

# Attendance Sheets

District	Last Name	Present	Absent	Present/Late
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	✓		
District 3 - Town of LaGrange	Borchert	✓		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper	✓		
District 1 - Town of Poughkeepsie	Doxsey	✓		
District 6 - Town of Poughkeepsie	Flesland	✓		
District 18 - City of Beacon	Forman	✓		
District 14 - Town of Wappinger	Goldberg	✓		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn	✓		
District 21 - Town of East Fishkill	Horton	✓		
District 22 - Town of Beekman	Hutchings	✓		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato	✓		
District 10 - City of Poughkeepsie	Jeter-Jackson	✓		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey	✓		
District 7 - Town of Hyde Park	Kuffner	✓		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery	✓		
District 17 - Town and Village of Fishkill	Miccio	✓		
District 8 - City and Town of Poughkeepsie	Rolison	✓		
District 5 - Town of Poughkeepsie	Roman	✓		
District 4 - Town of Hyde Park	Sadowski, Jr.	✓		
District 24 - Towns of Dover and Union Vale	Surman	✓		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	✓		
District 20 - Town of Red Hook	Traudt	✓		
District 11 - Towns of Rhinebeck and Clinton	Tyner	✓		
District 12 - Town of East Fishkill	Weiss	✓		
District 9 - City of Poughkeepsie	White			✓
<b>Present:</b>	<u>25</u>	<b>Total:</b>	24	1
<b>Absent:</b>	<u>0</u>			
<b>Vacant:</b>	<u>0</u>			

Date: 1/24/11

Regular Meeting  
of the  
Dutchess County Legislature

Monday, January 24, 2011

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

Roll Call by the Clerk of the Legislature

PRESENT: 24 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss.

ABSENT: 0

PRESENT, LATE: 1 White.

Quorum Present.

Pledge of Allegiance to the Flag; invocation by Reverend Alvin Bridgewater of Vassar Road Church of the Nazarene in Poughkeepsie, New York followed by a moment of silent meditation.

Presentations:

Spackenkill High School String Ensemble  
Eve Madalengoitia, Arts Council

Commendations and Proclamations

Proclamation: St. Peter's School  
Commendation: David Goodman  
Commendation: John Beale  
Commendation: Christopher Vavrica  
Commendation: Poughkeepsie High School Varsity Football  
Commendation: Poughkeepsie High School Junior Varsity  
Football  
Commendation: Stanford Grange Hall

The Chairman stated that if there were no objections he would change the order of business to have the public hearing before hearing from the public on agenda items.

The Clerk read the notice of public hearing with respect to the Establishment of Part County Sewer District No. 6 located in the Village and Town of Red Hook.

The Chairman declared the public hearing open.

The following people spoke against Resolution No. 2011019 entitled, Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook.

Linda Kealing, Town of Red Hook  
John Colburn, Town of Red Hook  
Nydia E. Sturges, M.D., Town of Red Hook.  
Rosemarie Zengen, resident and spokesperson for Save Our Town Committee.

The following people spoke in favor of Resolution No. 2011019 entitled, Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook.

Bill O'Neill, Councilman, Town of Red Hook  
Brent Kovalchik, Village of Red Hook Trustee  
Susan Mora, resident, Village of Red Hook  
Harry Colgan, Councilman, Town of Red Hook

Constituent letters regarding Part County Sewer District No. 6 were filed with the Clerk of the Legislature (attached and made a part of these minutes).

No one else wishing to be heard, the Chairman declared the public hearing closed.

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.

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

Chairman Rolison entertained a motion to approve the December and January 4 minutes.

The prior meeting minutes were approved.



To the Honorable Dutchess County Legislature:

We would like to thank all the legislators, especially Joel Tyner and Ben Traudt, for seriously considering the proposed sewer district situation that exists for the landowners, especially along Red Hook's Southern Corridor. The mandated referendum vote that will occur this spring reassures us that Democracy is still working to some degree.

We realize that although the proponents of the rezoning and proposed Central Sewer District feel they have worked on what they think is best for the Red Hook Community, they feel what they have conceptualized means "progress" for the Village and Town of Red Hook. Unfortunately, feelings are not facts.

We, the scores of members of the Save Our Town Committee, know that this Proposed Sewer District is too much, too soon, and too costly for taxpayers and residents. Landowners have their own septic systems currently and to add further duplicating costs to already stretched budgets, borders on being unconstitutional. We feel this is simply NOT the time to burden taxpayers and tenants who are already financially depleted with further costs. It is also NOT the right time to take advantage of State and Federal funds through grants that have assisted in putting Our Nation in the deficit it presently stands.

We thank all those neighbors who have worked endless hours on this proposed Central Sewer District but we simply CANNOT afford to think about future development (housing and business districts) when we are barely keeping our heads above water now.

We look forward to a Central Sewer District Referendum and an accompanying Agricultural Referendum in the Spring of 2011.

Thank you,

Rosemarie Zengen

Spokesperson

The Save Our Town Committee

(845) 876-1422

24 Jan 2011

Dear County Legislature:

I'm a big supporter of "green technology" and support solar panels, composting and sustainable living. This seems to be catching on in Red Hook with solar panels on the Town Hall and Firehouse soon.

I do not understand why the proposed Central Sewer District does not utilize co-generation like your County's Waste Incinerator. You could capture the methane gas, reduce air pollution and use an energy source to provide electricity and heat homes as a real "benefit" to the local homes impacted by this proposal.

I certainly cannot support this proposal as is because it is neither environmentally friendly, needed or compensates the businesses and residences impacted by this.

Sincerely,

Eric Bengem  
South Broadway, Red Hook

JENNIFER DEANNE FIER, ARCHITECT

To Whom it may concern  
Dutchess County Legislature

24 January 2011

I am writing as a resident of Red Hook who will be directly affected by the proposed Sewer district in Red Hook. I am also a licensed Architect who has built 2 of these facilities- one in New York, one in New Jersey. In both those incidents I worked for a developer who was in fact responsible in the design, construction and start up costs. This is a standard way to proceed. The town of Red Hook has over improved the community and has thus attempted to get the citizens to pay for their mistakes.

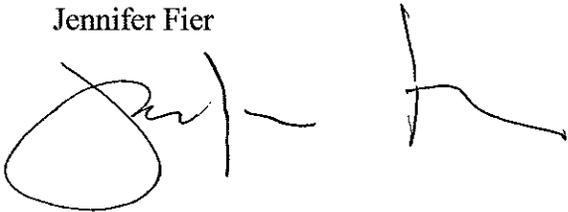
Furthermore the way this is being proposed denies our ability to deduct these costs out on our year end taxes.

I believe this is a site specific issue which has arisen as a result of multifamily housing which appears to be overtaxing our natural resources. The people responsible for the failing systems should be held accountable.

The costs estimated for this project does not include start up which is a costly part of the expenses. I am assuming this system will need to be at least a tertiary stage system which is also quite costly.

I hope you will deny this application and put it to rest finally. At times like these with the financial insecurity it is not the time for our community to further put upon us.

Jennifer Fier

A handwritten signature in black ink, appearing to read 'Jennifer Fier', with a large loop on the left side and a horizontal line extending to the right.

H & G Simmons

53 West Market St.

Red Hook, New York 12571

January 21, 2011

Dear Dutchess County Legislature,

We are in support of the Citizens Opposing Sewer Taxation, C.O.S.T.

We do not want the County and Town to put in an expensive and unneeded Centralized Sewer System. This will be very costly to us as senior citizens trying to make ends meet.

This Water and Waste Water Authority never contacted us about this proposal. It was the good people from COST that contacted us in writing. We've been informed that even if we don't hook up, we will have to pay to have the pipes pass our home. That's just not fair to us and the other elderly in our Village who already pay a double tax to the Town and Village municipalities. Enough is enough! This country is bankrupt and we little people are forced to make up the difference. Well, we just can't afford it!

We lived through the Great Depression and worked very hard and lived frugally over the years to finally enjoy the fruits of our labors in our home. Now this WWA and the Task Force propose an ever-increasing spending plan. We just can't afford this grandiose sewer scheme to bankrupt the elderly and everyone else in our community.

Now it's time for our governments to fight for us and not against us. Drop the sewer plan, we all can't afford it now and down the line.

Sincerely,

*Herbert E. Simmons*  
*Gloria R. Simmons*

Gloria R. Simmons and Herbert E. Simmons

January 21, 2011

To the Dear County Legislature -

Red Hook residents DO NOT WANT NOR NEED A CENTRALIZED SEWER DISTRICT!

I hope you're listening! And we don't want to hear about GRANT money being allotted for it. Where does this grant money come from? The State and the Federal Government are in the red. STOP SPENDING MONEY!

The proposed rezoning plan discusses more houses and places for more stores. How many "For Sale" signs and "For Rent" signs do you have to see before you understand we have to sell the houses we have on the market and rent the businesses that are "For Rent" now?

Ben Traudt, I hope you're listening!

A handwritten signature in black ink that reads "Angie + Ralph L. Frisenda". The signature is written in a cursive, flowing style.

Angie and Ralph L. Frisenda

Red Hook

January 2011

**Re: Public Hearing, January 24<sup>th</sup>**

To the Dutchess County Legislators:

I feel that farmers like Norman Greig and Richard Biezynski bring out very important problems that existing farmers have with this Rezoning Plan. They can't pay any more taxes than they are already paying. They should be allowed to use the buildings already on their property for farm-related business. To do otherwise, could create the demise of farms that are of intrinsic inspiration to the Red Hook Community.

I would also recommend that an Agricultural District Referendum vote be included with the already promised Central Sewer District referendum. These two Referendums are of utmost importance to the livelihood of many businesses and farmers alike.

Sincerely yours,

A handwritten signature in cursive script that reads "Marcella Appell". The signature is written in dark ink and is positioned above the printed name.

Marcy Appell

917 River Road

Red Hook, NY 12571

Dutchess County Legislature

Motor Vehicle Bureau

64 Market St.

Poughkeepsie, NY 12601

To Ben Traudt and the Legislators,

We, the taxpayers of Red Hook, want Ben Traudt to truly represent his constituencies when it comes to the matter of the proposed Central Sewer District. The greater majority of the taxpayers and residents of the Village and Town of Red Hook do not want the Sewers. If Mr. Traudt will not listen, we're certain Joel Tyner will.

It's socialistic thinking to want 191 taxpayers to have to bear the financial burden of a sewer district that is suppose to benefit the quality of life for 11,000. There is nothing democratically equitable about that type of reasoning.

Then, our lawmakers tell us that we are allowed to pay taxes on the properties in question in the district, but we are not allowed to vote unless we actually live in a building on the property. Where is the democracy in that?

If the Constitution can be amended so should these archaic laws. I think that forcing taxpayers to pay for a Central Sewer District that they do not want in the first place is Undemocratic and I bet illegal.

Michael Edmund  
Michael Edmund  
SOUTH BROADWAY  
RED HOOK, NY!

January 21, 2011

Dear County Legislators;

We don't need nor do we want a Central Sewer District in the Town and Village of Red Hook. This is not the time for government to be spending money. Our taxes are outrageous as it is.

I know that certain people (in the proposed Central Sewer District) will be able to vote in a Special District Mandated Referendum soon. Why not include a mandatory referendum for the proposed rezoning for the Agricultural District? Shouldn't farmers be able to vote for rezoning that affects their livelihoods?

I don't need to remind you that in November we will not vote for elected officials who spend taxpayer's money foolishly.

A handwritten signature in cursive script that reads "Anna Fried".

Anna Fried

Red Hook, NY

January 23, 2011

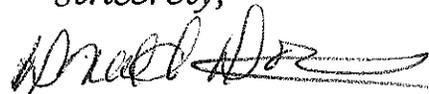
To the Dutchess County Legislature,

We are taxpayers in the Village and Town of Red Hook. We don't want our friends and neighbors on Route 9 and East and West market Street or ourselves to bear anymore financial burdens especially with a Central Sewer District. It's not necessary and totally superfluous.

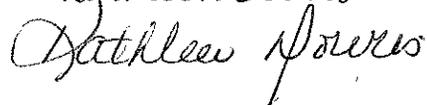
"If all the powers that be" want this Central Sewer District so badly, let them pay directly for its implementation and monthly costs.

We don't want a Central Sewer District. We don't need it and we will not pay for it.

Sincerely,



Kathleen Douris



Donald Douris

32 Phillips St.

Village of Red Hook

1/23/11

**Re: Public Hearing, January 24<sup>th</sup>**

To the Dutchess County Legislators:

I live on South Broadway and I have more than seven tenants.

I don't want a Central Sewer District nor do I want to pay for it.

Sincerely,

R.V. Howland  
South Broadway  
Red Hook, NY

1/23/2011

To the Dutchess County Legislature:

I am a senior citizen living on South Broadway and I understand that if my landlord has to pay more money to connect to a Central Sewer District, I will have to eventually pay a higher rent. I can't afford it. My landlord has three operating septic systems. Why should she or I have to worry about another bill or rent increases? Aren't things tough enough in our economy? Why institute more costs to already stressed pocket books?

Please, please, stop thinking in terms of "bigger is better". It's not. Don't play with a system that already works and is not broken.

Yours truly,

A handwritten signature in cursive script that reads "Mary Tolstick". The signature is written in black ink and is positioned above the printed name.

Mary Tolstick

7312 South Broadway

Red Hook, NY

33 East Market Street  
Red Hook, NY 12571

January 24, 2011

Dutchess County Legislature  
Market Street  
Poughkeepsie, NY 12601

Dear Dutchess County Legislatures:

I am a current home owner in the Village of Red Hook. It is much to my dismay that a proposal for the re-zoning of the Town of Red Hook is being reviewed. I am also concerned with the proposed centralized sewer plan with the cost being shifted to residents like myself who already have septic systems. In today's difficult economic situation, with many of my neighbors as well as myself out of work it is unfair for a financial burden such as a sewer system, which is unnecessary to current residents, to be suggested.

Many Red Hook residents were present at the Red Hook Public Hearing on January 20, 2011 to present similar concerns. Unfortunately the rezoning plan began before the current financial crisis. I think it is most important to view what is happening now in our economy. I am struggling now to pay my bills. I do not understand why I should have to share payment for a sewer system which I and my neighbors do not need. Further concerns presented at the Hearing included statistics of sewer systems having a negative effects on our aquifer. Development would not be by our local contractors to help rebuild our local economy, but rather by others who do not share the caring for our community and its members. Other concerns include current demographics cannot support businesses that are already in the Town of Red Hook which is evidenced by the many for rent signs in the Village and the many residents who choose to shop in Ulster County at big box stores. Additional concerns are higher school taxes due to an increase in the number of children who would live in the development. During these difficult financial times the cutting of programs, staff, and services are occurring at our schools. Recently the need for more space at the high school was rejected when a capitol project was defeated by an overwhelming majority of residents. As previously stated the current proposal would increase financial stress to many Red Hook homeowners in a multitude of ways.

It is for these reasons I request your consideration to review carefully the impact of the current proposed rezoning and sewer system. Think of the citizens who currently have supported you and continue to support our community.

Sincerely,

Theresa Reetz

## Colburn's Laundromat

7351 South Broadway Red Hook, NY 12571

January 22, 2011

Dear Dutchess County Legislature:

We are long time residents and business owners in Red Hook. We provide an affordable laundry cleaning and folding facility to our neighbors and visiting tourists. We are not billionaires but we manage a simple life style and support our local businesses when we can.

We are diligent in our general repairs to our facility and amenities to serve our customers. In essence, we have a life-time of investment financially and socially into our business yet the Intermunicipal Task Force and the Dutchess County Water and Wastewater Authority wants to destroy our business and our small town atmosphere by putting in a Centralized Sewer System. The extra buildings generated by this "builder's development plan" will cause increased traffic along Rt. 9 which we are on. It's already a nightmare to try to cross the street or enter our property.

We don't need this system. We, and my neighbors, service our functioning septic systems as recommended and the excess water cycles back and replenishes the ground water.

Like all businesses, in these poor economic times, we are struggling to keep afloat. This added TAX amounting to an additional \$8,000 per year on top of our present taxes will be the straw to break the camel's back. We'll have to close down our business then no taxes will be generated.

Taxing us for a service we don't need is "Taxation without Representation"! Scrap this faulty and costly idea. Try serving the people instead of beating them down with additional taxes.

Sincerely,



Shirley Colburn, owner



John Colburn, owner



To the Honorable Dutchess County Legislature:

We would like to thank all the legislators, especially Joel Tyner and Ben Traudt, for seriously considering the proposed sewer district situation that exists for the landowners, especially along Red Hook's Southern Corridor. The mandated referendum vote that will occur this spring reassures us that Democracy is still working to some degree.

We realize that although the proponents of the rezoning and proposed Central Sewer District feel they have worked on what they think is best for the Red Hook Community, they feel what they have conceptualized means "progress" for the Village and Town of Red Hook. Unfortunately, feelings are not facts.

We, the scores of members of the Save Our Town Committee, know that this Proposed Sewer District is too much, too soon, and too costly for taxpayers and residents. Landowners have their own septic systems currently and to add further duplicating costs to already stretched budgets, borders on being unconstitutional. We feel this is simply NOT the time to burden taxpayers and tenants who are already financially depleted with further costs. It is also NOT the right time to take advantage of State and Federal funds through grants that have assisted in putting Our Nation in the deficit it presently stands.

We thank all those neighbors who have worked endless hours on this proposed Central Sewer District but we simply CANNOT afford to think about future development (housing and business districts) when we are barely keeping our heads above water now.

We look forward to a Central Sewer District Referendum and an accompanying Agricultural Referendum in the Spring of 2011.

Thank you,

Rosemarie Zengen  
Spokesperson  
The Save Our Town Committee  
(845) 876-1422

**NYDIA E. STURGES, M.D.**

242 West Kerley Corners

Tivoli, NY 12583

Telephone (845) 757-5291

January 24, 2011

Dear Honorable Members of the Dutchess County Legislature:

Thank you for allowing me this time to share a short story about a long tradition of farming in Northern Dutchess County.

In 1984, I had the most wonderful fortune to be hired by Northern Dutchess Hospital as an emergency-room physician.

In 2003, I was again blessed with good fortune by marrying a farmer, Peter R. Sturges.

Over the past 27 years, I have heard many stories from patients, friends, colleagues, business owners and other farmers.

The first story relates to my husband's family. Peter's great, great, great grandfather, also called Peter Sturges, was born in 1770 in the Northern Dutchess area to a family of farmers. For over 250 years the Sturges Clan has farmed continuously in the Northern Dutchess County area and has demonstrated their commitment to the farming community as frugal, law abiding, prudent stewards of the God-given land.

Over the two and a half centuries, the Sturges Family has toiled and sacrificed to keep their farms productive. By means of their extensive labors, their blood, sweat and tears, they have indisputably earned some equity. More importantly, they were and continue to be glad to pay their own way. Over this period that spans the entire history of our great nation, they have always paid their dues including taxes to the Government, the State, our Country, our Town and our Schools. They did this for the freedom and the right to work their land to provide for their family, community and country. There are numerous other farming families with similar stories.

Another story I have heard is that of several small business owners in the Town of Red Hook who are really struggling in this economy to keep their businesses afloat, including my dear friend, Rosemarie Barnao Zengen.

These shopkeepers and employees merely want to be able to continue to provide for their families, pay their employees a decent wage, cover their expenses which include utilities, water bills, health insurance, unemployment insurance, disability insurance, workman's compensation, insurance and taxes such as Village, Town, County, State, Federal and School Taxes.

These hardworking citizens, many of whom are long term residents of Red Hook, like the Barnaos Family who sold fresh produce on Rt. 9 in the early 1900's, are at this time, unable to take on another expensive burden such as the proposed sewer system for the following reasons:

First, they will lose precious revenue during the construction and second, they will not be able to maintain it and also pay higher taxes.

In summary, through no fault of their own and despite their good citizenship, the farmers and the business owners of the Town of Red Hook will be penalized and financially oppressed if the proposed zoning law changes are forced upon them.

Dear Honorable Members of the D.C. Legislature, How can anyone accept the fact that the farmers will be robbed of their equity (for which they worked long and hard) and at the same time denied their freedom to use their land as they deem necessary so that a group of "modern day rezoning experts" can decentralize the Village/ Town business district to another neighborhood and then seal their demise by disrupting their businesses with the construction of a sewer system they don't want and cannot afford?

I ask you, Dear Honorable Members of the Dutchess County Legislature, is it even legal or constitutional, for a relatively small group in our community to enforce this outright theft and destruction under the guise of "saving open spaces" by using equity from the farmers to establish a new business area of uncertain consequence?

As the wife of a farmer and also a general medical practitioner, I find those Zoning Proposals to be ill- conceived, malevolent, probably illegal and should be considered a DOA!

Dear Honorable Members of the Dutchess County Legislature, I pray that if it pleases you, the farmers will be granted an opportunity to have a referendum with respect to these proposals in conjunction with the Mandated Referendum for the residents and business owners of the Town of Red Hook concerning the Mandated Referendum for the Central Sewer District.

Thanks so much for your kindness.

Respectfully submitted,

A humble public servant and proud farmer's wife,



Dr. Nydia Sturges, MD

January 24, 2011

TO WHOM IT MAY CONCERN:

I am not in agreement with the proposed Sewer District and Agricultural District rezoning in Red Hook.

A proposed high density development is planned to construct as many as 12 homes per acre ( 1200 homes) directly over our aquifer. With such a high concentration of homes the risk of contaminating our aquifer is greatly increased.

The number of homes being proposed maybe completed in as little as 3 to 5 years. If this happens it will create a tremendous impact on our schools. It will also have a huge financial burden on "all" existing taxpayers to absorb the increased school taxes. With this large number of homes being built you can anticipate an average of 2 school age children (maybe more) per household (2400 or more children in school).

With this also comes a minimum of 2 cars per household. If there are driving age children this could be as many as 4 cars per household. We are looking at anywhere from 2400 to 4800 additional cars on our roads.

This proposed development will change the appearance and charm of our town forever. This type of development is the start of urbanization in "our" town.

Our community needs to prepare itself to accept the cost for any unfinished sewer systems associated with this development that the builder fails to complete. We already have past proven projects where local towns have had to take up the financial burden to complete such construction.

Besides all this, this proposed rezoning of our agricultural district is what is "needed" for this project to proceed. If this happens it will take away the equity we have in our farmland. The reduction of this equity impacts on the borrowing power which is a crucial part of the financial health of a farm. This rezoning will impact present as well as future farmers in our town. This rezoning is being presented under the disguise of saving the "farmland" but "not" the farmer.

We have made numerous suggestions for a more equitable way to deal with the proposed rezoning and we have been turned down repeatedly.

*Richard J. Bergin*  
Northwood Farms

Citizens Opposing Sewer Taxation

c/o 238 Pitcher Lane Red Hook, NY 12571

ORIGINAL

January 24, 2010

**Re: Red Hook Central Sewer District, Public Hearing**

Comments on Bridget Barclay's Letter to the USDA Madeline Crowe, Jan, 6, 2011 and additional general comments:

1. The June 29, 2010 letter reference from NYSDEC representative Thomas Rudolph expressed generalized support for the general project description and not an analysis of the specifics of the Plan. A "Green and Healthy Communities Plan" does not build over land which functions with Nature to percolate and filter rain water into the aquifer without costs for mechanical paraphernalia that breaks down over time and can cause sewage spills. His generalized support for wastewater systems as a cure for failing systems cannot be applied to the proposed Red Hook Sewer District as the DCWWA has not identified any failing septic systems nor mapped out the present septic systems. Mr. Rudolph's support for a central sewer collection system is just generalities and not specific to the Red Hook site. This was a general letter of support for qualifying for grant money.

2. In the December 20, 2010 letter reference from NYSDEC representative Rebecca Crist regarding the addition of two properties, she clarified her statement as might require a new SEQR review process only if the properties are substantial in size or generate large flows. This is her opinion, and only her opinion, that the changes to the original SEQR document do not warrant a new SEQR process. This seems to be more of a question for an Administrative Law Judge under an Article 78 proceeding. Adding or deleting changes along the way is confusing for the public and creates a new document different from the original whether it is a minor or a major change.

3. Response to Ms. Barclay's Jan. 6, 2011 letter:

A. Adequacy of SEQRA review:

*"The Authority has fully and completely complied with the SEQRA provisions as it pertains to the Red Hook Sewer Project, including all public notice requirements."*

This is an incorrect statement as the February 10 public hearing meeting was canceled due to snow and rescheduled for the next day, 2/11, without republishing the notice of the new meeting

date as required. Also under the SEQR process, a Notice of Determination is completed after the public hearing. Ms. Barclay sent the notice to the NYSDEC dated Feb. 10, 2010, the exact day of the scheduled original meeting. How can one make a final determination of no significance before the public hearing was held?

B. Public Outreach and Education:

*"The need for a central sewer system...planning documents for over 40 years..."*

This purported "need" for a sewer system is based on non-environmental thinking strategies from the 1960's, a continuation of the building boom of the post war 1950's. Even the NYSDEC was in its infancy and has grown over the years as an interpreter and enforcement agency. One does NOT meet the criteria of "need" based on the assumptions of "decades ago thinking". "Need" should be based on substantiated environmental data to also include the economic and social implications of a potential change in present property conditions.

*"The current effort to develop a viable, affordable sewer project began in 2007"*

The "affordability factor" only supports the actual construction of the facility and the purported low costs to maintain it. Usually, it is proper procedure to inform those properties directly affected by a change to their property by informing them in writing. This was never done by Ms. Barclay or the Intermunicipal Task Force. And as of this writing, property owners still have NOT been officially informed by certified letter of their property being included in this Sewer Taxing District, even when asked several times by COST members to send out letters. It was COST members who did several mailings and visited owners in person to inform and educate the property owners when attaining permissive referendum signatures.

*"Authority, Town and Village officials have repeatedly offered to meet individually with any concerned resident or property owner wishing to better understand the sewer project; numerous such meetings have occurred."*

The Intermunicipal Task Force meets Friday at 8 am. This is when businesses are starting their income producing day. Other meetings were held at 10 am at either the Town or Village halls, again this was not a convenient time for the business people and confusing to the general public where and if meetings were to be held. Also many of these meetings were by invitation only, not publicized for the general public or property owners most affected by these discussions and who were never notified. In addition, as the property owners were never contacted by the Authority, how were they to even know what questions to ask? This is certainly not representational government and something the Legislature should NOT be condoning of its employee Ms. Barclay.

*“Included among the available documents is the Map, Plan and Report which fully describes the boundaries of the proposed district, total project cost, means of financing, and annual operation and capital cost for every property in the proposed district.”*

This proposed project’s documentation has morphed from the original writings in 2008, 2009 and 2010. It has created widespread confusion on the part of the “uninformed” property owners and what it means in dollars as to the impact on their business and their home budgets. COST asked the ITF to provide a detailed breakdown in writing to the affected property owners but, to date, this has not occurred. How can this Legislature put forth a project that denies the rights of property owners to be “officially” informed in writing of a change to their property status? This is “Taxation without Representation”.

#### C. Federal Funds:

*“... an unheard of opportunity to provide central sewer in the center of Red Hook at a fraction of what it would otherwise cost.”*

This so called “opportunity” is federal moneys paid by everyone through taxes. And as we are aware, the federal government is deeply in debt and funding projects with “faux funds” for which our children will have to bear the burden. The associated proposed costs to the property owner are again another unneeded taxing structure. The purported savings to the property owner is based on the assumption that this project is needed. Without this Red Hook Sewer project, federal dollars could, for example, be used to improve Tivoli’s 70 year old aging sewer plant which did have a major sewage spill into a creek in December of 2008 or clean up 15 environmental hazard sites throughout Dutchess County with 4 qualifying Superfund sites in Amenia, East Fishkill, Hopewell Junction, and Hyde Park and 11 other polluted sites in Dutchess County. The County Legislature should ensure the viability of clean potable water in these critical areas first rather than using County employee’s time and energies to create a Red Hook Sewer System for which there is no documented need.

#### D. Tivoli Bays Watershed and Trout Stream:

*“DEC has indicated that, (contingent upon review of a final permit application)...., “staff now consider the project likely to be able to meet permit issuance standards for freshwater wetlands and State Pollution Discharge Elimination Systems” (...letter R. Crist to B, Barclay, December 20, 2010)*

This seemingly endorsement by the NYSDEC is only considering a 60,000 g/d increase in addition to the present allowed 25,000 g/d. Future reviews will need to include extra space availability to include a 24 hr. torrential rain incident and nitrate loading evaluations.

Global Warming has been causing environmental havoc in the United States of America and other worldwide locations for several recent years, interspersed with drought conditions lowering water recharge levels (*Groundwater Resource Management, County-Wide Groundwater 2005; Annual Report, Dutchess County, The Chazen Companies, July 2006*).

The average annual temperature in Poughkeepsie has already risen a degree with an extended growing season and heavier winter snowfalls. The increased volume of carbon dioxide in the atmosphere causes more water vapor storage and resultant torrential downpours causing flooding and spillages from Sewer Facilities into streams (*NY Times, "As Sewers Fill, Waste Poisons Waterways", Nov. 23, 2009*) In addition, the quality of the water falling to earth is more acidic.

Ms. Barclay has not adequately addressed the ever-increasing rain accumulation in excess of the average of 40 inch annual rainfall (*Streams in Dutchess County Their Flow Characteristics, Ayer & Pauszek, 1968*) during a 24 hour period which is actually calculated at 38 inches for Red Hook (lowest recharge rate compared to other Dutchess County communities). Larger parcels are needed for aquifer recharge rates (*Dutchess County Aquifer Septic Recharge Report, Chazen, April 2006*). This sewage outflow could exceed the 4 inch level above the stream channel during heavy precipitation events causing non-point run-off and soil erosion into the water bodies.

#### E. Different Water Basins:

These calculations are based on average use, average rainfall, present impervious and foliage ground cover. No consideration is made for the build-out scenario of the Centers and Greenspace Plan for 400 housing units (off of South Broadway) and the associated land coverage and foliage removal along with the average temperature and water recharge values. As noted by *Chazen, 2005 Groundwater Report*, there is a 10 year cycled drought. Also to be considered is the global warming factor promoting flash floods, hurricanes and other out-of-normal weather occurrences.

#### F. Environmental Benefits of Proposed Sewer District:

The smell emanating from a Central Sewer System has not been addressed. This will be a "nose-holding" deterrent to tourism and an unacceptable living condition for the residents. No mention was made of using "green technology" to capture the carbon dioxide and methane biogas in a co-generational approach so as to offer free heat and electricity to the impacted businesses and residents. The bio-solids can also be used as a fuel.

<http://www.rivernet.org/blog/7/2010/07/14/wastewater-treatment-plant-generates-clean-energy-has-room-improvement>

Again, this project has not been thought out carefully but rather a hastily put together “old model” building approach to quickly qualify for grant money. The people of Red Hook deserve better representation from our government employees.

G. Misinformation, Cutting Deals, Not Transparent:

The public, if they somehow knew about the Proposal, either could not attend the early hour meetings, could never get minutes on the proceedings because none were taken, didn't know where the meetings might be held and meetings were held without being advertised. This would seem to be a violation of the Open Meetings Law. It would seem the ITF and WWA purposefully designed these meetings to be inaccessible so that the project could be pushed through without any questioning input from the public.

Other comments:

Ms. Barclay has failed to comply with the NYS Dept. of Health, Public Health Law, Section 225, 5-1.14 Water quality for proposed sources of water supply (Effective Date: Jan. 19, 1990) [http://www.health.ny.gov/regulations/nycrr/title\\_10/part\\_5/subpart\\_5-1.htm#sws](http://www.health.ny.gov/regulations/nycrr/title_10/part_5/subpart_5-1.htm#sws) especially in her involvement in the Village Water System future grant funded upgrades as it applies to (b).

*“Before the approval of a source of water supply for public water system purposes, a report shall be submitted to the State. Such report shall include, but may not be limited to, all of the following:*

- *(a) a summary of available raw water quality data for at least 10 years before the date of the report or as otherwise required by the State;*
- *(b) a sanitary survey of the watershed or aquifer, with particular emphasis on water quality as affected by existing or potential spills, point and non-point discharges, and natural seasonal occurrences; and*
- *(c) a description of the proposed water treatment processes.”*

This is a quote from the NYS USGS describing our land as it is now:

*“The most productive aquifers in upstate New York consist of unconsolidated deposits of sand and gravel that occupy major river and stream valleys or lake plains and terraces. Ground water in these aquifers occurs under water-table (unconfined) or artesian (confined) conditions. Municipalities, industries, and farms have been built over many of these aquifers because they typically form flat areas that are suitable for development and generally provide an ample ground-water supply. This development, coupled with the high permeability of these deposits and shallow depth to the water table, makes these aquifers particularly susceptible to contamination*

from point sources such as landfills and petroleum storage and nonpoint sources such as urban and agricultural runoff." <http://www.dec.ny.gov/lands/36118.html>

The ITF and the WWA, failed to acknowledge or even consider the NYS Department of Environmental Conservation's (DEC) spill incident reports over the last 6 years. They have failed to heed the warnings of consultants and taxpayers who are sure the Central Sewer System will be an additional burden to taxpayers. These spill incidents typify the on-going hazardous pollution negatively impacting our aquifer presently. Conversely, the present septic systems have not been cited for polluting the aquifer.

From 2005 through 2010, Dutchess County averaged a whopping 397 incidents per year as compared to Columbia County's 87 incidences and Ulster County's 324 incidents. Red Hook (including the two Villages and Bard College) had a combined average of 20 incidents per year with the majority occurring in the Village Business District area. Rhinebeck (including Rhinecliff) had 21 incidents per year with Milan averaging 3 yearly incidents. Hyde Park with more than twice the population of Red Hook averaged 17 incidents per year while Pleasant Valley, similar in size to Red Hook, averaged 12 incidents per year or 40% less incidents than Red Hook. There were 3,344 incidents reviewed from 5 local communities for the six years.

Most of the spills are attributed primarily to businesses from #2 fuel oil along with kerosene, transformer oil and hydraulic fluids. The few private home incidents are also attributed to equipment failure, leaking holding tanks or over-filled delivery accidents causing soil contamination. It takes very little fuel oil to enter surface streams, ponds and lakes as non-point run-off and percolate into the aquifer. Only two Red Hook incidents out of the 119 involved raw sewage: one from a home in Tivoli (10/19/2008) and the other from the Tivoli Sewer Plant (12/12/2008). Therefore, 98.4% of the contamination is being generated by other influences and not septic systems.

Due to the high non-septic pollution incidents in Red Hook, it would seem logical to first address and correct the various sources of spill contamination noted here by locally legislating business and home inspection verifications similar to inspecting a home for a Certificate of Occupancy. By extrapolation, proposing increased businesses, subdivision housing by "in" or "out" of town developers and the associated impervious roadways will increase the amount of spill incidents over the aquifer. ITF members pushed for this costly Centralized Sewer District by justifying their faulty reasoning by stating it would "protect the aquifer". After 7 years of spending taxpayer dollars, the ITF had to come up with something. The Rezoning for the Southern Corridor and the Proposed Rezoning for the Agricultural District is simply not doable. This is a

plan to attract developers with the local taxpayers picking up the added cost of private development.

Many of the businesses along Rt. 9 have recently installed new septic systems: one for about \$100,000, one for about \$30,000 and another for about \$6,000. Several homeowners have also upgraded their systems with thousands of dollars of investment. These local citizens supported their long-term commitment to a healthy community environment by financially investing in their business to better serve the public. Yet, the Task Force (ITF) and the Authority (WWA) have plotted against them with an expensive proposal without the citizens' acknowledgement or approval. The Task Force proposed a Central Sewer District without directly contacting the affected citizens in writing and getting input from all of those most affected financially. In addition, this unneeded system requires paying a fee even if not hooked up to the system. This expensive rezoning process has been very UNDEMOCRATIC, especially when dealing with our future and the future of our children.

This financially burdensome proposal seeks to drive-out what little Red Hook business we have struggling to serve our community during these poor economic times. "For Sale" and "For Rent" signs abound in our Village and Town. Even Federal Reserve Chairman Bernanke stated it will take up to 5 years for the jobs economy to recover. That means businesses are having a tough time already. We must stop this Centralized Sewer District Plan because it will devastate the Village and Town of Red Hook, drive out the less than financially well-healed and forever change the social dynamics of Red Hook. The only way to save farmland is to save the working farmer whose primary income is farming. Rezoning never helps the farmer.

We the people, in order to form a more livable and just environment declare these truths to be self-evident that WE DO NOT WANT NOR DO WE SUPPORT a Central Sewer District in Red Hook OR a Proposed Plan for farmers that will eventually create their demise.

