up to $150,000 per year in connection with the nomination or election of persons to state and local public offices and party positions within the State of New York in any one calendar year.

*Note: This provision has been rendered unconstitutional, as applied to contributions to independent expenditure-only political committees. Quid pro quo corruption does not arise when an individual or corporation engages in independent spending on political speech. Hispanic Leadership Fund, Inc. v. Walsh, 24 FSupp3d 365 (NDNY 2014).*

**14-116: Political Contributions by Certain Organizations**

A corporation doing business in New York may make contributions of up to $5,000 in any year for purposes related to elections for New York State office, local office, or party positions.

*Note: This provision has been rendered unconstitutional, as applied to contributions to independent expenditure-only political committees. Quid pro quo corruption does not arise when an individual or corporation engages in independent spending on political speech. Hispanic Leadership Fund, Inc. v. Walsh, 24 FSupp3d 365 (NDNY 2014).*

We have diligently researched recent case law on the issue of whether Article 14 of the Election Law preempts a local government from enacting campaign finance legislation, and have not turned-up additional references other than those cited, on myriad occasions, by Dutchess County Legislative Counsel. See, Op. NYS Atty. Gen., 1998-3, 1995-46.

In 1998, the Putnam County Attorney inquired whether the Putnam County Legislature could require all Putnam County vendors and businesses that contract with their county to disclose their campaign contributions. The Attorney General determined that New York State has fully occupied the area of campaign contribution limits and of reporting and disclosure receipts, leaving no more for additional legislation at the local level. That opinion has not been disturbed. See Op. Atty. Gen. 1998-3. Additionally, the Town of Southampton attempted to adopt a local law which prohibited town contracts worth more than $1,500 from being awarded to persons or businesses that have made at least $100 in campaign contributions to officials or candidates for town office. See Op. Atty. Gen. 1995-46. The Attorney General found that this law was also preempted by Article 14 of the NYS Election Law. This opinion has not been disturbed.

For the foregoing reasons, we agree with Dutchess County Legislative Counsel's opinion that the Pay-To-Play Law in Dutchess County is preempted by Article 14 of the Election Law.

## III. McDonald v. New York City Campaign Finance Board

We have reviewed the case of McDonald v. New York City Campaign Finance Bd., 40 Misc.3d 826 (Sup. Ct. New York 2013), 117 A.D.3d 540 (2nd Dept. 2014) and agree with the conclusions of Legislative Counsel. The legislation at issue in *McDonald* is substantially different from the Pay to Play local law under consideration and thus the court's holding in that case has no legal effect regarding our analysis of the legality of the Pay to Play legislation.

*McDonald* addresses the New York City Campaign Finance Act (NYCCFA). This law was established to create a voluntary method of financing city wide campaigns for elective office with public funds. It was not established to preempt Article 14 of the Election Law. Under NYCCFA, candidates are given a choice. They may opt into the law and have their campaigns financed by the city. If the candidate agrees to receive public financing the candidate must also agree to abide the donor contribution and expenditure limitations mandated in the NYCCFA. If the candidate opts to fund the campaign privately, contributions and expenditures are governed by Article 14 of the New York State Election Law. Rather than preempting the State Election Law, the NYCCFA represents a comprehensive method of financing campaigns with public funds in the unique political climate of the City of New York.

## IV. First Amendment Considerations

Additionally, we have researched the issue and would like to call to your attention three United States Supreme Court cases which address the constitutionality of campaign finance reform laws in light of the First Amendment to the United States Constitution. In addition to the preemption issue highlighted above, these cases further call into question the constitutional viability of a local Pay-To-Play law. In the trilogy of cases highlighted herein, the Supreme Court has evinced its intent that governments err on the side of protecting political speech rather than suppressing it. These cases stand for the proposition that the only permissible government regulation on campaign expenditures is to prevent corruption, and such corruption cannot be inferred or implied. Given these cases, we believe that this proposed local law -- which clearly

attempts to prohibit campaign contributions based upon an inference of quid pro quo corruption -- would be at risk of failing a constitutional challenge.

We address the Supreme Court's decisions in the following order. The *Buckley* decision upheld campaign contribution limits but struck down limits on campaign expenditures.[2] In *Citizens United*, the Court firmly held that corporations may not be treated differently from individuals with respect to First Amendment free speech rights, and re-affirmed the *Buckley* holding regarding corporate independent expenditures. The *McCutcheon* Court held that the only permissible regulations a government may make on campaign finance contributions are those which specifically tackle quid pro quo corruption. But, quid pro quo corruption may not be established by merely inferring its existence. In our opinion, the nexus of a campaign contribution and government work going to the contributor does not establish quid pro quo corruption.

**Buckley v. Valeo, 424 U.S. 1 (1976)**

In *Buckley,* the Supreme Court held that the amount a member of the public may contribute to a candidate's campaign may be curtailed, but that the amount a candidate spends on his own behalf cannot be curtailed because that would violate the candidate's own First Amendment rights.

Further, the Court held that the amount a member of the public, or a corporation, expends independent of a candidate but intended to support that candidacy in defeating an opponent also cannot be abridged under the First Amendment. We refer to these expense-oriented donations as "campaign expenditures."

The Supreme Court has drawn a distinct line between limits on campaign contributions and limits on campaign expenditures. Campaign contribution limits are "only a marginal restriction upon the contributor's ability to engage in free communication." Id. at 20, 96 S.Ct. 612. "A contribution serves as a general expression of support for the candidate and his views, but does not communicate the underlying basis for the support." Id. at 21, 96 S.Ct. 612. For this reason, laws that restrict campaign contributions are permissible, and, in New York, the state has addressed this, as discussed above, in Article 14 of the Election Law. By contrast, campaign expenditure limits impose "significantly more severe restrictions on protected freedoms of political expression and association." Id. at 23, 96 S.Ct. 612. To the extent that this local law seeks to impose a limitation on campaign expenditures based upon an inference of quid pro quo corruption, it must fail.

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[2] A **campaign contribution** is money/thing of value that a person/corporation gives to a political campaign/candidate. A **campaign expenditure** is either (1) money/thing of value that a political candidate expends on himself for his campaign or (2) money/thing of value expended by a person/corporation in support of a campaign/candidate. An **independent expenditure** is money/thing of value expended by a person/corporation in support of a candidate/campaign and done so independent of the candidate/campaign.

**Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)**

The Supreme Court ruled (1) corporations have First Amendment free speech rights and (2) the "government may regulate corporate political speech through identification and disclosure requirements, but it may not suppress that speech altogether."

The Court also ruled that there is no state interest sufficient to justify a law that entirely prohibits corporate and union independent political expenditures.

Thirdly, the Court ruled that the only valid governmental interest in regulating campaign expenditures is preventing the reality or appearance of quid pro quo corruption, and independent expenditures, precisely because they are uncoordinated with candidates, pose no such threat.

**McCutcheon v. Fed. Election Comm'n, 134 S.Ct. 1434 (2014)**

In order to be valid, any regulation of campaign contributions must target quid pro quo corruption: the direct exchange of an official act for money or "dollars for political favors." Id. at 1441.

Importantly, the Court held that aggregate limits—restrictions on the amount of money a donor may contribute in total to all candidates or committees—"do little, if anything," to further the permissible purpose of combatting quid pro quo corruption, "while seriously restricting participation in the democratic process." *McCutcheon,* 134 S.Ct. at 1442.

> "Spending large sums of money in connection with elections, but not in connection with an effort to control the exercise of an officeholder's official duties, does not give rise to such quid pro quo corruption. *Nor does the possibility that an individual who spends large sums may garner "influence over or access to" elected officials or political parties.*" Id. at 1451 (emphasis added).

The Court summarized that "the line between quid pro quo corruption and general influence may seem vague at times, but the distinction must be respected in order to safeguard basic First Amendment Rights....in drawing that line, the First Amendment requires us to err on the side of protecting political speech rather than suppressing it." Id. at 1451. (citing Federal Election Comm'r. v. Wisconsin Right to Life, 551 U.S. 449 92007)).

## V. State and Local Safeguards

Lastly, we call to your attention the specific legislative safeguards which protect the County fisc with regard to public contracts. Under General Municipal Law 103, purchase contracts involving the expenditures in excess of $20,000 and contracts for public work involving expenditures in excess of $35,000 are subject to competitive bidding. These contracts are awarded to the "lowest responsible" bidder after public advertisement for sealed bids. And, contracts for goods and services which fall below the monetary threshold are still subject to

regulation in that they must be "procured in a manner so as to assure the prudent and economical use of public monies in the best interest of the taxpayers of Dutchess County, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption." See, General Municipal Law 104-b. Dutchess County's Division of Central Services assures the County's compliance with regard to procurement rules in New York State Law, the Dutchess County Charter, and the Code.

## VI. Conclnsion

For all the reasons set forth herein, it is our opinion that the proposed local law is fatally flawed.

# *Dutchess County Legislature*

*Scott L. Volkman*
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*
*Telephone: 845-486-2100 Fax: 845-486-2113*

August 11, 2014

Robert G. Rolison, Chairman
Dutchess County Legislature
22 Market Street
Poughkeepsie, NY 12601

Re: **Campaign Finance Reform**

Dear Chairman Rolison:

On April 7, 2014 a local law was introduced by Legislators Tyner and Farley, designated by them as "The Pay-to-Play Local Law". This is substantially similar to prior versions of this local law which have been introduced in previous sessions of the legislature. On multiple occasions, the last time being August 1, 2012, either myself or one of my predecessors have opined that Dutchess County could not enact what amounts to its own version of a campaign finance law. However, prior to deciding whether or not to merely restate many prior opinions, I agreed to further scrutinize the issue in light of the fact that in October of 2013 Orange County passed a similar, if not identical law, as proposed by the sponsors.

I note that Legislator Tyner and others stated their intention to reintroduce this local law in August. This time Mr. Tyner proposes to entitle it "The Lucille Pattison Dutchess County Campaign Finance Reform Act of 2014." It is otherwise identical to "The Pay-to- Play Local Law". Legislator Tyner in an email has also urged you as Chairman to allow the "dem-proposal" on the agenda. This is not a Democrat vs. Republican issue. It is a legal issue.

REPLY TO: 1136 Route 9, Wappingers Falls, NY 12590
845-298-2000 Fax 845-298-2842
svolkman@srddlaw.com
*www.dutchessny.gov*

After having done additional research on the subject since April, I have had the opportunity to speak with counsel to the Orange County Legislature. It was my understanding that genesis of the local law and the purported authority to enact the local law was derived through a footnote in a decision in a case entitled ***McDonald v. New York City Campaign Finance Board et. al.*, 40 Misc. 3d 826.** I soon thereafter discovered that the decision was a subject of a pending appeal which was perfected in the Appellate Division 1st Dep't, which subsequent to April 7, 2014 was the subject of a decision by the Appellate Division.

It is my understanding that Orange County relied upon comments made by the Judge in the lower Court case attributable to a brief filed by the Attorney General's Office, albeit without the benefit of actually reviewing that brief. I have had an opportunity to review the papers filed by the Attorney General in the lower Court case as well as in the Appellate Division and I have had the opportunity to review the lower Court decision as a well as the Appellate Division decision in this matter. I have informally discussed this with Orange County Legislative Counsel and the Attorney General's office.

I will explain my position below. It is not inconsistent with my previous opinions on the subject, notwithstanding the 2013 action by the Orange County Legislature. I have found no authority to support a contrary conclusion. I have still found no opinion in the Legislature's offices that may have been issued by the immediate past legislative counsel, nor am I aware of any written opinions to the contrary from the County Attorney's office. I again note that this was introduced in 2009 when the sponsors were in the majority but it was inexplicably not acted upon.

Since Orange County apparently relied on the lower Court decision in *McDonald* and references to the Attorney General's position in the lower Court Decision and the Attorney General brief in that case, I have taken the opportunity to review it and the decision which was just recently rendered. In a nutshell, neither the *McDonald* case nor the Attorney General briefs provides the authority for Dutchess County to enact its own campaign finance laws contrary to Article 14 of the New York State Election Law. Although both lower court and the appellate court decisions ultimately upheld the New York City Campaign Finance Law, that law is clearly, absolutely and undeniably distinguishable. The Court specifically determined that the New York City Campaign Finance Law was not preempted by Article 14. However, the Court did so solely in the context of the New York City Campaign Finance Act which was adopted in the context of publicly financed elections that do not exist elsewhere within New York State, and certainly not in Dutchess County.

