

Regular Meeting  
of the  
Dutchess County Legislature

Monday, January 25, 2010

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

Roll Call by the Clerk of the Legislature

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.

ABSENT: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation by Father John Bida of Immaculate Conception Church in Bangall, New York followed by a moment of silent meditation.

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 and non agenda items.

Constantine Kozolias, City of Poughkeepsie, New York, spoke in favor of Resolution No. 2010012 entitled "Repealing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear, pursuant to the authority of Article 29 of the Tax Law of the State of New York."

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

Chairman Rolison entertained a motion to approve the minutes of January 5, 2010.

Legislator Goldberg moved to amend the attached roll call sheet to Resolution No. 2010001 recorded by the previous Clerk, to reflect the actual vote of three nays and two abstentions duly seconded by Legislator Cooper and unanimously carried.

Legislator Goldberg moved to amend the attached roll call sheet to Resolution No. 2010002 recorded by the previous Clerk, to reflect the actual vote of three nays and two abstentions duly seconded by Legislator Cooper and unanimously carried.

**COMMUNICATIONS RECEIVED FOR THE JANUARY, 2010 BOARD MEETING**

RECEIVED: Memo received January 19, 2010, from Commissioners of Board of Elections Knapp and Gamache certifying Expenses of Board of Elections for 2008.

RECEIVED: Minutes of LEICC Meeting held on September 28, 2009.

RECEIVED: Letter from Virginia Buechele on January 5, 2010, regarding opposition to the release of HUD Funds for Pendell Commons/Kearney Realty & Development Town of Poughkeepsie, Dutchess County, New York.

RECEIVED: January 7, 2010, Notice of Public Statement Hearings on Central Hudson Gas & Electric Corporation's Proposal to Increase Electric and Gas Rates.

RECEIVED: Audits from Comptroller Diane Jablonksi:

December 29, 2009 Dutchess County Department of Central Services

December 29, 2009 Department of Probation and Community Corrections

December 29, 2009 Dutchess County Department of Health for period 2006-2008.

December 30, 2009 Dutchess County Economic Development Corporation  
January 1, 2008 – December 31, 2008

December 30, 2009 Dutchess County Department of Public Works – Parks Division  
January 1, 2008 – December 31, 2008

RECEIVED: Memo received January 25, 2010 form Linda S. Way, Director of Risk Management regarding Health Insurance Contributions.

The prior month's meeting minutes were approved as amended.

***Commendation: Patrick Massaroni***

Legislator KUFFNER offers the following and moves its adoption:

WHEREAS, this past Summer, Patrick Massaroni was enjoying time with his friends at a beach house on the Jersey Shore, and

WHEREAS, on July 19<sup>th</sup> Patrick was awakened at 5:00 am to the sounds of smoke alarms and saw the flames not 12 feet from him, and

WHEREAS, Patrick reacted quickly and got himself safely out of the house, and

WHEREAS, once outside and out of danger himself, Patrick realized that many of his friends were still in the house, and in great danger, and

WHEREAS, without hesitating, Patrick ran back into the house to save his friends who remained inside, and

WHEREAS, at great hazard to himself Patrick made a total three trips into the burning house, and

WHEREAS, as a result of his efforts, several of his friends survived the fire, and

WHEREAS, Patrick paid a great price for his bravery, and had to be medevacked to the hospital with first and second degree burns to his back, arm, and leg, and severe smoke inhalation, and

WHEREAS, Patrick is now back for his senior year at Marist, and although he is still recovering from his injuries, he is back to his regular routine, and on track to graduate and pursue his master's degree in sports communication, now, therefore, be it

RESOLVED that the Dutchess County Legislature commends Patrick Massaroni for his bravery, his selflessness, and his sacrifice, and offers him best wishes as he completes his college career and pursues his dreams and his goals.

Res. No. 2010010

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 25th day of January 2010, 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 25<sup>th</sup> day of January 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010010 entitled, Commendation: Patrick Massaroni was unanimously adopted by voice vote.

RESOLUTION NO. 2010011

RE: HOME RULE REQUEST - RESOLUTION URGING  
NEW YORK STATE LEGISLATURE TO APPROVE  
SENATE BILL S4040 AND ASSEMBLY BILL A8780A  
ENTITLED, "AN ACT TO AMEND CHAPTER 558  
OF THE LAWS OF 2007 AMENDING THE TAX LAW  
RELATING TO THE MORTGAGE RECORDING TAX  
IMPOSED IN DUTCHESS COUNTY, IN RELATION  
TO EXTENDING THE EFFECTIVENESS OF SUCH  
PROVISIONS"

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

WHEREAS, the Legislature adopted Resolution No. 209035, which requested the State Legislature to enact legislation to permit Dutchess County to extend the increased mortgage recording tax rate as previously authorized at twenty-five cents for each \$100.00, and