We ask that This Public Hearing remain open. We support the Dutchess County Legislature's promised Mandatory Referendum vote in the spring on the Proposed Part County Centralized Sewer District. We also asked that the "Save Our Town" Committee's request for an Agricultural Referendum along with the Mandated Central Sewer District Referendum.

We have also asked Supervisor Sue Crane, of the Town of Red Hook, to also put the Rezoning Issue to a Referendum Vote "of the people, by the people and for the people" of Red Hook so that all registered voters have a say in the future development of Our Community.

Sincerely,

*Linda J. Keeling \* COST*

Linda J. Keeling and Members of the Citizens Opposing Sewer Taxation

Copies:

1. Mr. George Popp, USDA Rural Development, Rep., [George.popp@ny.usda.gov](mailto:George.popp@ny.usda.gov)
2. Ms. Rebecca Crist, NYSDEC, Environmental Analyst, [r3dep@gw.dec.state.ny.us](mailto:r3dep@gw.dec.state.ny.us)
3. Mr. William Steinhaus, County Executive, [countyexecu@co.dutchess.ny.us](mailto:countyexecu@co.dutchess.ny.us)
4. Mr. Robert Rolison, DC Legislator, Chairman, [rol213@aol.com](mailto:rol213@aol.com)
5. Mr. Dan Kuffner, DC Legislator, DCWWA liaison, [dpkdcl7@aol.com](mailto:dpkdcl7@aol.com)
6. Mr. Ben Traudt, DC Legislator, Red Hook Rep., [bentraudt@yahoo.com](mailto:bentraudt@yahoo.com)
7. Mr. Marcus Molinaro, NYS Assemblyman, [mjm@marcmolinaro.com](mailto:mjm@marcmolinaro.com)
8. Mr. Stephen Saland, NYS Senate, [saland@senate.state.ny.us](mailto:saland@senate.state.ny.us)
9. Ms. Sue Crane, Town of Red Hook Supervisor, [scrane@redhook.org](mailto:scrane@redhook.org)
10. Mr. David Cohen, Village of Red Hook, Mayor, [info@redhooknyvillage.org](mailto:info@redhooknyvillage.org)
11. Mr. Thomas LeGrand, Chairman DCWWA, [dcwwa@co.dutchess.ny.us](mailto:dcwwa@co.dutchess.ny.us)
12. Ms. Rosemarie Zengen, Spokesperson, Save Our Town Committee

**COMMUNICATIONS RECEIVED FOR THE JANUARY, 2011 BOARD MEETING**

**RECEIVED** from New York State Department of Environmental Conservation – Fact Sheet Brownfield Site.

**RECEIVED** from Commissioners of Board of Elections Knapp and Gamache certifying Expenses of Board of Elections for 2009

**RECEIVED** from Town of Pawling notice of public hearing on January 12, 2011 at 7:30 pm regarding Rezoning Premises in Highway Business Zone.

**RECEIVED** audits from Comptroller Coughlan:

Cornell Cooperative Extension Dutchess County  
January 2009 – December 2009

Grace Smith House, Inc.  
January 2009 – December 2009

Legislator Forman motioned to override the County Executive's veto of January 7, 2011 of Resolution No. 2010302 entitled "Resolution Introducing a Local Law Amending the Dutchess County Charter as it Pertains to Section 2.01, County Legislature; Membership; Election; Term; Reapportionment". This resolution was adopted by the Legislature on December 7, 2010.

The County Executive held a public hearing on the foregoing local law on Monday, December 20, 2010 at 10 am and the County Executive vetoed Resolution No. 2010302 on January 7, 2011.

Roll call vote on the foregoing motion resulted as follows:

Ayes: 17 Bolner, Borchert, Cooper, Flesland, Forman, Horn, Hutchings, Incoronato, Kelsey, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss.

Nays: 8 Doxsey, Goldberg, Horton, Jeter-Jackson, Kuffner, MacAvery, Tyner, White.

Absent: 0

Motion adopted.

Veto overridden. The foregoing Resolution No. 2010302 – Local Law No. 5 of 2011 became effective

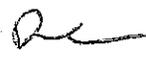
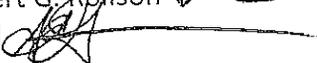


## Dutchess County Legislature

Robert G. Rolison  
Chairman

22 Market Street, Poughkeepsie, NY 12601  
Tel: 845-486-2103 Fax: 845-486-2113

### MEMORANDUM

To: County Executive William R. Steinhaus  
From: Dutchess County Legislature Chairman Robert G. Rolison   
Assistant Majority Leader Angela E. Flesland   
Date: January 24, 2011  
Re: *Veto of Local Law Amending the Dutchess County Charter as it Pertains to Section 2.01, County Legislature; Membership; Election; Term; Reapportionment Repeal*

On December 7<sup>th</sup>, at a regular Board meeting, a majority of the Dutchess County legislators spoke via resolution which repeals Local Law No. 4 of 2009 that pertains to the process by which the Legislature must reapportion its districts. After careful consideration and spirited discussion with our colleagues, today we joined them in overriding your veto of this repeal for reasons explained in this memorandum.

Your veto message dated January 7<sup>th</sup> summed up the situation well when you stated "I do not believe the 2009 county law currently on the books is practical and, therefore, it needs to be repealed. But it does attempt to capture some elements that have merit." We recognize the 2009 law raises concerns about its delegation of reapportionment responsibility to unelected individuals and the fear it will be unable to produce a redistricting plan in a timely manner making it, as some argue, impractical. However, our goal is, and continues to be, to craft a process that captures those "elements that have merit" by inserting transparency, citizen participation, and bipartisanship into the process by which this Legislature will redistrict.

***The center of this debate is not the size of the Legislature, but rather the process by which this policy-making body will decide how best to reapportion its districts.*** Once an open and transparent process is in place, dialogue can ensue over the various components of redistricting including population equity, unity of municipalities, and consolidation of districts. In order to begin this important dialogue with the hopes of adopting a redistricting plan in time for November's election we must move forward without delay and so we supported the veto override. That being said, our longstanding commitment to a fair, open, and transparent process is as strong as ever.

As Majority Leader Gary Cooper stated in a December 20<sup>th</sup> Valley View "Chairman Rob Rolison will soon organize a commission for this purpose" and so in the coming days we will announce a process for redistricting that will include a Reapportionment Steering Commission. This Commission will assist legislators in understanding: federal, state, and local reapportionment laws; constitutional and legal acceptable principles of representation; community sentiment

and mood by gathering/vetting public input. Comprised of current/former legislators, unelected citizens, and academics, this Commission will be a nonpartisan advisory body working together with a bipartisan group of legislators who will together craft Legislative districts that best serves the people of Dutchess County.

Your veto of this repeal and not the 2009 law surprised us all. We suspect that any effort to adopt a local law or resolution will likely just prolong the exchange on redistricting when the responsibility is clearly delegated to the Legislature. The last thing any of us want to do is, as you stated in your 2002 letter on Legislature downsizing, "diffuse and confuse the discussion" and so the Chairman of the Legislature will use his authority to create and appoint members to this Commission.

Again, the redistricting process outlined in this memorandum will be explained in greater detail very soon, but rest assured it is designed to keep the responsibility in the Legislature while also inserting a level of transparency, citizen participation, and bipartisanship. This process was already in its initial stages when you issued your veto and while you criticize the Legislature for lacking "adequate internal communication" the real communication breakdown often occurs between the 25 legislators and the administration. We hope that in 2011 we can work to address this problem so that we can, together, better represent our mutual constituents.

cc:

All legislators

Clerk of the Legislature Patricia Hohmann

Assistant to the Chairman Michael Ellison

RESOLUTION NO. 2011007

RE: AUTHORIZING A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR: REHABILITATE TAXIWAY "D" & INSTALL LIGHTING TAXIWAYS "B", "C" & "D"; STORM WATER POLLUTION PREVENTION PLAN DEVELOPMENT; OBSTRUCTION STUDY PHASE II (GIS SURVEY), AND EXTEND TAXIWAY "D" TO RUNWAY 24 END (DESIGN) AND AMENDING THE 2011 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS-AVIATION (EA.0427)

Legislators ROLISON, FLESLAND, HUTCHINGS, BOLNER, and INCORONATO offer the following and move its adoption:

WHEREAS, the Department of Public Works, Aviation Division, applied to the Federal Aviation Administration (FAA) for a grant of federal funds for the following projects: (1) rehabilitate taxiway "D" and install lighting taxiways "B", "C" and "D"; (2) storm water pollution preventions plan development (SWPPP); (3) obstruction study – Phase II (GIS Survey); and (4) extend taxiway "D" to runway 24 end (design), and

WHEREAS, this grant is time-sensitive as all grants under this FAA program must be signed and returned to the FAA no later than March 3, 2011, and

WHEREAS, the FAA will provide 95% of project costs, the State will provide 2.5% and Dutchess County will provide 2.5%, and

WHEREAS, it is necessary for this Legislature to authorize the execution of the grant agreement and to amend the 2011 Adopted County Budget to accept funds and provide for their receipt and expenditure, now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the County Executive to accept the grant offers made by the FAA in connection with the Airport Projects and further authorizes and empowers the County Executive to execute said grant agreements and any other agreements related to these projects on behalf of the County of Dutchess when received, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2011 Adopted County Budget as follows:

APPROPRIATIONS

Increase

EA.0427.5610.3550

Airport Improvements

\$1,462,750

REVENUES

Increase

EA.0427.5610.45890.00	Federal Aid - Airport	\$1,389,612
EA.0427.5610.35890.00	State Aid - Airport	36,569
EA.0427.5610.50310	Interfund Transfers	<u>36,569</u>
		<u>\$1,462,750</u>

APPROPRIATIONS

Increase

A.9950.9801	Contribution to EA Capital	\$36,569.00
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Decrease

A.1990.4007	Contingency	(\$36,569.00)
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CA-13-11

CAB/kvh/C-5194-N

1/7/11

Fiscal Impact: See attached statement

APPROVED

*William R. Steinhaus*  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date January 25, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

*Patricia J. Hoffmann*  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ 1,462,750

Total Current Year Revenue \$ 1,426,181  
and Source

95% Federal, 2.5% State

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

Identify Line Items(s):  
Interfund Transfers

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$36,569  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

Project amounts may change when actual bid figures are received.

Prepared by: Brenda-Jean Fulling

Roll call vote on the foregoing Resolution No. 2011007 resulted as follows:

Present: 22 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Jeter-Jackson, Kelsey, Kuffner, Miccio, Rolison,  
Roman, Sadowski, Surman, Thomes, Traudt, Weiss, White.

Nays: 3 Tyner, Incoronato, MacAvery.

Absent: 0

Resolution adopted.

# Public Works and Capital Projects Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 1 - Town of Poughkeepsie	Doxsey		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski (VC)	Absent	
District 5 - Town of Poughkeepsie	Roman		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 22 - Town of Beekman	Hutchings (C)		

Present: 11                      Resolution: X                      Total : 11                      0  
 Absent: 1                              Motion: —                              Yes                              No  
 Vacant: 0    Abstentions: 0

2011007      Authorizing a Grant Agreement with the Federal Aviation Administration for: Rehabilitate Taxiway "B" "C" & "D", Storm Water Pollution Prevention Plan Development; Obstruction Study Phase II (GIS Survey), and extend Taxiway "D" to Runway 24 end (Design) and amending the 2011 adopted County Budget as it pertains to the Department of Public Works-Aviation (EA.0427)

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper	✓	
District 6 - Town of Poughkeepsie	Flesland	✓	
District 14 - Town of Wappinger	Goldberg	✓	
District 7 - Town of Hyde Park	Kuffner	✓	
District 1 - Town of Poughkeepsie	Doxsey	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn	✓	
District 3 - Town of LaGrange	Borchert	✓	
District 4 - Town of Hyde Park	Sadowski, Jr.	✓	
District 5 - Town of Poughkeepsie	Roman	✓	
District 9 - City of Poughkeepsie	White	✓	
District 10 - City of Poughkeepsie	Jeter-Jackson	✓	
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss	✓	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	✓	
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		✓
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		✓
District 17 - Town and Village of Fishkill	Miccio	✓	
District 18 - City of Beacon	Forman	✓	
District 20 - Town of Red Hook	Traudt	✓	
District 21 - Town of East Fishkill	Horton	✓	
District 22 - Town of Beekman	Hutchings	✓	
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	✓	
District 24 - Towns of Dover and Union Vale	Surman	✓	
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey	✓	

**Present:** 25      **Resolution:** X      **Total:**      22      3  
**Absent:** 0      **Motion:**           **Yes**      **No**  
**Vacant:** 0      **Abstentions:** 0

2011007      Authorizing a Grant Agreement with the Federal Aviation Administration for: Rehabilitate Taxiway "B" "C" & "D", Storm Water Pollution Prevention Plan Development; Obstruction Study Phase II (GIS Survey), and extend Taxiway "D" to Runway 24 end (Design) and amending the 2011 adopted County Budget as it pertains to the Department of Public Works-Aviation (EA.0427)

Date: 1/24/11

RESOLUTION NO. 2011008

RE: AUTHORIZING FILING OF SECTION 5307 GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2011 WITH THE FEDERAL TRANSIT ADMINISTRATION FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Legislators ROLISON, FLESLAND, and HUTCHINGS offer the following and move its adoption:

WHEREAS, the Federal Transit Administration is authorized to make grants for mass transportation projects, and

WHEREAS, the grant contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs, and

WHEREAS, the Federal Transit Administration requires in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Federal Transit Administration requirements thereunder, and

WHEREAS, it is the goal of the applicant that minority business enterprises be utilized according to the goals of the DBE Program, and in connection with this project and that definite procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, supplies, equipment contracts or consultant and other services, and

WHEREAS, the Dutchess County Legislature adopted Resolution #2010199 authorizing a grant application be filed with the Federal Transit Administration in the amount of \$967,487 for capital assistance under Section 5307 to be used to assist in funding the Dutchess County Mass Transit Facility Roof Replacement Project, and

WHEREAS, additional funding from the Federal Transit Administration in the amount of \$2,632,513 in capital assistance under Section 5307 to be used to assist in funding the Dutchess County Mass Transit Facility Roof Replacement Project and the Fuel Relocation Project is now available, for a total funding amount of \$3,600,000 from the Federal Transit Administration, now, therefore, be it

RESOLVED, that the County Executive or his designee be and hereby is authorized to execute and file an application(s) with the Federal Transit Administration for Section 5307 Capital project funds under the Urban Mass Transportation Act of 1964, as amended and to

furnish such additional information as the Federal Transit Administration may require in connection with the application(s), and be it further

RESOLVED, that the County Executive or his designee be and hereby is authorized to execute such grant agreement(s) arising from such application on behalf of Dutchess County with the Federal Transit Administration to aid in the financing of capital projects pursuant to Section 5307 of the Urban Mass Transportation Act of 1964, as amended, and be it further

RESOLVED, that the County Executive or his designee be and hereby is authorized to set forth and execute affirmative action minority business policies in connection with the project's procurement needs, and be it further

RESOLVED, that the County Executive or his designee be and hereby is authorized to receive on behalf of the County, financial assistance for capital projects pursuant to Section 5307 of the Urban Mass Transportation Act of 1964, as amended.

CA-10-11  
CR/ADR/ca/C-4097  
1/04/11  
Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

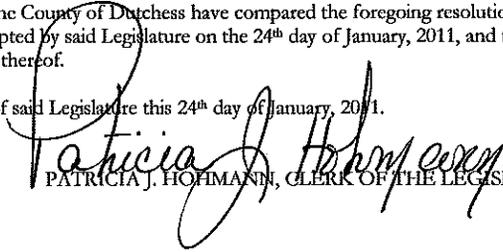
Date 2/4, 2011

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFMANN, 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):

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \$2,632,513

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

#### Additional Comments/Explanation:

The Dutchess County Legislature approved resolution #2010199 for a grant application to be filed with the Federal Transit Administration in the amount of \$967,487 in capital assistance under Section 5307 to be used to assist in funding the Dutchess County Mass Transit Facility Roof Replacement Project.

Additional funding from the Federal Transit Administration in the amount of \$2,632,513 in capital assistance under Section 5307 to be used to assist in funding the Dutchess County Mass Transit Facility Roof Replacement Project and the Fuel Relocation Project is now available.

Prepared by: Cynthia Ruiz, Transit Administrator

Roll call vote on the foregoing Resolution No. 2011008 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 1 - Town of Poughkeepsie	Doxsey		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski (VC)	Absent	
District 5 - Town of Poughkeepsie	Roman		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 22 - Town of Beekman	Hutchings (C)		

**Present:**     \_\_\_\_\_                      **Resolution:**     \_\_\_\_\_                      **Total :**     11                      0  
**Absent:**     \_\_\_\_\_                      **Motion:**     \_\_\_\_\_                      **Yes**                      **No**  
**Vacant:**     \_\_\_\_\_                      **Abstentions:**     \_\_\_\_\_

2011008     Authorizing filing of Section 5307 Grant Application for Federal Fiscal Year 2011 with the Federal Transit Administration for Capital Assistance under Urban Mass Transportation Act of 1964

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: K      Total: 25      0  
 Absent: 0      Motion:           Yes      No  
 Vacant: 2      Abstentions: 0

2011008      Authorizing filing of Section 5307 Grant Application for  
 Federal Fiscal Year 2011 with the Federal Transit  
 Administration for Capital Assistance under Urban Mass  
 Transportation Act of 1964

Date: 1/24/11

RESOLUTION NO. 2011009

RE: AUTHORIZING GRANT AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR FTA SECTION 5307 FUNDS FOR 2011

Legislators ROLISON, FLESLAND, and HUTCHINGS offer the following and move its adoption:

WHEREAS, a Resolution to authorize the filing of a grant application with the Federal Transit Administration for capital assistance under the Urban Mass Transportation Act of 1964, as amended, for the Dutchess County Mass Transit Facility Roof Replacement Project and the Fuel Relocation Project (Project) is being considered concurrently with this Resolution, and

WHEREAS, this Resolution would authorize the filing of a grant application with the New York State Department of Transportation (NYSDOT) for state matching funds for the Project, and

WHEREAS, the Commissioner of Planning and Development has been advised that State Mass Transportation Capital Aid is available to fund projects approved by the Commissioner of Transportation, and

WHEREAS, the Commissioner of Planning and Development has been advised that the Federal Transit Administration will grant funds to Dutchess County under Section 5307 to fund capital facility roof replacement and fuel relocation activities, and

WHEREAS, the Dutchess County Legislature adopted Resolution #2010198 authorizing a grant application be filed with NYSDOT in the amount of \$120,936 for state matching funds for capital assistance under Section 5307 to be used to assist in funding the Roof Replacement Project, and

WHEREAS, additional matching funding from NYSDOT in the amount of \$329,064 for capital assistance under Section 5307 to be used to assist in funding the Project is now available, for a total funding amount of \$450,000 in matching funds from NYSDOT, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs associated with this Project, now, therefore, be it

RESOLVED, that the County Executive be and is hereby authorized to file an application(s) with NYSDOT for matching funds for capital projects and to execute any necessary agreement(s) arising from such application on behalf of Dutchess County.

CA-09-11

C-4097

1/5/11

Fiscal Impact: see statement attached.

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/4, 2011

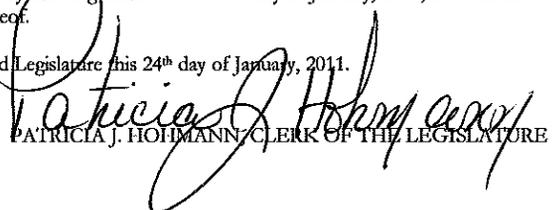
STATE OF NEW YORK

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.



PATRICIA J. HOHMANN, 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 \$ 329,064  
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: \$329,064 \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This resolution grants Mass Transit the authority to apply for and accept State Mass Transportation Capital Aid to offset the cost of the roof and fuel facility projects. It was originally anticipated that the state would provide \$120,936, however it has been confirmed that an additional \$329,064 will be granted to offset the cost.

The Dutchess County Legislature approved resolution #2010198 in the amount of \$120,936 for this 2010 capital facility roof replacement. Additional FTA funds have become available for this 2010 capital facility roof replacement and fuel project in the amount of \$329,064.

Prepared by: Cynthia Rulz, Translt Administrator

Roll call vote on the foregoing Resolution No. 2011009 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 1 - Town of Poughkeepsie	Doxsey		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski (VC)	<i>Absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 22 - Town of Beekman	Hutchings (C)		

**Present:**    \_\_\_\_\_                      **Resolution:**    \_\_\_\_\_                      **Total :**    11                      0  
**Absent:**    \_\_\_\_\_                      **Motion:**        \_\_\_\_\_                      **Yes**                      **No**  
**Vacant:**    \_\_\_\_\_                      **Abstentions:**    0

2011009    Authorizing Grant Agreement with the NYS Dept. of Transportation for matching funds for FTA Section 5307 funds for 2011

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25                      Resolution: ✓                      Total: 25                      0  
 Absent: 0                              Motion: —    Yes                      No  
 Vacant: 0    Abstentions: 0

2011009      Authorizing Grant Agreement with the NYS Dept. of  
 Transportation for matching funds for FTA Section 5307  
 funds for 2011

Date: 1/24/11

RESOLUTION NO. 2011010

RE: AMENDING RESOLUTION NO. 2010378 OF 2010 LEVY OF COUNTY, TOWN (VILLAGE) AND SPECIAL DISTRICT TAXES

Legislators HORN and KELSEY offer the following and move its adoption:

WHEREAS, the Legislature adopted Resolution No. 2010378 on December 16, 2010 establishing taxes levied and assessed on the taxable property of the Towns and Villages of Dutchess County for the County, Town (Village) and Special District Taxes, and

WHEREAS, the Supervisor of the Town of Pleasant Valley has advised that a clerical error was made in their calculations, and corrections need to be made, now, therefore, be it

RESOLVED, that the amount of taxes levied and assessed on the taxable property of the Town of Pleasant Valley be and the same hereby are established in accordance with the Report the Director of Real Property Tax Service annexed hereto and made a part of this resolution as Exhibit "A", and be it further

RESOLVED, that this resolution amends Resolution No. 2010378 as it pertains to the Town of Pleasant Valley and all other provisions of said Resolution be and the same are reaffirmed.

PB/djw

CA-14-11  
1/10/11

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/4, 2011

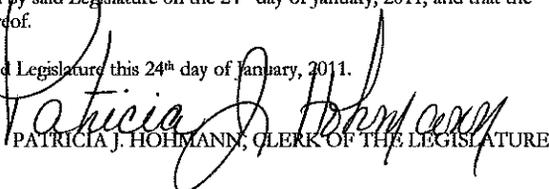
STATE OF NEW YORK

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

EXHIBIT "A"

TOWN					
PLEASANT VALLEY					
YEAR					
2010/2011					
		LEVY TOWNWIDE		TOWN TXBL	
				ASSESSED VALUE	
GENERAL TOWNWIDE	1,058,822.00	2,422,743.76		583,409,895	
HIGHWAY TOWNWIDE	1,349,440.00				
GENERAL OUTSIDE					
HIGHWAY OUTSIDE					
ERRONEOUS	7,399.90				
CHARGEBACKS/OCIS	7,391.03				
CHARGEBACKS/RPT	854.00				
AG/OMITTED (-)	1,163.17				
			TOWN LEVY		TOWN RATE
			2,422,743.76		0.0041527299773
	PLEASANT VALLEY		2010/2011		
			ASSESSED	Tax Levy	
			VALUE	(+/-) Adjustments	RATE
PF023	PL VALLEY FIRE		600,956,768	1,335,078.07	0.0022215875435
PL056	PL VALLEY LIGHT		129,666,748	38,532.44	0.0002971651606
PVAMB	PL VALLEY AMBULANCE		600,956,768	70,300.00	0.0001169801286
SD0VD	VALLEY DALE SWR		11,900	19,450.00	1.6344537815126
SD002	DCWWA		1,214	32,633.53	26.8809967051071

Roll call vote on the foregoing Resolution No. 2011010 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Fiesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 18 - City of Beacon	Forman		
District 22 - Town of Beekman	Hutchings		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12                      Resolution:                         Total :    12      0  
 Absent:      0                      Motion:          Yes                      No  
 Vacant:      0    Abstentions:   0

2011010    Amending Resolution No. 2010378 Levy of County, Town (Village) and Special District Taxes

Date: 1/20/11

Date:

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 25      0  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 0

2011010 Amending Resolution No. 2010378 Levy of County, Town (Village) and Special District Taxes

Date: 1/24/11

RESOLUTION NO. 2011011

RE: DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN REAL PROPERTY TAX REFUNDS

Legislators BORCHERT and ROLISON offer the following and move its adoption:

WHEREAS, Section 556 of the Real Property Tax Law requires that the tax levying body approve or reject an application for a tax refund requested for a claimed unlawful entry, clerical error or error in essential fact, and

WHEREAS, Section 556 of the Real Property Tax Law allows the tax levying body to delegate the authority to perform the duties of such tax levying body, and

WHEREAS, said delegation is considered a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA") and does not require environmental impact statements or any other determination or procedure under Part 617, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby designates the Dutchess County Commissioner of Finance as the official who shall be authorized to make property tax refunds in accordance with applicable provisions of Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance's authority is applicable only where the recommended refund is TWENTY FIVE HUNDRED DOLLARS and 00/100 (\$2,500.00) or less, and be it further

RESOLVED, that this resolution and the delegation authority it grants shall only be in effect during the calendar year in which it is adopted, and be it further

RESOLVED, that when the Commissioner of Finance denies the refund in whole or part, or the refund requested is an amount in excess of \$2,500.00, the Commissioner of Finance shall submit to the County Legislature for its review and disposition her written report and recommendation together with copies of the application and the reason for the denial of the refund, and be it future

RESOLVED, that on or before the 15<sup>th</sup> day of each month, the Dutchess County Commissioner of Finance shall submit a report to the County Legislature of the refunds processed during the preceding month, which report shall contain the name of the recipient, the location of the property, and the amount of the refund, and be it further

RESOLVED, that this resolution shall be filed in the Offices of the Dutchess County Clerk and the Clerk of the Dutchess County Legislature.

CA-01-11  
PB:CM:db/ca  
12/22/10  
Fiscal Impact: None

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

APPROVED

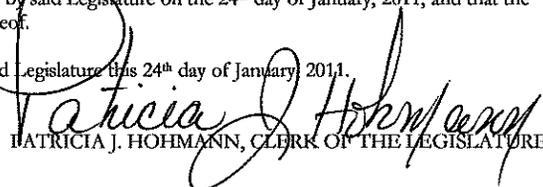


WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/4, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011011 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 18 - City of Beacon	Forman		
District 22 - Town of Beekman	Hutchings		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12                      Resolution: X                      Total :    12            0  
 Absent:    0                              Motion:                                              Yes                      No  
 Vacant:    0    Abstentions: 0

2011011    Delegation of Authority with Respect to certain Real-Property Tax Refunds

Date: 1/20/11

Date:

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 25      0  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 0

2011011 Delegation of Authority with Respect to certain Real-Property Tax Refunds

Date: 1/24/11

RESOLUTION NO. 2011012

RE: ERRONEOUS TAXES, TOWN OF LAGRANGE  
 ASSESSED TO: TOBIN, ELLICE R.  
 GRID NUMBERS: 133400-6461-01-329596-0000  
 133400-6461-03-383450-0000

LEGISLATORS BORCHERT and ROLISON offer the following and move its adoption:

WHEREAS, the Receiver of Taxes of the Town of LaGrange has returned unpaid to this office County, Town and Special District taxes based on the 2008 tax roll against grid numbers 133400-6461-01-329596-0000 and 133400-6461-03-383450-0000, and

WHEREAS, the Real Property Tax Service Agency has determined that the assessment is erroneous due to the property having been acquired by the State of New York on October 31, 2008, subsequent to taxable status date and prior to the levy of taxes, and should be exempt, and

WHEREAS, due to erroneous assessment, the liens of said taxes are rendered unenforceable, now, therefore be it

RESOLVED, that the Commissioner of Finance be and she is hereby authorized, empowered, and directed to cancel and charge back the erroneous taxes as follows:

	<u>Grid Number</u> 133400-6461-	<u>01-329596-0000</u>	<u>03-383450-0000</u>	<u>TOTAL</u>
A342	Allow. for Uncollect. Taxes	\$1,802.01	\$881.22	\$2,683.23
A430.3400	Town of LaGrange	1,148.54	562.68	1,711.22
A430 (LF018)	LaGrange Fire	<u>\$1,276.92</u>	<u>\$624.43</u>	<u>\$1,901.35</u>
	TOTAL:	<u>\$4,227.47</u>	<u>\$2,068.33</u>	<u>\$6,295.80</u>

CA-02-11  
 CM/djw  
 11/16/10

Fiscal Impact: None

APPROVED



WILLIAM R. STEINHAUS  
 COUNTY EXECUTIVE

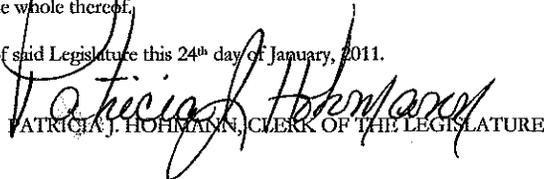
STATE OF NEW YORK  
 COUNTY OF DUTCHESS

ss:

Date 2/4, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011012 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 18 - City of Beacon	Forman		
District 22 - Town of Beekman	Hutchings		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12                      Resolution: X                      Total :    12            0  
 Absent:    0                              Motion:            Yes                      No  
 Vacant:    0    Abstentions: 0

2011012    Erroneous Taxes, Town of LaGrange assessed to Ellice Tobin  
in the amount of \$6,295.80

Date: 1/20/11

Date:

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: Y      Total: 25      0  
 Absent: 0      Motion: ---      Yes      No  
 Vacant: 0      Abstentions: 0

2011012      Erroneous Taxes, Town of LaGrange assessed to Ellice Tobin  
 in the amount of \$6,295.80

Date: 1/24/11

RESOLUTION NO. 2011013

RE: CORRECTION TO RESOLUTION NO. 2010289  
QUIT CLAIM DEED, PROPERTY IN THE TOWN OF EAST FISHKILL  
ASSESSED UNDER THE NAME OF JA GREEN DEVELOPMENT CORP  
GRID: 132800-6358-04-749336-0000

Legislators WEISS and HORTON offer the following and move its adoption,

WHEREAS, by Resolution No. 2010289 the Dutchess County Legislature authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to the Town of East Fishkill, 330 Route 376, Hopewell Junction, NY 12533 of any and all interest which the County of Dutchess may have acquired in and to the said parcel, and

WHEREAS, it has been determined that there exists a clerical error on said Resolution, to wit: The sum tendered to the Dutchess County Commissioner of Finance was \$525.73 not the amount stated of \$537.61, and

WHEREAS, a correction is now necessary, now, therefore, be it

RESOLVED, that Resolution No. 2010289 is hereby amended to correct the sum tendered to the Dutchess County Commissioner of Finance to \$525.73.

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/4, 2011

CA-04-11  
PB:CM:deb/ca  
12/14/10  
Fiscal Impact: None

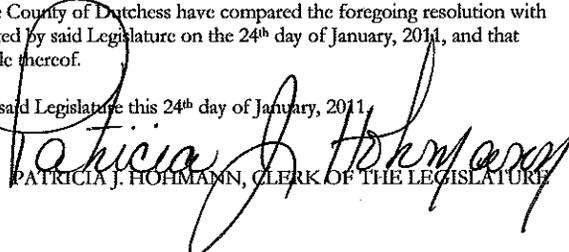
STATE OF NEW YORK

COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011013 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 18 - City of Beacon	Forman		
District 22 - Town of Beekman	Hutchings		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12                      Resolution: X                      Total :    12            0  
 Absent:    0                              Motion:            Yes                      No  
 Vacant:    0    Abstentions: 0

2011013      Correction to Resolution No. 2010289 Quitclaim Deed,  
 Property in the Town of East Fishkill assessed under the  
 name of JA Green Development Corp.

Date: 1/20/11

Date:

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 25      0  
 Absent: 0      Motion: ---      Yes      No  
 Vacant: 0      Abstentions: 0

2011013      Correction to Resolution No. 2010289 Quitclaim Deed,  
 Property in the Town of East Fishkill assessed under the  
 name of JA Green Development Corp.

Date: 1/24/11

RESOLUTION NO. 2011014

RE: APPROVING PROPOSED ACTIVITIES AND FUNDING FOR STOP-DWI PROGRAM FOR 2011

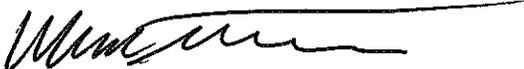
LEGISLATORS FLESLAND, ROMAN, DOXSEY, HORTON, THOMES, BOLNER, WEISS, MICCIO, TRAUDT and WHITE offer the following and move its adoption:

WHEREAS, the Stop DWI Coordinator, with the assistance and approval of the Stop DWI Planning Board, has prepared and submitted a proposed budget and activities program for the 2011 fiscal year; and

WHEREAS, the proposed plan has been approved by the New York State Department of Motor Vehicle Governor's Traffic Safety Committee contingent upon approval by the County Legislature by January 31, 2011; now, therefore, be it

RESOLVED, that the 2011 Stop DWI Plan for the County of Dutchess, a copy of which is annexed hereto, is hereby approved.

APPROVED

  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date January 27, 2011

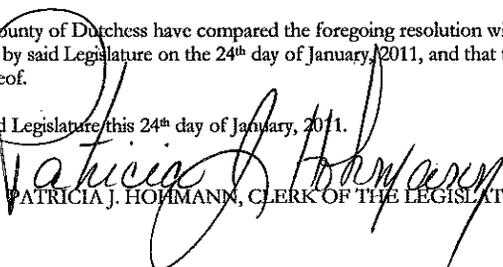
STATE OF NEW YORK

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

DUTCHESS COUNTY

2011 STOP-DWI PLAN



**NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES  
GOVERNOR'S TRAFFIC SAFETY COMMITTEE**

**DUTCHESS COUNTY**

**CERTIFICATION OF (YEAR) STOP-DWI PLAN**

The (Year) STOP-DWI PLAN was approved by the Dutchess County governing body on 1-20-2011, in the amount of \$ 661,901 This amount agrees with the total on the Budget Summary Page of the (2011) plan on page B1. The following document(s) are attached:

**THE COUNTY RESOLUTION APPROVING THE STOP DWI PLAN**

**AND/OR;**

**BUDGET PAGE(S) FROM THE COUNTY BUDGET INDICATING THE SPECIFIC AMOUNT APPROVED FOR STOP-DWI.**

**STOP-DWI COORDINATOR**

**CERTIFICATION:** *To knowingly make a false statement or conceal a material fact is a criminal offense and may result in criminal penalties under the Penal Law.* I state and certify that I have conducted a diligent and thorough investigation of the information contained in this plan and that it is true and complete to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name in PRINT: William C. Johnson

**COUNTY OFFICIAL**

**CERTIFICATION:** *To knowingly make a false statement or conceal a material fact is a criminal offense and may result in criminal penalties under the Penal Law.* I state and certify that I have conducted a diligent and thorough investigation of the information contained in this plan and that it is true and complete to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name in PRINT and Title: \_\_\_\_\_

DUTCHESS COUNTY

2011 BUDGET SUMMARY STOP-DWI PLAN

COMPONENT	TOTALS
Enforcement	\$ 201,375
Prosecution	\$ 99,000
Court Related	\$
Probation	\$ 87,000
Rehabilitation	\$ 47,000
Public Information/Education	\$ 72,100
Administration	\$ 155,426
<b>TOTAL STOP-DWI BUDGET</b>	<b>\$ 661,901</b>

Subtotal Estimated Fine Revenues for (Year): \$600,000

Subtotal Application of Rollover/Fund Balance: \$35,196

Subtotal Other Source(s) of Revenue: \* \$ \_\_\_\_\_

\* Please Identify Revenue Sources:

--

Total Estimated Revenues: \$ 635,196

Rollover/Fund Balance as of Year End (Year): \$ 426,736

Estimated Rollover/Fund Balance as of Year End (Year): \$ \_\_\_\_\_

## DUTCHESS COUNTY

### 2011 LAW ENFORCEMENT BUDGET STOP-DWI PLAN

#### PERSONAL SERVICES

Do not include any portion of the STOP-DWI Program Administrative staff salaries here unless they are employed in a police agency.