By way of background to campaign finance reform, I offer Judge Freed's recitation of the State Legislative history and City Legislative history on the subject from the lower *McDonald* case:

State Legislative History:

> The Legislature enacted the first iteration of what is now Article 14 of the New York State Campaigns, Elections and Procedure law of 1974. That law set forth a regulatory scheme for campaign expenditure limits, reporting requirements and restricted contribution limits applicable to all primary, general and special elections for state and local public offices held in the State of New York. Additionally, it established the State Board of Elections ("SBOE") to administer and enforce these laws.
>
> Election Law *479 of the Laws of 1974, specifically addressed contribution limits. This section was subsequently repealed and later reenacted in the Laws of 1976, Chapter 577. The language of *479, as passed in 1976, is now reflected in the language of *14-114 of the current Election Law, although it has undergone substantial legislative changes.

In 1992, the State Legislature passed "The Election Reform Act of 1992," which amended areas of the Election Law that related to ballot access, the political calendar, voter registration, contribution limits and other elections issues. Section § 14-114 was also amended. The previous formula for contributions sometimes allowed for large contributions for both State-wide elections and also for New York City, city-wide offices. The legislature amended section § 14-114, setting a ceiling on contribution limits to $12,000.00 in primaries and $25,000.00 in general elections, for state-wide offices, and also the New York City positions of Mayor, Comptroller and City Council President, (now Public Advocate).

The current section § 14-114 sets contribution and receipt limitations on candidates for all nominations and elections for public offices. These limitations vary pursuant to formulas calibrated on the basis of party enrollment in primary elections on voter registration for general elections.

It should be noted that no special ceilings were set for either New York City Council or Borough President elections, other than the general state-wide restrictions of $50,000.00 for public offices, or a lesser amount based on the number of voters for said election multiplied by $.05.

Other calculations depend whether the contributor is a close relative of the candidate. Additionally, contribution limitations, both maximums and minimum, are imposed for State and local elections, including State Senate and State Assembly. Re-calculations are required quadrennially based on the cost of living (see Election Law *14-114(1)(a)(b) and (c)). Funds of the candidate and the candidate's spouse spent on the campaign, are not considered contributions and thus, are not subject to contribution limits (see Election Law **14-100(9)(3) and 14-114 (8)).

City Legislative History:

In 1988, the New York City Council first established a system of public financing for City elections, knows as the City's "Campaign Finance Act." Said Act was adopted as Local Law No. 8 (1988) and codified at Administrative Code **3-701, et seq. The CFA set up a voluntary system whereby participating candidates agreed to limit contributions from individual contributors in return for which they would receive matching public funds. Additionally, candidates agreed to file various information concerning those contributions with the CFB. This Act matched dollar for dollar, the first $1,000.00 for participating candidates. However, it did not impose limits on non-participating candidates.

The CFA has undergone several subsequent amendments. In 1998, participating candidates were prohibited from accepting contributions from corporations (see Admin. Code *3-703(1)(1)). In 2004, the City Council passed Local Law No. 60 which, for the first time, directed non-participating candidates to abide by the same contribution

limitations as those imposed on participating candidates, pursuant to Admin Code *3-703(1)(f). Additionally, the Council extended the prohibition against corporate contributions to non-participating candidates (see Admin. Code * 3-703(1)(1)).

In 2007, the Council extended the prohibition on contributions to include limited liability companies and partnerships, and imposed reduced limitations on contributors "doing business with the City" (see Local Laws Nos. 34 and 67(2007). These restrictions were extended to also include non-participating candidates (see Admin. Code *3-719(2)(b)). The current contribution limits for both primary and general elections combined, per contributor, are $4,950.00 for Mayor, Pubic Advocate or Comptroller, $3,850.00 for Borough President and $2,750.00 for Council Members. Currently, participating candidates receive public funds at a six-to-one matching rate for the first $175.00 per allowable contributor.

Much attention was given in the lower Court decision as well as in the Attorney General brief to two Attorney General opinions that were previously cited in opinions to the Legislature. At one point in the lower court decision there is a citation to the Attorney General brief when the Court states that "[f]inally the AG notes that to the extent that the informal opinions emanating from its office, that Plaintiff cites in his Memo of Law, stand for the proposition that State Law would preempt contribution levels, other than for those and participating candidates, it now disavows any such interpretation." *McDonald at page 839.*

I believe that Orange County may have relied upon that as authority to enact local campaign finance reform. The actual statement from the Supreme Court brief below by the Attorney General states:

> The Attorney General also has an interest in the case because plaintiff's rely heavily on two informal opinions of the Attorney General's office from the 1990's which concluded that certain local laws related to campaign contributions, but not enacted to implement a public financing program, are preempted by the Election Law. Neither of those opinions address whether the election law preempts local governments from implementing a program of public financing for local elections. To the extent that any statement in the prior opinions may be read to suggest a view of preemption in this area under which the City's current contributions limits would be preempted as applied to candidates who decline public financing, the Attorney General disavows any such reading. Plaintiff's reliance on those opinions is therefore misplaced. AG Brief @ Page 1.

The Attorney General disavowed any interpretation of those opinions, which again I relied upon in earlier opinions that I issued, but only when read as authority to preclude New York City contribution limits as it pertained to public financing of candidates. The Attorney General did not disavow the opinions in their entirety nor did he withdraw the opinion that pertained to the issues specifically addressed in those opinions which were similar to those addressed in the various versions of this law that have been introduced periodically since the year 2000. The Attorney General's Office addressed *McDonald*'s pleadings in further detail in that brief when they stated:

> *McDonald*'s argument (Br. At 17-18) that the Legislature intended to preempt all local campaign finance laws (even if the local laws do not conflict with state laws) is based largely on two informal opinions of this office from the 1990s. But those opinions do not address the question of whether Article 14 preempts local laws implementing a program of public financing for local elections. Those opinions concluded that the Election Law's contribution limits would preempt (1) a proposal by the Town of Southampton to prohibit the award of municipal contracts to persons who made political contributions to town officials or candidates, 1995 Op. Att'y Gen. (Inf.) No-95-46, and (2) a proposal by the County of Putnam to require written disclosure of political contributions by vendors and private businesses that enter contracts to perform county work, 1998 Op. Att'y Gen. (Inf.) No. 98-3. A footnote in the earlier opinion specifically acknowledged with apparent approval that New York city had imposed locally enacted contribution caps in connection with its innovative system for public financing local elections; the opinion did not suggest that those contributions caps were preempted. Informal Op. No. 95-46, at 2, n.1. To the extent those opinions included broad statements about field preemption that could be read to suggest that the city law at issue here would be preempted, *see* Informal. Op. No. 95-46, at 2; Informal Op. No. 98-3, at 5 (similar), the Attorney General disavows those statements. As discussed above, there is no evidence that the Legislative intended Article 14 to preempt local laws enacting a system of public campaign financing, so long as they do not conflict with the Election Law." (AG Brief @ page 11-12)(emphasis added)