WHEREAS, the New York State Legislature has drafted Senate Bill S4040 and Assembly Bill A8780A to authorize and empower the County of Dutchess to adopt and amend local laws, ordinances or resolutions extending a mortgage tax of twenty-five cents for each \$100.00 and each remaining fraction thereof for an additional period ending November 30, 2011, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby respectfully requests the New York State Legislature submit for final consideration and approval, a Home Rule request for the 2009 legislative session authorizing the County of Dutchess to enact a Local Law to extend the increased mortgage recording tax rate as previously authorized at twenty-five cents for each \$100.00 and each remaining major fraction thereof to be used for County purposes through November 30, 2011, and, be it further

RESOLVED, that the enabling legislation be in form and content as Senate Bill S4040 and Assembly Bill A8780A, and, be it further

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

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 25<sup>th</sup> day of January, 2010, 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 25<sup>TH</sup> day of January, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010011 was pulled by the Budget & Finance Committee Chairman.

RESOLUTION NO. 2010012

RE: REPEALING AN EXEMPTION FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM RETAIL SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, CERTAIN CLOTHING AND FOOTWEAR, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

BE it enacted by the Legislature of the County of Dutchess as follows:

SECTION 1. Subdivision (j) of section six of Resolution No. 598 of 1975, as amended, is hereby REPEALED.

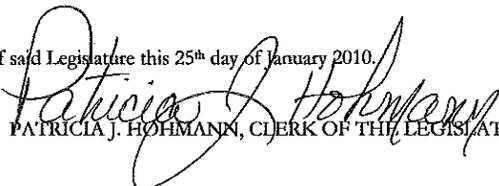
SECTION 2. This resolution shall take effect March 1, 2010, and shall apply in accordance with applicable transitional provisions of the New York Tax Law.

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

December 8, 1975

WHEREAS, Stephen Angel developed community support for the nutrition program, including the active participation of many volunteers, and WHEREAS, he developed a sound program with minimal use of paid staff and thus made it possible for a high proportion of funds to be used for the direct provision of services to the elderly, now, therefore, be it

Resolved, that the County Legislature commends Stephen Angel on his life accomplishments for the senior citizens of the County, and be it further

RESOLVED, that the County Legislature wishes Stephen Angel a pleasurable retirement.

## RESOLUTION NO. 597 — 1975

RE: Congratulations—City of Poughkeepsie Pop Warner Football Giants Team.  
Legislators Ringwood, Digilio, Leonard, Baratta and MacClelland offer the following and move its adoption:

WHEREAS, the City of Poughkeepsie Pop Warner Football Giants have been City champions in the years 1974, 1974 and 1975, and

WHEREAS, the Giants have an unprecedented winning record of 13 consecutive games and for 8 consecutive games their opponents were kept scoreless, and

WHEREAS, for 2 years Giant players were selected as Most Valuable Players, and

WHEREAS, all Pop Warner leagues provide young men with exercises requiring physical strength, agility, stamina and respect for the ideals of good sportsmanship, and

WHEREAS, each player must be 11 to 14 years of age, must practice many hours and still maintain their school grades, and

WHEREAS, Rodney Royal and Elmer Rossman have been coaches for the Giants for several years and have been active with City youth and are responsible for organizing 3 championship teams, now, therefore be it

RESOLVED, that the Dutchess County Legislature wishes to extend their congratulations and commend Rodney Royal and Elmer Rossman on their efforts in creating good community relations with youth and adult, and be it further

RESOLVED, that the County Legislature wishes the Giants and Pop Warner Football teams throughout the county an enjoyable and healthy future, and be it further

RESOLVED, that the County Legislature, officially commend the City of Poughkeepsie Pop Warner Football Giants team by recognizing its accomplishments and achievements of the past three years.

Motion by Legislator Leonard, duly seconded by Legislator Digilio, to recess for supper.

Voice Vote—Motion Defeated.

At this time Legislator Chase explained the logic used to making the changes to the tentative budget.

December 8, 1975

On motion by Legislator Hannigan, duly seconded by Legislator Chase, the following amendments were proposed:

All flat salaried people earning over \$40,000 will receive a 3% increase.  
All flat salaried people earning between \$20,000 to \$39,999 will receive a 5% increase.

All flat salaried people earning less than \$20,000 will receive a 7% increase.  
For part-time positions the salaries will remain the same.

County Court A1110 delete the following:

29700—Court Crier.  
29800—Confidential Attendant.

Public Defender A1170.

27000—Public Defender should be Part-time.

27001—1st Investigator salary should read FROM \$15,778 TO \$15,717.

County Attorney A1420.

29200—County Attorney should read FROM \$28,996 TO \$27,000.

Health Department A4010.

31001—Department Attorney should be Part-time.

Medical and Dental Director A4013

Dental and Medical Directors should be Part-time.

District Attorney A1168.

39004—D.A. Assistant should read FROM 15,400 TO \$4,900.

Comptroller A1315 delete the following:

4407 Audit.

O.C.I.S. A1680.

99999—Vacancy Factor should read FROM -5,000 TO -47,322.