Funded Position(s): List Job Title, Agency, Full or Part Time Status	Percent Full Time Equivalent	Total
STOP-DWI Officer, DCSO, FT	60%	\$ 60,000
		\$
		\$
		\$
<b>Overtime Funding</b>		<b>\$ 84,500</b>
<b>Fringes</b>		<b>\$</b>
<b>Total Personal Services</b>		<b>\$ 144,500</b>

#### OTHER THAN PERSONAL SERVICES

<b>Equipment</b>	<b>\$ 6,000</b>
<b>Vehicle</b>	<b>\$</b>
<b>Vehicle Maintenance</b>	<b>\$</b>
<b>Supplies</b>	<b>\$</b>
<b>Training/Travel</b>	<b>\$</b>
<b>Overhead: Office Rent, Telephone, Utilities</b>	<b>\$</b>
<b>Indirect Cost Charge(s)</b>	<b>\$</b>
<b>Contractual Services</b>	<b>\$ 50,875</b>
* Must describe in detail below the contractor and services to be provided	
<b>Total Other Than Personal Services</b>	<b>\$</b>
<b>Total Law Enforcement Budget</b>	<b>\$ 201,375</b>

**DUTCHESS COUNTY**

**2011 ENFORCEMENT ACTIVITY BUDGET**

Please list all agencies being funded.

NAME OF AGENCY	AMOUNT PERSONAL SERVICES FOR DWI PATROLS	AMOUNT FOR OTHER THAN PERSONAL SERVICES
DCSO	\$ 68,000	\$
C/O Beacon	\$ 4,000	\$
T/O East Fishkill	\$ 4,000	\$
T/O Fishkill	\$ 6,000	\$
C/O Poughkeepsie	\$ 8,000	\$
T/O Poughkeepsie	\$ 45,000	\$
V/O Fishkill	\$ 2,000	\$
T/O Hyde Park	\$ 4,000	\$
V/O Rhinebeck	\$ 1,500	\$
V/O Wappingers Falls	\$ 2,000	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>TOTAL*</b>	\$	\$

**Subtotal (A) \$ 144,500 Subtotal (B) \$ \_\_\_\_\_**

**\* Total (A) + (B) = \$ 144,500**

\* Total should equal Budget Summary Total for Law Enforcement

**DUTCHESS COUNTY**

**2011 ENFORCEMENT ACTIVITY BUDGET**

**Describe in detail/explain vehicle purchase include the name of the agency that will be obtaining the vehicle:**

n/a

**Describe in detail/List the Equipment to be purchased:**

**\$6,000 - STOP purchased equipment (alco sensors, checkpoint lighting/signage) as determined by municipal police departments.**

**Describe in detail/explain Contractual Services:**

**\$40,875 - Sobriety Checkpoint RFP**

**\$10,000 - DRE Call Out Initiative**

**Describe in detail/explain "Other" items listed:**

## DUTCHESS COUNTY

### 2011 LAW ENFORCEMENT COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

#### Enforcement

By funding law enforcement activities (DWI patrols and sobriety checkpoints) the enforcement component will encourage the general public in Dutchess County not to drive while impaired because of an increased probability of being caught and arrested.

This is usually evaluated at the end of the year by reviewing data detailing the number of hours per DWI arrest, the number of DWI arrests on regular patrol, the number of arrests on STOP funded patrols, the percentage of alcohol related crashes compared to total crashes, and the number of alcohol-related fatalities and injuries. Appropriations are based on previous performance, as well as each agencies justification for funding.

Deterrence efforts will continue to be reinforced through publication of the results and statistics of law enforcement's activities throughout the year. The Dutchess County STOP-DWI Program will continue to maintain high visibility to enhance the public's awareness and perception of an active and effective program.

The following activities will be undertaken in 2011 to accomplish this goal:

Funding of DWI Overtime patrols (\$144,500) targeting the days/times that have an increased statistical probability and previous history of high DWI activity, and/or the incidence of Alcohol Related Fatal & Personal injury crashes. This is accomplished by reimbursing municipalities for personnel overtime and fringe costs, as well as, loaning requested deterrence equipment to assist in the apprehension of impaired drivers;

To partially fund one full time, County level law enforcement officer's position (\$60,000), through the Dutchess County Sheriff's Office, to increase STOP-DWI activity in areas without local police coverage (1 FTE, 35% fringe);

Providing additional monies (\$8,000) for the Dutchess County Sheriff's Office to conduct additional overtime patrols;

To dedicate specific funding (\$40,875) for Sobriety Checkpoints in the 2011 budget cycle. The program will again utilize an operational plan that includes an RFP process to determine specific agency allocations. Agencies will be invited to participate and funding will be performance based and outcome driven.

The appropriation for related law enforcement training (\$4,000) to enhance the program's ability to coordinate and support training opportunities aimed at increasing law enforcement officer's effectiveness in both alcohol and drug related impaired driving arrests. Related activities include an SFST/Breath Test Operator (BTO) classes, and a Drug Recognition Expert

(DRE) refresher/update course, and the ability to send two (2) local DRE's to attend the National Training Conference on Drugs, Alcohol and Impaired Driving.

## DUTCHESS COUNTY

### 2011 PROSECUTION RELATED ACTIVITY BUDGET

#### **PERSONAL SERVICES**

Do not include any portion of the STOP-DWI Program Administrative staff salaries here unless they are employed in the District Attorney office.

Funded Position(s): List Job Title, Agency, Full or Part Time Status	Percent Full Time Equivalent	Total
DWI Prosecution Unit, DC Dist Attorney		\$ 99,000
		\$
		\$
		\$
		\$
<b>Fringes</b>		\$
<b>Total Personal Services</b>		\$ 99,000

#### **OTHER THAN PERSONAL SERVICES**

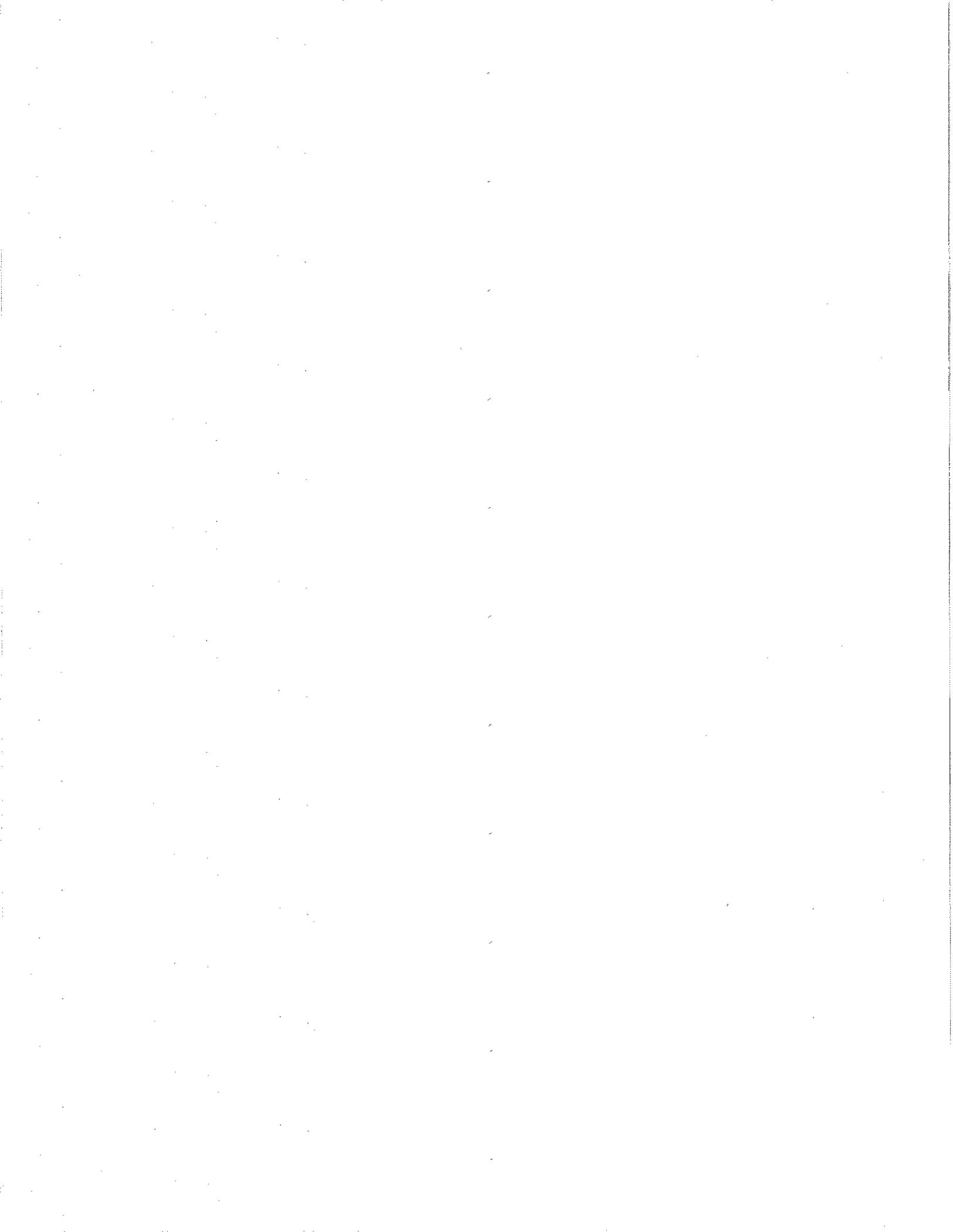
<b>Equipment</b>	\$
<b>Supplies and Materials</b>	\$
<b>Training/Travel</b>	\$
<b>Contractual Services</b> * Must describe in detail below the contractor and services to be provided	\$
<b>Other</b> * (describe in detail below)	\$
<b>Total Other Than Personal Services</b>	\$
<b>Total Prosecution Budget</b>	\$ 99,000

**Describe in detail/List the Equipment to be purchased:**

**Describe in detail/explain Contractual Service**

STOP-DWI funding partially supports the specialized DWI Prosecution Unit including one senior and two assistant District Attorney positions/DWI prosecutors; and one full-time legal secretary position to assist with clerical support.

**Describe in detail/explain "Other" items:**



## DUTCHESS COUNTY

### 2011 PROSECUTION COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

The 2011 Plan will continue to support additional District Attorney's services in Dutchess County to maintain a strong conviction rate for DWI offenders, and to sentence offenders to effective strategies aimed at reducing future impaired driving involvement. A strong DWI conviction rate is an effective deterrence tool for the public as a continued demonstration of Dutchess County's commitment to the STOP-DWI mission.

STOP-DWI funding totaling \$99,000 in 2011 will partially support the specialized DWI Prosecution Unit. Partial funding for one senior and two assistant District Attorney positions acting as DWI prosecutors; and one full-time legal secretary position to assist with clerical support for the above positions;

DUTCHESS COUNTY

2011 COURT RELATED ACTIVITY BUDGET

**PERSONAL SERVICES**

Funded Position(s): List job title, Agency, Full or Part Time Status	Percent Full Time Equivalent	Total
		\$
		\$
		\$
		\$
		\$
<b>Fringes</b>		\$
<b>Total Personal Services</b>		\$

**OTHER THAN PERSONAL SERVICES**

<b>Equipment</b>	\$
<b>Supplies</b>	\$
<b>Training/Travel</b>	\$
<b>Contractual Services</b> * MUST describe in detail below the contractor and services to be provided	\$
<b>Reimbursement to Local Municipalities</b>	\$
<b>Other *</b> (describe in detail below )	\$
<b>Total Other Than Personal Services</b>	\$
<b>Total Court Related Budget</b>	\$

**Describe in detail/List the Equipment to be purchased:**

**Describe in detail/explain Contractual Services:**

**Describe in detail/explain "Other" Items:**

**DUTCHESS COUNTY**

**2011 COURT COMPONENT**

Narrative – Please provide specific detail of the activities that will be funded in this area.

## DUTCHESS COUNTY

### 2011 PROBATION ACTIVITY BUDGET

#### **PERSONAL SERVICES**

\* Do not include any portion of the STOP-DWI Program administrative staff salaries unless they are employed in the Probation Department.

<b>Funded Position(s): List job title, Agency, Full or Part Time Status</b>	<b>Percent Full Time Equivalent</b>	<b>Total</b>
DWI Intensive Supervision Unit- Probation officers & support staff		<b>\$ 87,000</b>
		<b>\$</b>
		<b>\$</b>
		<b>\$</b>
<b>Overtime</b>		<b>\$</b>
<b>Fringes</b>		<b>\$</b>
<b>Total Personal Services</b>		<b>\$ 87,000</b>

#### **OTHER THAN PERSONAL SERVICES**

<b>Equipment</b>	<b>\$</b>
<b>Supplies</b>	<b>\$</b>
<b>Training/Travel</b>	<b>\$</b>
<b>Contractual Services *</b> *MUST Describe in detail below the contractor and services to be provided	<b>\$</b>
<b>Other * (specify in detail below)</b>	<b>\$</b>
<b>Total Other Than Personal Services</b>	<b>\$</b>
<b>Total Probation Budget</b>	<b>\$ 87,000</b>

**Describe in detail/List the Equipment to be purchased:**

**Describe in detail/explain Contractual Services:**

**Describe in detail/explain "Other" Items:**

## DUTCHESS COUNTY

### 2011 PROBATION COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

While the law enforcement and Court related activities address the general public and community regarding impaired driving issues, the population of habitual chronic/ repeat offenders needs more focused and intensive services to change their alcohol/ drug abuse behaviors.

The 2011 Plan will partially support/fund an Intensive Supervision Program (ISP) for DWI offenders with the Office of Probation and Community Corrections totaling \$72,000. The ISP program insures closer surveillance and enforcement of Court ordered conditions. In addition, the Probation officers will refer clients to treatment programs, network with other service providers that the offenders will be utilizing, and share their expertise on DWI issues with other Probation and Court officers.

Activities include:

Partially funds one full time Senior Probation Officer to supervise the DWI - Intensive Supervision Program (ISP); Two full time Probation officers to assist with the supervision of the DWI Intensive Supervision Program;

Enhanced Supervision Project: additional funding (\$15,000) will provide OT to increase monitoring (unannounced home/work visits/stake-outs) of impaired driving offenders /probationers to assure compliance with Court orders and Probation conditions.



## DUTCHESS COUNTY

### 2011 REHABILITATION COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

Despite growing societal and community awareness, as well as strong law enforcement efforts, there continues to be drivers who are dependent on alcohol that remain undeterred by legal sanctions. In order to overcome their addiction(s), substance abuse treatment is required. The rehabilitation component of the plan supports assessment, evaluation, and treatment services to determine the nature and extent of alcohol and other drug (AOD) abuse.

Lexington Center for Recovery, Inc., a substance abuse provider contracted by Dutchess County will receive funding totaling \$45,000 to continue providing evaluation/ assessment and clinical treatment services for all Dutchess County residents who apply for such services in connection with a drinking and driving violation.

The Planning Board worked with the Dutchess County Department of Mental Hygiene and the Lexington Center to identify and implement an evidence based treatment model in an effort to attain better outcomes and increased degrees of success. The scope of service requires the provider to utilize evidence based treatment groups using Cognitive Behavioral Therapy (CBT). Specific performance goals for the CBT group(s) were established and include drug testing a minimum of once /month, and pre/post testing. 2009 outcome data reveals significant increases in the percentage of successful completions in the CBT groups (82.8%) compared to (57%) traditional groups. There were also significant reductions in the percentage of positive drug screens with 2.2% in the CBT groups compared to 13.9 in the traditional.

Due to continued positive outcomes relating to CBT the 2011 plan requires the Lexington Center for Recovery, Inc. to utilize the CBT modality for all services provided, as well as a “Cognitive Behavioral Coping Skills” therapy group at the Probation Department that will be led by contracted clinical staff and targets high risk impaired driving offenders. This has proven to be a model program in New York State.

Dr. Elizabeth Quinn-Teed, PhD. Marist College, will again be facilitating these groups.

## DUTCHESS COUNTY

### 2011 PUBLIC INFORMATION/EDUCATION ACTIVITY BUDGET

#### **PERSONAL SERVICES**

\* Do not include any portion of the STOP-DWI Program administrative staff salaries.

<b>Funded Position(s): List job title, Agency, Full or Part Time Status</b>	<b>Percent Full Time Equivalent</b>	<b>Total</b>
		\$
		\$
		\$
		\$
<b>Fringes</b>		\$
<b>Total Personal Services</b>		\$

#### **OTHER THAN PERSONAL SERVICES**

<b>Equipment</b>	\$
<b>Supplies</b>	\$ 4,000
<b>Training/Travel</b>	\$ 11,200
<b>Contractual Services*</b> *MUST Describe in detail below the contractor and services to be provided	\$ 48,000
<b>Other*</b> (Describe in detail below)	\$ 8,900
<b>Total Other Than Personal Services</b>	\$
<b>Total Public Information/Education</b>	\$ 72,100

**Describe in detail/List the Equipment to be purchased:**

**Describe in detail/explain Contractual Services:**

Council on Addiction Prevention and Education of Dutchess County - \$44,500 Alcohol Highway Safety Educator; Annual SADD Conference - \$2,000, DC Remove Intoxicated Drivers (RID): \$1,500

**Describe in detail/explain "Other" items:**

Advertising- \$3,000; Law Enforcement Awards Ceremony -\$4,000; Postage/freight - \$400; Reimburse non-employee- \$1,500.

## DUTCHESS COUNTY

### 2011 PUBLIC INFORMATION AND EDUCATION COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

In an effort to continue raising community awareness, specifically for the new or soon to be driver, the 2011 plan continues with a focus on reaching our youth. The plan's activities are aimed at impacting the continued over representation of drivers less than age 25 in alcohol related arrests and fatal and personal injury crashes. The plan will continue to offer educational programming for students in elementary through the college level. Educational materials will also be distributed at targeted community and public events. The following activities will be funded:

Maintain the Program's web site and continue to distribute data, information, research, educational materials and videos, in addition to promotional items that support the "Don't Drink and Drive" message; Partially fund a full time alcohol / Highway Safety Educator (AHSE) Position through the Council on Addiction Prevention and Education of Dutchess County to coordinate educational programming/presentations and assist SADD chapters.

Support the annual countywide SADD Conference. Underwrite the cost of events/programs that encourage non-alcohol activities (HS mini grants -post prom parties, RID). Eligible projects must focus on addressing underage impaired driving issues and support the "Don't Drink and Drive" message; Sponsor the 16th Sixteenth annual Dutchess County Law Enforcement Recognition Luncheon /Awards Ceremony.

**DUTCHESS COUNTY**  
**2011 ADMINISTRATION/EVALUATION BUDGET**

**PERSONAL SERVICES:**

List each STOP-DWI Program staff person and indicate full or part-time. Include total STOP-DWI program staff salaries on this page

Include title of all staff	Percent Full Time Equivalent	TOTAL
Funded Position(s): List job title, Agency, Full or Part Time Status		\$
STOP-DWI Coordinator, Dutchess County pt	66%	\$ 64,317
Principal Program Asistant, Dutchess Co. ft	100%	\$ 79,809
		\$
		\$
		\$
<b>Overtime</b>		\$
<b>Fringes</b>		\$
<b>Total Personal Services</b>		<b>\$ 144,126</b>

**OTHER THAN PERSONAL SERVICES**

<b>Equipment</b>	\$
<b>Supplies</b>	\$ 2,025
<b>Training/Travel</b>	\$ 2,725
<b>Overhead:</b> Office Space, Maintenance Costs, Telephone Service, Utilities	\$ 3,050
<b>Contractual Services *</b> *MUST describe in detail below the contractor and services to be provided	\$
<b>Indirect Cost Charge(s)</b>	\$
<b>Other *</b> (Describe in detail below)	\$ 3,500
<b>Total Other Than Personal Services</b>	<b>\$ 11,300</b>
<b>Total Administration/Evaluation Budget</b>	<b>\$ 155,426</b>

Describe in detail /explain Contractual Services:

Describe in detail/List the Equipment to be purchased:

Describe in detail/explain "Other" items:

STOP DWI Dues- \$3,300; Subscriptions - \$200

## DUTCHESS COUNTY

### 2011 ADMINISTRATION/EVALUATION COMPONENT

Narrative – Please provide specific detail of the activities that will be funded in this area.

To assist the STOP- DWI Planning Board in their on-going advisory role, this plan will continue to fund administrative support for:

- Technical assistance for the contracted agencies;
- Networking with related agencies on state and local levels;
- Provide strategic planning and on going monitoring and evaluation;
- Support/coordination of training opportunities; and
- Provide information on DWI Issues and related legislation.

Roll call vote on the foregoing Resolution No. 2011014 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Public Safety Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 1 - Town of Poughkeepsie	Doxsey		
District 4 - Town of Hyde Park	Sadowski	Absent	
District 5 - Town of Poughkeepsie	Roman (C)		
District 9 - City of Poughkeepsie	White (VC)		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		

Present: 12 (11)  
 Absent: 1  
 Vacant: 0

Resolution: \_\_\_\_\_  
 Motion: \_\_\_\_\_

Total: 11 0  
 Yes No  
 Abstentions: 0

Approving Proposed Activities and  
 Funding for STOP-DWI Programs  
 for 2011

2011014 Adoption of 2011 STOP-DWI Plan

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 25      0  
 Absent: 0      Motion:           Yes      No  
 Vacant: 0      Abstentions: 0

2011014 Approving Proposed Activities and Funding for STOP-DWI Program for 2011

Date: 1/24/11

RESOLUTION NO. 2011015

RE: CONFIRMATION OF APPOINTMENT OF BETSY H. BROCKWAY AS COMMISSIONER OF DEPARTMENT OF SERVICES FOR AGING, VETERANS AND YOUTH

LEGISLATORS ROLISON and FLESLAND offers the following and moves its adoption:

WHEREAS, the Commissioner of Human Resources has determined that Betsy H. Brockway meets the qualifications to perform the duties of the position of Commissioner of the Department of Services for Aging, Veterans and Youth, and

WHEREAS, the County Executive has advised that, pursuant to Article XXIV, Section 24.01 of the Dutchess County Charter, he has appointed Betsy H. Brockway as Commissioner of the Department of Services for Aging, Veterans and Youth for the County of Dutchess, now, therefore, be it

RESOLVED, that the appointment of Betsy H. Brockway as Commissioner of the Department of Services for Aging, Veterans and Youth for the County of Dutchess is hereby confirmed by this Legislature

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-12-11  
ca/G-1522  
1/5/11

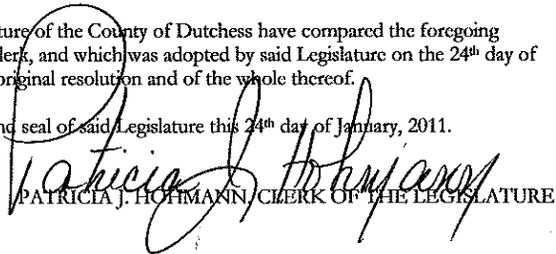
Date 2/4, 2011

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

## **Betsy (Lisabeth) H. Brockway**

7 Holm Run  
Pawling, NY 12564

### **Employment History**

Director, DC Health & Human Services Cabinet, May 2005 to December 2010

As a member of County Executive Steinhaus' Senior management team, oversaw six county human service departments (Departments of Social Services, Health, Mental Hygiene, Office for Aging, Veterans Service Agency, and Youth Bureau). Facilitated the monthly cabinet meeting of commissioners and directors with Budget Director and Probation & Community Corrections Director to recommend to the County Executive strategic direction for human services to incorporate outcome and evaluation principles in both county and contracted services; to support the infrastructure of the contracted nonprofit agencies and to share best practices across departments. Developed and supported intradepartmental workgroups as needed to improve the county's efficiency and effectiveness.

Executive Director, Dutchess County Youth Bureau, Poughkeepsie, NY 1992 to April, 2005. Agency served 84,000 youth with 60 plus contract agencies and a budget of \$1.3 Million. Supervised a staff of 10 and oversaw two direct service programs for 300 at-risk youth. Agency was responsible for comprehensive planning and promoting youth development by incorporating system wide outcomes and evaluation process to improve youth indicators. Administered and monitored OCFS/county funding. Assisted the volunteer Youth Board to advocate for youth through an active Youth Council of 40-50 high school students, publication of an agency newsletter, various training events, and annual luncheon to honor youth who overcame adversity with the County Executive's YEA awards and Dutchess Community College scholarships.

Recreation Director, Town of Pawling, NY. Administered a 76-acre park with lake, ball fields, and one neighborhood park. Hired, trained and supervised both full-time and seasonal staff. Implemented annual Children's Day Camp, Children's Summer Theatre, Adult Community Education Classes, and Senior Citizen's programs. Initiated the Youth Career Day, Senior Citizen's Drop-In Center, Pre-school Play Groups, and Pawling Community Theatre.

## Key Accomplishments:

- ✓ Assisted in many successful County Departments' initiatives such as DSS Non-emergency Medicaid Transportation Broker and Medicaid Fraud contracts, restructuring for Department of Health's and Mental Hygiene's administration, Probation & Community Correction's Pretrial Juvenile Justice Services, Veterans' increased outreach, and Aging's Senior Transportation Study and implementation of NYConnects.
- ✓ Created an interdepartmental workgroup to plan and coordinate the new Eastern Dutchess Government Center services and outreach opened in 2008.
- ✓ Organized the *Sustainable Living Communities Conference* for 90 participants in 2008.
- ✓ Implemented the DC Health & Human Services Cabinet, an interdepartmental workgroup of County Department Heads (2005-present)
- ✓ H&HS Cabinet sponsored 12 basic outcome trainings were held for over 460 county and agency staff, and more than 100 agencies and programs were provided with technical assistance (2005-2010). County's human service contracts now include target outcomes and logic models.
- ✓ H&HS Cabinet also developed and then revised the *DC Contract Procedures Manual* in 2009, held workshops for both county staff and agency staff on the Manual, County Bidding information and required Insurance documents.
- ✓ Cabinet members' departmental staff participated in many joint departmental and coalitions' needs assessment activities, development of various cross systems strategic plans and currently publish the *Health and Well-being of Children, Families, and Adults in DC/Selected Data Indicators* on the County's website.
- ✓ DC Youth Bureau recognized by the NYS Governor in 2001 for "Building Healthy Families and Communities."
- ✓ Developed the outcome based Dutchess County Common Grant Application in 1999, still used by the County and other funders.
- ✓ Lead agency for integrated County Planning (ICP), a partnership of the County Executive, Department of Social Services, United Way and the Youth Bureau (1999-2004).
- ✓ Creation of an ICP centralized county data system with Marist College (1999-2005).
- ✓ Workshop Presenter on youth related issues, Using Outcomes, Developmental Assets, Strategic Planning, and Board Development.
- ✓ Writer and local reviewer for successful collaborative federal, state and foundation grants.

### **Professional Organizations:**

- NYSAC Standing Committees on Public/Mental Health and Medicaid & Human Services, 2008 to present. Presented *Veterans Friendly Communities* and *Employee Engagement: Making Your County a Best Place to Work* at two NYSAC conferences.
- Office of Aging Advisory Board, 2005 to present
- Alternatives to Juvenile Detention Committee, 2006 to 2007
- Appointed by the NYS Senate to the NYS Office of Children and Family Services Advisory Board, 2000 to 2006
- Dutchess County Workforce Investment Board (WIB) Youth Council, 2000 to present; County Executive's liaison to full WIB, 2009 to present
- Choices for Change Partner/Leadership Team, 2000 to 2005
- Dutchess County STOP-DWI Planning Board, 1993, 2002 to 2005
- Dutchess County Criminal Justice Council/Executive Committee, 1993 to present
- Dutchess County Children's Services Council/Executive Committee, 1999 to present
- Coordinated Children's Services Initiative, 1995 to 2005
- PINS Diversion Task Force, 1992 to 2005
- Association of NYS Youth Bureaus, 1992 to 2005, 2004 State Conference Committee Budget and Registration Chair, Regional Representative (2 years)
- Taconic Regional Youth Bureau Directors. 1992 to 2005, Chair (2 years)
- Family Partnership Center Interim Board, 1996
- City of Poughkeepsie, Neighborhood Based Alliance, 1993 to 1995
- DFY Highland Residential Advisory Board, 1994 to 1995

### **Volunteer Memberships:**

- Christ Church on Quaker Hill's Nursery School Committee, 2006 to present
- Board member, Dutchess Community College Foundation, 1998 to 2004
- Trustee, Pawling Free Library, 1996 to 2005; Treasurer, 2002 to 2005
- Co-Chair of DC Government United Way Campaign, 1996 to 1999, 2001 to 2004
- Pawling Teen Center Advisory Committee, 2000 to 2002
- Board member, Holiday Hills YMCA, Pawling, NY, 1991 to 1997
- Member, Pawling High School Building Level Team, 1994 to 1996
- Dutchess County Youth Board, 1989 to 1992, Chair (2 years)
- Pawling Historical Society "Historic Craft Day" Co-Chairperson 1990
- Town of Pawling 200<sup>th</sup> Birthday Steering Committee, 1984 to 1989
- Pawling Chamber of Commerce, 1984 to 1987
- Life time member of Girl Scouts of USA

**Honors:**

- Dutchess Community College Distinguished Alumni, 2007
- Girls Scouts of DC "Seat of Honor," 2006
- Poughkeepsie Area Chamber of Commerce, "Athena" nominee, 2006
- Gates Chili High School District Hall of Fame, 1995
- Dutchess Community College Alumni of the Year, 1993

**Education:**

BA degree cum laude, Liberal Studies, Social Sciences, GPA 4.0  
SUNY Purchase, Purchase, NY 1992

AAS degree with honors, Recreation Leadership,  
Dutchess Community College, Poughkeepsie, NY 1982  
Sociology major, 1964-1966  
Wagner College, Staten Island, NY

**Continuing Education:**

- NYCON's *New Form 990: A New Focus on Governance* 2009
- Spring Nonprofit Seminars: *Fundraising in a Recession, Adapting your Strategic Plan, What will your Non-profit Look like When the Economic Dust Settles, and Strategic Alliances.* 2009
- Putnam County Management Institute's *Leadership for Women* 2005
- *NYS Youth Development Indicators Symposium*, 2004
- *Empowerment Evaluation* with Dr. Pam Imm and Barry Lentz, 2003
- *Using Data Effectively*, NYS Department of Health, 2002
- *NYATEP Youth Academy 2001: Partnership Building for Quality Youth Systems*, 2001
- Search Institute: *Starting, Sustaining an Asset-Building Initiative training*, 2000
- The University of Oklahoma, *NPN Research Conference*, 1.7 CEU, 1999
- The National Coalition Building Institute's 40 hour Prejudice Reduction Leadership Institute, 1997
- *DFY Facilitator Training for Problem-solving Techniques*, 1995
- *DC BOCES Presenting Information & Ideas*, 1995

**Personal Information:**

Married to John; proud parents of two adult married children and grandparents of five.  
Active community and church volunteer. A Dutchess County resident since 1968.  
Enjoys reading, biking on rail trails, cross country skiing and playing with grandchildren.



Dutchess  
County  
Executive

# Dutchess

William R. Steinhaus  
County Executive

22 Market Street  
Poughkeepsie  
New York  
12601  
(845) 486-2000  
Fax (845) 486-2021

## MEMORANDUM

To: All Legislators  
Patricia Hohmann, Clerk of the Legislature

From: Nancy Giordano, Chief of Staff *neg*

Re: Betsy Brockway Appointment as Commissioner of  
Services for Aging, Veterans and Youth Department

Date: January 24, 2011

This is in response to Legislator Goldberg's questions about the process for the selection of the Commissioner of Services for Aging, Veterans, and Youth Department presently before the Legislature for consideration.

Historically, we have always viewed the process of Executive appointments as an internal and confidential matter as to the applicants and interviews for such positions. That being said, in the case of Ms. Betsy Brockway's appointment as the first Commissioner of this new department, County Executive Steinhaus determined shortly after the budget adoption was completed that Ms. Brockway was his first choice among others he considered. Betsy possesses the requisite knowledge, skills, and proven experience to lead the department during the implementation of this new structure, and the position was offered to her by the Executive.

Upon what I know to have been thoughtful consideration, Betsy agreed to accept yet another challenge as offered by the County Executive, and she was appointed Acting Commissioner effective January 1, 2011. At that time, no further action was necessary in the pursuit of other candidates.

Earlier this morning, we received a call that Betsy was involved in a car accident on her way to work on Route 55. Our understanding is her car has been totaled and she was shaken up quite badly but thankfully Betsy has no obvious or known injuries at this time. We hope that remains the case as she takes the next few days to recover from this trauma.

Unfortunately Betsy will not be able to be present this evening at the Legislative meeting. Betsy is a 19 year "home grown" product of Dutchess County government who most of you know well, and her resume and her obvious energy and passion speak volumes to her ability to perform the tasks and objectives moving forward. We believe the Legislature should be prepared to move this appointment forward with no further delay.

Thank you for your consideration this evening, and please join us in wishing Betsy much speed in her recovery.

cc: Department Heads

Legislator Flesland moved to "Discharge from Committee" Resolution No. 2011015, duly seconded by Legislator Cooper.

Legislator Goldberg questioned if the motion needed to be made from someone from the prevailing side.

Legislative Council Volkman stated that unlike a motion to reconsider a motion to discharge from committee can be made by anyone.

Legislator Goldberg stated that it was defeated in committee. She added that she expected this to come but she expected it to come from someone on the prevailing side.

Legislative Council Volkman stated that according to *Robert's Rules of Order* a motion to discharge from committee must be made, seconded, and is debatable but it could be made by anybody.

Legislator Goldberg stated that she thought that was if you tabled a resolution and then took out of committee and this resolution was defeated and that it would be under a different category.

Chairman Rolison questioned Legislative Council Volkman if the Legislature was in conflict.

Legislative Council Volkman stated no.

Legislator Flesland stated that the Legislature should listen to our Legislative Council.

Legislator Miccio requested permission to abstain because his wife worked for this office.

Chairman Rolison granted permission to abstain.

Roll call vote on the foregoing motion resulted as follows:

Ayes: 16 Bolner, Borchert, Cooper, Flesland, Forman, Horton, Hutchings, Incoronato, Kelsey, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss.

Nays: 8 Goldberg, Doxsey, Kuffner, Horn, Jeter-Jackson, Tyner, MacAvery, White.

Abstain: 1 Miccio.

Discussion on the foregoing Resolution No. 2011015 resulted as follows:

Legislator Miccio requested permission to abstain because his wife worked for this office.

Chairman Rolison granted permission to abstain.

Roll call vote on the foregoing Resolution No. 2011015 resulted as follows:

Ayes: 16      Bolner, Borchert, Cooper, Flesland, Forman, Horton, Hutchings,  
Incoronato, Kelsey, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Weiss.

Nays: 8      Goldberg, Doxsey, Kuffner, Horn, Jeter-Jackson, Tyner,  
MacAvery, White.

Abstain: 1      Miccio.

Resolution adopted.