It should be noted that the Attorney General's office issued a press release following the release of the original *McDonald* Decision in May of 2013. Mr. Schneiderman stated in this release that "this is a great victory for the public financing of elections and for the people of the City of New York." There was no suggestion that the *McDonald* case applied to anything other then public financing of campaigns. He also noted in the release that "the Attorney General's office filed an amicus brief

arguing that New York State election law does not operate in the field of public financing of elections, which is followed by the Court." He was very careful to limit his position to publicly financed campaigns. Again the *McDonald* decision is distinguishable from this proposed law since it does not operate in the field of public financing of elections.

The decision on Appeal from the Appellate Division ***McDonald vs. New York City Campaign Finance Board 117 A.D. 3d 540 (1st Dep't 2014)*** modified the decision below. The lower court case denied the plaintiffs motion for a declaration that the Administrative Code of New York City was preempted by State Election Law and granted the City's motion to dismiss the complaint. The Appellate Division denied the motion to dismiss the complaint but decided that the law was not preempted.

The Attorney General filed a brief in the Appellate Division case as well which was substantially more detailed and strenuously argued that the appeal presented a narrow question of preemption. The Attorney General continued to argue that the New York State Legislature did not intend to include the City funded matching fund system. The Attorney General spent a great deal of time addressing the earlier opinions of the Attorney General and again stated that those 1990 opinions, that I reply upon in my opinions, were irrelevant to the *McDonald* case. The Attorney General stated "[n]either opinion addresses the sole question at issue in this case: whether the election law preempts local governments from implementing a locally funded program of public financing for local elections that incorporates corresponding locally imposed contribution limits. To the extent that stray language in the prior opinions could read to potentially support preemption in this case, the Attorney General disavows any such reading" A.G Brief page 2 and 3.

Ultimately, I have reviewed and reconsidered my previous position on this matter. I have discussed this matter with counsel for Orange County as well as the Attorney General's office. I have considered the decision which apparently prompted Orange County to enact the local law that they have currently enacted in both the lower Court and Appellate Division levels and I have considered the Attorney General's Briefs on the matter which may also have been relied upon, at least at a lower court level. I continue to be of the position that the version of the local law that Legislators Tyner and Farley initially, and now others, have submitted to the Legislature continue to be preempted. Despite the fact that the proposed law had adequate sponsors and was laid on the desk at a meeting of the Legislature and was proposed to be retitled and be re-laid on the desks at the August meeting, I do not believe that it is proper for consideration by the Dutchess County Legislature since the County Legislature has no authority to enact such Legislation. Therefore, I would recommend that you exercise your authority pursuant to rule 4.3(i) to pull the resolution and Local Law from further consideration. I note that rule 4.3(i) does require you to provide a written explanation to the sponsors, I would suggest that this opinion would provide such an explanation. I would also suggest that formatting the latest revision of the law to formally relay it on the desk would not be necessary.

By way of background for your consideration as well as those who are more recently elected members of the Legislature, I enclose the following:

a. Memorandum from myself to Robert Rolison, Chairman on August 1, 2012; and
b. Memorandum from myself to Legislators Bunnell and Tyner dated August 14, 2006; and
c. Letter from myself to Legislature Tyner dated June 11, 2004.

d. Letter from Anthony Quartararo, Legislative Counsel to then Chairman Brad Kendall dated September 7, 2000.

Very truly yours,

SCOTT L. VOLKMAN
LEGISLATIVE COUNSEL
SLV/dap
cc: All Legislators
Carolyn Morris, Clerk
Catherine Durland, Assistant to the Chairman

# *Dutchess County Legislature*

*Scott L. Volkman*
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*
*Telephone: 845-486-2100 Fax 845-486-2113*

August 1, 2012

Robert Rolison, Chairman
Dutchess County Legislature
22 Market Street
Poughkeepsie, NY 12601

RE: Dutchess County Campaign Reform Act of 2012

Dear Chairman Rolison:

I am in receipt of and have reviewed the proposed Dutchess County Campaign Finance Reform Act of 2012 Local Law sponsored by Legislators Tyner and Doxsey. First I note that this law or a very similar version, was introduced by Legislators Tyner and Mansfield on April 13, 2009. It was re-laid on the desks on July 13, 2009. This was during the tenure of Chairman Higgins. No action appears to have taken on that law.

In 2006, a nearly identical law was introduced by Legislators Bunnell and Tyner. I rendered a detailed Opinion Letter dated August 14, 2006. I explained that the proposed law could not be considered nor acted upon as campaign finance is a matter wholly occupied and administered by and completely subject to New York State Election Law and that local municipalities, including counties were preempted from adopting such a law. In addition to case law on the subject, I cited two New York State Attorney General Opinions. One addressed in the proposed Town of Southhampton Law and one addressing a proposed Putnam County Law advising that such local laws are inconsistent with and preempted by, the New York State Election Law.

Prior to that, in 2004 Legislator Tyner introduced a similar law, which by letter dated June 11, 2004, I again found it to be inappropriate for consideration as it was preempted by State Law.

Prior to that in 2000, my predecessor, Anthony Quartararo, submitted a letter to then Chairman Brad Kendall, advising that a Campaign Finance Law for Dutchess County as proposed by then Legislator Smith, was also preempted by State Law and submitted a letter addressed to him from the New York State Attorney General's Office dated November 10, 2000, with respect to the issue of preemption.

REPLY TO: 75 Washington Street, Poughkeepsie, NY 12601
845-454-3250 Fax 845-454-4652
svolkman@gklaw.us
*www.dutchessny.gov*

I do not know the history of the 2009 local law or whether Legislative Counsel, at that time, rendered any opinion with respect to this as one cannot be found in the Legislature's offices. Considering the history of attempts to enact a Campaign Finance Reform Act going back to at least 2000, I have to question, and you will too, why this was not implemented in 2009 Legislator Tyner was in the majority, if there was any legal basis to contradict our consistent position and opinion going back a decade and now even longer. However, I have given consideration to the Attorney General Opinions and the cases that I previously cited and at this point I find no authority to change my opinion that such a law is preempted by New York State Election Law.