## Family and Human Services Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*	✓	
District 6 - Town of Poughkeepsie	Flesland*	✓	
District 14 - Town of Wappinger	Goldberg*		✓
District 7 - Town of Hyde Park	Kuffner*		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (C)		✓
District 9 - City of Poughkeepsie	White		✓
District 10 - City of Poughkeepsie	Jeter-Jackson		✓
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		✓
District 21 - Town of East Fishkill	Horton		✓
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		✓
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey (VC)	✓	

Present: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Vacant: \_\_\_\_\_

Resolution: \_\_\_\_\_  
 Motion: X

Total : 4 8  
 Yes No  
 Abstentions: \_\_\_\_\_

Motion to Table # 15  
 Failed

1/20/11

## Family and Human Services Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		✓
District 6 - Town of Poughkeepsie	Flesland*	✓	
District 14 - Town of Wappinger	Goldberg*		✓
District 7 - Town of Hyde Park	Kuffner*		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (C)		✓
District 9 - City of Poughkeepsie	White		✓
District 10 - City of Poughkeepsie	Jeter-Jackson		✓
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	✓	
District 21 - Town of East Fishkill	Horton		✓
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	✓	
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey (VC)		

Present: <u>12</u>	Resolution: <u>✓</u>	Total: <u>5</u>	
Absent: <u>0</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>—</u>	

1 Defeated

2011015      Confirmation of Appointment of Betsy H. Brockway as  
 Commissioner of Department of Services for Aging, Veterans  
 and Youth

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper	✓	
District 6 - Town of Poughkeepsie	Flesland	✓	
District 14 - Town of Wappinger	Goldberg		✓
District 7 - Town of Hyde Park	Kuffner		✓
District 1 - Town of Poughkeepsie	Doxsey		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		✓
District 3 - Town of LaGrange	Borchert	✓	
District 4 - Town of Hyde Park	Sadowski, Jr.	✓	
District 5 - Town of Poughkeepsie	Roman	✓	
District 9 - City of Poughkeepsie	White		✓
District 10 - City of Poughkeepsie	Jeter-Jackson		✓
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss	✓	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	✓	
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato	✓	
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		✓
District 17 - Town and Village of Fishkill	Miccio	(PP) <del>Absent</del>	Abstain
District 18 - City of Beacon	Forman	✓	
District 20 - Town of Red Hook	Traudt	✓	
District 21 - Town of East Fishkill	Horton	✓	
District 22 - Town of Beekman	Hutchings	✓	
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	✓	
District 24 - Towns of Dover and Union Vale	Surman	✓	
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey	✓	

Present: 25      Resolution: X      Total: 10      8  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 1

**DISCHARGE FROM COMMITTEE**

2011015 Confirmation of Appointment of Betsy H. Brockway as Commissioner of Department of Services for Aging, Veterans and Youth

Date: 1/24/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper	✓	
District 6 - Town of Poughkeepsie	Flesland	✓	
District 14 - Town of Wappinger	Goldberg		✓
District 7 - Town of Hyde Park	Kuffner		✓
District 1 - Town of Poughkeepsie	Doxsey		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		✓
District 3 - Town of LaGrange	Borchert	✓	
District 4 - Town of Hyde Park	Sadowski, Jr.	✓	
District 5 - Town of Poughkeepsie	Roman	✓	
District 9 - City of Poughkeepsie	White		✓
District 10 - City of Poughkeepsie	Jeter-Jackson		✓
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss	✓	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	✓	
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato	✓	
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		✓
District 17 - Town and Village of Fishkill	Miccio	Abstain	
District 18 - City of Beacon	Forman	✓	
District 20 - Town of Red Hook	Traudt	✓	
District 21 - Town of East Fishkill	Horton	✓	
District 22 - Town of Beekman	Hutchings	✓	
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	✓	
District 24 - Towns of Dover and Union Vale	Surman	✓	
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey	✓	

Present: 25      Resolution: X      Total: 16      8  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 1

2011015      Confirmation of Appointment of Betsy H. Brockway as  
 Commissioner of Department of Services for Aging, Veterans  
 and Youth

Date: 1/24/11

RESOLUTION NO. 2011016

RE: AUTHORIZING LICENSE APPLICATION TO THE NEW YORK STATE DEPARTMENT OF HEALTH FOR HOME CARE LICENSURE

LEGISLATORS HORN and ROLISON offers the following and moves its adoption:

WHEREAS, the Commissioner of Health has advised that the Health Department's Certified Home Health Agency (CHHA) was eliminated during the 2011 Budget Process, and that, therefore, the Health Department must apply for a restricted Licensed Home Care Service Agency (LHCSA) license to carry on core Health Department functions, and

WHEREAS, in order to apply to the State for the LHCSA license, this Legislature must authorize the license application, and

WHEREAS, the intent of the LHCSA is to allow the Maternal Child Home Visiting program to continue providing services under the Article 6 regulations and providing nursing service in the home for patients enrolled in public health programs such as, among others, Tuberculosis Control and Lead Poisoning Prevention, now therefore, be it

RESOLVED, that this Legislature authorizes the license application to the New York State Department of Health for Home Care Licensure.

CA-05-11  
CRC/cal/G-0153  
12/23/10

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Fiscal Impact: See attached statement

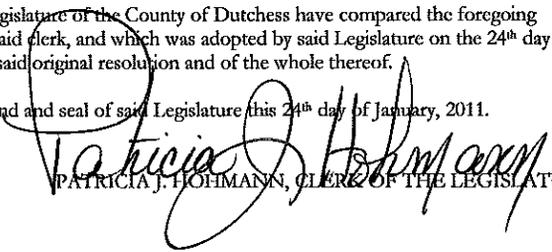
Date 2/4, 2011

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, 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

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

Identify Line Items(s):

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

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

Additional Comments/Explanation:

Prepared by: \_\_\_\_\_

*Sharon Quirk*

Roll call vote on the foregoing Resolution No. 2011016 resulted as follows:

Present: 24 Bolner, Borchert, Cooper, Flesland, Forman, Goldberg, Horn, Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Tyner, Weiss, White.

Nays: 1 Doxsey.

Absent: 0

Resolution adopted.

# Family and Human Services Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (C)		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 21 - Town of East Fishkill	Horton		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey (VC)		

Present: 12                      Resolution: X                      Total :    12    0  
 Absent:    0                              Motion:    \_\_\_\_\_                      Yes                      No  
 Vacant:    0    Abstentions: 0

2011016    Authorizing License Application to the New York State  
 Department of Health for Home Care Licensure

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 24      1  
 Absent: 0      Motion:           Yes      No  
 Vacant: 0      Abstentions: 0

2011016 Authorizing License Application to the New York State  
 Department of Health for Home Care Licensure

Date: 1/24/11

RESOLUTION NO. 2011017

RE: AUTHORIZING PROCEEDS TO BE APPLIED TO THE RYAN WHITE ACCOUNT

LEGISLATORS HORN and ROLISON offer the following and moves its adoption:

WHEREAS, the Commissioner of Health has advised that the Health Department has proceeds in the amount of \$7,600.00 from the sale of a van that was purchased by the Ryan White Program and

WHEREAS, the Department of Health has received authorization from the Health Resource Services Administration (HRSA) to keep the proceeds from the sale if applied to the Ryan White Program, and

RESOLVED, that this Legislature authorizes the proceeds from the sale of the van in the amount of \$7,600.00 to be applied to the Ryan White Program Account

APPROPRIATIONS:

Increase

CD.4013.2010.4412 Grant Project Costs \$7,600.00

REVENUES:

Increase

CD.4013.2010.26550 Sale of Equipment \$7,600.00

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-11-10

G-1270

1/5/10

Fiscal Impact: Statement attached.

STATE OF NEW YORK

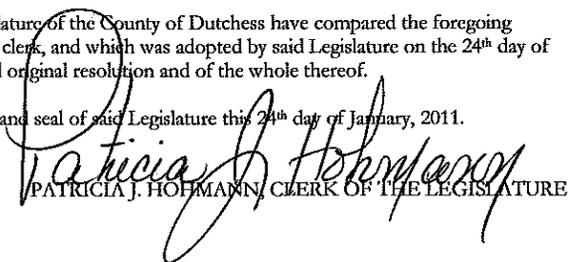
ss:

Date 2/4, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ 7,600

Total Current Year Revenue \$ 7,600  
and Source

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

Identify Line Items(s):  
CD.4013.2010.44890.01

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \$0 \_\_\_\_\_

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

#### Additional Comments/Explanation:

We are requesting the proceeds from the sale of a R.W. Program vehicle to be applied to the Ryan White Program. Rev. No. - CD.4013.2010.44890.01.

We have received authorization from Health Resource Services Administration (HRSA) to keep the proceeds from the sale to be applied to the program.

Prepared by: Jenean M. Williams-Green

Roll call vote on the foregoing Resolution No. 2011017 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn, Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

## *Family and Human Services Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (C)		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 21 - Town of East Fishkill	Horton		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey (VC)		

Present: <u>  12  </u>	Resolution: <u>  X  </u>	Total : <u>  12  </u> <u>  0  </u>
Absent: <u>  0  </u>	Motion: <u>      </u>	Yes
Vacant: <u>  0  </u>		No
		Abstentions: <u>  0  </u>

2011017    Authorizing Proceeds to be Applied to the Ryan White Account

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

**Present:** 25      **Resolution:** X      **Total :** 25      0  
**Absent:** 0      **Motion:** —      **Yes**      **No**  
**Vacant:** 0      **Abstentions:** 0

2011017 Authorizing Proceeds to be Applied to the Ryan White Account

Date: 1/24/11

RESOLUTION NO. 2011018

RE: AUTHORIZING ACCEPTANCE OF FUNDING UNDER THE WORKFORCE INVESTMENT ACT OF 1998 AND THE TRADE ADJUSTMENT ASSISTANCE ACT

LEGISLATORS HORN and ROLISON offers the following and moves its adoption:

WHEREAS, the United States Congress enacted the Trade Adjustment Assistance (TAA) Program and the Workforce Investment Act of 1998 (WIA) to provide the framework for a unique workforce preparation and employment system designed to meet both 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 2010 TAA funding for the period 10/1/09 through 9/30/12, and for the operation of PY 2008 Title 1B Incentive funds under the American Recovery and Reinvestment Act of 2009 for the period 11/15/10 through 5/16/11, now, therefore, be it

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

APPROPRIATIONS

Increase (Decrease)

FY 2010

CD6292.2010.4813 TAA Participant Funding \$17,377

PY2008

CD6292.2008.4825 T-1B ARRA Incentive 13,434

\$30,811

REVENUES

Increase (Decrease)

FY 2010

CD6292.2010.47910.22 TAA Participant Funding \$17,377

PY2008

CD6292.2008.47910.35 T-1B Administration 13,434

\$ 30,811

APPROVED

*William R. Steinhaus*

WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-03-11  
CRC/RA/ca/G-1263  
12/13/10  
Fiscal Impact: See attached statement

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

Date 2/4, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

*Patricia J. Hohmann*  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 30,811

Total Current Year Revenue \$ <sup>3</sup>30,811  
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:

Prepared by: Richard Altman - Executive Director Dutchess County Workforce Investment Board



New York State Department of Labor  
David A. Paterson, Governor  
Colleen C. Gardner, Commissioner

November 30, 2010

Mr. William R. Steinhaus  
County Executive  
Dutchess County  
Dutchess County Office Building  
22 Market Street, 6th Floor  
Poughkeepsie, New York 12601

Dear Mr. Steinhaus:

The Local Workforce Investment Board of Dutchess County has submitted requests for funds to support the individual training plans under the Trade Adjustment Assistance Program (TAA) in accordance with New York State Department of Labor (NYSDOL) Technical Advisory (TA) #04-6 dated May 18, 2004.

The NYSDOL Division of Employment and Workforce Solutions has been reviewing the requests for funding submitted and as a result, is issuing a change to the LWIA's Notice of Obligational Authority (NOA) for the attached list of new individual training plan funds approved and any changes to previously approved awarded individual training plan funds.

The attached NOA(s) along with a complete list of approved individual funding requests by petition number supports these changes. As a reminder, the funds awarded to the LWIA under this training program may be expended only for the training costs identified in the approved training plans for the individuals listed and must be reported to NYSDOL by the LWIA on a monthly basis. In the event training does not occur or the final costs are less than requested, the funds remaining unexpended will be deobligated and are not available for the LWIA's use.

Questions concerning the TAA program can be e-mailed to the NYSDOL at [WDTDTAA@labor.state.ny.us](mailto:WDTDTAA@labor.state.ny.us). Questions concerning the NOA or reporting of the expenditures should be directed to Sharie FitzGibbon via phone at (518) 457-9060 or via e-mail at [Sharie.FitzGibbon@labor.state.ny.us](mailto:Sharie.FitzGibbon@labor.state.ny.us).

Sincerely,

Karen A. Coleman  
Director, Division of Employment  
and Workforce Solutions

Attachment(s)

cc: Ms. Corinna C. Wu  
Ms. Carrie Aubertine - State Rep  
Mr. Richard Altman  
Mr. Joe Lowenstein

Phone: (518) 457-0380 Fax: (518) 457-9526  
W. Averell Harriman State Office Campus  
Building 12, Room 450, Albany, NY 12240  
[www.labor.ny.gov](http://www.labor.ny.gov)



**NYS Department of Labor**  
Trade Adjustment Act Report

**NOTICE OF OBLIGATIONAL AUTHORITY**

**LWIA# 60**

**GRANTEE:** LWIA: Dutchess

**GRANTOR:** The Governor of New York through the  
New York State Department of Labor

This NOA authorizes:

Program Year 2008 funding for the period (10/01/07 through 09/30/10).

Program Year 2009 funding for the period (10/01/08 through 09/30/11).

Program Year 2010 funding for the period (10/01/09 through 09/30/12).

<u>TAA GRANT</u>	<u>PRIOR LEVEL</u>	<u>CHANGE THIS NOA</u>	<u>NEW LEVEL</u>
<b>FY08</b>			
Training	\$ 6,704.88	\$ 0.00	\$ 6,704.88
Job Search	\$ 188.46	\$ 0.00	\$ 188.46
<b>FY09</b>			
Training	\$ 745,933.21	\$ 0.00	\$ 745,933.21
Job Search	\$ 438.06	\$ 0.00	\$ 438.06
<b>FY10</b>			
Training	\$ 424,666.42	\$ 17,376.50	\$ 442,042.92
Job Search	\$ 211.00	\$ 0.00	\$ 211.00
Relocation	\$ 7,833.85	\$ 0.00	\$ 7,833.85

Approved By:

Karen A. Coleman

Director

Division of Employment and Workforce Solutions

Dated: 11/30/2010



New York State Department of Labor  
David A. Paterson, Governor  
Colleen C. Gardner, Commissioner

---

November 15, 2010

Mr. William R. Steinhaus  
County Executive  
Dutchess County  
Dutchess County Office Building  
22 Market Street, 6th Floor  
Poughkeepsie, New York 12601

Dear Mr. Steinhaus:

Attached is a Notice of Obligation Authority (NOA), from Stimulus funds for LWIA - Dutchess County in the amount of \$13,433.79.

These funds are awarded in accordance with Workforce Development System Technical Advisory #09-23, *PY 2009 Incentive and Sanction Policy* (October 19, 2009). As noted in your October 25, 2010 award letter, we offer these incentives to make additional resources available to the LWIAs who help achieve the State's priorities and goals. These incentive grant funds must be fully accrued within six (6) months of the date of the NOA.

Again, congratulations on meeting your performance milestones. Questions concerning this information should be directed to your State Representative.

Sincerely,

Karen A. Coleman  
Director, Division of Employment  
and Workforce Solutions

Attachment

cc: Ms. Corinna C. Wu  
Ms. Carrie Aubertine - State Rep  
Mr. Richard Altman  
Mr. Joe Lowenstein

NOTICE OF OBLIGATIONAL AUTHORITY

LWIA# 60

Stimulus NOA #PY08- 4

LWIA: Dutchess County  
 Grantee: William R. Steinhaus  
 County Executive, Dutchess County

GRANTOR: The Governor of New York through  
 the New York State Department  
 of Labor

This NOA authorizes Program Year 2008 under the American Recovery and Reinvestment Act of 2009 for the period (02/17/09 through 6/30/11).  
 Supplemental Dislocated Worker \$135,709.43, Admin \$15,078.02 (07/01/09 through 06/30/10).  
 Statewide Activities Incentive Grant (11/15/10 through 05/15/11).

NYSDEL Contact: Carrie Aubertine

TELEPHONE: (516) 457-0239

WIA GRANT	PRIOR LEVEL	CHANGE THIS NOA	NEW LEVEL
CFDA# 17.259 T-1B Youth	\$518,121.90	\$0.00	\$518,121.90
CFDA# 17.258, 17.259, 17.260 T-1B Admin	\$140,198.02	\$0.00	\$140,198.02
CFDA# 17.258 T-1B Adult	\$174,193.20	\$0.00	\$174,193.20
CFDA# 17.260 T-1B Dislocated Worker	\$569,467.13	\$0.00	\$569,467.13
CFDA# 17.258, 17.259, 17.260 T-1B Statewide Activities Incentive Grant	\$0.00	\$13,433.79	\$13,433.79

Approved by:



Karen A. Coleman  
 Director  
 Division of Employment and Workforce Solutions

11/15/10

Roll call vote on the foregoing Resolution No. 2011018 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

## *Family and Human Services Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (C)		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 21 - Town of East Fishkill	Horton		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey (VC)		

Present: <u>12</u>	Resolution: <u>X</u>	Total: <u>12</u> <u>0</u>
Absent: <u>0</u>	Motion: <u>    </u>	Yes    No
Vacant: <u>0</u>		Abstentions: <u>0</u> <u>    </u>

2011018    Authorizing Acceptance of Funding Under the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Act

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 25      0  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 0

2011018      Authorizing Acceptance of Funding Under the Workforce  
 Investment Act of 1998 and the Trade Adjustment  
 Assistance Act

Date: 1/24/11

RESOLUTION NO. 2011019

RE: ESTABLISHING PART COUNTY SEWER DISTRICT NO. 6  
IN THE VILLAGE AND TOWN OF RED HOOK

Legislators TRAUDT and MICCIO offer the following and move its adoption:

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1142, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and

WHEREAS, by Resolution No. 2010107 this Legislature established Part County Sewer District No. 6 for the Red Hook Sewer Project, and

WHEREAS, prior to the District creation process being completed, the USDA notified the WWA that it was unable to provide ARRA funding for the project and accordingly this Legislature thereafter adopted Resolution No. 2010182 to repeal the prior Resolution establishing the District, and

WHEREAS, financing has now been reconstructed to allow for the creation of Part-County Sewer District No. 6, and

WHEREAS, WWA proposes to provide sewer services to 191 residential and commercial properties in the Village and Town of Red Hook on Broadway (NYS Route 9) from Old Post Road to Rokeby Road and on Market Street (NYS Route 199) from Cherry Street to Linden Avenue, and

WHEREAS, wastewater treatment capacity would be provided through the acquisition and expansion of the existing Red Hook Commons Wastewater Treatment Plant, and

WHEREAS, the proposed Part County Sewer District No. 6 will be comprised of three (3) separate Zones of Assessment as follows: Zone of Assessment C will include the thirty-five (35) parcels within the Town, outside of the Village; Zone of Assessment B will include those nine (9) properties within the Village that are currently within the existing service area of the Red Hook Commons Sewer Transportation Corporation; Zone of Assessment A will include all remaining one hundred and forty seven (147) parcels within the Village portion of the District, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report Red Hook Sewer District Village/Town of Red Hook, Dutchess County, New York" dated December, 2009 Revised November, 2010 which was submitted to it by the WWA which constitutes the Notice of Project pursuant to NYS Public Authorities Law Section 1124 (6), and

WHEREAS, said project notification shows an estimated capital expenditure for the construction of the sewer system of approximately \$8.02 Million Dollars, and

WHEREAS, this Legislature must create Part County Sewer District No. 6 covering the area described in "Attachment A," and

WHEREAS, the establishment of said Part County Sewer District will ensure an efficient sewer system for all properties within the service area, and

WHEREAS, WWA proposes to enter into a service agreement with Dutchess County (County), on behalf of the proposed Part County Sewer District No. 6 (District) whereby the District will provide sewer service to customers within the District at rates established by WWA, and

WHEREAS, the average annual customer cost for the typical property will be \$765, and

WHEREAS, this Legislature conducted a public hearing on this proposal on January 24, 2011 and heard all persons interested, now, therefore, be it

RESOLVED that this Legislature by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Part County Sewer District No. 6 are benefited thereby and all the property and property owners benefited are included within the proposed Part County Sewer District No. 6 and it is in the public interest to create the Part County Sewer District No. 6, and be it further

RESOLVED, that a Part County Sewer District, to be known as Part County Sewer District No. 6 in the Village and Town of Red Hook more particularly described in "Attachment A" attached hereto, is hereby established, and be it further

RESOLVED, that this resolution is subject to mandatory referendum.

CA-07-11  
JMF/CAB/ca/G-1332-F  
11/29/10  
Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Amended on Floor 1-24-11 cm

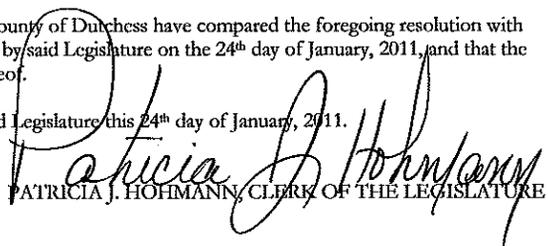
Date 2/4 2011

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.



PATRICIA J. HOFMANN, 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:

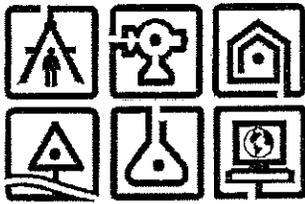
Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

Additional Comments/Explanation:

Prepared by: Bridget Barclay, Executive Director, DCWWA

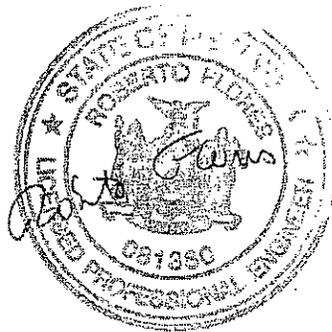
December, 2009  
Revised November, 2010



Map, Plan & Report  
Red Hook Sewer District  
Village/Town of Red Hook  
Dutchess County, New York

*Prepared for:*

Dutchess County Water and Wastewater Authority  
27 High St. 2<sup>nd</sup> Floor  
Poughkeepsie, New York 12601



*Prepared by:*

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C.T. MALE ASSOCIATES, P.C.

Map, Plan & Report  
Red Hook Sewer District

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FIGURES

Figure 1 Red Hook Sewer District, Part County Sewer District #6

Figure 2 Sewer Collection System

APPENDIX

Appendix A List of Property Owners and Benefit Unit Assessment

Appendix B Capital Cost Opinions

Appendix C      Operation and Maintenance Cost Opinions

Appendix D      Funding Correspondence

## 1.0 SUMMARY OF MP&R REVISIONS

This revised Map, Plan and Report reflects changes made to the proposed sewer project subsequent to the issuance of the original Map, Plan and Report in December of 2009. These changes are summarized below, and are discussed in more detail in the body of the report.

- Description of the Sewer District (2.0)
  - There has been a slight modification to the boundaries of the district to include two additional Village parcels, located at 7575 and 7579 Old Post Road.
  - The district has been reconfigured to include three separate Zones of Assessment, rather than the original two.
- Project Capital Costs (3.1)
  - The projected cost estimate has been revised to account for additional inflation through the planned beginning of construction (2012), additional information regarding engineering, environmental review and administrative costs, and to comply with requirements of the USDA Rural Development program.
- Operation and Maintenance Costs (3.2)
  - The projected costs for Operation & Maintenance have been revised to account for additional inflation through the planned start of operations (2013) and to reflect additional detail.
- Hook Up Costs (3.3)
  - The charge for the DCWWA final inspection of the hook-up to the sewer system has been reduced from \$300 to \$200.
- Project Financing (4.0)

- The discussion of Project Financing has been updated to reflect new funding commitments from the USDA Rural Development Program and New York State Environmental Facilities Corp.
- Estimated First Year Annual Cost for a Typical Property (4.1)
  - As a result of the cumulative changes to the district description, project costs and project financing, Estimated First Year Annual Cost for a Typical Property will remain at the original figure of \$765 per year.
- Establishment of a District (5.1)
  - It is proposed to the County Legislature that the resolution to establish the sewer district be subject to a mandatory (rather than permissive) referendum, thus eliminating the need for a petition to trigger a public referendum on the creation of the district.

## 2.0 INTRODUCTION

For the purpose of establishing a new sewer district that is partially in the Village and Town of Red Hook, both the Village and Town of Red Hook requested that Dutchess County Water and Wastewater Authority (DCWWA) prepare a Map, Plan and Report to present the boundaries, the general plan, method of financing, and operation of the proposed Red Hook Sewer District (District). With this Map, Plan and Report, Dutchess County proposes to form a Part-County Sewer District.

A Facility Plan was prepared in August 2008 and revised December 2010 to include the installation of the laterals and grinders. The Basis of Design Report was prepared in December 2008 by C.T. Male Associates, P.C. for the proposed project. These reports document the need for the project, the alternatives considered, the costs, and the recommended sewer and treatment options to serve the proposed district. This Map, Plan and Report documents the following District creation facts:

- Identifies the selected alternative
- Finalizes the properties in the District
- Presents the method for assessing District cost to the properties served
- Documents the estimated capital and operational cost

Based on the existing use of the 191 properties in the District area, 381 developed Benefit Units and 73 vacant Benefit Units were determined. Based on New York State Law, the costs (\$8.02 M capital and \$140,900 O&M) for the proposed improvements can only be assessed to the properties in the District.

## 2.1 Project Need

Forty years of adopted planning documents, including:

- Village of Red Hook Comprehensive Plan (1969);
- Town of Red Hook Master Plan (1993);
- Town of Red Hook Open Space Plan (2000); and
- Intermunicipal Task Force's Proposed Centers and Greenspaces Plan (2009);

have recommended establishing a sewer district for portions of the Village and the more densely developed portions of the Town of Red Hook. The proposed Sewer District will reinforce the Village Business Center, and provide higher intensity growth including residential, commercial, industrial and institutional development within priority growth areas in and adjacent to the Village of Red Hook. Below is a description of the benefits of providing a central sewer system:

- A public sewer system will enable residential and commercial development in priority growth areas. The South Broadway Traditional Neighborhood District (TND), currently being considered by the Town, will allow walkable residential neighborhoods to be located around an emerging commercial center.
- Through Incentive Zoning, productive farmland and Village gateway buffer areas will be protected. Current development in these areas can be relocated to the Traditional Neighborhood Districts where compact development requires public water and public sewer systems.
- A central sewer system will increase development potential within the Village of Red Hook's General Business District. Land currently being used to accommodate septic systems, could be used to expand existing commercial/residential buildings and enlarge/connect off-street parking areas.
- Properties within the Village could be redeveloped to provide a larger variety of business uses (i.e. hotels, restaurants, department stores, etc.) that currently cannot accommodate excess, or reserve, septic system capacity necessary for these uses. Newly developed sites could be designed to compliment the historic architectural context of the Village of Red Hook.
- A compact, walkable residential neighborhood, based on the architectural character of the existing Village Residential Districts, could be developed. The North Broadway TND, currently being considered by the Village, will locate all development potential of the site within the Village boundaries, thus preserving the north Village gateway. The TND would offer a variety of housing sizes and types that would appeal to residents of varying age and income levels. The new

TND, requiring public sewer and public water, will serve to reinforce the economic viability of the businesses while increasing the vitality of the Village.

- The porous nature of the Town and Village of Red Hook soils may not be adequately filtering our waste water as it enters our aquifer. A central sewer system confined to the dense and impervious area of the Village will treat all waste water for safe return to the environment, while keeping Village neighborhood lots on septic systems will provide for recharge to the aquifer. This would be an improvement to public health of the community.
- A future expansion of the public sewer system would allow the schools, located within the Village, to expand onto land currently used for their septic systems, offering a more cost-effective solution than purchasing additional land and constructing new facilities.

The sewer district is located primarily in the Village of Red Hook, with a portion along Route 9 in the Town of Red Hook. The District includes commercial, mixed-use and residential development. There are no public sewers in the Village or Town, and all properties within the District are serviced by individual septic systems with the exception of the senior housing units and commercial use at Red Hook Commons. Public water service is available to the majority of properties in the District, except for twelve properties in the Town of Red Hook, which have on-site private wells.

The District has village scale dense development. Some existing buildings have sub-standard septic systems which can pose a threat to the drinking water supply due to the fast/free draining soils in the District. Additionally, this area of the Town and Village of Red Hook is being considered for zoning revisions and amendments for infill development and other developments per the proposed Centers and Greenspaces Plan. This development plan, prepared by the Red Hook Intermunicipal Task Force, is supported by Dutchess County to preserve the County's prime farm land and to provide an area for future growth in the Town and Village of Red Hook.

The large developments identified in the Centers and Greenspaces Plan (South Broadway and North Broadway TNDs) are not included in this proposed sewer district. Similarly, the Red Hook Schools on Linden Avenue are not included in this proposed

sewer district. However, the proposed WWTP and sewer collection system will be designed to allow expansion in the future to allow the developments or the school to connect to the sewer system.

### 3.0 DESCRIPTION OF NEW SEWER DISTRICT

The proposed Red Hook Sewer District will serve residential and commercial properties in the Town and Village of Red Hook on Broadway (NYS Route 9) from Old Post Road to Rokeby Road and on Market Street (NYS Route 199) from Cherry Street to Linden Avenue. The District will be comprised of three separate Zones of Assessment as follows:

- Zone of Assessment C will include the thirty-five (35) parcels within the Town, outside of the Village.
- Zone of Assessment B will include those nine properties within the Village that are currently within the existing service area of the Red Hook Commons Sewer Transportation Corporation;
- Zone of Assessment A will include all remaining 147 parcels within the Village portion of the District.

Figure 1, Red Hook Sewer District, Part County Sewer District #6, shows the District's and Zone boundaries. Appendix A lists the properties in the District broken out by Zone of Assessment and Benefit Unit assessment roll.

### 3.1 Sewer Collection System

In general, the District will be served by a low pressure sewer system to be constructed by DCWWA. This type of sewer system requires every property to have a grinder pump to introduce and transport the wastewater to the main pressure pipe, which runs along the road right-of-way. The only exception is the Red Hook Commons Area which was developed with gravity sewers that lead to its own private wastewater treatment plant.

The low pressure sewer system consists of 3-inch, 4-inch and 6-inch sewer pipes as shown on Figure 2, Sewer Collection System. The sewer collection system is generally describes as follows:

- 5,600 feet of 3-inch sewer
- 4,700 feet of 4-inch sewer

- 100 feet of 6-inch sewer
- 175 grinder pumps and lateral connections

The DCWWA proposes to furnish and own the sewer lateral up to the grinder pumps and the grinder pumps for all the properties in the sewer system. The property owners will be responsible for providing electrical power to the grinder pump and connecting their building sewer to the grinder pump.

The grinder pump will be installed outdoors where possible in a non-traffic area. A five foot stub will be connected to the inlet of each pump and capped for future connection by the property owner. Each property owner will be consulted to locate the grinder pump; where possible the grinder pump will be located within five feet of the existing building sewer.

The DCWWA will provide a connection to the main line, lateral and shut off valve to each property. The grinder pump will be installed by DCWWA and will serve as the cut off between the District line and the private building sewer.

The approximate anticipated cost for a typical property owner to connect to the grinder pump is \$500. This cost will vary from property to property based on site specifics.

Additionally, the property owner will be responsible for a hook up fee of \$200. The Hook-up fee is used by DCWWA to pay for inspecting the final connection from the property owner to the grinder pump. There will be one hook-up fee per physical connection to the sewer system, regardless on the number of benefit units assigned to each parcel.

DCWWA will be responsible for maintaining the grinder pumps once they are placed in operation. When necessary, DCWWA will be responsible for replacing the grinder pumps.

The property owner will be responsible for connecting to, and paying for, the electricity for the grinder pump. The electrical usage for a grinder pump for a typical residential property is approximately equivalent to the electrical demand from a small electrical appliance such as a coffee maker.

### 3.2 Wastewater Treatment Plant

To provide wastewater treatment for the District, the privately owned 25,000 gallons per day (gpd) Red Hook Commons wastewater treatment plant (WWTP) would be obtained by the District and its capacity expanded to 85,000 gpd.

The District's new WWTP would have the following components:

- Influent pump station
- Fine screen
- Grit channel
- Flow meter
- Activated sludge aerotor package plant
- Effluent equalization
- Disc filter building
- Ultra-Violate disinfection
- Discharge to the tributary to the Saw Kill
- Sludge Holding Tank

The current owner of the Red Hook Commons WWTP has agreed in principal to transfer the ownership of the property, sewers, pump station and WWTP to the DCWWA at a nominal cost.

The 12.4 acre lot where the WWTP is located has been studied in the 2008 Facility Pan and Basis of Design Reports and it was found suitable for building the needed improvements to treat 85,000 gpd. Additionally, the site can be expanded to treat up to 285,000 gpd (200,000 future capacity) if needed.

The lot where the WWTP would be constructed has been previously surveyed for wetlands, endangered species, and archeological significance and has a New York State wastewater discharge permit. These factors make the site ideal for the District's WWTP.

DCWWA would operate and maintain the WWTP by providing part-time licensed wastewater treatment plant operators.

### 3.3 Properties and Benefit Units in District

DCWWA has an established method for assessing the cost to the District's property owners. The basis for the assessment is the assumption that a single-family residential property produces 250 gpd of wastewater. Thus, properties listed in the Dutchess County Real Property Tax Rolls as single family parcels are equal to 1.0 Benefit Unit (BU).

The following criteria was used to determine the BU count for each parcel.

- Properties classified as residential are assessed based on the number of dwellings up to three. Four or more dwellings are charged based on flow, however, no less than three units will be assessed.
- All other developed parcels are assessed benefit units upon a ratio of water use / 250 gpd.
- Where the flow ratio is not a whole number, the result will be rounded. If the ratio is less than 1.5, a benefit unit of 1 is assessed. If the ratio is equal to or greater than 1.5 and less than 2.5, 2 benefit units are assessed and so on.
- Vacant residential parcels, and any undeveloped portion of a developed residential parcel, will be assessed vacant benefit units based on the total number of potential dwelling units that could be developed on the parcel.
- Vacant non-residential parcels, and any undeveloped portion of developed non-residential parcels, will be assessed vacant benefit units on the basis of the projected average daily flow for the non-residential development allowed on the parcel based on current zoning. Vacant units are based on the maximum square footage of a building that can be placed on the parcel less existing structures. The maximum square footage of a building may be reduced by physical or regulated constraints such as designated wetlands, steep slopes and set backs. Based on the projected square footage of the building footprint, an estimated water demand is computed by multiplying the square footage by 0.125 gallons per day.

The number of BUs based upon the above criteria is 381 developed and 73 vacant units.

To account for the difference in benefit received between a developed versus a vacant parcel a vacant benefit unit will be charged at only 10% of the full rate per benefit unit. Once the district is formed and the sanitary sewer system is in use, the benefit unit(s) assessed for each parcel will be re-visited on an annual basis. Changes in parcel use, water use or new construction could affect the Benefit Unit count and will be adjusted accordingly.

No additional infrastructure is required in order to provide sewer service to the existing and future development within Zone of Assessment B, the existing service area for the Red Hook Commons Sewer Transportation Corporation, as the necessary infrastructure was previously constructed by the developer of the Red Hook Commons project. In addition, the donation of the parcel of land on which the existing WWTP is located, and the existing infrastructure that will be utilized to provide service to the additional properties in Zones of Assessment A and C, represent a significant capital value to the Sewer District. Accordingly, one hundred percent of the cost of the capital improvement for the Sewer District will be assessed against properties in Zones of Assessment A and C, while properties within Zone of Assessment B will not be assessed for the capital cost associated with construction of the new infrastructure. Benefit Units have been assigned to properties within Zone of Assessment B for the purpose of allocating annual operational (O&M) expenses only.

Appendix A lists each property in the District broken out by Zone of Assessment, and its currently assigned BU.

Twelve months of metered water use will be used as a basis for estimating wastewater flow. For properties not served by metered water service, DCWWA will estimate the wastewater flow.

Table 3-1 summarizes the District's BU count.

**Table 3-1**  
**Benefit Units**

<b>Description</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>
Develped Benefit Units	239	50	92
Vacant Benefit Units	18.5	6	48.5
Total Benefit Unit Equivalents	240.85	50.6	96.85

#### 4.0 PROJECT COSTS

The project costs consist of two main components, capital cost and operation and maintenance cost. The capital cost is the projected cost to build the proposed sewer district. The operation and maintenance cost is the annual cost to keep the sewer district functional.

#### 4.1 Capital Cost

The projected capital cost for the sewer district is \$8,018,700. Appendix B details the capital cost. Table 4-1 summarizes the capital costs

**Table 4-1  
Capital Costs**

Collection System	\$836,550
Laterals and Grinder Pumps	\$1,378,650
Wastewater Treatment Plant	\$3,367,300
Contingency	\$608,900
Engineering, Legal, and Admin.	\$1,827,300
<b>Total Capital Cost (2012 Dollars)</b>	<b>\$8,018,700</b>

#### 4.2 Operation and Maintenance Cost

The projected first year annual operating costs for the sewer district is \$140,900. Appendix C details the operation and maintenance (O&M) cost. Table 4-2 summarizes the O&M cost.

**Table 4-2  
O&M Costs**

Electric	\$26,500
Labor	\$33,000
Sludge Disposal	\$19,400
Administration	\$12,000
Insurance	\$4,000
Equipment Repair & Maintenance	\$14,500
Short-lived Assets Replacement	\$17,500
Contingency	\$14,000
Total O&M Cost (2012 Dollars)	\$140,900

O&M cost will be allocated across all developed properties connecting to the sewer system, based on actual water usage (or estimated usage where actual usage is not available.) Total annual O&M costs of \$140,900 allocated across 381 developed Benefit Units results in an O&M cost per Benefit Unit of \$370.

#### 4.3 Hook-up Cost

The public sewer will be extended to each property up to the grinder pump. The DCWWA will own the sewer lateral, shut off valve and the grinder pump. The property owner will connect its building plumbing to the grinder pump and will be responsible for providing electrical power to the grinder pump.

The grinder pump, pump basin and control panel will be provided and installed by DCWWA and DCWWA will own the pump and be responsible for maintenance. The property owner will be responsible for the electric cost to operate the pump.

The property owner will be responsible for signing an easement agreement that allows DCWWA to install and maintain the sewer lateral and grinder pump.

The estimated cost for connecting to the grinder pump is \$500 per property for an outdoor grinder pump. This cost will vary for each property depending on the amount of plumbing necessary to make the connection and wiring inside the building. This is a one-time cost.

At the time of connection each property owner will be charged a \$200 hook up fee (regardless of the size of the property or number of benefit units assigned) by the DCWWA to pay for inspecting the final connection from the property owner to the grinder pump. This is a one-time cost.

Each property in the district will be assessed the annual capital cost, regardless of whether the property physically connects to the sewer system.

## 5.0 PROJECT FINANCING

The projected capital cost for the project is \$8,018,700. This cost would be financed through the United States Department of Agriculture Rural Development (USDA-RD) sewer grant program and the New York State Environmental Facilities Corp. (NYSEFC) Clean Water State Revolving Loan Fund Program.

The Village portion of the proposed Sewer District (Zone of Assessment A) has been deemed eligible to receive a grant of \$1,585,000 from USDA-RD. See Appendix D for correspondence from USDA-RD.

A CDBG grant of \$65,000 was awarded to the Village for the sewer project. An additional \$13,100 was provided by Dutchess County through the DCWWA.

Additionally, the Clean Water State Revolving Fund (CWSRF) program has determined the project is eligible for \$2,000,000 as a Principal Forgiveness grant, and a zero interest loan for 30-years for the remaining project costs. CWSRF Principal Forgiveness funds will be applied to capital costs through out the full District (in both the Town and Village portions.) Flexibility in the use of the Principal Forgiveness grant will allow capital assessment rates in the Village and Town to be equalized. See Appendix D for correspondence from CWSRF.

Thus, the financing plan would be to accept the USDA grant, the CWSRF Principal Forgiveness grant, and finance the remaining balance of \$4,355,600 with a CWSRF loan at 0% for 30-years. The debt service on the CWSRF loan would be fixed at \$133,392 for the first five years, and would increase at a rate of approximately 0.75% per year thereafter.

Based on Zone A and Zone C total benefit units of 337.70 BU (331 developed +6.7 vacant), the annual debt service per BU is \$395.

Zone B would not be responsible for debt service as discussed above.

### 5.1 Estimated First Year Annual Cost for a Typical Property

The typical property in the District is a single family residential property or a small commercial property located in Zone of Assessment A or Zone of Assessment C,

assessed with one benefit unit. The estimated first year cost per property is based on debt service plus operating and maintenance cost.

Thus, the projected first year total cost for a property in either the Town or the Village is (\$395 + \$370) \$765 per BU.

The estimated first year cost for similar property located in Zone of Assessment B would be \$370 per BU, based on Operating & Maintenance expenses only.

All properties in the Sewer District will pay the annual capital cost, regardless of whether it is physically connected to the sewer system.

During the first year each property will also pay the one-time expense to connect to the sewer system, and a one-time hook-up charge of \$200.

## 6.0 PROJECT IMPLEMENTATION PLAN

### 6.1 Establishment of District

Pursuant to resolutions adopted by the Village of Red Hook dated February 2, 2009 (Resolution #3-2009) and the Town of Red Hook dated February 10, 2009 the Red Hook Sewer District is being formed as a Part-County Sewer District under Article 5-A of New York State County Law. Sewer services will be provided to all properties therein through facilities owned and operated by the DCWWA. The district creation procedure required by Article 5-A is as follows:

The Dutchess County Legislature shall cause to be prepared a Map, Plan and Report describing the area to be included sufficient to permit definite identification of all parcels of property included therein; a description of all improvements and facilities to be constructed and or acquired; and estimates of the cost of construction or acquisition of the facilities and the method of financing the same. (Sect. 253) In this instance, all improvements will be financed, constructed and or acquired by the DCWWA.

Upon receipt of the Map, Plan and Report the County Legislature shall call a public hearing on the proposal to establish a county district. The Clerk of the Legislature shall cause a notice of the public hearing to be published not less than ten or more than twenty days before the day set for the hearing. The notice of hearing shall contain a description of the area to be included within the proposed district, and if the report shall have recommended the establishment of zones of assessment, a description of the area or areas to be included within each zone of assessment; the improvements proposed; the maximum amount to be expended for the improvement and the allocation of that amount between any zones of assessment proposed to be created; the estimated cost of hook-up fees, if any, to the typical property; the cost of the district to the typical property and, if different, the typical one or two family home; and the proposed method of assessment of the cost. The notice shall also specify the time and place of the public hearing. (Sect. 254)

After the public hearing, the Legislature shall determine; whether the proposed facilities are satisfactory and sufficient; whether all properties within the proposed district are benefited thereby; whether all of the properties benefited are included

within the limits of the proposed district; whether it is in the public interest to establish the district; and if the establishment of zones of assessment is proposed, whether the costs of facilities allocated among said zones represent as nearly as may be the proportionate amount of benefit which the properties in such zones will derive therefrom. Upon making such determinations in the affirmative, the Legislature may act by resolution approving the establishment of the district.

Pursuant to Article 3, Section 101 of New York State County Law, the Legislature will be requested to adopt a resolution to subject the establishment of the district to a mandatory referendum. This action eliminates the need for a petition to trigger a public referendum. The referendum is to be held not less than sixty days after the adoption of the resolution. Qualified electors for the referendum are those individuals who are registered voters residing within the proposed district. (Sect. 257)

As stated above, sewer services will be provided to all properties within the proposed Red Hook Sewer District through facilities to be financed, constructed and or acquired, and operated by the DCWWA. The obligation of the DCWWA to provide such sewer services to all properties within the District is established by a Service Agreement between the Authority and Dutchess County on behalf of the Sewer District. As the costs of the district will not be financed by bonds, notes or other indebtedness of the County, approval of the New York State Department of Audit and Control is not required.

## **6.2 Regulatory Approvals**

The proposed sewer district has completed its environmental review under New York State Environmental Quality Review Act (SEQR). The SEQR review included a determination of the project area for state or federally regulated wetlands, potential impacts to endangered species or habitats, and potential impacts to historic or archeologically significant sites. DCWWA, acting as lead agency through the coordinated review process, determined the project to be a Type I action and issued a negative declaration of environmental impact on April 15, 2009. As required, notification of the SEQR finding was published in the NYS Environmental Notice Bulletin. Subsequent to that action, a determination was made to include in the project the cost of installing lateral sewer lines and grinder pumps on individual properties. Although not clearly required by law, the DCWWA updated and revised the

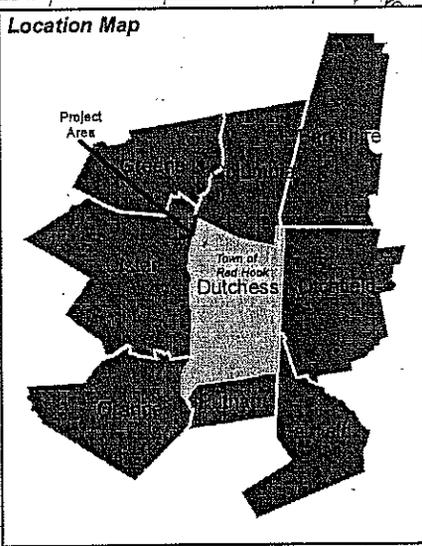
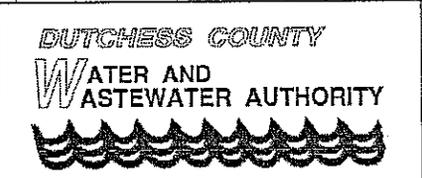
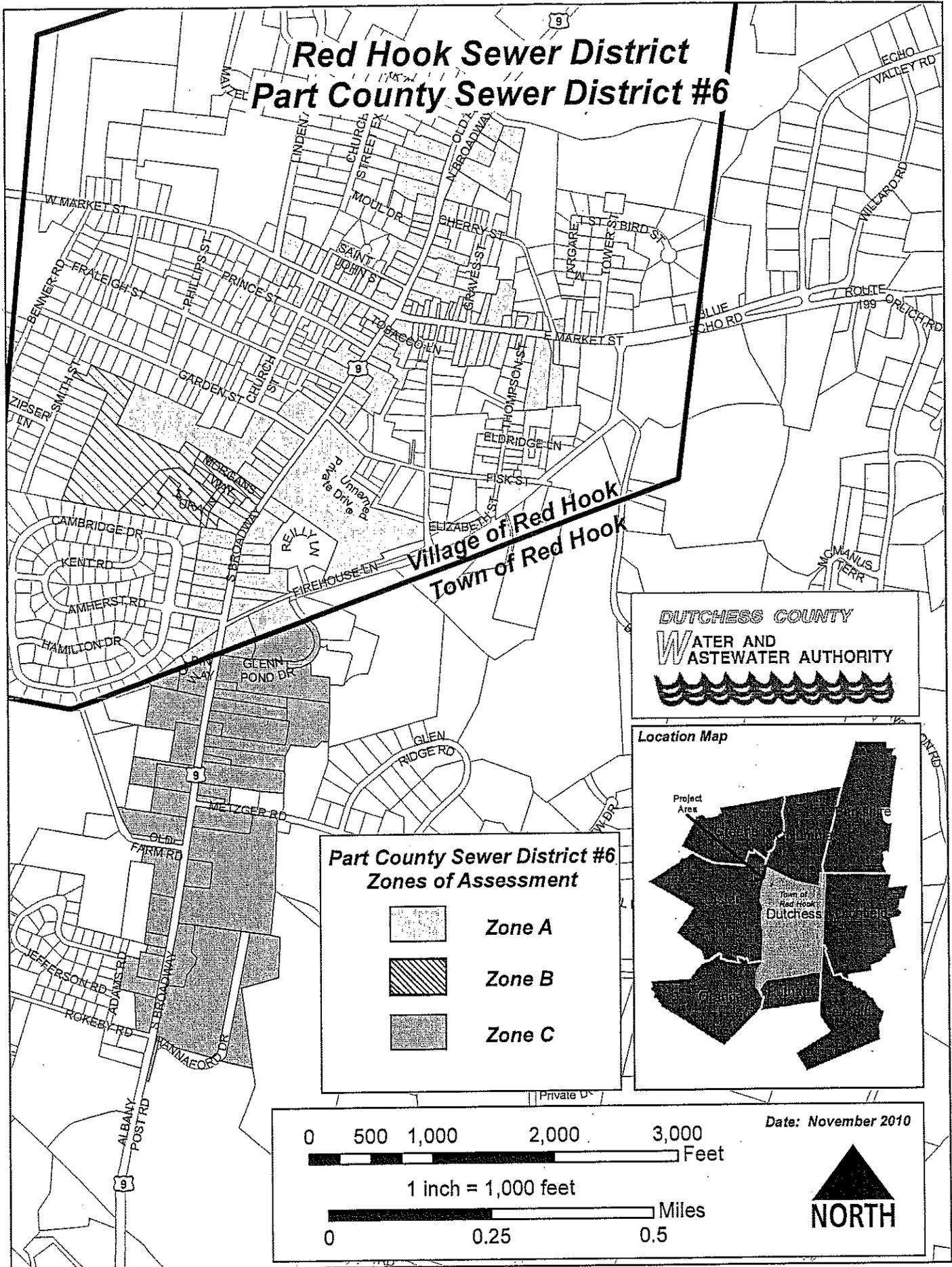
Environmental Assessment Form to discuss the additional work involved. The DCWWA issued a new Negative Declaration on January, 20, 2010. Notification of this supplemental finding was also published in the NYS Environmental Notice Bulletin.

The plans for the proposed collection system and expanded wastewater treatment plant will need approval from New York State Department of Environmental Conservation (NYSDEC).

Generally, the proposed sewer pipes will be located in the New York State Department of Transportation right-of-way (NYSDOT). NYSDOT approval will be needed for installing the pipes. Sewer pipes located on private property will require easements from those property owners.

FIGURES

# Red Hook Sewer District Part County Sewer District #6



**Part County Sewer District #6  
Zones of Assessment**

	<b>Zone A</b>
	<b>Zone B</b>
	<b>Zone C</b>

0 500 1,000 2,000 3,000 Feet

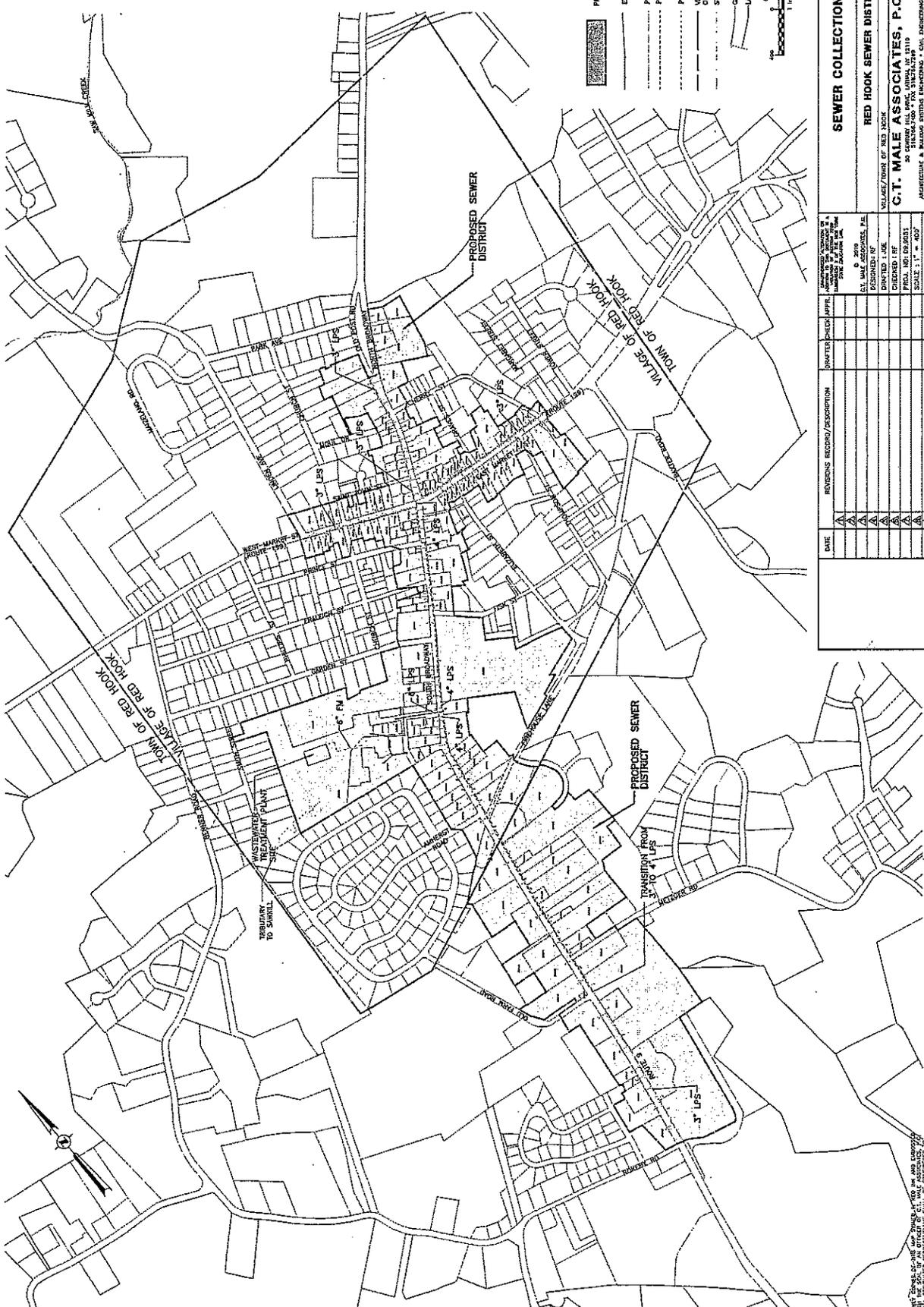
1 inch = 1,000 feet

0 0.25 0.5 Miles

Date: November 2010



**NORTH**



**LEGEND**

- PROPOSED SEWER DISTRICT
- EXISTING GRAVITY SEWER
- PROPOSED 3" LOW PRESSURE SEWER
- PROPOSED 4" LOW PRESSURE SEWER
- PROPOSED FORCE MAIN
- VILLAGE OF RED HOOK AND TOWN OF RED HOOK BOUNDARY LINE
- STREAM
- CONCRETE PUMP
- LADDER

SCALE: 1" = 400' R.

**SEWER COLLECTION SYSTEM**

RED HOOK SEWER DISTRICT MP & R

VILLAGE/TOWN OF RED HOOK  
 OUTLINES COUNTY, ILL.  
**FIG 2**  
 SHEET 2 OF 2  
 DATE: 05/01/01

**C.T. MALE ASSOCIATES, P.C.**  
 50 S. WASHINGTON ST., SUITE 200  
 CHICAGO, IL 60604  
 ARCHITECTURAL & ENGINEERING SERVICES

DATE	REVISIONS RECORD/DESCRIPTION	DRAWN/CHECK/APPR.
05/01/01	ISSUED FOR PERMIT	C.T. MALE ASSOCIATES, P.C.
05/01/01	DESIGNED BY	C.T. MALE ASSOCIATES, P.C.
05/01/01	CHECKED BY	C.T. MALE ASSOCIATES, P.C.
05/01/01	PROJECT NO.	100101
05/01/01	SCALE	1" = 400'
05/01/01	DATE	05/01/01

NOT TO SCALE  
 THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL FIELD DATA.

APPENDIX

Appendix A

List of Property Owners and Benefit Unit Assessment

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - October 2010**

VILLAGE OF RED HOOK  
TOWN OF RED HOOK, NEW YORK

Prepared By:  
DCWWA &  
C.T. Male Associates, P.C.

Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units			Zone
			Developed	Vacant	T / V	
<b>North Broadway - Before Cherry St.</b>						
Burkley, Brandon	7592 N. Broadway	07-514864	1		V	A
Rotger, Scott	7590 N. Broadway	07-531857	4		V	A
North Broadway Pizza	7588 N. Broadway	07-506847	1		V	A
Vito LaMorte	7582 N. Broadway	07-503840	2		V	A
Red Hook Business Park Inc	5758 N. Broadway	07-522832	1	0	V	A
Red Hook IGA	7568 N. Broadway	06-490816	2	0	V	A
Elmendorf Inn	7562 N. Broadway	06-479800	1		V	A
Butcher	7563 N. Broadway	06-459805	1		V	A
Staff	7567 N. Broadway	06-450818	2	0	V	A
Pagano	7571 Old Post Road	06-454830	1	0	V	A
Gordon	7575 Old Post Road	06-454841	1	0	V	A
Mora	7579 Old Post Road	06-461850	1	0	V	A
<b>North Broadway - Between Cherry St. and St. John St.</b>						
Stewart's Shops Corp.	7558 N. Broadway	06-473785	1		V	A
Cuthell, Erik	7557 N. Broadway	06-456795	1		V	A
Cole, Allen Richard	7555 N. Broadway	06-455789	1		V	A
Village Diner	7550 N. Broadway	06-471776	5		V	A
Bard, Richard	7549 N. Broadway	06-453784	2		V	A
Nicolas-Marcy, Michael	7545 N. Broadway	06-451778	1		V	A
Baright Realty	7540 N. Broadway	06-478765	3		V	A
Bischoff, Steve	7537-7539 N. Broadway	06-440772	3		V	A
Kell Equipment Co., INC.	7536 N. Broadway	06-470753	1		V	A
Golden, Paula; Papreka, P	7531 N. Broadway	06-443763	3		V	A
Scheer Cleaners	7528 N. Broadway	06-461750	1		V	A
Verrill, Richard (Post Office)	7525 N. Broadway	06-440756	1		V	A
CVS Store # 5359	7518 N. Broadway	10-471735	1		V	A
Getty	3 St. John St.	10-436749	1		V	A
<b>North Broadway - Between St. John St. and Market</b>						
Baright Realty	7514 N. Broadway	10-452731	3		V	A
Rhtel LLC	7509 N. Broadway	10-429738	1		V	A
Baright Realty	7506-7508 N. Broadway	10-446726	1		V	A
<b>West Market - Between Broadway and Church St.</b>						
Baright Realty	15 W. Market St.	10-425729	8		V	A
Dillon, John	21 W. Market St.	10-413739	3		V	A
Keybank	28 W. Market St.	10-395718	1		V	A
Christian Lodge	31 W. Market St.	10-408743	1		V	A
Fell, David	37 W. Market St.	10-403746	1		V	A
Taste Budd's, LLC	40 W. Market St.	10-390724	3		V	A
Red Hook Holdings LLC	39-43 W. Market St.	10-396745	3		V	A
K. D. K. Realty	42-44 W. Market St.	10-383729	4		V	A
K. D. K. Realty	46 W. Market St.	10-378736	1		V	A
Borenstein, David	45-47 W. Market St.	06-390752	2		V	A
Trezza, Gloria	49 W. Market St.	06-383756	1		V	A
<b>West Market - Between Church St. and Linden Ave.</b>						
Methodist Church	Church Street	10-373736		1	V	A
Methodist Parsonage	52 W. Market St.	10-357737	2		V	A
Dominy, Michele	51 W. Market St.	06-374762	1		V	A

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - October 2010**

Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units			Zone
			Developed	Vacant	T / V	
Simmons, Herbert	53 W. Market St.	06-367783	1		V	A
Scheer, Jonathan M.	54 W. Market St.	10-353746	1		V	A
Agrest, Sara	56 W. Market St.	10-348747	1		V	A
Steerman, James	57 W. Market St.	06-361767	1		V	A
Cirincion, John and Cubba	58 W. Market St.	08-342750	1		V	A
Monahan-Tennant, James	59 W. Market St.	06-351772	2		V	A
Guida, Frank	60 W. Market St.	06-334754	1		V	A
<b>East Market - Between Broadway and Elizabeth St.</b>						
Baright Realty	1-7 E. Market St.	10-444720	4		V	A
Baright Realty	17 E. Market St.	10-455723	1		V	A
Baright Realty	17-21 E. Market St.	10-459722	2		V	A
Baright Realty	9 E. Market St.	10-450722	1		V	A
Baright Realty	16 E. Market St.	10-450702	1		V	A
Rifenbergh, Mrs. Vernon S.	20 E. Market St.	10-455704	1		V	A
Lown, Donna	22 E. Market St.	10-460703	1		V	A
Lycosum Theater	23 E. Market St.	10-466723	1		V	A
Gudanzi-Ruess, Raida	24 E. Market St.	10-464702	1		V	A
<b>East Market - Between Elizabeth St. and Graves St.</b>						
Haddad, Randolph	25 E. Market St.	10-470720	1		V	A
Chan-Mohammed, Chau	28 E. Market St.	10-472702	2		V	A
Henke Insurance Agency	29 E. Market St.	10-478721	1		V	A
Blue Lake House, LLC	30 E. Market St.	10-477701	1		V	A
Star Travel	31 E. Market St.	10-482721	1		V	A
Goldman, Robert and Claire	32 E. Market St.	10-482699	2		V	A
Hardman, Selma	33 E. Market St.	10-485722	1		V	A
Coon, Germaine	34 E. Market St.	10-485691	1		V	A
Klose, Woody	35 E. Market St.	10-490719	2		V	A
Meyer, Nancy J.	36 E. Market St.	10-491689	1		V	A
Econopoly, Gus	37 E. Market St.	10-499714	1		V	A
<b>East Market - Between Graves St. and Thompson St.</b>						
Laibach Associates	38 E. Market St.	10-498689	3		V	A
Lekstrom, Arvid	39 E. Market St.	11-508722	1		V	A
Borenstine, David	40 E. Market St.	11-506690	1		V	A
Rider, Caroline	42 E. Market St.	11-512689	1		V	A
Baright Realty	43 E. Market St.	11-523727	3		V	A
Dut. Co. Comm. Action Agency	44 E. Market St.	11-520689	3		V	A
Depletro, Jack	45-47 E. Market St.	11-526712	2		V	A
Alfio H. Cornacchini Arch	48 E. Market St.	11-530695	1		V	A
Coons, Leslie	49 E. Market St.	11-532711	1		V	A
Lowry, Stephen and Maureen	50 E. Market St.	11-535694	2		V	A
Perazzo, Albino	51 E. Market St.	11-538711	2		V	A
Kudla, Phillip	52 E. Market St.	11-544688	2		V	A
<b>East Market - After Thompson St.</b>						
Urbin, Lori	53 E. Market St.	11-546711	1		V	A
Fier, Jennifer	56 E. Market St.	11-553669	1	0	V	A
Borenstine, David	57 E. Market St.	11-553715	2		V	A
Borenstine, David	59-61 E. Market St.	11-557709	2		V	A
Rider, Eleanor	60 E. Market St.	11-567659	1		V	A
Hillster, Peter	62 E. Market St.	11-567686	1		V	A
Borenstine, David	63 E. Market St.	11-570707	3		V	A
<b>South Broadway - Between Market and Prince St.</b>						
RHVBR LLC	12 E. Market St.	10-440706	9		V	A
Extra-Mart D/B/A	2 W. Market St.	10-419715	2		V	A
Eckelman, Stephen and Marya	S Broadway Rear	10-419710		0.5	V	A

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - October 2010**

Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units		T / V	Zone
			Developed	Vacant		
Eckelman, Stephen and Marya	7485 S. Broadway	10-402710	3		V	A
Kittner and Fredricks	7481-7483 S. Broadway	10-416707	3		V	A
Matway	S 7484 Broadway	10-442688	6		V	A
Cheng, Kankuen	7479 S. Broadway	10-413702	5		V	A
Powers Auto Supplies, INC.	7478 S. Broadway	10-431694	1		V	A
K. D. K. Realty	7472 S. Broadway	10-433677	2		V	A
<b>South Broadway - Between Prince St. and Fraleigh St.</b>						
Village Hall	7467 S. Broadway	10-404688	2		V	A
K. D. K. Realty	7466 S. Broadway	10-422678	2		V	A
Giek, Kenneth	7461 S. Broadway	10-392686	2		V	A
Ayoub, Nabil	7460 S. Broadway	10-421656	1		V	A
Griffin Insurance Agency	7452 S. Broadway	10-408663	1		V	A
Eccles, Thomas and Jennifer	7449 S. Broadway	10-385673	1	2	V	A
<b>South Broadway - Between Fraleigh St. and Garden St.</b>						
Red Hook Public Library	7444 S. Broadway	10-404652	1	0	V	A
Phillips, Velma	7441 S. Broadway	10-395658	1		V	A
Edgecrest LLC	7437 S. Broadway	10-378656	1		V	A
Saltz, Elizabeth	7436 S. Broadway	10-398640	1		V	A
Stokum, Jeff and Jenny	7435 S. Broadway	10-371656	1		V	A
Diamond, Douglas	7432 S. Broadway	10-388636	1		V	A
Odom, Ronald	7431 S. Broadway	10-388650	3		V	A
Christ Church	7423-7429 S. Broadway	10-358639	1	0	V	A
<b>South Broadway - Between Garden St. and Firehouse Lane</b>						
St. Pauls Lutheran Church	7412 S. Broadway	10-395562	1	0	V	A
St. Christopher Church	4 Garden St.	10-343617	1	0	V	A
St. Christopher Rectory	7411 S. Broadway	10-334606	1		V	A
Irons, Rockwell	7407 S. Broadway	10-330601	1		V	A
Wicks, Douglas F.	7405 S. Broadway	10-328593	1		V	A
Red Hook Central School/Universal Builders	7401 S. Broadway	10-317588	1	0	V	A
Universal Builders	7401 S. Broadway	10-282617	1		V	A
Wilms, Martin	7398 S. Broadway	10-338560	1	0	V	A
Lamie, Inc.	7399 S. Broadway	10-314564	1		V	A
Red Hook Soap Factory, LL	7392 S. Broadway	10-324546	2		V	A
Fell, David	7391 S. Broadway	10-307560	2		V	A
Fell, David	7387 S. Broadway	10-299560	1		V	A
Red Hook Group, LLC	7385 S. Broadway	10-292549	1		V	A
Cayea, Dr. James	7381 S. Broadway	10-289538	1		V	A
Heuer, Marilyn	7380 S. Broadway	10-319528	1		V	A
McGovern, John	7376 S. Broadway	10-318519	1		V	A
Northern Dutchess Archery	7375 S. Broadway	10-206526	1		V	A
Kuhn, John	7374 S. Broadway	10-317512	1		V	A
Gabryszewski, Joseph and Mo	7373 S. Broadway	10-285513	1		V	A
Cohen, David	7372 S. Broadway	10-324503	1		V	A
Coston, Gregory	7369 S. Broadway	10-281504	1		V	A
Webster, Henry	7366 S. Broadway	14-320493	1		V	A
Denter, Louise	7365 S. Broadway	14-279496	1		V	A
Gorsuch, Thomas	7362 S. Broadway	14-309484	2		V	A
Griffin, Lisa and Dennis	7361 S. Broadway	14-278485	2		V	A
Migliorelli, Kenneth A.	7357 S. Broadway	14-278467	1		V	A
Red Hook Commons Apartments	11-15 Laura Lane	10-250565	24.5		V	B
Red Hook Commons Apartments	Laura Lane	10-263580	24.5		V	B
Kearney Development	Laura Lane/Morgan Dr.	10-312583	1		V	B
<b>South Broadway - Between Firehouse Lane and Old Farm Rd.</b>						
Colburn, Shirley Ann	7351 S. Broadway	14-271451	10		V	A
Rhinebeck Savings Bank	7350 S. Broadway	14-302461	2		V	A
AB Olson Holdings LLC	12 Glen Pond rd	00-340455	1		V	C

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - October 2010**

Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units		T / V	Zone
			Developed	Vacant		
Rhineback Savings Bank	7346 S. Broadway	00-304449	1		T	C
Colburn, Arnold	7345 S. Broadway	00-242426		0.5	T	C
Colburn, Arnold	7345 S. Broadway	00-267429	8	0	T	C
Town of Red Hook	7340-7342 S. Broadway	00-350421	1		T	C
Donna's Hairstyling Center	7336 S. Broadway	00-283419	1		T	C
Howland, Richard	7332 S. Broadway	00-310400	3		T	C
Castellanos, Felipe	7329 S. Broadway	00-242939	9	2	T	C
Red Hook Mobile Home Park	7328 S. Broadway	00-310385	15		T	C
Pottenburgh, Michael	7324 S. Broadway	00-283385	3		T	C
Wilms, Martin	7320 S. Broadway	00-346380	5		T	C
Triebels Garage	7317 S. Broadway	00-256365	1		T	C
Sipperley, Arthur	7318 S. Broadway	00-310361	1		T	C
Sipperley, Arthur	7316 S. Broadway	00-283362	1		T	C
Ruge, Lewis	7311 S. Broadway	00-249341	1		T	C
Zengen, Ms. Rosemary	7310 S. Broadway	00-305346	2		T	C
JNY Quest Realty, LLC	7307/ 7309 S. Broadway	00-244321	1		T	C
Coon, Glen Sr. and Lynda	7306 S. Broadway	00-282306	1		T	C
Dallon, Jack	7302 S. Broadway	00-280330	1		T	C

**In Town, not on Village Water**

TGS Associates	7270 S. Broadway	00-295276	7	28	T	C
Ruge, Lewis	7293 S. Broadway	00-230310	1	0	T	C
First National Bank	7280 S. Broadway	00-269271	2	0	T	C
Red Hook Land Corp.	7277 S. Broadway	00-244274	2	2	T	C
Town of Red Hook	7260 S. Broadway	00-257211	2	0	T	C
Hannaford	Hannaford Drive	00-288202	10	0	T	C
Red Hook Terminal Inc.	7269 S. Broadway	00-237238	2	0	T	C
Red Hook Terminal Inc.	7259 S. Broadway	17-235217	1	0	T	C
Schultz, Robert	7255 S. Broadway	17-233208	1	0	T	C
Weiss, David	7249 S. Broadway	17-230195	4	0	T	C
Stewart's Shops Corp.	7243 S. Broadway	17-219182	2	0	T	C
Conway, John	7235 S. Broadway	17-225162	1	0	T	C
Ulster Savings Bank	7286 S. Broadway	00-288312	1	0	T	C

**Vacant Land**

Key Bank	W. Market St.	10-407720		1	V	A
Key Bank	7475 S. Broadway	10-403700		1	V	A
Haddad, Christian G	E. Market St	10-474721		1	V	A
Kearney Development (Proposed WWTP Owned by DCWWA)	Laura Lane/Morgan Dr	09-205603		0	V	A
Kearney Development	Laura Lane/Morgan Dr	10-273554		1	V	B
Kearney Development	Laura Lane/Morgan Dr	10-302574		1	V	B
Kearney Development	Laura Lane/Morgan Dr	10-287598		1	V	B
Kearney Development	Laura Lane/Morgan Dr	10-285569		1	V	B
Kearney Development	Laura Lane/Morgan Dr	10-262591		1	V	B
Kearney Development	Laura Lane/Morgan Dr	10-273583		1	V	B
AB Olson Holdings LLC	Fire House LN	14-329473		11	V	A
Colburn, Arnold	South Broadway Rear	13-246435		0.5	V	A
Colburn, Arnold	7345 S. Broadway	14-271441		0.5	V	A
Howland, Richard	7332 S. Broadway	00-312410		0.5	T	C
Ruge, Lewis	7313 S. Broadway	00-222345		15	T	C
Hoffman, Roger	Old Farm Road	00-234295		0.5	T	C

**Benefit Assessment Summary**

	Dev	Vac	EDU
A Village	239	18.5	240.85
B Commons	50	6	50.6
C Town	92	48.5	96.85
<b>Total</b>	<b>381</b>	<b>73</b>	<b>388.3</b>

Appendix B  
Capital Cost Opinions

DCWWA  
 RED HOOK SEWER PROJECT  
 2011 Updated Project Cost Estimate

**TOTAL PROJECT COST SUMMARY**

	Cost
<b>1.0 Construction Cost</b>	
1.1 Construction - Treatment Plant #	\$ 3,367,307.64
1.2 Construction - Collection System #	\$ 2,215,212.58
Subtotal	\$ 5,582,520.21
1.4 Construction Contingency @10%	\$ 558,252.02
1.5 <b>Total Construction Cost</b>	\$ 6,140,772.24
<b>2.0 Professional Services</b>	
2.1 Preliminary Engineering	\$ 78,100.00
2.2 Engineering, Survey, Envr. Services & Cultural Resources @11%	\$ 622,385.00
2.3 Subsurface Investigation	\$ 72,500.00
2.4 Construction Administration @ 9%	\$ 506,613.71
2.5 Legal - Access Agreements	\$ 35,000.00
2.6 Contingency on Construction Engineering	\$ 50,661.37
2.7 <b>Total Professional Services Costs</b>	\$ 1,365,260.08
<b>3.0 Owner's Costs</b>	
3.1 Administration @ 1% of Construction & Professional Services Cost	\$ -
3.2 Project Management @ 2.5% of Construction & Professional Services	\$ 187,650.81
3.3 Legal - Bonds, Contracts, District Formation, Easements, General	\$ 175,000.00
3.4 Easement Payments	\$ 50,000.00
3.5 Land Acquisition Payments	\$ 100,000.00
3.6 <b>Total Owner's Costs</b>	\$ 512,650.81
<b>4.0 Project Cost</b>	
4.3 <b>Total Project Cost</b>	\$ 8,018,683.13

## Appendix C

### Operation and Maintenance Cost Opinions

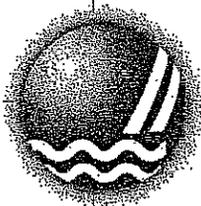
Project Name: Red Hook Sewer District  
 Project#: 9,9081  
 Date: 11/12/2010  
 Prepared By: R. Flores

C.T. MALE ASSOCIATES, P.C.