Despite the fact the law had two sponsors and was laid on the desks at the last meeting of the Legislature, I do not believe that it is proper for consideration by the County Legislature since the County Legislature has no authority to enact such legislation in my opinion. Therefore, I would recommend that you exercise your authority pursuant to Rule 4.3(i) to pull the Resolution and Local Law from further consideration. I note, that Rule 4.3(i) does require you to provide a written explanation to the Sponsors and would suggest that this opinion would provide such an explanation.

For your consideration, I do enclose herewith the following:

1. A memorandum from myself to Legislators Bunnell and Tyner, dated August 14, 2006;

2. A letter from myself to Legislator Tyner, dated June 11, 2004;

3. A letter from Anthony Quartararo to Chairman Kendall, dated September 7, 2000.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

DUTCHESS COUNTY LEGISLATURE

SCOTT L. VOLKMAN
Legislative Counsel

Enc.
cc: Carolyn Morris, Clerk
Joel Tyner, Legislator
James Doxsey, Legislator
Dale Borchert, Majority Leader
Barbara Jeter-Jackson, Minority Leader
Catherine Durland, Assistant to the Chair

*Dutchess County Legislature*
*22 Market Street, Poughkeepsie, NY 12601*
*845-486-2100 Fax 845-486-2113*

**MEMORANDUM**

TO: Fred Bunnell, Legislator
Joel Tyner, Legislator

FROM: Scott Volkman, Legislative Counsel

RE: Campaign Finance Reform

DATE: August 14, 2006

You have again asked me to render an opinion on the subject of Campaign Finance Reform and the issue of whether the DCL has the authority to enact its own local law on the subject matter that is more restrictive than what is particularized in Article 14 of New York State's Election Law. Towards that end, you have provided me with a proposed local law that is modeled directly after Rockland County's law. In short, it prohibits any entity doing business with Dutchess County from making a donation in excess of $100.00 to any candidate during any election campaign. It also limits how much a candidate may spend during his/her election campaign, to the extent that a candidate is prohibited from spending in excess of the total amount calculated when one multiplies $2.00 by the number of eligible person who may vote in the election.

As you know, I previously rendered an opinion on this subject in correspondence dated June 11, 2004. As well, my predecessor submitted a memorandum on this matter dated September 7, 2000. In accordance with your request, I have reviewed the materials you highlighted. In revisiting this issue, I have found no opinions, case law, or rationale rendered that would change this opinion, and it thus remains my opinion that the County Legislature is pre-empted from enacting its own campaign finance law.

You referenced some cases that support the contention that by the authority vested in the home rule statute, the DCL has the authority to adopt such a local law because it relates to the DCL's property, affairs, or government. While these cases do support the general contention the MHRL provides us with the authority to legislate on matters pertaining to the County's property, affairs, or government, none of the cases support the more distinct argument that this is not an area that is preempted by Article 14 of the New York Election Law. Also, in re-examining this, you have highlighted the fact that Rockland County has adopted a local law on the subject, which has not been challenged, and New York City's Campaign Finance Act that was adopted in 1988. I have found neither law to have an impact on this issue. In fact, the New York City Campaign Finance Act underscores the conclusion that this area is preempted by State Law.

There exists an implied intent by the State Legislature to preempt this area of law from local consideration. Since the proposed local law would impose more restrictive rules upon candidates, inconsistent with current State law, it would be inappropriate to proceed with a proposal such as this.

The general rule of law is that all local governments are authorized to adopt and amend local laws, consistent with the Constitution and general State laws, in relation to the government, protection, order, conduct, safety, health and well-being of persons or property therein. N.Y. Const. Art. IX, §2(c); Municipal Home Rule Law § 10(1)(ii)(a)(12). This is a broad grant of the police power to local governments. New York State Club Association, Inc. v. City of New York, 69 N.Y.2d 211 (1987); People v. Cook, 34 N.Y.2d 100(1974); *Office of Attorney General, Opinion 87-48.* The mere fact that a local law may deal with some of the same matters touched upon by state law does not render the local law invalid. People v Judiz, 38 N.Y.2d 529 (1976).

There are however, two exceptions to this exercise of this grant of police power. New York State Club Association, Inc. v. City of New York, 69 N.Y.2d 211 (1987); People v. Cook, 34 N.Y.2d 100(1974). First, a local government may not adopt a local law that is inconsistent with the Constitution or a general State law. N.Y. Const. Art. IX §2(c)(i) and (ii). Secondly, this power may not be exercised when the State Legislature has indicated a purpose to preempt the field of regulation. Con Edison v. Town of Red Hook, 60 N.Y.2d 99 (1983). An intent to preempt a field of law may be garnered from either a declaration of State policy by the Legislature or by the fact that a comprehensive and detailed regulatory scheme in a particular area has been enacted by the Legislaure. Dougal v. Suffolk County, 102 A.D.2d 531 (2d Dept. 1984), *affirmed*, 65 N.Y.2d 668 (1985). The Election Law is quite comprehensive and detailed. This indicates that the State intended to fully occupy this area, which preempts local legislation that would limit campaign contributions or expenditures.

The Office of the Attorney General has rendered two opinions on point regarding this precise issue. In addition, on November 10, 2000, the Attorney General's Office found that my predecessor had accurately concluded that a proposed law regarding campaign financing was preempted by the Election Law. More specifically, in the Town of Southampton, the Town wanted to prohibit the award of municipal contracts to persons who made political contributions to town officials for town office. *New York State Attorney General Opinion 95-46.* Towards that end, the Town of Southhampton proposed an amendment which would have precluded the awarding of town contracts worth more than $1,500 to people who made political campaign contributions of more than $100 to town officials/candidates for town office. The Attorney General concluded that the proposed law was "inconsistent with and preempted by the State Election Law". Id.

Similarly, the Putnam County Legislature had proposed a resolution, which would have required disclosure of contributions made to any county political party or candidate, in excess of $100, during the one-year period prior to entering the contract. *New York State Attorney General Opinion 98-3.* Businesses and vendors would also have been

required to disclose the name of the candidate to whom they contributed. Id. The Attorney General's Office concluded that the County's proposal was preempted by Article 14 of the New York State Election Law. Id.

But, even more helpful in this opinion was the legislative history of Article 14 that the Attorney General's Office outlined which revealed that this area was intended to be preempted from local regulation:

> The genesis of these requirements [reporting and disclosure of campaign receipts and expenditures, and individual contribution limits] was Article 16-A of the prior Election Law, added by Laws of 1974, chapter 604, § 466. Former Article 16-A included a declaration of legislative intent.[1] . . . As part of a recodification of the Election Law, Article 14 succeeded former Article 16-A. L 1976 ch 233. This recodification represented a simplification and clarification of existing law, eliminating obsolete and conflicting provisions. Bill Jacket, L 1976 ch. 233, Assembly Memorandum in Support. Substantive changes primarily affected administrative procedures.
>
> The New York State Board of Elections issued an official opinion subsequent to enactment of Article 16-A of the Election Law responding to an inquiry as to whether a local legislative body may enact a local law relating to the regulation of campaign financing and practices. NY State Bd of Elections 1975 Op. No. 7. In finding that such a local law is preempted, the Board stated:
>
> [T]he transcripts of the legislative debates on the bill enacting Article 16-A, the article's statement of legislative intent, and the differentiation of the article's provisions between those relating to candidates for state offices and those relating to candidates for local offices all lead to the conclusion that the Legislature intended Article 16-A to preempt the entire subject matter area of campaign financing and practices.

*New York State Attorney General Opinion 98-3.*

When I reviewed the New York City Campaign Finance Act adopted in 1988, I found no legal authority that would suggest that the DCL is not preempted by New York State Election. In fact, I found further support that it is a preempted area, for the NYC Campaign Finance Act is a public financing program that employs a voluntary system of contribution and expenditure caps in exchange for public financing of certain City elections. *NYC Admin. Code §§ 3-701 to 3-714.* It is not mandatory at all, and impliedly acknowledges that it is a preempted area of law by making it a voluntary system. Indeed,

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[1] "The legislature intends by this law to create a New York state board of elections vested with authority and responsibility for the execution and enforcement of all laws relating to the elective franchise and to further mandate full and complete disclosure of campaign financing and practices, and to maintain citizen confidence in and full participation in the political process of our state to the end that the government of this state be and remain ever responsive to the needs and dictates of its residents in the highest and noblest traditions of a free society."

the Act provides that construction of the law shall not be meant to "prohibit the making or receipt of contributions to the extent permitted by the election law or to permit the making or receipt of contributions otherwise prohibited." *NYC Admin. Code § 3-714.* Moreover, the legislative intent provides that the NYC Campaign Finance Act, "will supplement and be consistent with state law. The council does not intend by the enactment of this local law to prohibit any person from making or receiving any campaign contributions to the extent allowed by state law, or to permit any person to make or receive such contributions when prohibited by state law. Rather it intends by means consistent with state law, to ensure an open and democratic political system that inspires the confidence and participation of its citizens." *NYC Admin. Code § 3-714, Declaration of legislative intent and findings.*

Finally, the fact that the Rockland Campaign Finance Law (adopted in 1997) has never been the subject of a legal challenge in no way provides the DCL with the appropriate legal authority to undertake such a measure.

In summary, in light of the numerous opinions concluding this area to be preempted, together with the acknowledgement by the NYC council that their Campaign Finance Act is a voluntary program meant to be consistent with state law, it is my opinion that a venture proposing campaign reform that is wholly or partly inconsistent with State law would be a hazardous legal proposition for the DCL.

Cc: Bradford Kendall, Chair
Roger Higgins, Minority Leader
Patricia Hohmann, Clerk

GELLERT & QUARTARARO, P.C.
ATTORNEYS AND COUNSELORS AT LAW
76 WASHINGTON STREET
POUGHKEEPSIE, NEW YORK 12601-2303
(845) 454-3260
FAX: (845) 454-4652
www.gqlawyers.com

LEONARD KLEIN
ARTHUR L. GELLERT
STEPHEN E. EHLERS
JOHN A. GEOGHEGAN
LILLIAN S. WEIGERT
JAMES M. FEDORCHAK
STEPHEN E. DIAMOND
SCOTT L. VOLKMAN
DAVID R. WISE
RODERICK J. MAC LEOD
SABRINA BLAIN
BEVIN SPENCER
GREGORY P. VIDLER
KELLY L. TRAVER
JOAN W. MCFADDEN

VARIOUS GELLERT & QUARTARARO ATTORNEYS ARE ALSO ADMITTED TO PRACTICE IN CA, CT, FL, IL, MA, TX, ENGLAND

COUNSEL
SHELDON CUTLER
S. NINA GELLERT
RAINA E. MAISSEL
ANTHONY M. QUARTARARO
JACK M. QUARTARARO
STEPHEN M. SALAND
DAVID J. E. SILBER
ROBERT C. VINCENT, JR.

JOSEPH H. GELLERT
(1907-1989)

WESTCHESTER OFFICE
3010 WESTCHESTER AVENUE
SUITE 302
PURCHASE, NEW YORK 10577
(914) 249-0100
FAX: (914) 249-0111

June 11, 2004

**Confidential Attorney/Client Communication**

Joel Tyner, County Legislator
324 Browns Pond Road
Staatsburg, NY 12580

Re: Campaign Reform Act of 2004

Dear Joel:

I am in receipt of your request for the above referenced Local Law to be laid on the desks' of the Legislators in June. This subject has been dealt with by the Legislature before. In fact, in 2000, Legislator Duane Smith sought to propose a similar Local Law regarding campaign contributions. My predecessor submitted a memorandum on this matter by letter dated September 7, 2000. As indicated he also submitted a request for an opinion from the Attorney General's office on September 20, 2000 and he received a reply which he submitted to the Legislature on November 15, 2000. I enclose herewith copies of all of the aforementioned correspondence as well as Attorney General Opinion 98-3.

The bottom line is that it was determined then that the County Legislature is pre-empted from enacting its own campaign finance laws. I have found nothing issued to this date that would change this opinion. Consequently, it would be inappropriate to proceed with such a proposal at this time. While your purpose may or may not be different in some respects from the law considered at that time, the fact is the State has pre-empted this issue from local consideration

If you have any questions, please do not hesitate to contact me.