Conceptual Cost Opinion Aerator WWTP O&M						
ID	Description	Quantity	Units	Unit Cost	Total Unit Cost	Subtotals
1	Electric					
a	Influent Pumps	8212.5	kwh	\$0.14	\$1,149.75	
b	Fine Screen	13140	kwh	\$0.14	\$1,839.60	
c	Aerators	54750	kwh	\$0.14	\$7,665.00	
d	EQ & DO Tank	32850	kwh	\$0.14	\$4,599.00	
e	Filters	12000	kwh	\$0.14	\$1,680.00	
f	UV Tanks	18250	kwh	\$0.14	\$2,555.00	
g	Sludge Holding Tank	32850	kwh	\$0.14	\$4,599.00	
h	Buildings	17300	kwh	\$0.14	\$2,422.00	\$26,509.35
2	Labor					
a	Contract Operator	1050	hr	\$32.00	\$32,960.00	\$32,960.00
3	Sludge Removal					
a	Sludge Disposal	90000	gal	\$0.09	\$8,070.00	
b	Sludge Hauling	12000	mile	\$0.95	\$11,400.00	\$19,470.00
4	Other					
a	Administration	1	LS	\$12,000.00	\$12,000.00	
b	Insurance	1	LS	\$4,000.00	\$4,000.00	
c	Equipment Repair & Maintenance	1	LS	\$14,500.00	\$14,500.00	
f	Short-lived Assets Replacement	1	LS	\$17,500.00	\$17,500.00	\$48,000.00
Cost Summary						
Sub-Total					\$126,879.35	
Contingency					\$	14,000.00
2012 Dollars						\$140,900.00

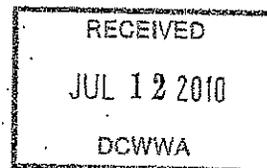
Appendix D  
Funding Correspondence



New York State  
ENVIRONMENTAL FACILITIES CORPORATION

MATTHEW J. DRISCOLL, President and CEO

July 7, 2010



Ms. Bridget Barclay  
Executive Director  
Dutchess County Water & Wastewater Authority  
27 High Street  
Poughkeepsie, New York 12601

Re: CWSRF Project No. C3-5330-01-00  
Dutchess County Water & Wastewater Authority  
Village of Red Hook

Dear Ms. Barclay:

Recently, Congress enacted legislation appropriating funds for the Clean Water State Revolving Fund (CWSRF) with new provisions authorizing additional financial support to eligible CWSRF projects. The Environmental Facilities Corporation (EFC) will provide this additional support in the form of principal forgiveness.

On behalf of Governor David Paterson, Department of Environmental Conservation Commissioner Pete Grannis and the staff of EFC, I am pleased to inform you that your community's project(s), as referenced above, qualifies to receive this additional benefit. The terms and conditions of your receipt of this principal forgiveness are generally described below and will be more fully set forth in a project financing agreement.

EFC based your community's qualification on information provided in your submissions to us, including among other factors, a total estimated CWSRF financing amount for your referenced project(s) of \$6,900,000 and a median household income of \$39,456 based on the 2000 Census.

We estimate the additional financial support for your project(s) will be no greater than \$2,000,000. We will determine the actual amount of additional support when the project is determined to be complete and ready to convert to long-term financing, at which time EFC will forgive a portion of existing project indebtedness. You can obtain additional information about EFC's principal forgiveness policy from our 2010 Intended Use Plan (IUP), Amendment No.1, available on our website ([www.nysefc.org](http://www.nysefc.org)).

We are subject to deadlines regarding our award of these funds, therefore, we need to confirm your ability to move forward or we may need to bypass your project for another community's project. Accordingly, please undertake the following important steps regarding your project:

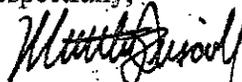
- Confirm your community's intent to proceed by **August 6, 2010**, by signing the enclosed form where indicated and providing the additional requested information.
- Applications for financing need to be submitted to EFC by May 1, 2011, with all missing application items to be submitted no later than June 15, 2011. (See [www.nysefc.org](http://www.nysefc.org) for application materials and guidance.) Some of the major critical items for a successful financing application are listed on the last page, where we ask you to indicate their status. Please include other relevant known milestones as well. If your project has already achieved a milestone, please indicate the date.
- Participate in an energy efficiency analysis of your project. We have a partnership with the New York State Energy Research and Development Authority (NYSERDA) to undertake this analysis at little or no cost to your community. Your project has already been recommended to NYSERDA for their consideration, and they may have already contacted you or your staff. If you decide to proceed with your project without the benefit of the energy efficiency analysis, your additional financial support will be reduced by 20%. You can obtain additional information about the energy efficiency analysis from our 2010 Intended Use Plan (IUP), Amendment No.1, available on our website [www.nysefc.org](http://www.nysefc.org).
- Close on your short-term financing with us prior to September 30, 2011.
- Complete your project in accordance with the requirements of the Project Financing Agreement.

Members of our EFC team will be in contact with you shortly to answer any of your questions and to guide you through the program requirements and the application process. In the interim, please contact the team members listed below with any questions at 1-800-882-9721:

Gary Kerzic - Engineering  
 Brian McClintock - Finance  
 Lance Crossett - Legal  
 Fred Testa - Community Assistance  
 Elaine Martin - M/WBE

Thank you again for your interest in the CWSRF. We look forward to working with you to ensure that your community has a safe, affordable, and sustainable wastewater system for generations to come.

Respectfully,



Matthew J. Driscoll  
 President and CEO

Enclosure

c: VanDeWater & VanDewater - Mr. Comatos  
 Orrick, Herrington & Sutcliffe, LLP - Mr. Myers  
 CT Male Associates, P.C. - Mr. Flores  
 Environmental Capital, LLC - Mr. McCarthy

Confirm your community's intent to proceed by acknowledging this letter and providing the milestone information below. Please return to the attention of Timothy P. Burns, P.E., at 625 Broadway, Albany, New York 12207, fax # 518-402-7456, or email [burns@nysefc.org](mailto:burns@nysefc.org) before Friday, August 6, 2010.

**ACKNOWLEDGED:**

The (Town/Village/City/County (Circle One)) intends to proceed with this project, based on the schedule below. We understand that proceeding on schedule is an important condition to receiving the additional financial support described above.

\_\_\_\_\_ (Signature of Authorized Representative)  
 \_\_\_\_\_ (Please Print Name)  
 \_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

**Key Interim Milestones:**

	<b>Enter Date</b>	<b>Circle One</b> A= Actual (Submitted) T= Tentative
Completion of Environmental Review, including SEQR and SHPO		A / T
Submission of Complete Financial Application to EFC		A / T
DEC Approval of your Project's Engineering Report (if applicable)		A / T
Formation or Expansion of any District Required (if applicable)		A / T
Adoption of a Bond Resolution Establishing Legal Authority to Issue Sufficient Debt for the Project (without regard to principal forgiveness)		A / T

**Other Project Milestones:**

	<b>Enter Date</b>	<b>Circle One</b> A= Actual (Submitted) T= Tentative
Submit Project Plans & Specifications for Review & Approval		A / T
Advertisement		A / T
Award Bids		A / T
Issue Notice to Proceed		A / T
Construction Start		A / T
Construction Completion		A / T



**United States Department of Agriculture  
Rural Development  
Middletown, NY**

September 16, 2010

Bridget Barclay, Executive Director  
Dutchess County Water & Wastewater Authority  
27 High Street, 2<sup>nd</sup> Floor  
Poughkeepsie, NY 12601

Re: Village of Red Hook Sewer District

Dear Ms. Barclay:

We received your application for Federal funding for the subject project on August 4, 2010. Based upon our review of your application as well as the understanding that was reached during our recent meeting in Albany concerning our funding limitations going forward, we have determined that we can proceed under the following scenario:

Total project cost (Village portion only): \$6,290,745

EDUs : 238.85

O & M costs /yr. : \$ 89,569

Funding sources:

EFC Capital forgiveness : \$1,217,997

Prior grants : \$ 55,568

USDA Grant : \$1,585,000

EFC 0% 30 year loan : \$3,432,180

Debt service per EDU : \$479

O & M per EDU : \$375

Total annual cost per EDU : \$854

225 Dolson Ave., Suite 104, Middletown, NY 10940  
Telephone: (845) 343-1872 Ext. #4 • Fax: (845) 343-2630 • TDD: (315) 477-6447  
Web: <http://www.rurdev.usda.gov/ny> • Email: [joan.young@ny.usda.gov](mailto:joan.young@ny.usda.gov)

***Committed to the future of rural communities.***

USDA Rural Development is an equal opportunity lender, provider, and employer. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape etc.) should contact USDA's Target Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D. C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)

Our State Engineer, Titus Falkenburg, would like to set up a meeting as soon as possible with you and your Project Engineer to review both the proposed Engineering fees as well as the proposed O & M costs. A reduction in one or both of these costs would help reduce the total annual cost per EDU. Titus Falkenburg can be reached at (315) 477-6465 or at [titus.falkenburg@ny.usda.gov](mailto:titus.falkenburg@ny.usda.gov). I would like to participate in this meeting so please include me in your communications scheduling this meeting.

**THIS IS PRESENTED AS AN ESTIMATED FUNDING PROPOSAL ONLY TO ASSIST THE APPLICANT BY PRESENTING A POSSIBLE FUNDING SCENARIO. THIS PROJECT FUNDING ESTIMATE IS NOT TO BE CONSTRUED OR UNDERSTOOD TO BE A COMMITMENT OF FUNDING. A FUNDING COMMITMENT CAN ONLY BE MADE WHEN A FULL APPLICATION HAS BEEN RECEIVED, REVIEWED AND FOUND TO BE ACCEPTABLE. A FUNDING COMMITMENT WILL BE BASED UPON FUNDING AVAILABILITY.**

A review of the application package received on August 4, 2010 indicates that the following items still need to be submitted:

**Please Note:** Provide two (2) of the below mentioned items, unless otherwise noted.

1. Form SF 424D of the Application for Federal Assistance (enclosed).
2. The Public Notice of Intent to file an application with our agency, plus an "Affidavit of Publication" from the newspaper. **Please Note: Within 60 days of filing an application with our Agency, the applicant must publish a Notice of Intent to apply for a RUS loan and/or grant. The Notice of Intent must be published in a newspaper of general circulation in the proposed area to be served – You stated in your cover letter that this would be completed within 60 days of the date of your submittal.**
3. Legal Service Agreement completed on the enclosed form RD 1780-7. This agreement will need to have a "not to exceed" dollar amount entered for this project. The amount listed on the Legal Services Agreement should match the amount being reported on the Form E. The attorney will also need to sign the enclosed form AD-1048 and submit with the agreement.
4. The agreement with Bond Counsel. This agreement will need to have a "not to exceed" dollar amount entered for this project. The amount listed on the Bond Counsel Agreement should match the amount being reported on the Form E. Bond Counsel will also need to sign the enclosed form AD-1048 and submit with the agreement.
5. The Bond Resolution.
6. The Referendum Results. **If the Bond Resolution was adopted subject to a Permissive Referendum, we will need a certification stating that the Resolution was adopted subject to a permissive referendum and that the period of time has elapsed for the submission and filing of a petition for such referendum without a valid petition having been submitted and filed.**

7. The Estoppel Notice plus an "Affidavit of Publication" from the newspaper.
8. The Part County District Formation documents. The formation documents should include the following:
  - a) The Resolution Planning to establish the District (Notice of Hearing, Statement of Cost).
  - b) The "notice of consent" from the Office of the Comptroller **OR** an "acknowledgement letter" from the Office of the Comptroller advising if full review is needed **OR** a final Order Establishing the District.
9. The Resolution that gives the Executive Director authorization to execute documents for the Rural Development grant.
10. **An original and three (3) copies (4 total)** of the Agreement for Engineering Services (**all with original signatures on each**), completed on the Standard Form of Agreement between Owner and Engineer for Professional Services funding agency edition number EJCDC No. E-510, including Exhibits A through J (2002 edition). The EJCDC documents are available from the National Society of Professional Engineers at <http://www.nspe.org> or 1-800-417-0348. This agreement will need to have a "not to exceed" dollar amount entered for this project. The engineer will also need to sign the enclosed form AD-1048 and submit with the agreement.
11. A copy of the Preliminary Environmental Notice that was published sometime after 12/28/2009 (the date that the notice was sent to you by our Environmental Protection Specialist). We also need the final signoff from NYSHPO.

If you have any questions concerning the above or need any assistance in completing the package, please feel free to contact our office.

Sincerely,

GEORGE R. POPP  
Area Specialist

Cc; David Cohen, Mayor of the Village of Red Hook  
Brent Kovalchik, Village of Red Hook – via email  
Robert Flores, P.E., C.T. Male Associates, P.C. – via email  
Ronda Falkena, Area Director - via email  
David Miller, RUS Program Director - via email  
Brenda Smith, CP Specialist – via email  
Fred Testa, NYSEFC – via email

# DUTCHESS COUNTY

## WATER AND WASTEWATER AUTHORITY

27 High St. 2<sup>nd</sup> Floor  
Poughkeepsie  
New York, 12601  
(845) 486-3601  
Fax (845) 486-3610  
dcwwa@co.dutchess.ny.us  
www.dutchessny.gov

### Authority Board Members

**Thomas LeGrand**  
Chairperson

**Daniel J. McCabe**  
Vice-Chairperson

**Vincent DiMaso**  
Treasurer

**Rudy Vavra**

### Authority Officer

**Samuel Bartholomew**  
Secretary

### Ex officio Members

**Ed Hoxsle**, District Manager  
Soil and Water Conservation District

**Commissioner**  
D. C. Dept. of Planning & Development

### Staff

**Bridget Barclay**  
Executive Director

**Mary C. Morris**  
Deputy Director

January 6, 2011

Ms. Madeline Crowe,  
Environmental Protection Specialist  
USDA-Rural Development  
The Galleries of Syracuse  
441 South Salina Street  
Suite 357, 5<sup>th</sup> Floor  
Syracuse, NY 13202-2425

RE: Proposed Red Hook Sewer Project  
Public Comments to Potential Impact to an Important  
Land Resource

Dear Ms. Crowe:

As per your request, the Authority submits the following in response to the letter submitted by Citizens Opposing Sewer Taxation (COST), December 1, 2010 regarding the potential impacts of the proposed Red Hook Sewer Project.

### Adequacy of SEQRA review

As the Lead Agency for the SEQRA review process, the Authority determined that the inclusion of two additional parcels to the proposed Sewer District constituted a minimal change, and does not impact on the validity of the earlier SEQR findings. The parcels in question are both small developed residential parcels, containing no wetlands, waterbodies, flood plains, significant habitats or other environmentally significant characteristics. Further, NYSDEC environmental analyst Rebecca Crist denies having made the statement attributed to her in COST's letter (see attached letter from R. Crist to B. Barclay, December 20, 2010.) The Authority has fully and completely complied with the SEQRA provisions as it pertains to the Red Hook Sewer Project, including all public notice requirements.

### Public Outreach and Education

The COST letter makes assertions throughout that the Authority, Town and Village officials have not made timely and accurate information available to the residents and property owners within the proposed district and to the

public at large, and have attempted to "rush" the sewer project through. Nothing could be further from the truth.

The need for a central sewer system in Red Hook has been incorporated into Town and Village planning documents for over 40 years, including numerous revisions and updates of master plans, comprehensive plans, open space plans and zoning ordinances. The current effort to develop a viable, affordable sewer project began in 2007. Since that time, over 20 public information meetings, stakeholder meetings and civic association meetings have been held. Authority, Town and Village officials have repeatedly offered to meet individually with any concerned resident or property owner wishing to better understand the sewer project; numerous such meetings have occurred.

In the Village alone, over forty sewer committee reports have been presented to the Village Board in public meetings, and submitted into the public record. Similar reports have been made at Town Board meetings. Over the last two years, there have been thirty-nine known press releases, public notices, newspaper articles and letters to the editor concerning the sewer project published in the local press. The public hearing scheduled for January 24<sup>th</sup> will mark the third public hearing before the County Legislature. Key project documents are made continuously available on the websites for the Village, Town and Authority. Included among the available documents is the Map, Plan and Report which fully describes the boundaries of the proposed district, total project cost, means of financing, and annual operation and capital cost for every property in the proposed district.

#### Federal Funds

The "federal funds" that COST criticizes the Authority, Town and Village for pursuing represent an almost unheard of opportunity to provide central sewer in the center of Red Hook at a fraction of what it would otherwise cost. The financing package, which can be obtained only if a district is established, includes \$3,585,000 in grant money and the remaining project cost of \$4,355,600 as a thirty year, 0% interest loan. With these grants and loans, annual capital costs for a typical property in the district are reduced by nearly 74%, saving a typical property owner over \$1,100 per year.

#### Tivoli Bays Watershed and Trout Streams

The proposed Red Hook Sewer plant will be subject to a State Pollutant Discharge Elimination System (SPDES) permit to be issued by the NYS Department of Environmental Conservation (NYSDEC.) In issuing that permit and establishing the permit limitations, the NYSDEC will consider water quality, temperature, volume and rate of discharge and will establish those permit standards at levels appropriate to protect receiving water bodies. DEC has indicated that, contingent upon review of a final permit application (to be submitted after the district creation process is completed), "staff now consider the project likely to be able to meet permit issuance standards for freshwater

wetlands and State Pollutant Discharge Elimination Systems" (see attached letter from R. Crist to B. Barclay, December 20, 2010.)

#### Different Water Basins

After reviewing proposed flow amounts, DEC does not believe a significant transfer will occur (see attached letter from R. Crist to B. Barclay, December 20, 2010.)

There are thirteen properties in the proposed sewer district and not served by the Village water system that appear to fall within the Landsman Kill watershed basin. The total current and future projected water demand from these parcels is approximately 9,000 gallons per day (gpd). Given that, on average, 10% of all water demand is consumptive (e.g., lost to evaporation or other), absent a central sewer system these parcels would collectively return about 8,100 gpd to the watershed basin. During the course of an average year, Dutchess County receives about 40 inches of precipitation, the equivalent of about 700 million gallons of water on each square mile of area per year, or 1.92 million gallons per day per square mile. At a total area of 0.065 square miles, the 13 parcels in question would receive, on average, just under 125,000 gpd of precipitation. The 8,100 gpd that would be transferred out of the Landsman Kill basin by way of discharge to the sewer system represents about 6.5% of the precipitation received by these parcels. The 8,100 gpd transfer represents less than 0.02% of the annual precipitation received over the 22.6 square mile Landsman Kill water shed basin.

#### SPDES Permit Limitations

The current SPDES permit is for 25,000 GPD. Should the Red Hook Sewer project proceed, an application will be submitted to obtain a SPDES permit for an 85,000 GPD discharge.

The COST letter correctly quotes the July 1, 2009 correspondence from Rebecca Crist of NYSDEC. However, in subsequent communications with DEC it was established that the proposed wastewater treatment plant will discharge into an existing defined stream channel. Even at the maximum flow for which the plant is designed, the volume of wastewater to be discharged would raise the water level in the stream channel by less than four inches, an amount insufficient to overflow the defined stream channel (communication from R. Flores, P.E., December 15, 2010.) After further review, DEC staff has determined that, "the site is the only practicable alternative and that the receiving channel is of sufficient size that effluent will be conveyed out of the wetland speedily, significantly reducing impact" (see attached letter from R. Crist to B. Barclay, December 20, 2010.)

#### Wastewater Treatment Plant Expansion

The Environmental Easement and Site Management Plan have been fully reviewed by the Authority and determined to be not inconsistent with the expansion of the wastewater

treatment plant. The only portion of the existing treatment plant parcel subject to restrictions due to the easement and management plan are within the boundaries of the existing mapped wetland. No construction will take place within this area.

#### Archeological Sensitivity

Based on a review of the NYS Parks, Recreation and Historic Preservation National Register Listings conducted as part of the Authority's SEQRA review, there are no known "ancient archeological artifacts" in the area that would be impacted by the wastewater treatment plant (WWTP) expansion. Portions of the proposed sewer collection lines are located within an "archeosensitive" area. DCWWA will complete a Phase I archeological investigation for the project's area of potential effect, with the intent of avoiding all areas of archeological concern, and obtaining the concurrence of the NYS Office of Parks, Recreation and Historic Preservation. If for some reason avoidance is not possible, the DCWWA will conduct Phase 2 and 3 archeological investigations, as needed. These investigations will be done as part of the detailed engineering design phase. DCWWA will obtain approval from OPRHP prior to beginning construction.

Adequate funds to complete anticipated archeological investigations have been included in the Sewer Project's projected capital cost of \$8.02 million. The archeological investigations will have no impact on the sewer district Operation and Maintenance expenses.

#### Sink Holes

According to the Red Hook Village Highway Superintendent, the referenced "sink hole" on Cambridge Drive was, in fact, a collapsed catch basin. This has no relevance to the sewer project.

#### Sewer District Expansion Phase 2 & 3

Any possible future expansion of the Red Hook Sewer System beyond the boundaries of the proposed Red Hook Sewer District (as proposed in the Map, Plan and Report), including an expansion to treat wastewater from the Red Hook schools, would be a separate project, subject to separate SEQR review, funding requests, district creation process and separate regulatory review and approval.

#### Village Water System

Village officials are aware of the need to upgrade the Village Water System, and working to do so. To date, grants have been received from both USDA Rural Development and the Hudson River Valley Greenway to develop the initial engineering reports.

COST's letter suggests that future development within the proposed Sewer District will negatively impact the Village's water supply by reducing recharge to the Village well

field. The mapped recharge area for the Village's current well field (*Water Supply Protection Program for Dutchess County, New York, Horsely Witten Hegemann, Inc., October 1992*) extends south to Rokeby Road, and north to Market Street. The majority of the recharge area lies to the east of Broadway, extending to just east of Baxter Road. Accordingly, the Village well field receives a significant portion of its recharge from areas outside of the proposed Sewer District. The *Red Hook Central Aquifer Area – Water Resource Assessment* (Chazen, 2007) states that, "The self-replenishing rate at which aquifer recharge occurs under the Village and Town central area exceeds the proposed average Village/Town water demand rate of 466 gpm rate by approximately 5 times during normal years and approximately 3.5 times during drought years." Further, local zoning and land use ordinances and Planning Board site plan review can control the amount of impervious surface constructed as part of any new development within the Sewer District.

#### Environmental Benefits of Proposed Sewer District

COST contends that the sewer system "may actually do more harm environmentally..." In a letter of support for the proposed sewer system, NYSDEC's Regional Water Engineer wrote that, "the replacement of failing septic systems with a central sewer collection system provides an opportunity to better regulate the wastewater of your communities and protect the water quality of the receiving streams for their intended best use." (See attached letter from T. Rudolph to B. Barclay, June 29, 2010)

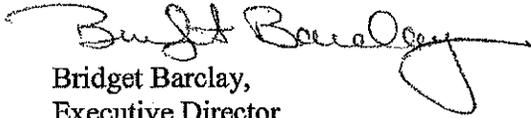
#### Misinformation, Cutting Deals, Not Transparent

Metered water usage data is the most accurate information available on which to estimate overall wastewater flow within the district, and to equitably allocate capital costs across district parcels. The assessment roll is updated annually, and subject to an annual grievance process, thereby allowing any inaccuracies or errors in the assessments to be addressed.

COST's statements regarding the purchase of the Red Hook Commons WWTP are incorrect. The Red Hook Commons Sewer Works Corporation will not be paid \$300,000 for the WWTP, nor will there be any cap on usage charges. The Sewer Works Corporation has requested only that it be compensated for any out-of-pocket expenses incurred in order to bring about the transfer of the WWTP to the Authority. There will be no capital charges assessed against the properties within Red Hook Commons, in recognition of the value of land and capital assets being donated to the district. This information is fully and accurately disclosed in the Red Hook Sewer District Map, Plan and Report.

As noted above, the proposed creation of a Part-county Sewer District as a component of the proposed Red Hook Sewer Project will be subject to a public hearing before the Legislature of the County of Dutchess, to be held at 7:00 PM on Monday January 24<sup>th</sup>.

Sincerely,



Bridget Barclay,  
Executive Director

Enc.

cc: Mr. George Popp, USDA Rural Development  
Ms. Rebecca Crist, NYS DEC  
County Executive William R. Steinhaus, Dutchess County  
Chairman Robert Rolison, Dutchess County Legislature  
Legislator Dan Kuffner, Dutchess County  
Legislator Ben Traudt, Dutchess County  
Assemblymember Marcus Molinaro, NYS Assembly  
Senator Stephen Saland, NYS Senate  
Supervisor Sue Crane, Town of Red Hook  
Mayor David Cohen, Village of Red Hook  
Chairman Thomas LeGrand, DCWWA  
Citizens Opposing Sewer Taxation

**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 3**

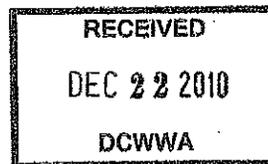
21 South Platt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Peter M. Iwanowicz  
Acting Commissioner



December 20, 2010

Bridget Barclay  
Dutchess County Water/Wastewater Authority  
27 High Street, 2<sup>nd</sup> Floor  
Poughkeepsie, NY 12601

Re: V/T of Red Hook Sewer District - Red Hook Commons  
DEC Permit: 3-1348-00146/00001 (Red Hook Commons)  
DEC Tracking ID: 3-1348-00146/00005 (V/T Sewer System)  
Town of Red Hook, Dutchess County  
**Response to COST letter**

Dear Ms. Barclay:

The Department of Environmental Conservation has reviewed the letter from "Citizens Opposing Sewer Taxation" (COST); received by the Department on December 7, 2010 and submitted in response to the USDA Rural Development Notice of Potential Conversion of Wetlands and Areas of Archeological Sensitivity. This project consists of the proposed creation of a sewer district and upgrade of the existing Red Hook Commons sewer plant to allow discharge of an additional 60,000 gallons per day of treated waste. In accordance with your request of behalf of Dutchess County Water/Wastewater Authority (DCWWA), dated December 16, 2010, the Department is providing clarification on its position on several issues mentioned in the letter.

*Watershed Basin Transfer*

As indicated in the DEC jurisdiction letter dated July 1, 2009, some of the properties to be served are in a different sub-basin than the discharge point. However DEC Division of Water staff have reviewed the proposed flow amounts and do not believe a significant transfer will occur.

*Freshwater Wetland Impacts*

As previously indicated, the discharge of sewage effluent into NYS wetland is considered an "incompatible" activity under the regulations. This designation triggers the requirement that certain weighing standards be met including avoidance of impact and minimization of the impact. DEC staff have since visited the site and obtained additional information from the DCWWA. Staff have determine that the site is the only practicable alternative and that the receiving channel is of sufficient size that effluent will be conveyed out of the wetland speedily, significantly reducing impact.

The issue of the receiving stream's designation as a trout stream was also mentioned in COST's letter. The Red Hook Commons' current permit includes an effluent limit of no discharges in excess of 70 degrees Fahrenheit, as will any modified permit.

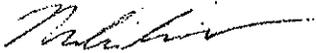
Re: V/T of Red Hook Sewer District - Red Hook Commons  
DEC Permit: 3-1348-00146/00001 (Red Hook Commons)  
DEC Tracking ID: 3-1348-00146/00005 (V/T Sewer System)  
Town of Red Hook, Dutchess County  
**Response to COST letter**

*State Environmental Quality Review (SEQR)*

The question of whether a project change would require the reinitiation of the SEQR process was raised. As I indicated in response to a phone inquire by a member of COST, the addition of properties to the proposed service area might require a new SEQR process if the properties were substantial in size or otherwise likely to generate large flows. As you have indicated that these two properties are single-family homes, it does not appear that a significant increase in flows or other impacts is expected sufficient to warrant a new SEQR process.

DEC staff now consider the project likely to be able to meet permit issuance standards for freshwater wetlands and State Pollutant Discharge Elimination Systems, however a full review will await submission of an application. If you have any questions, please contact me at (845) 256-3014.

Sincerely yours



Rebecca Crist  
Environmental Analyst

Cc: Mayor, Village of Red Hook  
Supervisor, Town of Red Hook  
Dutchess County Executive  
Dutchess County Department of Health  
Ken Kearney, Kearney Realty & Development  
George Popp, USDA Rural Development

Ecc: Fred Testa, Environmental Facilities Corporation  
Doug Mackey, SHPO  
Vijay Gandhi, DEC Division of Water  
Heather Gierloff, DEC Bureau of Habitat  
Matthew Hubicki, DEC Division of Environmental Remediation

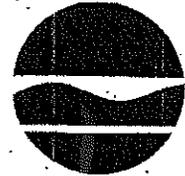
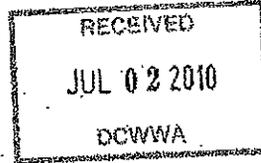
**New York State Department of Environmental Conservation**

**Division of Water, Region 3**

100 Hillside Avenue, Suite 1W, White Plains, NY 10603-2860

Phone: (914) 428-2505 • FAX: (914) 428-0323

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

June 29, 2010

Ms Bridget Barclay  
Executive Director  
Dutchess County Water and Wastewater Authority  
27 High Street  
Poughkeepsie, NY 12601

Re: Red Hook Sewer Project

Dear Ms Barclay,

Assistant Commissioner Tierney has asked me to respond directly to you with a letter of support from the Department of Environmental Conservation regarding the proposed sewer project in the Village of Red Hook.

Based on information provided in the general project description, it appears that this project embraces many of the goals and priorities identified by DEC Commissioner Pete Grannis. In particular, the Red Hook Sewer Project supports his priority to Foster Green and Healthy Communities. This project as planned promotes smart growth, protects open space, and will help communities maintain green spaces and streetscapes.

In addition, the replacement of failing septic systems with a central sewer collection system provides an opportunity to better regulate the wastewater of your communities and protect the water quality of the receiving streams for their intended best use.

I understand the Department received your request for lead agency status to address the State Environmental Quality Review (SEQR) process of this proposed sewer district creation and expansion of the existing Red Hook Commons Wastewater Treatment Plant. Please coordinate with our Division of Environmental Permits with regard to obtaining all necessary permits from our Department for this project.

Thank you for helping protect the waters of New York State and its environment.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Rudolph".

Thomas Rudolph, P.E.  
Regional Water Engineer



**United States Department of Agriculture  
Rural Development  
Syracuse, NY**

Citizens Opposing Sewer Taxation  
7351 South Broadway  
Red Hook, NY 12571

January 13, 2011

RE: Red Hook Sewer Project

To Whom It May Concern:

Please find enclosed copies of letters dated December 20, 2010 and January 6, 2011 from Rebecca Crist of the New York State Department of Environmental Conservation and Bridget Barclay of the Dutchess County Water and Wastewater Authority respectively. The enclosed letters address your concerns stated in your letter of December 1, 2010 on various issues relating to this project. Your comments were in response to Rural Development's Preliminary Notice of Potential Conversion of Wetlands and Areas of Archeological Sensitivity on this project that was published for a thirty day comment period beginning November 1, 2010.

The State Environmental Coordinator and I have had several conversations with the New York State Department of Environmental Conservation's Region 3, the project engineer and the project applicant regarding the issues that you have raised in your correspondence. Please be aware that Rural Development took your concerns seriously and time was taken to review these concerns conscientiously.

After in-depth discussion, Rural Development has determined that all environmental issues have been addressed responsibly and the environmental process will be deemed complete with the final publication of the Finding of No Significant Environmental Impact.

Please do not hesitate to contact us regarding further questions or concerns.

Sincerely,

**MADLINE CROWE**  
Environmental Protection Specialist

441 South Salina Street, Syracuse, New York 13202  
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Discussion on the foregoing Resolution No. 2011019 resulted as follows:

Legislative Counsel stated that Legislator Tyner has demonstrated an interest in abstaining and if he were to abstain he should not be debating the resolution.

Legislator Tyner stated that he would be voting no.

Legislator Traudt moved to amend the foregoing resolution in the 14<sup>th</sup> Whereas to add the date of 24 after January duly seconded by Legislator Roman and unanimously carried.

Roll call vote on the foregoing Resolution No. 2011019 resulted as follows:

Present:        23        Bolner, Borchert, Cooper, Flesland, Forman, Goldberg, Horn, Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss, White.

Nays:            2            Doxsey, Tyner.

Absent:         0

Resolution adopted.

# Environment Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Fiesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss	Absent	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 20 - Town of Red Hook	Traudt (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 11                      Resolution: X                      Total: 11                      0  
 Absent: 1                              Motion: ---                              Yes                              No  
 Vacant: 0    Abstentions: 0

2011019      Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 23      2  
 Absent: 0      Motion:           Yes      No  
 Vacant: 0      Abstentions: 0

2011019      Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook

Date: 1/24/11

RESOLUTION NO. 2011020

RE: APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 6

Legislators TRAUDT and MICCIO offer the following and move its adoption:

WHEREAS, this Legislature has before it a Resolution establishing Part County Sewer District No. 6 in the Village and Town of Red Hook, and

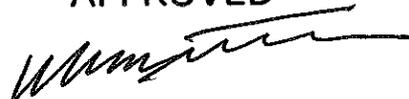
WHEREAS, in addition, this Legislature, in connection with the establishment of Part County Sewer District No. 6, must approve a Service Agreement between Dutchess County (County) and the Dutchess County Water and Wastewater Authority (WWA), by the terms of which WWA will collect and process the sewerage in the area of the Part County Sewer District No. 6, and the County will levy benefit assessments to pay for the capital costs of the sewerage system and provide for the enforcement of delinquent sewer bills within the boundaries of the Part County Sewer District No. 6, and

WHEREAS, this Legislature, by separate Resolutions (No. 2010029 and 2010106), has confirmed the findings of WWA made the 11<sup>th</sup> day of February, 2010, that the establishment of Part County Sewer District No. 6 will leave no significant effect on the environment, and

WHEREAS, the approval of the Service Agreement between the County and WWA for Part County Sewer District No. 6 is in the best interests of the citizens of Dutchess County, now, therefore, be it

RESOLVED, that the Service Agreement between the Dutchess County and the Dutchess County Water and Wastewater Authority, upon approval of the establishment of such Part County Sewer District No. 6 by the qualified electors of such District, is hereby approved and the County Executive is authorized to execute said agreement on behalf of the County is substantially the same form as annexed hereto.

APPROVED



WILLIAM R. STEINHAUS

COUNTY EXECUTIVE

CA-08-11  
JMF/CAB/ca/G-1332-F  
11/29/10

Fiscal impact: See Statement attached to Resolution establishing the part county sewer district

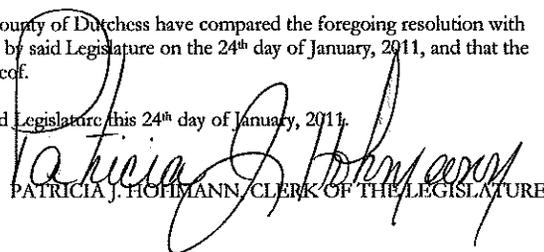
STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

Date 2/4, 2011

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, 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:

Prepared by: Bridget Barclay, Executive Director, DCWWA

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SERVICE AGREEMENT

Dated as of April 15, 2011

between

COUNTY OF DUTCHESS, NEW YORK,  
for and on behalf of Part County Sewer District No. 6

and

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

Sewer and Waste Treatment System  
Red Hook, New York

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THIS SERVICE AGREEMENT, dated as of April 15, 2011, by and between the COUNTY OF DUTCHESS, NEW YORK, a municipal corporation of the State of New York having its office at 22 Market Street, Poughkeepsie, New York for and on behalf of Part County Sewer District No. 6 in the Village and Town of Red Hook (the "Sewer District"), a sewer district of the County having those powers provided in Article 5-A of the County Law and the DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY, a public benefit corporation of the State of New York having its office at 27 High Street, Poughkeepsie, New York.

WITNESSETH:

WHEREAS, the County is concerned with the need for the affordable collection, conveyance treatment and disposal of sanitary sewage emanating from within the area of the Village and Town of Red Hook; and

WHEREAS, the Authority has agreed with the Red Hook Commons Sewer Transportation Corporation to acquire the Red Hook Commons Wastewater Treatment Plant and related sewer system (the "Plant"); and

WHEREAS, the Authority will expand the Plant and construct a sewer collection system in order that the Authority could cause sewer service to be furnished to the Sewer District; and

WHEREAS, the County has created Part County Sewer District No. 6 in the Village and Town of Red Hook; and

WHEREAS, the parties propose to enter into this Service Agreement in order that the Authority may cause Sewer Service to be provided to Persons within Part County Sewer District No. 6 in the Village and Town of Red Hook and that the County may accept and pay for such Sewer Service; and

WHEREAS, so long as the Authority, its successors and assigns, provides Sewer Service, the County shall be obligated to pay Service Fees, all as more particularly set forth herein; and

WHEREAS, in consideration of the premises and the respective provisions and agreements hereinafter contained and other good and valuable consideration, receipt of which is hereby acknowledged, the Authority agrees to provide, and the County agrees to accept and pay for, Sewer Service on the following terms and conditions:

#### ARTICLE 1.

#### DEFINITIONS

Unless the context shall otherwise require, capitalized terms herein have the meaning given to them as follows:

“Act” means Title 6-C of Article 5 of the Public Authorities Law of the State.

“Additional Indebtedness” means Additional Parity Indebtedness as defined in the Trust Indenture as well as any subordinated obligations issued by the Authority in connection with the Sewer System.

“Alterations” means reconstruction, construction of additions to or any other improvements to the Sewer System which would be an increase and improvement to the Sewer System under Section 268 of the County Law of the State, as the same may be amended from time to time.

“Authority” means (i) the Dutchess County Water and Wastewater Authority and its successors and assigns, and (ii) any political subdivision resulting from or surviving any consolidation or merger to which the Authority or its successors may be a party.

“Basic Service Agreement Term” means the period commencing on the Closing Date and terminating on the earlier of (i) the date of maturity of the Bonds or (ii) the date on which the

Bonds are paid or provision for the payment thereof has been made as provided in the Trust Indenture.

“Bondholder” means the Person in whose name any Bond is registered pursuant to the Trust Indenture.

“Bonds” means, collectively, the 2011 Bonds and Additional Indebtedness.

“Business Day” means any day (other than Saturday or Sunday) during which (i) commercial banks located in the State or in the city in which the principal office of the Trustee are located are not required or authorized by law to close; and (ii) The New York Stock Exchange, Inc. is not closed.

“Closing Date” means the date of closing on the 2011 Bonds.

“Condemnation” means the lawful taking of the Sewer System or any part thereof by a governmental body.

“County” means the County of Dutchess, New York, or its successors or assigns.

“Credit Facility” means any credit enhancement, guaranty, letter of credit, insurance policy, surety bond, standby bond purchase agreement or other credit facility or liquidity facility, and any extension or renewal thereof which is delivered to the Trustee as security or liquidity for the payment of the principal or purchase price of or interest on any series of Bonds or any portion thereof, and as further provided in the Trust Indenture.

“Credit Facility Provider” means the provider of any Credit Facility.

“Discharge Date” means the date on which the Bonds have been paid in full or provision therefrom made in accordance with the terms of the Trust Indenture.

“Governmental Requirements” means federal, State and local laws, rules, regulations and ordinances applicable at the time to the construction, operation and maintenance of the Sewer System.

“Lien” means any sale, transfer, assignment, disposition, mortgage, pledge, security interest, lien, judgment lien, easement or other encumbrances on title, except Permitted Liens.

“Parts” means tangible and intangible chattels incorporated in the Sewer System.

“Permitted Liens” means Permitted Encumbrances as defined in the Trust Indenture.

“Person” means an individual, a corporation, a partnership, an association, a joint stock company, a trust, any unincorporated organization, a governmental body, political subdivision, municipality or authority or any other group or entity.

“Renewal Service Agreement Term” means the Renewal Service Agreement Term provided in Article 6 of the Service Agreement.

“Service Agreement” means this Service Agreement dated as of April 15, 2011 by and between the County and the Authority, as the same may be amended from time to time.

“Service Agreement Term” means, collectively, the Basic Service Agreement Term and any Renewal Service Agreement Term.

“Service Event of Default” means an event of default provided in Article 11 of the Service Agreement.

“Service Failure” means the failure of the Authority to provide Sewer Service to in excess of twenty-five per centum of the Persons within the Zones of Assessment, and such other Persons as the Authority may agree with the County to provide Sewer Service to pursuant to an amendment to the Service Agreement, for a period of ninety consecutive days.

“Service Fee” means the Service Fee to be paid by the County to the Authority pursuant to Section 5.2 of the Service Agreement.

“Service Fee Payment Date” means the first day of the months of January, April, July and October.

“Sewer Rents” means the scale of annual charges, as the same may be amended from time to time, established and imposed by the Authority pursuant to Section 1124(18) of the Act, for the use of the Sewer System.

“Sewer Service” means the service of collecting, treating and disposing of sanitary sewage from Persons within the Zones of Assessment and to any other Person as the Authority may agree with the County pursuant to an amendment to the Service Agreement to provide Sewer Service, either through the Sewer System or by any other means.

“Sewer System or "Facility"” means the sewer treatment plant and related assets acquired by the Authority within the Village of Red Hook from the Red Hook Commons Sewer Transportation Corporation, including any additions thereto or deletions therefrom from time to time.

“Sewer System Operating Expenses” means the costs, fees and expenses incurred or to be incurred by or for the Authority (i) in connection with the operation of the Sewer System, including, without limitation, all costs, fees and expenses incurred or to be incurred in connection with operating, maintaining, repairing, insuring or providing services to the Sewer System, or of collecting, treating and disposing of sanitary sewage through any other means to Persons within the Zones of Assessment, (ii) the applicable proportionate charge, as determined from year to year by the Authority, of the administrative and general operating expenses of the Authority to the Zones of Assessment (iii) any credit enhancement, remarketing, trustee, fiscal

advisory, legal, accounting or similar or related cost, fee or expenses incurred or to be incurred and payable by the Authority and not paid out of Bond proceeds with respect to either the Bonds or any Additional Indebtedness if the Authority determines such Additional Indebtedness benefit the Zones of Assessment, and (iv) the fees and expenses incurred or estimated to be incurred by or for the Authority associated with the collection of Sewer Rents.

“State” means the State of New York.

“Stipulated Interest Rate” shall be the rate of interest provided in Section 3-a of the General Municipal Law of the State, as the same may be amended from time to time.

“Trust Indenture” means the Trust Indenture for the Bonds, including any supplementals thereto, as the same may be amended from time to time.

“Trustee” means the Trustee for the Bondholders appointed under the Trust Indenture.

“2011 Bonds” means the bonds to be issued by the Authority to acquire and construct the Facility, including any notes issued in anticipation thereof.

“Zones of Assessment” means the areas within Part County Sewer District No. 6 having those boundaries set forth in Appendix A attached hereto and made a part hereof.

Words of masculine gender shall mean and include correlative words of feminine and neuter genders. Words importing the singular number shall mean and include the plural number, and vice versa.

## ARTICLE 2.

### REPRESENTATIONS AND WARRANTIES

SECTION 2.1. Representations and Warranties of the County. The County represents and warrants as follows:

(a) The County is a municipal corporation of the State, constituting a political subdivision thereof, duly created and validly existing under the Constitution and laws of the State.

(b) The Sewer District is a part County sewer district embracing all the territory located within the Zones of Assessment, duly created and validly existing under the Constitution and laws of the State, having those powers as are provided in Article 5-A of the County Law of the State and the Act and governed in accordance with the provisions of the County Law of the State.

(c) The County has the right and lawful authority and power to execute and deliver this Service Agreement, to perform the obligations and covenants contained herein and to consummate the transactions contemplated hereby.

(d) The County has duly authorized, by all necessary actions, the execution and delivery hereof and the performance of the obligations and covenants hereunder and the consummation of the transactions contemplated hereby.

(e) This Service Agreement constitutes a legal, valid and binding obligation of the County, enforceable against the County in accordance with its terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization or other laws relating to the enforcement of creditors' rights generally or the availability of any particular remedy.

(f) This Service Agreement, the execution and delivery hereof and the consummation of the transactions contemplated hereby (i) do not and will not in any material respect conflict with, or constitute on the part of the County a breach of or default under (a) any existing law, administrative regulation, judgment, order, decree or ruling by or to which their revenues, properties or operations are bound or subject or (b) any agreement or other instrument to which

the County is a party or by which it or any of its revenues, properties or operations are bound or subject, and (ii) except as expressly set forth herein or authorized hereby, will not result in the creation or imposition of any Lien, charge or encumbrance of any nature whatsoever upon any of the County's revenues, properties or operations.

(g) All consents, approvals, authorizations or orders of, or filings, registrations or declaration with, any court, governmental authority, legislative body, board, agency or commission which are required for the due authorization of, which would constitute a condition precedent to or the absence of which would materially adversely affect the due performance by the County of its obligations hereunder or the consummation of the transactions contemplated hereby, have been duly obtained and are in full force and effect.

(h) Except as set forth in the offering prospectus, official statement or other disclosure document prepared by the Authority with respect to the issuance of the Bonds, no action, suit, proceeding or investigation, in equity or at law, before or by any court or governmental agency or body, is pending or, to the best knowledge of the County, threatened, wherein an adverse decision, ruling or finding might adversely affect the transactions contemplated hereby or the validity or enforceability hereof or of any agreement or instrument to which the County is a party or any revenues or properties of the County and which is used or is contemplated for use in the consummation of the transactions contemplated hereby.

SECTION 2.2. Representations and Warranties of the Authority. (a) The Authority is a public corporation and a body corporate and politic, constituting a public benefit corporation, duly created and validly existing under the Constitution and laws of the State.

(b) The Authority will be the lawful owner of the Sewer System and will possess all required permits to collect, treat and dispose of sanitary sewage from Persons within the Zones

of Assessment and to operate the Sewer System at the time Sewer Service will be provided by the Authority under this Service Agreement.

(c) The Authority has the right and lawful authority and power to execute and deliver this Service Agreement, to perform the obligations and covenants contained herein and to consummate the transactions contemplated hereby.

(d) The Authority has duly authorized, by all necessary actions, the execution and delivery hereof and the performance of its obligations and covenants hereunder and the consummation of the transactions contemplated hereby.

(e) This Service Agreement constitutes a legal, valid and binding obligation of the Authority, enforceable against the Authority in accordance with its terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization or other laws relating to the enforcement of creditors' rights generally or the availability of any particular remedy.

(f) This Service Agreement, the execution and delivery hereof and the consummation of the transactions contemplated hereby (i) do not and will not in any material respect conflict with, or constitute on the part of the Authority a breach of or default under (a) any existing law, administrative regulation, judgment, order, decree or ruling by or to which it or its revenues, properties or operations are bound or subject or (b) any agreement or other instrument to which the Authority is a party or by which it or any of its revenues, properties or operations are bound or subject, and (ii) except as expressly set forth herein or authorized hereby, will not result in the creation or imposition of any Lien, charge or encumbrance of any nature whatsoever upon any of the Authority's revenues, properties or operations.

(g) All consents, approvals, authorizations or orders of, or filings, registrations or declarations with, any court, governmental authority, legislative body, board, agency or

commission which are required for the due authorization of, which would constitute a condition precedent to or the absence of which would materially adversely affect the due performance by the Authority of its obligations hereunder or the consummation of the transactions contemplated hereby, have been duly obtained and are in full force and effect.

(h) No action, suit, proceeding or investigation, in equity or at law, before or by any court or governmental agency or body, is pending or, to the best knowledge of the Authority, threatened wherein an adverse decision, ruling or finding might adversely affect the transactions contemplated hereby or the validity or enforceability hereof or of any agreement or instrument to which the Authority is a party or any revenues or properties of the Authority and which is used or is contemplated for use in the consummation of the transactions contemplated hereby.

### ARTICLE 3.

#### PROVISION AND PURCHASE OF SERVICES

SECTION 3.1. Sewer Service; Authority's Obligations. Upon the terms and conditions hereof, including, specifically and without limitations, Articles 4 and 5 hereof, the Authority shall provide to the County, and the County shall accept and pay for, Sewer Service.

### ARTICLE 4.

#### THE SEWER SYSTEM; OPERATION AND MAINTENANCE; INSURANCE

SECTION 4.1. The Sewer System. The Authority shall notify the County of the existence or occurrence of any (a) circumstances of which the Authority shall have actual knowledge and which could directly and materially adversely affect the ability of the Sewer System to provide Sewer Service or of the Authority to provide Sewer Service in accordance with this Service Agreement and (b) inquiry with respect to the Sewer System or the Authority's provision of Sewer Service by a federal or State authority of which the Authority has actual

knowledge. The County shall have the right to assist or participate, at its expense, in any action or proceeding in which the Authority shall have a right to participate relating thereto.

SECTION 4.2. Minimum Operation and Maintenance Standard for Sewer System.

(a) Solely for the purpose of assuring that the Sewer System will conform to the needs of the County, the Authority will operate the Sewer System so as to be capable of collecting, treating and disposing of sanitary sewage collected from Persons within the Zones of Assessment in compliance with the Act and with applicable Governmental Requirements.

(b) The Authority agrees that during the Service Agreement Term it will operate and maintain the Sewer System and every part and parcel thereof in accordance with good commercial practice and in any event will (i) keep the Sewer System in good and safe condition, repair, working order and condition, ordinary wear and tear excepted; (ii) promptly make all necessary repairs, replacements and renewals to the Sewer System (whether ordinary or extraordinary, structural or nonstructural, foreseen or unforeseen); (iii) maintain the Sewer System in a neat and orderly condition, ordinary wear and tear excepted, and in a condition which permits compliance with, and the Authority will operate the Sewer System in compliance with, all applicable Governmental Requirements, including without limitation all federal, State and local laws relating to labor, wages, nondiscrimination, pollution discharge, environmental control, safety and other regulatory requirements; (iv) protect the Sewer System against deterioration, other than that attributable to ordinary wear and tear; (v) comply with such standards and periodic maintenance inspections as shall be required to enforce warranty and similar claims against contractors for the Sewer System and any standards imposed by any insurance policies in effect at any time with respect to the Sewer System or any part thereof; (vi) provide all necessary labor, materials and equipment for the proper operation and

maintenance of the Sewer System; (vii) cause the Sewer System at all times to be operated and maintained as a sewer system; (viii) maintain the safety of the Sewer System at a level consistent with applicable law and the sound operation of a sewer system; and (ix) maintain the Sewer System in working order, ordinary wear and tear excepted, and in as reasonably safe condition as its operations shall permit. Notwithstanding any of the foregoing, unless a Service Event of Default shall have occurred and be continuing (A) the Authority may provide that the operation of the Sewer System may be subject to periodic, scheduled or unscheduled, partial shutdowns of portions of the Sewer System for maintenance or repair, (B) compliance with applicable Governmental Requirements is subject to the provisions of Section 4.6 hereof and, (C) no repair, replacement or maintenance shall be required hereunder or under the provisions of Section 4.3 or 4.4 hereof with respect to portions of the Sewer System which the Authority, with the consent of the County, determines are no longer necessary to the provision of Sewer Service.

SECTION 4.3. Insurance Required. Without limiting any of the other obligations of the Authority under this Service Agreement, at all time throughout the Service Agreement Term the Authority shall maintain or cause to be maintained at least the following minimum insurance coverage with respect to the Sewer System:

(a) property damage insurance with respect to any at or above ground physical structures of the Sewer System insuring against loss or damage from all risks customarily insured against by Person of established reputation under "all-risk" policies with respect to a sewer collection, treatment and disposal system similar to the Sewer System, including, without limitation, insurance against loss or damage from all risk of physical damage;

(b) "boiler and machinery" property damage insurance with respect to damage (not insured against pursuant to paragraph (a) above) to the machinery, plants, equipment, storage

facilities and similar apparatus included in the Sewer System from risks customarily insured against under "boiler and machinery" policies in an amount equal to the amount established from time to time known as the "maximum probable loss" that may result from the damage insured against under this paragraph (b);

(c) automobile liability coverage, with limits of not less than one million dollars (\$1,000,000) for each occurrence;

(d) comprehensive general public liability insurance applicable to the Sewer System, including, without limitation, blanket contractual, personal injury, property damage (including broad form property damage and explosion, collapse, and underground property damage) and damage to property of others, including resultant loss of use therefrom, with limits of one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) for primary coverage and five million dollars (\$5,000,000) for excess coverage. All such policies listed in this subparagraph (d) shall list the County as an additional insured;

(e) Workers' Compensation insurance in the statutory amount, covering all employees of the Authority; and

(f) such other insurance with respect to the Sewer System in such amounts and against such hazards as is customarily carried by Persons of established reputation operating a sewer collection, treatment and disposal system similar to the Sewer System.

All premiums with respect to the foregoing insurance shall be paid when due by the Authority and shall constitute an Operating Expense.

SECTION 4.4. Additional Provisions Respecting Insurance. (a) All insurance required by Section 4.3 hereof shall be procured and maintained in financially sound and generally recognized responsible insurance companies selected by the Authority and authorized to write

such insurance in the State. Such insurance may provide deductible amounts in such maximum amounts as may be recommended by an independent insurance consultant retained by the Authority. All insurance policies carried in accordance with Section 4.3 hereof and all policies taken out in substitution or replacement for any such policies shall provide that the insurance shall not be invalidated by any action or inaction of any Person and shall insure the Authority regardless of any breach or violation by any Person of any warranties, declarations or conditions contained in such policies, shall provide that as against the Authority the insurers shall waive any rights of subrogation, any right of set-off and counterclaim and any other right of deduction whether by attachment or otherwise (except for claims arising out of the willful misconduct or gross negligence of such insured), and shall provide that if such insurance is canceled for any reason whatever, or is changed in any material respect or if such insurance is allowed to lapse for nonpayment of premium, such cancellation, change or lapse shall not be effective for 30 days after receipt by the Authority of written notice from such insurers of such cancellation, change or lapse; provided, however, that if it is not commercially practicable at the time of contracting for such insurance to obtain the requirements specified above, such policies shall provide for such requirements for as long a period as shall then be commercially practicable to obtain, if any. Each insurance policy required under Section 4.3 hereof shall be primary without right of contribution from any other insurance which is carried by or on behalf of the Authority.

SECTION 4.5. Certificates, etc. (a) On or before the Closing Date, and annually on or before each January 1 thereafter, the Authority will furnish to the County, to the Trustee and to any Credit Facility Provider a certificate of a firm of independent insurance brokers (i) certifying that the insurance then carried and maintained on the Sewer System complies with the terms hereof, (ii) identifying underwriters, type of insurance, insurance limits and policy term, and (iii)

specifically listing the special provisions enumerated for such insurance required by Section 4.4. Upon request, the Authority will furnish to the County, to the Trustee and to any Credit Facility Provider copies of all insurance policies, binders and cover notes or other evidence of such insurance relating to the Sewer System. The Authority will cause such firm to advise the Authority, the County, the Trustee and any Credit Facility Provider in writing promptly of any default in the payment of any premium and of any other act or omission of which they have knowledge and which might invalidate or render unenforceable, in whole or in part, any insurance on the Sewer System.

SECTION 4.6. Obligation to Rebuild. If the Sewer System shall be damaged or destroyed at any time or title to, or the use of, any part of the Sewer System shall be taken by Condemnation, in a manner not resulting in a Service Failure, the Authority shall, from the proceeds of any Condemnation award or insurance received by the Authority or from moneys received by the Authority from the County or any other Person, and as provided in the Trust Indenture, promptly replace, repair, rebuild or restore the Sewer System to substantially the same condition and value as an operating entity as existed prior to such damage or destruction or Condemnation, with such changes, alterations and modifications as may be desired by the Authority, provided that such changes, alterations or modifications do not change the nature of the Sewer System adversely affecting the tax-exempt status of the interest payable on the Bonds.

SECTION 4.7. Replacement of Parts. Except after a Service Failure, the Authority will promptly replace all Parts which may from time to time become worn out, lost, stolen, destroyed, seized, confiscated, damaged beyond repair or permanently rendered unfit for use for any reason whatsoever. The Authority may remove in the ordinary course of maintenance, service, repair, overhaul or testing, any Parts, whether or not worn out, lost, stolen, destroyed, seized,

confiscated, damaged beyond repair or permanently rendered unfit for use, provided that the Authority will replace such Parts as promptly as possible. All replacement Parts shall be free and clear of all Liens and shall be in as good operating condition as, and shall have a value and utility at least equal to, the Parts replaced, assuming such replaced Parts were in the condition and repair required to be maintained by the terms hereof. Any cost incurred by the Authority in complying with this Section 4.7 shall constitute a Sewer System Operating Expense.

SECTION 4.8. Alterations Required by Law. Except after a Service Failure, the Authority shall during the Operating Term make such Alterations to the Sewer System as may be required from time to time to meet Governmental Requirements as soon as practicable after any such Governmental Requirements shall arise and, in any event, within the period specified by applicable law or by such Governmental Requirement, except to the extent Section 4.9 hereof shall apply. The Authority shall pay for the cost of any Alteration required by law through Additional Indebtedness or moneys available from any other source. The Authority shall use its best efforts to issue Additional Indebtedness to raise money to make such payment if the Authority determines the issuance of Additional Indebtedness to be financially prudent. The consent of the County to the issuance of any such Additional Indebtedness shall not be required. The Authority, prior to the issuance of any such Additional Indebtedness, shall provide the County with a written notice setting forth in reasonable detail the following:

- (a) a description of the nature of and reason for the Alteration required to be made;
- and
- (b) an estimate of the cost of such Alteration.

SECTION 4.9. Permitted Contests. If, to the extent and for so long as (a) any contest with respect to any applicable Governmental Requirement relating to the operation or

maintenance of the Sewer System shall be prosecuted in good faith by the Authority or the County or (b) compliance with such Requirement shall have been excused or exempt by a valid nonconforming use permit, waiver, extension or forbearance believed in good faith by the Authority or the County to exempt it from such requirement, the Authority shall not be required to comply with such requirement so long as such contest is being prosecuted or so long as such waiver, extension or forbearance from compliance with such requirement shall be in effect but only if such contest shall not, in the reasonable opinion of the Authority, involve any reasonable likelihood of any (i) foreclosure, sale, forfeiture or loss of, any part of the Sewer System or of impairment of the operation of the Sewer System, (ii) the nonpayment of Service Fees, or (iii) a Service Failure.

SECTION 4.10. Maintenance Reports. The Authority shall throughout the Service Agreement Term keep such maintenance and repair reports as are customarily kept by Persons of established reputation operating similar properties and as a subsequent operation of the Sewer System would require. Such reports shall be kept on file by the Authority at its offices and shall be made available to the County, to the Trustee and to any Credit Facility Provider upon reasonable request.

## ARTICLE 5.

### TERM AND SERVICE FEE

SECTION 5.1. Term. This Service Agreement shall be in effect during the Basic Service Agreement Term and, if the County shall elect on the terms and conditions of Section 6.1, during any Renewal Service Agreement Term.

SECTION 5.2. Service Fee. (a) The County shall pay to the Authority on each Service Fee Payment Date a Service Fee equal to the sum of (i) the amount of principal of, interest on and redemption premium for, if any, the 2011 Bonds becoming due during the calculation

period, including coverage requirements required under the Trust Indenture, if any, less investment earnings on deposit in the accounts for the 2011 Bonds in the Debt Service and Sinking Fund created and maintained pursuant to the Trust Indenture, if any, (ii) the amount of principal of, interest on and the redemption for, if any, Additional Indebtedness becoming due during the calculation period, including coverage requirements required under the Trust Indenture, if any, issued to pay costs of Alterations to the Sewer System as may be required from time to time to meet Governmental Requirements as provided in Section 4.5 hereof, less investment earnings on deposit in the accounts for any such Additional Indebtedness in the Debt Service and Sinking Fund created and maintained pursuant to the Trust Indenture, if any, (iii) the amount of principal of, interest on and redemption for, if any, less investment earnings on deposit in the account for such Additional Indebtedness in the Debt Service and Sinking Fund created and maintained pursuant to the Trust Indenture, if any, any other Additional Indebtedness due during the calculation period, including coverage requirements required under the Trust Indenture, if any, the issuance and the inclusion as a component of the Service Fee to which the County, as evidenced by resolution of the County Legislature, has consented, (iv) the amount, if any, required to be deposited during the calculation period in any reserve fund established under the Trust Indenture, and (v) the amount of Sewer System Operating Expenses, less the amount deposited in the Sewer System Operating Expense Account, as provided in paragraph (b) of this Section 5.2. For purposes of this Section, a calculation period shall be (i) for payments due under the Trust Indenture, amounts payable on any Payment Date, as defined in the Trust Indenture, occurring during the period commencing on a Service Fee Payment Date and ending the Business Day preceding the next following Service Fee Payment Date and (ii) for Sewer System Operating Expenses, amounts certified to the County by the Authority either as having

been paid by the Authority for such expenses from revenues raised by the Authority other than through Sewer Rents, as defined in paragraph (b) of this Section 5.2, or as being payable by the Authority for such expenses payment of which the Authority does not have funds available for, and, in either case, not yet paid to the Authority by the County, such certificate to be delivered to the County not less than thirty (30) Business Days prior to the Service Fee Payment Date on which such payments shall be made by the County to the Authority. Any amounts paid by the County to the Authority for Sewer System Operating Expenses as herein provided shall be repaid by the Authority to the County from revenues raised by the Authority through Sewer Rents as soon as practicable under the circumstances.

(b) The Authority hereby covenants and agrees during the Service Agreement Term (i) to raise such amounts as are necessary to pay Sewer System Operating Expenses through Sewer Rents pursuant to and in accordance with the applicable provisions of the Act within the Zones of Assessment, (ii) to deposit all revenues raised through Sewer Rents in the Zones of Assessment in a separate account to be identified as the "Sewer System Operating Expense Account" and expend the same only to the payment of Sewer System Operating Expenses, (iii) to promptly, as soon as such information is available, notify the County of the amounts, if any, which the County must raise to pay the amount of Sewer System Operating Expenses, after giving effect to the amount deposited or anticipated to be deposited in the Sewer System Operating Expense Account; provided, however, that the amount of Sewer Rents so to be raised shall be reduced by the amount of moneys from any other source deposited or estimated to be available for timely deposit in the Sewer System Operating Expense Account.

(c) The County hereby covenants and agrees during the Service Agreement Term to raise moneys through the levy of benefit assessments to pay all or any portion of the Service

Fees due under this Service Agreement to pay the principal amount of, interest on and redemption premiums for, if any, the 2011 Bonds and any Additional Indebtedness becoming due during any calendar year, including coverage requirements required under the Trust Indenture, if any, through the annual levy of benefit assessments to be levied upon real property only in the Zones of Assessment.

SECTION 5.3. Payment on Business Days. If any date on which payment of a Service Fee becomes due and payable is not a Business Day, then such payment need not be made on such scheduled date but may be made on the next succeeding Business Day with the same force and effect as if made on such scheduled date and (provided such payment is made on such next succeeding Business Day) no interest shall accrue on the amount of such payment from and after such scheduled date.

SECTION 5.4. Place of Payment. All Service Fees shall be paid by the County in immediately available funds before noon, local time at the place of payment, on the due dates therefor at any banking institution in the State with wire transfer facilities which the Authority may designate.

SECTION 5.5. Late Payment. If any Service Fee shall not be paid at the place and time provided in Section 5.4 hereof, the County shall pay to the Authority interest (to the extent permitted by law) on such overdue amount from and including the due date thereof to but excluding the date of payment thereof (unless such payment shall be made after noon, local time, at the place of payment on such date of payment, in which case such date of payment shall be included) at the Stipulated Interest Rate. If any Service Fee shall be paid on the date when due, but after noon, local time, at the place of payment, interest shall be payable as aforesaid for one day.

SECTION 5.6. Nature of Obligations. (a) Notwithstanding any other provision of this Service Agreement other than Section 5.7, the County shall pay all Service Fees without notice (except to the extent expressly provided herein) or demand and without abatement, suspension, deferment, diminution, reduction, counterclaim, setoff, deduction or defense (except the defense of prior payment) whether or not the County shall have collected all benefit assessments lawfully levied therefor. The obligations of the County hereunder shall not be released, discharged or otherwise affected for any reason (except as expressly provided in Section 5.7), including without limitation (i) any defect in the design, operation, condition, quality, merchantability or fitness for use of the Sewer System or any part thereof, (ii) any damage to, or removal, abandonment, salvage, loss, scrapping, reduction, Condemnation, requisition or taking of the Sewer System or any part thereof, or any commercial frustration of purpose, (iii) any restriction, prevention or curtailment of or interference with Sewer Service or any use of the Sewer System or any part thereof, (iv) any defect in title to the Sewer System or any Lien on such title or on the Sewer System, (v) any change, waiver, extension, indulgence or other action or omission in respect of any obligation or liability of the Authority, (vi) any bankruptcy, insolvency, reorganization, composition, adjustment, dissolution, liquidation or other like proceeding relating to the County, the Authority, the Trustee, or any other Person, or any action taken with respect to this Service Agreement by any custodian, trustee or receiver of any of the foregoing Persons or by any court in any such proceeding, (vii) any claims that the County has or might have against any Person, including without limitation the Authority, the Trustee, or any Bondholder, (viii) any change in Governmental Requirements or any failure on the part of the Authority to perform or comply with any term hereof or of any other agreement or (ix) any other occurrence whatsoever, whether similar or dissimilar to the foregoing, whether or not the County shall have notice or

knowledge of any of the foregoing. Neither this Service Agreement nor any provision hereof may be canceled by the County for any reason, and, except as expressly provided in Section 5.7, the County, to the extent permitted by law, waives all rights now or hereafter conferred by statute, constitution or otherwise to terminate or cancel this Service Agreement, or any provision hereof, or to any diminution or reduction of any Service Fee.

(b) Unless there shall have been a Service Failure, the Authority shall be conclusively deemed to have fully discharged its obligation to provide Sewer Service, notwithstanding any reduction, suspension, curtailment or temporary failure of Sewer Service, or any other circumstance, regardless of its substantiality, duration or cause.

SECTION 5.7. Service Failure. (a) Notwithstanding Section 5.6 or any other provision hereof or of the Trust Indenture, and whether or not this Service Agreement shall have been terminated pursuant to the terms of this Service Agreement or otherwise, the County shall have no obligation during a Service Failure to pay Service Fees on a Service Fee Payment Date.

(b) The Authority, at its option, may cure any Service Failure, provided that (i) within 30 days of the commencement of the Service Failure the Authority delivers to the County a notice (i) of its intention to cure, and (ii) which specifies in reasonable detail the action intended to be taken with respect thereof and the anticipated date of cure and (iii) within 90 days of the commencement of the Service Failure such cure has been completed. Thereafter, the County's obligation to pay Service Fees shall be reinstated, and on the next succeeding Service Fee Payment Date the County shall pay the Service Fee that would otherwise have been payable on such Service Fee Payment Date. The County acknowledges that, pursuant to the Trust Indenture, the rights of the Authority under this Section 5.7(b) have been assigned to the Trustee, to the

extent provided therein. This Service Agreement shall terminate after a Service Failure shall have occurred when it is no longer possible to exercise cure rights pursuant to this Section 5.7(b).

(c) Other than as expressly provided in Section 5.7(a) and (b), the County shall not be released during any Service Failure from any obligation hereunder notwithstanding any diminution, reduction, abatement, suspension, restriction, prevention or curtailment of or interference with Sewer Service.

## ARTICLE 6.

### RENEWAL OPTIONS

(a) Unless a Service Event of Default shall have occurred and be continuing, at the time of the notice given pursuant to Section 6.1(b) or at the end of the Basic Service Agreement Term or any Renewal Service Agreement Term during which such notice is given, the County shall have the right, at its option, to renew this Service Agreement (i) at the end of the Basic Service Agreement Term for a period of years not exceeding twenty as the County, in its sole judgment, may determine, commencing at the end of the Basic Service Agreement Term (the "First Renewal Service Agreement Term"), and (ii) if it shall have exercised its option to renew at the end of the Basic Service Agreement Term, at the end of the First Renewal Service Term for such additional periods not exceeding twenty years each as the County, in its sole judgment, may determine, commencing at the end of any such Renewal Service Agreement Term (each renewal being an "Additional Renewal Service Agreement Term").

(b) To exercise any option to renew this Service Agreement for any Renewal Service Agreement Term, the County shall give the Authority and the Trustee written notice of its election to so renew at least six months (which notice shall be tentative) and at least one month (which notice shall be irrevocable) prior to the commencement date of such Renewal or Additional Renewal Service Agreement Term.

(c) All the provisions of this Service Agreement shall be applicable during any Renewal or Additional Renewal Service Agreement Term.

#### ARTICLE 7.

##### DISCLAIMER OF WARRANTIES

NEITHER THE AUTHORITY NOR THE TRUSTEE HAS MADE OR SHALL BE DEEMED TO HAVE MADE TO THE COUNTY ANY REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO THE TITLE, MERCHANTABILITY, COMPLIANCE WITH SPECIFICATIONS, CONDITION, DESIGN, OPERATION, FREEDOM FROM PATENT OR TRADEMARK INFRINGEMENT, ABSENCE OF LATENT DEFECTS OR FITNESS FOR USE OF THE SEWER SYSTEM (OR ANY PART THEREOF) OR THE SEWER SERVICE, OR ANY OTHER REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO THE SEWER SYSTEM (OR ANY PART THEREOF) OR THE SEWER SERVICE. The provisions of this paragraph have been negotiated, and, except to the extent otherwise expressly stated, the foregoing provisions are intended to be a complete exclusion and negation of any representation or warranty by either the Authority or the Trustee, express or implied, with respect to the Sewer System or the Sewer Service, that may arise pursuant to any law now or hereinafter in effect or otherwise.

#### ARTICLE 8.

##### INFORMATION AND INSPECTION

(a) The Authority shall furnish to the County, the Trustee and any Credit Facility Provider such information concerning the condition, use and operation of the Sewer System as the County, the Trustee and any Credit Facility Provider may reasonably request. Additionally, the Authority shall permit any authorized representative of the County, the Trustee and any

Credit Facility Provider, at such Person's risk and expense, to visit and inspect the Sewer System, its condition, use and operation and the records maintained in connection therewith, provided that such visits and inspections do not interfere with the operations of the Sewer System or the Authority and are scheduled at the reasonable request of the County, the Trustee and any Credit Facility Provider at times mutually convenient to such Person and the Authority, the Authority hereby agreeing to make all reasonable efforts to arrange for such visits and inspections at times convenient for such Person. Neither the County, the Trustee or any Credit Facility Provider shall have any duty to make any such inspection nor shall any of them incur any liability or obligation by reason of not making any such inspection.

(b) The Authority and the County shall each forward to any Credit Facility Provider such financial information and other information about themselves as any Credit Facility Provider may reasonably request.

#### ARTICLE 9.

#### NO INTEREST CONVEYED TO COUNTY

This Service Agreement does not convey to the County any right, title or interest in or to the Sewer System.

#### ARTICLE 10.

#### ASSIGNMENT

Neither the Authority nor the County shall assign any of its right or interest hereunder except as provided in Section 14.2. No such assignment by the County shall release the County from any of its obligations or liabilities of any nature whatsoever arising under this Service Agreement. The rights and obligations of the Authority and the County hereunder shall inure to the benefit of, and be binding upon, the permitted successors and assigns of the Authority and the County, respectively.

## ARTICLE 11.

### EVENTS OF DEFAULT

The following events shall be Service Events of Default (whether any such event shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body).

(a) the County shall fail to make any payment of a Service Fee within 15 days of the date due;

(b) the County shall fail to perform or observe any covenant, condition or agreement to be performed or observed by it hereunder, and such condition shall materially impair the ability of the County to perform any material obligation hereunder and such failure shall continue unremedied for a period of 60 days after written notice thereof from the Authority.

(c) any representation or warranty made by the County herein proves to be false or misleading in any material respect, and such condition shall materially impair the ability of the County to perform any material obligation hereunder and shall continue unremedied for a period of 60 days after written notice thereof by the Authority; or

(d) the County shall file any petition for dissolution or liquidation of the County, or the County shall commence a case under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect, or the County shall have consented to the entry of an order for relief in a case under any such law, or the County generally shall fail to pay its debts as such debts become due, or the County shall fail promptly to satisfy or discharge any execution, garnishment or attachment of such consequences as may impair its ability to carry out its obligations under this Service Agreement, or a receiver, custodian or trustee (or other similar official) for the County or any substantial part of its property shall have been appointed or taken

possession thereof, or the County shall make a general assignment for the benefit of its creditors, or the County shall enter into an agreement or composition with its creditors, or the County shall take any action in furtherance of any of the foregoing; or there shall be filed against the County a petition in bankruptcy which results in an order for relief being entered or, notwithstanding that an order for relief has not been entered, the petition is not dismissed within 90 days of the date of the filing of the petition, or there shall be filed under any federal or State law relating to bankruptcy, insolvency or relief of debtors of a petition against the County for reorganization, composition, extension or arrangement with creditors which either (i) results in a finding or adjudication of insolvency of the County or (ii) is not dismissed within 90 days of the date of the filing of such petition.

## ARTICLE 12.

### ENFORCEMENT

SECTION 12.1. Remedies. Upon the occurrence of a Service Event of Default, and at any time thereafter so long as the same shall be continuing, the Authority may, at its option, by notice to the County declare this Service Agreement to be in default, and thereupon or at any time thereafter the Authority may proceed by appropriate court action to enforce the terms hereof or to recover damages for the breach hereof.

It is understood that the Authority may not accelerate the payment of Service Fees upon the occurrence of any Service Event of Default.

SECTION 12.2. Survival of County's Obligations. The County shall remain and be liable, except as otherwise provided in Section 5.7 hereof, for any and all unpaid Service Fees due hereunder before, after or during the exercise of any of the foregoing remedies, including without limitation all reasonable legal fees and other costs and expenses incurred by the

Authority and the Trustee by reason of the occurrence of any Service Event of Default or the exercise of the Authority's remedies with respect thereto.

SECTION 12.3. Remedies Not Exclusive, etc. No remedy referred to in Article 12 is intended to be exclusive, but each shall be cumulative and in addition to any other remedy referred to above or otherwise available to the Authority at law or in equity; and the exercise or beginning of exercise by the Authority of any one or more of such remedies shall not preclude the simultaneous or later exercise by the Authority of any or all of such other remedies. No express or implied waiver by the Authority of any Service Event of Default shall in any way be, or construed to be, a waiver of any future or subsequent Service Event of Default.