Very truly yours,

GELLERT & QUARTARARO, P.C.
BY:

SCOTT L. VOLKMAN

SLV:br
Enc.
cc: Bradford Kendall, Chariman (w/enc.)
Noreen Reilly, Majority Leader (w/enc.)
Roger Higgins, Minority Leader (w/enc.)
Patricia Hohmann, Clerk (w/enc.)

**CONFIDENTIAL LEGAL MATERIAL**

**SENT VIA FACSIMILE** September 7, 2000

Bradford Kendall, Chairman
Dutchess County Legislature
22 Market Street
Poughkeepsie, NY 12601

**RE: Proposed Local Law Regarding Campaign Financing**

Dear Chairman Kendall:

We are submitting this memorandum in answer to your concerns with reference to the proposed local law regarding disclosure and filing requirements.

The Municipal Home Rule Law and Article 14 of the New York State Constitution gives local governments, including counties, the authority to enact local laws which are not inconsistent with the Constitution or "general" laws of the State. More specifically, it is a delegation of the police power of the governing body which relates to the conduct and well being of individuals within the jurisdictional limits of the municipal government - Municipal Home Rule Law Section 10(1)(ii)(a)(12).

The authority given to local governments pursuant to the Municipal Home Rule Law must, however, be consistent with the Constitution and other "general" laws enacted by the New York State Legislature. If a general State statute exists regarding the subject matter of the proposed legislation, it shows a legislative intent to preempt local legislation. See Consolidated Edison Co. v. Town of Red Hook, 60 NY2d 99 (1983).

With respect to disclosure of campaign receipts, expenditures and limits of contributions, it is obvious that Article 14 of the New York State Election Law shows a legislative intent to preempt the field. In 1975 an opinion of the New York State Board of Elections regarding Article 16(a) of the Election Law (now Article 14) in effect indicates that the Election Law preempts the entire subject matter of campaign finances whether it be for State offices or local offices. Thus, where a

State law indicates a purpose to preempt an entire field, local regulations which conflict with the State statute are considered to be prohibited. See Consolidated Edison Co. v. Town of Red Hook cited above. See also Robin v. Inc. Village of Hempstead, 30 NY2d 347 (1972).

In 1998 in Opinion No. 1998-3 the Attorney General responded to an inquiry by the County of Putnam regarding a proposed resolution by the Putnam County Legislature that required written disclosure of political contributions by all vendors and private businesses that entered into contracts to perform County work. The disclosure required related to contributions in excess of $100 during any calendar year.

The Attorney General cited the 1975 Opinion of the New York State Board of Elections and also cited a 1995 Opinion of the Attorney General (No. 1995-46). The Attorney General's Opinion quoted the 1995 opinion in part as follows:

> "It is evident from the comprehensive nature of the Election Law that the State intended to occupy fully the area of campaign contribution limits, leaving no room for additional local regulation. Article 14 provides for detailed reporting and disclosure of campaign receipts and expenditures and establishes individual contribution limits. These limits are designed to apply to elections for party positions and to elections for and nominations for all public offices, including those at the local level. NY Election Law Section 14-114, et seq."

CONCLUSION:

The County's proposal to enact a local law regarding campaign financing is not consistent with the Constitution and the general statutes of the State of New York. Article 14 of the Eleciton Law requires disclosure of receipts and expenditures and establishes individual limits for contributions to political candidates. Inasmuch as Article 14 of the Election Law is a general statute, it has preempted the field regarding contributions, expenditures and disclosure by political candidates. There is no special distinction regarding the proposed local law herein. Consequently, it is our opinion that the Municipal Home Rule Law does not authorize Dutchess County to enact local legislation regarding filing requirements and disclosure of campaign contributions.

Very truly yours,

QUARTARARO AND QUARTARARO

BY:_____
Anthony M. Quartararo

AMQ/ps

cc: Patricia J. Hohmann, Clerk, Dutchess County Legislature
Dr. Duane Smith, Legislator, Dutchess County Legislature

The foregoing Resolution No. 2017071, The Lucille Pattison Campaign Finance Reform Act of 2017, was laid on desks on April 11, 2017. Comments from the Chairman and Legislative Attorney are attached. No further action was taken in 2017.

GOVERNMENT SERVICES & ADMINISTRATION

# PULLED 5/1/2017

Resolution No. 2017072

Re: LOCAL LAW NO. _____ OF 2017, A LOCAL LAW PROHIBITING THE OPERATION OF UNMANNED AERIAL VEHICLES OR DRONES WITHIN ONE THOUSAND FEET OF THE DUTCHESS COUNTY JAIL

Legislators FLESLAND, BORCHERT, MICCIO, PULVER, ROMAN, RIESER, WASHBURN, TRUITT, INCORNATO, LANDISI, SAGLIANO and HORTON offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____ of 2017 which has been submitted this day for consideration by said Legislature.

~~STATE OF NEW YORK~~

~~ss:~~

~~COUNTY OF DUTCHESS~~

~~This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of May 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of May 2017.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

LOCAL LAW NO. _____ of 2017

RE: A LOCAL LAW PROHIBITING THE OPERATION OF UNMANNED AERIAL VEHICLES OR DRONES WITHIN ONE THOUSAND FEET OF THE DUTCHESS COUNTY JAIL

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

Section 1 – Definition.

For the purpose of this Chapter "drone" means a powered or unpowered aerial vehicle or a balloon float or other device that: (a) does not carry a human operator; (b) uses aerodynamic forces or gases to provide lift; (c) can fly autonomously or be piloted remotely; (d) can be expendable or recoverable; and (e) captures images of objects or people on the ground or in the air, or intercepts communications on the ground or in the air, or carries a lethal or non-lethal payload.

Section 2 - Prohibition.

No person shall operate a drone within one thousand feet of the Dutchess County Jail or Dutchess County Justice and Transition Center.

Section 3 - Application.

The prohibition set forth in Section 2 of this Chapter shall not apply to the operation of drones by law enforcement, fire or emergency service agencies to aid in crime, traffic and fire investigations in accordance with any federal or state statute.

Section 4 - Penalties.

A first violation of this Chapter shall be punishable by a civil penalty not exceeding one thousand dollars and any subsequent violation shall be punishable as a misdemeanor.

Section 5 – Enforcement.

This chapter may be enforced by any law enforcement agency having jurisdiction to act in the County of Dutchess.

Section 6 - Severability.

If any clause, sentence, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7 – Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

No Fiscal Impact

**FISCAL IMPACT STATEMENT**

APPROPRIATION RESOLUTIONS

Total Current Year Cost $

Total Current Year Revenue and Source: $

Source of County Funds (check one): Existing Appropriations
Contingency
Transfer of Existing Appropriations
Additional Appropriations
Other (explain)

Identify Line Item (s):
Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

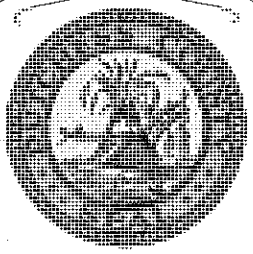
Net county Cost (this year): $

(over five years): $

Additional comments:

The foregoing Resolution No. 2017072, A Local Law Prohibiting the Operation of Unmanned Aerial Vehicles or Drones Within One Thousand Feet of the Dutchess County Jail, was laid on desks on April 11, 2017, and pulled on May 1, 2017.

# Dutchess County Legislature



**PROCLAMATION: AUTISM AWARENESS MONTH**

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, autism is a misunderstood disorder and public awareness is necessary to promote understanding and compassion to allow those with the disorder to maximize their potential and to live more harmoniously in society; and

WHEREAS, autism appears to have its roots in very early brain development, but the most obvious signs of autism and symptoms of autism tend to emerge between 2 and 3 years of age; more funding is needed for research on effective methods for earlier diagnosis, as early intervention with proven behavior therapies can improve outcomes; increasing autism awareness is a key aspect of this work and one in which our family and volunteers play an invaluable role; and

WHEREAS, autism statistics from the U.S. Centers for Disease Control and Prevention identify about 1 in 68 American children are on the autism spectrum – a 600 percent increase in prevalence over the past two decades; careful research shows that this increase is only partly explained by improved diagnosis and awareness; studies also show that autism is three to four times more common among boys than girls; and

WHEREAS, more children will be diagnosed with autism this year than with childhood cancer, juvenile diabetes or pediatric AIDS combined; autism spectrum disorder affects an estimated 3 million individuals in the U.S. and tens of millions worldwide; moreover, government autism statistics suggest that prevalence rates have increased 10 to 17 percent annually in recent years; and

WHEREAS, Dutchess County employees participated in #LightItUpBlue on April 2, 2017 where Dutchess County employees wore blue to show support for the developmental disorder and Dutchess County government is proud to #ThinkDIFFERENTLY about all residents of every ability; now, therefore, be it

RESOLVED, that the Dutchess County Legislature proclaims April to be Autism Awareness Month in Dutchess County, and encourages all Dutchess County residents to #LightItUpBlue in support of Autism awareness and to #ThinkDIFFERNTLY.

**Resolution No. 2017073**

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

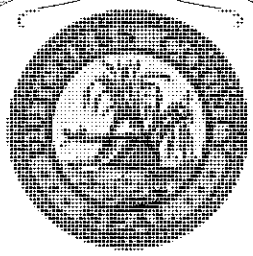
This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of April 2017 and that the same is a true 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 11th day of April 2017.

Carolyn Morris

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# Dutchess County Legislature



**Condolence: Scott A. McCloud**

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Scott A. McCloud on March 26, 2017, at the age of 61, and

WHEREAS, Scott was born on March 2, 1956, in San Francisco, California and was the son of the late William Edward McCloud and Marie Rose Brosset McCloud, and

WHEREAS, after high school, Scott graduated from SUNY Albany and later earned a Master's Degree from Sienna College, and

WHEREAS, Scott worked as a Senior Probation Officer for the Dutchess County Office of Probation and Community Corrections for over 18 years, where he met his loving wife, Sheryl, also a probation officer, who survives at their home, and

WHEREAS, Scott was a loving husband, family member, friend, and co-worker; and

WHEREAS, his passing will be mourned by his family, friends, and colleagues throughout Dutchess County, now therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Scott A. McCloud, and, be it further

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Scott A. McCloud.

STATE OF NEW YORK Resolution No. 2017074

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 11th day of April 2017 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 11th day of April 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

On motion by Legislator Bolner, duly seconded by Legislator Strawinski and carried, the Rules were suspended to allow the public to address the Legislature on agenda and non-agenda items.

Jay Mandel, City of Poughkeepsie, President of Dutchess County Progressive Action Alliance, spoke in favor of campaign finance reform.

Caroline Fenner, Town of Poughkeepsie, spoke in favor of campaign finance reform.

Marist student spoke in favor of campaign finance reform.

Randall Adams, Pleasant Valley, spoke in favor of campaign finance reform.

Sam Beckenhower, Vassar College student, spoke in favor of campaign finance reform.

Joan Mandel, City of Poughkeepsie, spoke in favor of campaign finance reform.

Carol Madrid, City of Poughkeepsie, advocated for homeless people and the expansion of the capacity of the shelter.

Maria Feorie, spoke in favor of declaring Dutchess County a sanctuary county.

Felipe Santos, spoke in favor of declaring Dutchess County a sanctuary county.

Diane Viscio, town of Poughkeepsie, spoke in favor of declaring Dutchess County a sanctuary county.

Barbara Nectow, Town of Poughkeepsie, spoke in favor of declaring Dutchess County a sanctuary county.

Jessica Dickinson, City of Poughkeepsie, spoke in favor of campaign finance reform.

Julia Dugay, Vassar College Student, spoke in favor of campaign finance reform.

Robert Dorn, Rhinebeck, spoke in favor of campaign finance reform.

Darrett Roberts, Poughkeepsie, spoke in favor of campaign finance reform and declaring Dutchess County a sanctuary county.

Daralynn Brennen spoke in favor of declaring Dutchess County a sanctuary county.

Torre Aslam, spoke in favor of the jail and SPCA teaming up to provide therapy.

Ariele Cordova, City of Poughkeepsie, spoke in favor of declaring Dutchess County a sanctuary county.

Joe Lowenbrown, City of Poughkeepsie, spoke in favor of campaign finance reform.

Elizabeth Armstrong, Town of Poughkeepsie, spoke in favor of declaring Dutchess County a sanctuary county.

Jia Chrishnia, town of Wappinger, spoke in favor of declaring Dutchess County a sanctuary county.

Constantine Kazolias, City of Poughkeepsie, spoke regarding the reduction of buses on the northside of the City of Poughkeepsie.

Maria Quackenbush, Hyde Park, spoke in favor of campaign finance reform.

Adjourned in memory of Scott McCloud at 8:37 pm