#### ARTICLE 13.

##### RIGHT TO PERFORM FOR COUNTY

If the County shall fail to make any payment of any Service Fee or shall fail to perform or comply with any of its other agreements contained herein, the Authority may make such payment or perform or comply with such agreement, and the amount of such payment and the amount of the expenses of the Authority incurred in connection with such payment or the performance of or compliance with such agreement, as the case may be, together with interest thereon at the Stipulated Interest Rate, shall be deemed to be a part of the next Service Fee payable by the County.

#### ARTICLE 14.

##### MISCELLANEOUS

SECTION 14.1. Notices. Unless otherwise specifically provided herein, all notices, consents, directions, approvals, instructions, requests and other communications required or permitted by the terms hereof to be given to any Person shall be given in writing and sent to the address specified in the Trust Indenture and shall become effective three Business Days after

being deposited in the mails, certified or registered with appropriate postage prepaid for first-class mail or, if delivered by e-mail or hand or in the form of a fax transmittal, when received, and shall be directed to the address of such Person. From time to time any such Person may designate a new address for purposes of communications hereunder by notice to the Authority, the County and the Trustee.

SECTION 14.2. Assignment. (a) In order to secure the obligations of the Authority under the Trust Indenture, the Trust Indenture provides for the assignment to the Trustee of its interest in this Service Agreement, subject to the reservations and conditions therein set forth. The County hereby acknowledges receipt of copies of the Trust Indenture, consents thereto and to the assignment effected thereby and (i) agrees that all its obligations and liabilities under the Service Agreement inure to the benefit of may be enforced by the Trustee pursuant to the Trust Indenture, to the extent assigned to the Trustee, and (ii) agrees to pay directly to the Trustee all amounts under such Sections of this Service Agreement to the extent required to discharge the Authority's obligations to the Trustee as are then due and owing pursuant to the Trust Indenture.

(b) Nothing contained in this Service Agreement shall prevent the consolidation of the County with, or merger of the County into, or transfer of all or substantially all the County's property and assets as an entirety to, any other political subdivision of the State which has the legal authority to perform the obligations of the County hereunder, or prevent the division of the County into one or more political subdivisions, provided that (i) the exempt status of the interest on the Bonds shall not be adversely affected thereby, (ii) immediately after giving effect to such consolidation, merger, transfer or division, no Service Event of Default shall have occurred and be continuing, (iii) upon any such consolidation, merger, transfer or division, the due and

punctual performance and observance of all the agreements and conditions of this Service Agreement to be kept and performed by the County shall be expressly assumed in writing by the political subdivision or subdivisions resulting from such consolidation or surviving such merger or to which such property and assets shall be transferred or resulting from such division, and (iv) the County shall have given notice in reasonable detail to the Authority, any Credit Facility Provider, and the Trustee of any such consolidation, merger, transfer or division reasonably in advance of the consummation thereof.

SECTION 14.3. Performance of Obligations to Authority, Trustee, and Credit Facility Provider. The provisions of this Service Agreement which require or permit action by, the consent, approval or authorization of, the furnishing of any notice, document, paper of information to, or the performance of any other obligation to, the Authority, the Trustee, and any Credit Facility Provider shall not be effective, and the Section hereof containing such provisions shall be read as though there were no such requirement or permissions, after all the Bonds shall have been paid in full (or after provision for payment thereof has been made in accordance with the Trust Indenture).

SECTION 14.4. Binding Effect; Successors and Assigns. The terms and provisions of this Service Agreement, and the respective rights and obligations hereunder of the County, the Authority and the Trustee, shall be binding upon their respective successors and assigns and inure to the benefit of their respective permitted successors and assigns.

SECTION 14.5. County Levy. At the timely request of the Authority, at the time of the annual levy of County taxes the County shall, to the extent permitted by law, levy the amounts of any Sewer Rents duly imposed by the Authority in accordance with the Act in the Zones of

Assessment, which then remain delinquent and uncollected against the respective parcels within the Zones of Assessment.

SECTION 14.6. Severability. In case any one of more of the provisions contained in this Service Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Service Agreement, and this Service Agreement shall be construed as if such invalid or illegal or unenforceable provision had never been contained herein or therein.

IN WITNESS WHEREOF, the Authority and the County have each caused this Service Agreement to be duly executed as of the day and year first above written.

DUTCHESS COUNTY WATER AND  
WASTEWATER AUTHORITY

By: \_\_\_\_\_

Chairman

COUNTY OF DUTCHESS, NEW YORK

By: \_\_\_\_\_

William Steinhaus  
County Executive

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

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2011 before me, the undersigned, a notary public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

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

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2011 before me, the undersigned, a notary public in and for said State, personally appeared William Steinhaus personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

2011 JAN - 5 P 3: 28  
DUTCHESS COUNTY  
LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011020 resulted as follows:

Present: 23 Bolner, Borchert, Cooper, Flesland, Forman, Goldberg, Horn, Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss, White.

Nays: 2 Doxsey, Tyner.

Absent: 0

Resolution adopted

# Environment Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss	Absent	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 20 - Town of Red Hook	Traudt (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 11                      Resolution: X                      Total : 11                      0  
 Absent: 1                              Motion:                                   Yes                      No  
 Vacant: 0                              Abstentions: 0

2011020      Approving a Service Agreement by and between the County of Dutchess and the Dutchess County Water and Wastewater Authority for Part County Sewer District No. 6

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		✓
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		✓
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total: 23      2  
 Absent: 0      Motion: ---      Yes      No  
 Vacant: 0      Abstentions: 0

2011020 Approving a Service Agreement by and between the County of Dutchess and the Dutchess County Water and Wastewater Authority for Part County Sewer District No. 6

Date: 1/24/11

RESOLUTION NO. 2011021

RE: SUBMISSION OF RESOLUTION SUBJECT TO MANDATORY  
REFERENDUM ESTABLISHING PART COUNTY SEWER DISTRICT  
NO.6 IN THE VILLAGE AND TOWN OF RED HOOK

LEGISLATORS TRAUDT and MICCIO offer the following and move its  
adoption:

WHEREAS, this Legislature adopted Resolution No. 2011019 entitled  
Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook on  
January 24, 2011, and

WHEREAS, the Dutchess County Water and Wastewater Authority has  
requested that Resolution No. 2011019 be subject to a Mandatory Referendum and the  
Legislature adopted such resolution subject to mandatory referendum, now therefore, be  
it

RESOLVED, that Resolution No. 2011019 adopted on the day of January  
24, 2011, be submitted to the vote of the qualified electors of Dutchess County residing  
within the proposed Part County Sewer District No.6 in the Village and Town of Red  
Hook, Zones of Assessment A, B, and C, in the manner provided by law at a special  
election to be held on the 8th day of April 2011; and that the form of the proposition to be  
submitted shall be as follows:

Shall Resolution No. 2011019 authorizing the establishment of Part  
County Sewer District No. 6 in the Village and Town of Red Hook at a  
maximum estimated cost of \$8,100,000 and providing for zones of  
assessment be approved?

and it is further

RESOLVED, that the Clerk of the Legislature is hereby directed to submit  
this proposition to the County Board of Elections.

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-06-11  
ca/G-1332-F Amended on floor 1-24-11 cm  
1/4/11  
Fiscal Impact: See attached statement

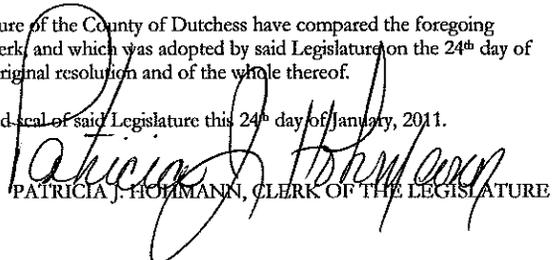
Date 2/4, 2011

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing  
resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of  
January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, 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:

Prepared by: Bridget Barclay, Executive Director, DCWWA

Discussion on the foregoing Resolution No. 2011021 resulted as follows:

Legislator Traudt moved to amend the foregoing Resolution to add Resolution No. 2011019 to the first and second Whereas and to the first Resolved and to the wording that will appear on the proposition duly seconded and unanimously carried.

Roll call vote on the foregoing Resolution No. 2011021 resulted as follows:

Present:        25     Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn, Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Tyner, Weiss, White.

Nays:            0

Absent:         0

Resolution adopted.

# Environment Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss	Absent	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 20 - Town of Red Hook	Traudt (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 11                      Resolution: X                      Total :    11                      0  
 Absent:    1                              Motion:                                      Yes                              No  
 Vacant:    0    Abstentions: 0

2011021    Submission of Resolution subject to Mandatory Referendum  
 Establishing Part County Sewer District No. 6 in the Village  
 of Red Hook

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total : 25      0  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 0

2011021      Submission of Resolution subject to Mandatory Referendum  
 Establishing Part County Sewer District No. 6 in the Village  
 of Red Hook

Date: 1/24/11

RESOLUTION NO. 2011022

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF LAGRANGE  
ASSESSED UNDER THE NAME OF ALVES CLEMENTE AND  
ALVES MARIA  
GRID: 133400-6459-02-727931-0000

Legislators BOLNER and BORCHERT offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of LaGrange assessed to Alves Clemente and Alves Maria for the levy year 2007 and described as Grid No. 133400-6459-02-727931-0000 amounting to \$13,117.09 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 3, 2008 for the tax lien year of 2008, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index 2008/7887, to enforce the collection of delinquent tax liens for the levy year 2007 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded on July 14, 2010 in the Office of the Dutchess County Clerk, Document # 02 2010 3462, and

WHEREAS, the sum of \$44,602.94 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Clemente Alves and Maria Alves, 991 Noxon Road, LaGrangeville, NY 12540 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

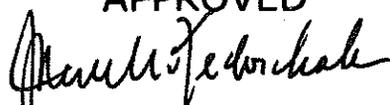
CA-22-11  
PB:JMF:ca  
1/20/11  
Fiscal Impact: None

STATE OF NEW YORK  
COUNTY OF DUTCHESS

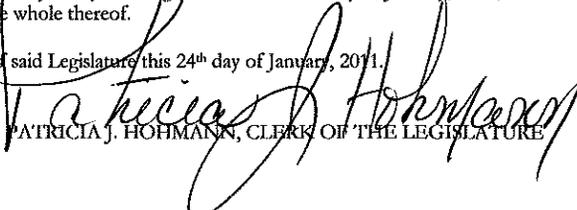
ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

APPROVED  
  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date January 25, 2011

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011022 resulted as follows:

Present: 25 Bolner, Borchert, Cooper, Doxsey, Flesland, Forman, Goldberg, Horn,  
Horton, Hutchings, Incoronato, Jeter-Jackson, Kelsey, Kuffner,  
MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes,  
Traudt, Tyner, Weiss, White.

Nays: 0

Absent: 0

Resolution adopted.

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper*		
District 6 - Town of Poughkeepsie	Flesland*		
District 14 - Town of Wappinger	Goldberg*		
District 7 - Town of Hyde Park	Kuffner*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn (VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 18 - City of Beacon	Forman		
District 22 - Town of Beekman	Hutchings		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12                      Resolution: X                      Total :    12                      0  
 Absent:    0                              Motion:            Yes                      No  
 Vacant:    0    Abstentions: 0

2011022    Quit Claim Deed, Property in the Town of Lagrange  
 Assessed Under the Name of Alves Clemente and Alves Maria

Date: 1/20/11

# Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Cooper		
District 6 - Town of Poughkeepsie	Flesland		
District 14 - Town of Wappinger	Goldberg		
District 7 - Town of Hyde Park	Kuffner		
District 1 - Town of Poughkeepsie	Doxsey		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Horn		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Sadowski, Jr.		
District 5 - Town of Poughkeepsie	Roman		
District 9 - City of Poughkeepsie	White		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 25      Resolution: X      Total : 25      0  
 Absent: 0      Motion: —      Yes      No  
 Vacant: 0      Abstentions: 0

2011022      Quit Claim Deed, Property in the Town of Lagrange  
 Assessed Under the Name of Alves Clemente and Alves Maria

Date: 1/24/11

***Commendation: St. Peter's Catholic School, Poughkeepsie, New York***

The Dutchess County Legislature offers the following and moves its adoption:

***Whereas***, St. Peter's Catholic School was established by Father Michael Riordan in 1844, at that time the Father saw a need for Catholic education in the Poughkeepsie area, and

***Whereas***, St. Peter's Catholic School is the oldest Catholic school in the United States, and

***Whereas***, in 1860, St. Peter's School needed to expand the school, at that time, Father Riordan requested the Sisters of Charity of Mount Saint Vincent to come and teach the girls attending the school, and in 1869, St. Peter's School established a boys' school across the street, and

***Whereas***, in 1908, Monsignor Joseph Sheehan requested that the Marist Brothers come to St. Peter's to teach grades 5 through 8, and thereafter, in 1926 the school was enlarged again to make accommodations for High School classes, and

***Whereas***, throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries St. Peter's School grew. The School relocated in 1965 to its present location on Violet Avenue where it continues to educate the "whole" child, spiritually, physically, and academically, and

***Whereas***, St. Peter's School has generated such community leaders as inventors, mayors, doctors, nurses, religious, NYS Supreme Court Justices and two (2) Bishops. Through the faculty and staff, parents and parishioners, St. Peter's will continue to educate tomorrow's students with the same tradition of excellence that was handed down and new programs, now, therefore be it

***Resolved***, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby congratulate and commend St. Peter's School on their current mission to achieve outstanding religious and academic education, and, be it further

***Resolved***, that the Dutchess County Legislature and Dutchess County would like to acknowledge the dedication of St. Peter's School's previous principals, Sister Cecelia Dolores Holms who passed away on December 10, 2010 and Miss Susan Roach, their example of Christian kindness will remain with all that they touched forever, and, be it further

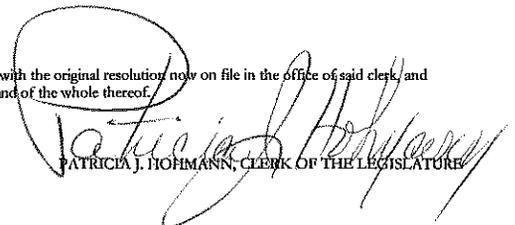
***Resolved***, that the Dutchess County Legislature does hereby extend to the faculty and staff, parents and parishioners, St. Peter's School and all its alumni, its best wishes in implementing successful and ongoing programs in all of their future endeavors.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss: Resolution No. 2011023

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011023 entitled, "Proclamation: St. Peter's School" was unanimously adopted by the Dutchess County Legislature.

***Commendation: David Goodman***

The Dutchess County Legislature offers the following and moves its adoption:

**Whereas**, David Goodman will retire on February 4, 2011, as the County Public Defender for Dutchess County. Mr. Goodman has served as Public Defender for more than nineteen (19) years, and

**Whereas**, David Goodman began his public service career with Dutchess County Government as a Deputy Public Defender in Dutchess County in 1970 part-time, and

**Whereas**, David Goodman was appointed as County Public Defender, and began serving in that capacity in 1992. Mr. Goodman served in the Public Defender's office for nearly thirty-five (35) years, and

**Whereas**, David Goodman has been instrumental in initiating innovative and important programs such as "Alternatives-to-Incarceration" and "Drug Court", both programs give individuals the ability to obtain admission into rehabilitation centers and alternate help, and

**Whereas**, David Goodman has been a strong advocate for his clients over the years, while at the same time he tried to make the criminal justice system more effective and efficient, and

**Whereas**, David Goodman has served an office dedicated to providing quality legal representation to clients which have had criminal charges filed against them and who have been determined to be indigent and are most in need of effective representation, and

**Whereas**, David Goodman and his office has assisted indigent individuals who have been contacted regarding criminal police matters even before they have been formally charged, and

**Whereas**, and perhaps most importantly David Goodman and his staff has advocated for the protection of the constitutional rights of the clients and worked toward achieving results that provided the greatest likelihood to help and/or rehabilitate these clients, now, therefore be it

**Resolved**, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend, congratulate and thank, David Goodman, on his retirement and many years of dedication in our community, and, be it further

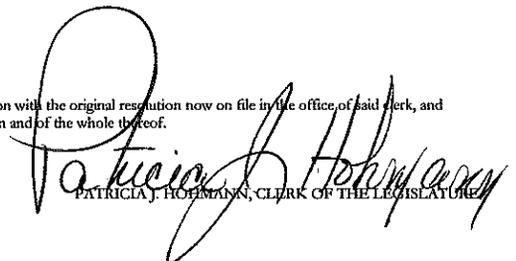
**Resolved**, that the Dutchess County Legislature, does hereby extend to David Goodman, its best wishes in all of his future endeavors.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss: Resolution No. 2011024

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011024 entitled, "Commendation: David Goodman" was unanimously adopted by the Dutchess County Legislature.

***Commendation: John Beale***

The Dutchess County Legislature offers the following and moves its adoption:

**Whereas**, John Beale retired on December 31, 2010, as the Dutchess County Aging Director after serving as Department Head for more than twelve (12) years, and

**Whereas**, John Beale began his public service career with Dutchess County Government as a Dutchess County Legislator representing the Town of Wappinger and the Village of Wappingers Falls in 1991. As a legislator, John chaired the Planning and Capital Projects Committee, the Human Services Committee and the Transportation Advisory Committee, and

**Whereas**, John Beale was appointed as Department Head, and began serving as Director of the Office of the Aging in 1998, and has been Dutchess County's longest serving Office for the Aging Director, and

**Whereas**, John Beale has been instrumental in initiating innovative and important programs for caregivers and seniors. He has worked to improve the quality of life for seniors in the Dutchess County community, and

**Whereas**, John Beale has made the Office for the Aging distinguished statewide as a model for informational programs to educate seniors referred to as Dutchess NY Connects a program designed to streamline access to information and assistance regarding long term care. Additionally, John assisted in the creation and implementation of health insurance educational programs, including individualized counseling, as well as, seminars and workshops such as "Plan Now for Your Aging Population" and "Own Your Future", and

**Whereas**, John Beale has delivered successful senior socialization programs, including the annual Senior Picnic program, and the Celebration of Aging. John also contributed and implemented socialization programs to focus on senior health and wellness including the national award winning Senior Exerciser Program, the Brain Games program, as well as the Family Caregiving Support Program and Falls Prevention Awareness programs, and

**Whereas**, John Beale has been a strong advocate for the needs of senior citizens in Albany, Washington, as well as on the local level. John was elected as a Board Member of the NYS Association of Area Agencies on Aging, representing the 59 Area Agencies on Aging of NYS, serving two terms for a total of six (6) years. He has also chaired the Hudson Valley Caucus of Area Agencies on Aging for eleven (11) years. In addition, Mr. Beale, served on the Board of Directors of the National Association of the Area

Agencies on Aging with offices in Washington, D.C., and served as a Director until his term expired in 2010. He was appointed as one of 1200 delegates from across the country to the 2005 White House Conference on Aging, and

**Whereas,** John Beale has also been a long-time community volunteer. John has been involved with Rebuilding Together Dutchess County, serving as both a board member and President of the Board of Directors. He has also served as Secretary and Board Member of the Dutchess County YMCA. Mr. Beale is a member of the Poughkeepsie Elks Lodge and is a member of the First Presbyterian Church of Wappingers Falls, now, therefore, be it

**Resolved,** that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate, John Beale, on his retirement and many years of dedication to the well-being of the seniors in our community; and, be it further

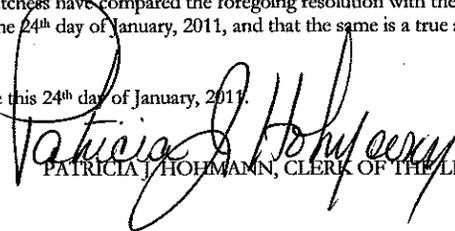
**Resolved,** that the Dutchess County Legislature, does hereby extend to John Beale, its best wishes in all of his future endeavors.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss: Resolution No. 2011025

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011025 entitled, "Commendation: John Beale" was unanimously adopted by the Dutchess County Legislature.

***Commendation: Christopher Vavrica***

Legislators Rolison, Horton, and Miccio offer the following and move its adoption:

WHEREAS, earning Eagle Scout status is the final step that a Boy Scout can take, it is the highest rank available in the organization, and only five percent of all Boy Scouts earn the Eagle Scout rank; to become an Eagle Scout a young man must be an active participant of a troop, hold a leadership position, carry out a leadership project reviewed before his 18th birthday, earn merit badges, perform community service and demonstrate outdoor skills, and be approved by district, local, and national review boards, and

WHEREAS, Christopher Vavrica is a Dutchess County resident residing in the Town of Fishkill who belongs to Troop 2609 , and

WHEREAS, Christopher Vavrica has been involved in many community activities, logging in over 50 hours of community service with the Boy Scouts, attending Memorial Day Services as a boy scout at Schiathaus Park and as an alter server at St. Mary's Church in Fishkill for nearly six years, and

WHEREAS, Christopher Vavrica has been a recipient of his high school High Honor Roll for two years as well as a member of Dutchess Community College's Dean's list and Dutchess Community College's Engineering Club Secretary, he has been inducted in Order of the Arrow, Boy Scout's National Honor Society, awarded Ad Altare Dei Catholic Religious Medal, received Senior Patrol Leader (highest leadership position in the Boy Scouts), and

WHEREAS, for his Eagle Scout project, Chris Vavrica, redesigned the landscape of four gardens with perennial flowers and shrubs framed with freshly painted railroad ties at the Hudson River Lodging in Poughkeepsie, New York, and be it

RESOLVED, that the Dutchess County Legislature hereby commends Christopher Vavrica for being a great role model to his peers and for his commitment and service to our community, and, be it further,

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby congratulate Christopher Vavrica for achieving his Eagle Scout award.

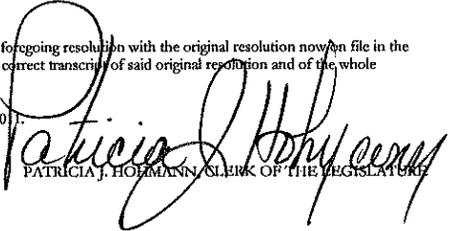
STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

Resolution No. 2011026

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011026 entitled, "Commendation: Christopher Vavrica" was unanimously adopted by the Dutchess County Legislature.

**Commendation: Poughkeepsie High School  
Poughkeepsie Pioneers Varsity Football Team - 2010 Class "A" North League Champions**

Legislators JETER-JACKSON and WHITE offer the following and move its adoption:

**Whereas**, the Poughkeepsie Pioneers Varsity Football Team recently completed an outstanding season by winning the Class "A" North League Championship in 2010 with the leadership of Coach Kenneth Berger; and finished the season with a 4-1 winning home record, a perfect 3-0 league record, and 3 home shutouts, and

**Whereas**, some of the league stats are as follows: Fabian Stone passed for a school record of 1609 passes and 15 touch downs; Tyre Coleman had 9 sacks and was selected Area All State Player Class "A"; Jovan Wilkins had 5 interceptions; Jarrid Williams had 384 yards rushing; Dane Myers had 546 yards receiving, and

**Whereas**, the following Pioneer Team Members received Post Season Awards; Tyre Coleman, All Section, MVP Lineman and All League; Jarrid Williams, All Section and All League; Jovan Wilkins, All Section and All League; Dane Myers, All Section Honorable Mention and All League; Brandon Weir, All League; Brandon Graham, All League; Josh Oliver, All League and Robert Johnson, All League, now, therefore, be it

**Resolved**, that the accomplishments of the 2010 Poughkeepsie High School Varsity Football Team are hereby recognized, and, be it, further

**Resolved**, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, hereby commend and congratulate the Poughkeepsie High School Varsity Football Team:

<i>Sid Haddad</i>	<i>Da'mique Sellers</i>	<i>Brandon Shaffer</i>	<i>Davonte Hamilton</i>
<i>Josh Oliver</i>	<i>Kwane Hayle</i>	<i>Lawrence Featherston</i>	<i>Justen Delgado</i>
<i>Jarrid Williams (C)</i>	<i>Torrence Parson</i>	<i>Sam Perry</i>	<i>Greg Charter</i>
<i>Dane Myers (C)</i>	<i>Josh Graham</i>	<i>Richard Moore</i>	<i>Dameek Redd</i>
<i>Fabian Stone (C)</i>	<i>Rahleek Hargrove</i>	<i>Matt Orrego (C)</i>	<i>Jordon Thompson</i>
<i>Davez Willaims</i>	<i>Dijon Davidson (C)</i>	<i>Sanjeeve Seville</i>	<i>Dan Gaurnaccia</i>
<i>Keenan Jones</i>	<i>Ka'shawn Garnes</i>	<i>Wilfredo Herrera</i>	<i>Josh Taylor</i>
<i>Dejuan Huggan</i>	<i>Justin Richardson</i>	<i>Mike Horowitz</i>	<i>Lou Wood</i>
<i>Kareem March</i>	<i>Israel Frank</i>	<i>Myles Blocker</i>	<i>Brandon Graham</i>
<i>Jovan Wilkins (C)</i>	<i>Chris Joseph</i>	<i>Tyre Coleman (C)</i>	<i>Brandon Weir</i>
<i>Jahlani Lord</i>	<i>Aubyn Stewart</i>	<i>Robert Johnson</i>	

now, therefore be it

**Resolved**, that the Dutchess County Legislature does hereby extend to the Poughkeepsie High School Varsity Football Team, its best wishes in all their future endeavors.

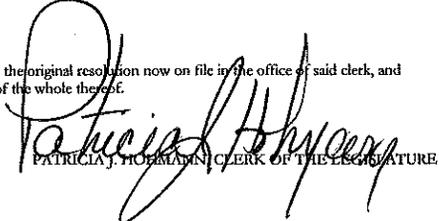
STATE OF NEW YORK

ss: Resolution No. 2011027

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. MOHAMMAD, CLERK OF THE LEGISLATURE

Resolution No. 2011027 entitled, "Commendation: Poughkeepsie High School Varsity Football" was unanimously adopted by the Dutchess County Legislature.

**Commendation: Poughkeepsie High School  
Poughkeepsie Pioneers Junior Varsity Football Team**

Legislators JETER-JACKSON and WHITE offer the following and move its adoption:

**Whereas**, the Poughkeepsie Pioneers Junior Varsity Football Team recently completed two outstanding seasons by winning 18 straight games and being undefeated for two (2) years running, and

**Whereas**, the Poughkeepsie High School Junior Varsity Football Team recently completed the last two seasons with a 9-0 winning record, a perfect two seasons, under the leadership of Coach Kenneth Berger, now, therefore, be it

**Resolved**, that the accomplishments of the 2008/2009 and 2009/2010 Poughkeepsie High School Junior Varsity Football Team are hereby recognized, and be further

**Resolved**, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, hereby commend and congratulate the Poughkeepsie High School Junior Varsity Football Team:

*Markel Green  
De'Andre Smith  
Adee Peralta  
Davonte Hamilton  
Kenneth (Greg) Charter  
Jordon Thompson  
Lou Wood  
Chris Easter  
Travis Russell  
Tyquan Murray  
Raheim Mincey  
Dameek Redd  
Gio Brooks*

*James Chambers  
Reuben Griffen  
Otic Elvy  
Asaad Culver  
Josh Taylor  
Robert Johnson  
Jason Scott  
Isaac Perez  
Dan Guarnaccia  
Myles Blocker  
Joshua DesRoches  
Dion Pinkney  
Rakan Nesheiwat*

*Cameron Melius  
Marcelino Edwards  
Tyrell Bazemore  
Felipe Benitez  
Alex Edwards  
Justen Delgado  
Prayer Moore  
Roquan Harris  
Alvin Kiggunda  
Jacob Rosado*

now, be it further

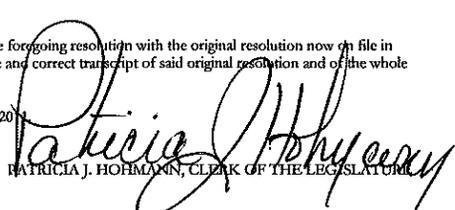
**Resolved**, that the Dutchess County Legislature does hereby extend to the Poughkeepsie High School Junior Varsity Football Team, its best wishes in all their future endeavors.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

Resolution No. 2011028

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011028 entitled, "Commendation: Poughkeepsie High School Junior Varsity Football" was unanimously adopted by the Dutchess County Legislature.

***Commendation: Stanford Grange #808 - Honored as "Distinguished Grange"***

**Legislator Cooper and Kelsey offer the following and move its adoption:**

*Whereas*, Stanford Grange #808 was established in Bangall, Town of Stanford on January 23, 1896, with 18 members and is the second oldest organization in the Town of Stanford, the first being a local church and Stanford Grange conducted their meetings at individual's homes, however, in 1898 the members rented a meeting room from the Christian Biblical Institute, thereafter, in 1907, the Grange members moved the meetings to Vandewater Hall and in 1917, the Grange purchased their first Hall, and since that time, it has been used as a community center for the Town of Stanford; and

*Whereas*, the Stanford Grange also established the Stanford Junior Grange #414 in 1938 and with the exception of the church, this was the first organization for children in the Town of Stanford in 1931, the Grange organized the Stanford Fire Company with Grange members serving as their first Board of Directors; in 1959 the Grange organized the First Annual Community Day and to date continues to sponsor this town-wide event every year; in 1964, the Grange was instrumental in the establishment of the Stanford Free Library; and

*Whereas*, in recent years the Grange has hosted "Meet the Candidates Nights" in October and May of each year for local, state and regional officials and the Pine Plains Central School Board to hold forums; the Grange also hosts a yearly "Foster Child Christmas Party" each December; the Grange further supports our Troops in the Military, sending them care packages and in the late 1970's and early 1980's both Stanford Grange #808 and Stanford Junior Grange #414, were recognized as being in the top of their class both on a State and National level; and

*Whereas*, at the 144<sup>th</sup> Annual National Grange Convention held in North Carolina, Stanford Grange #808, was recognized and honored as a "Distinguished Grange" by the National Grange President and the National Grange Membership/Leader Director; Stanford Grange #808 is the only Grange in New York State and only one of thirteen Granges nationwide selected for this award and the Stanford Grange fulfilled particular requirements established by the National Grange some of which include, but are not limited to, a net gain in membership, sending delegates to two (2) of the New York State Grange Sessions, hosting at least two community service/educational events, sending in quarterly reports to the State Grange and to host a legislative event and the Stanford Grange will also be celebrating its 115<sup>th</sup> Anniversary on Tuesday, January 25, 2011; and

*Whereas*, the Grange has not only provided fun-filled and educational programs and activities for its members, it also provides them with a forum to voice their political concerns and guides them in how to strengthen their community through legislative action; now, therefore, be it

***Resolved***, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby congratulate and commend Stanford Grange #808 and their many programs, in their current mission to help educate, offer community services, political forums and enlighten our youth for a positive future in Dutchess County.

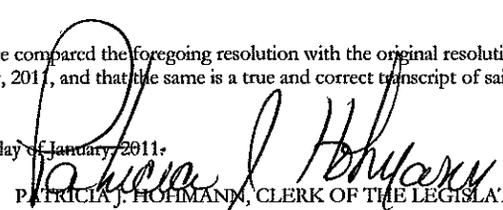
STATE OF NEW YORK

ss: Resolution No. 2011029

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011029 entitled, "Commendation - Stanford Grange Hall" was unanimously adopted by the Dutchess County Legislature.

**Condolence: Honorable Francois (Frank) R. Cross**

The Dutchess County Legislature offers the following and moves its adoption:

**Whereas**, The Dutchess County Legislature expresses its deepest sadness and sense of great loss over the recent death of Hon. Frank R. Cross who passed away on December 29, 2010 at the age of 72, and

**Whereas**, Judge Frank R. Cross was a lifelong Dutchess County resident, born on March 8, 1938 in Beacon, New York, to the late William and Myrtle Root Cross. He was a graduate of St. Bonaventure University and he received his law degree from Villanova University Law School, and

**Whereas**, Judge Cross wed his high school sweetheart, Loretta on July 14, 1962, and they had three children, Tracy, Allison and Daniel, along with five grandchildren Alyssa, Nicholas, Alexander, Gabriella and Samuel, and

**Whereas**, Judge Cross was a Dutchess County Assistant District Attorney prior to forming a law firm in Southern Dutchess County in 1968, and

**Whereas**, Judge Cross served as Attorney for the Town of East Fishkill from 1969 to 1981; President of the Dutchess County Magistrate's Association in 1973 to 1974; Director of First National Bank from 1995 to 1998; Director Emeritus, Premier National Bank and Trustee Emeritus at St. Francis Hospital, and

**Whereas**, Judge Cross served as Town Justice for the Town of Fishkill for over 40 years, starting in 1969, and

**Whereas**, Judge Cross was an active member of New York State and Dutchess County Magistrates Associations, and

**Whereas**, his passing will be mourned by his family, friends and colleagues throughout Dutchess County and the surrounding Counties, now, therefore be it

**Resolved**, the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deepest sympathy and sincere condolences to the family and friends of Judge Frank R. Cross, and, be it further

**Resolved**, that a copy of this resolution be forwarded to the family of Judge Frank R. Cross, and, be it further

**Resolved**, that this meeting at the Dutchess County Legislature be adjourned in memory of the late Judge Frank R. Cross.

STATE OF NEW YORK

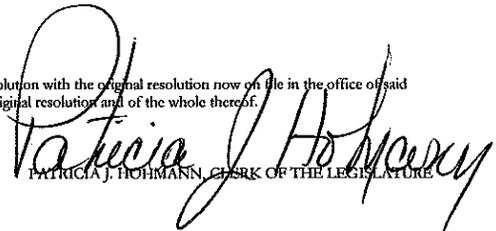
ss:

Resolution No. 2011030

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011030 entitled, "Condolence - Honorable Francois R. Cross" was unanimously adopted by the Dutchess County Legislature.

***Condolence: Carol Hadek Garrity***

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 Carol Hadek Garrity on December 23, 2010, at Vassar Brothers Medical Center. She was 76 years old, and

**WHEREAS**, Carol Garrity was a long-time Poughkeepsie resident, born on May 21, 1934 in the Bronx, to the late William and Anna Maloney Hadek, and

**WHEREAS**, Carol Garrity married John L. Garrity on October 24, 1959 in New York City. Carol and John had five children together William, John, Mary, Anne and Carol. She will be missed by her 6 grandchildren, John Thomas, Mary Carol, Jeffrey Van, Helen Katie, Colleen and Connell, and

**WHEREAS**, Carol Garrity attended and received a Bachelor Degree in Mathematics from St. Joseph's College for Women in Brooklyn. Thereafter, she went on to be employed for IBM as a programmer, and

**WHEREAS**, Carol Garrity was very active in local politics and civics, serving as a Councilwoman for the Town of Poughkeepsie for 10 years; she also acted in the capacity of Deputy Supervisor for the Town of Poughkeepsie, and she also served as Chairman of the Tri-Municipal Sewer Commission. Carol was a member of the St. Mary's Church in Wappinger for 50 years, and

**WHEREAS**, Carol Garrity lived a full and accomplished life with many achievements to be proud of, and

**WHEREAS**, her passing will be mourned by his family and friends 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 Carol Hadek Garrity, and, be it further

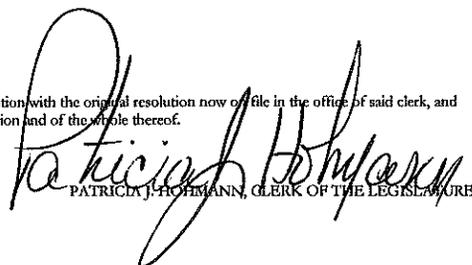
**RESOLVED**, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Carol Hadek Garrity.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss: Resolution No. 2011031

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 24<sup>th</sup> day of January, 2011, 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 24<sup>th</sup> day of January, 2011.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

Resolution No. 2011031 entitled, "Condolence - Carol Hadek Garrity" was unanimously adopted by the Dutchess County Legislature.

Other business:

Legislator Goldberg referenced the *Rules of the Dutchess County Legislature* page 17 Rule 4.22 that clearly says that no motion for reconsideration shall be in order it goes on to say unless made by a member who voted from with the prevailing side. She further stated that it would have been much more appropriate for Legislator Cooper to have made the motion.

On motion by Legislator Cooper, duly seconded by Legislator Flesland and carried, the Rules were suspended to allow the public to address the Legislature on agenda and non-agenda items.

No one wishing to speak, on motion by Legislator Cooper duly seconded by Legislator Flesland and carried, the Regular Order of Business was resumed.

On motion by Legislator Cooper, duly seconded by Legislator Flesland and carried, the meeting adjourned in memory of Honorable Francois R. Cross and Carol Hadek Garrity at 9:26 p.m. subject to the call of the Chair.