Contracted Services A4322 add the following:

4446—Mid-Hudson Crime Control FROM 0 TO 22,000.

Contracted Mental Hygiene Services A4322 add the following:

32503 Private Agency Crime Control FROM 0 TO 1,100.

38003—State Aid Crime Control FROM 0 TO 20,900.

The roll call vote on the foregoing amendments resulted as follows:

AYES: 81. NAYS: 8—Baratta, Piegott and Pollucci.

ABSENT: 1—Finman.

AMENDMENTS ADOPTED.

## RESOLUTION NO. 598 — 1975

## RESOLUTION

of the

County Legislature of the County of Dutchess, imposing taxes on sales and uses of tangible personal property and certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 25 of the Law of the State of New York.

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



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- (7) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.
- (d) When used in this resolution for purposes of the tax imposed under subdivision (f) of Section 2, the following terms shall mean:
- (1) Active annual member. A member who is not a life member but who enjoys full club privileges as distinguished from the privileges enjoyed by a person holding a nonresident membership, an associate membership, or other partial or restricted membership.
- (2) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.
- (3) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.
- (4) Charge of a roof garden, refreshment, service, or merchandise at a roof garden, cabaret or otherwise similar place.
- (5) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live dramatic, choreographic or musical performance.
- (6) Dues. Any dues or membership fee including any assessment, irrespective of the purpose for which made, and any sports privileges or facilities except charges for sports privileges for which are offered to members guests which would otherwise be exempt if paid directly by the member. A dues of a life member shall be an annual equivalent to the amount paid dues within this definition, by an active annual member, whether or not the life member paid for his life membership prior to the imposition of the tax by this article.
- (7) Initiation fee. Any payment contribution, or loan, required as a condition precedent to membership, whether or not such payment, contribution or loan is evidenced by a certificate of interest of indebtedness, stock, and irrespective of the person or organization to whom paid, contributed or loaned.
- (8) Lessor. Any person who is the owner, licensee, or lessee of any place of amusement or roof garden, cabaret or other similar place which he leases, subleases or grants a license to use to other person who make amusement charges or admission charges.
- (9) Patron. Any person who pays an amusement charge or who is otherwise required to pay the tax imposed under such subdivision (f) of Section 2.
- (10) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.
- (11) Recipient. Any person who collects or receives or is under a duty to collect an amusement charge.

(12) Roof garden, cabaret or other similar place. Any roof garden, cabaret or other similar place which furnishes a public performance for profit.

(13) Social or athletic club. Any club or organization of which a material purpose or activity is social or athletic.

#### SECTION 2. Imposition of sales tax.

On or after March 1, 1976, there is hereby imposed and there shall be paid a tax of one (1%) percent upon:

- (a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this resolution.

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- (b) The receipts from every sale, other than sales from resale, of gas, electricity, refrigeration and steam and from every sale, other than sales for resale, of telephony or telegraph and telephone and telegraph services of whatever nature, except interstate and international telephony and telegraph services.
- (c) The receipts from every sale, except for resale, of the following services:
- (1) The furnishing of information by printed, mimeographed or multigraphed matter or by duplicating written or printed matter, including information of any kind or the services of collecting, compiling or editing information of any kind or nature and furnishing reports, or of any other persons, but excluding the furnishing of information to any person or individual in nature and which is not or which is substantially incorporated in reports furnished to other persons, and including the services of advertising or other agents, or other persons acting in a representative capacity and information services used by newspapers, radio broadcasters and television broadcasters in the collection and dissemination of news.
- (2) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.
- (3) Installing tangible personal property or maintaining, servicing, repairing, or removing such property, which is performed directly or by means of coin-operated machines or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except such services rendered by an individual who is engaged directly by a private home-owner or lessee in or about this residence and who is not in a regular trade or business offering his services to the public, and except any receipts from laundering, except for tailoring, weaving, pressing, shoe repairing and shoe care, an addition or capital improvement to real property which, when installed, is not an addition or capital property or an improvement to real property, or land, as the terms real property, property or land are defined in the Real Property Tax Law, and except such property or land with respect to commercial vessels primarily engaged in interstate or foreign commerce and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than such vessels for which the original equipment of a new ship) with respect to articles purchased for the original equipment of a new ship; provided, however, that nothing contained in this paragraph shall be construed to exclude from tax under this paragraph or under subdivision (b) of this section any charge, made by a person furnishing services, subject to tax under subdivision (b) of this section, for installing property at the premises of a purchaser of such taxable service for use in connection with such service.
- (4) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.
- (5) Maintaining, servicing or repairing real property, property or land, as such terms are defined in the Real Property Tax Law, whether the services are performed inside of a building, as distinguished from adding to or improving such real property, property or land, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding in-liner cleaning and maintenance services performed on a regular contractual basis for a term of less than thirty days, other than window cleaning, rodent and pest control and trash removal from buildings.

Wages, salaries and other compensation paid by an employer to an employee

through (b) of this subdivision (c) are not receipts subject to the taxes imposed under such subdivision.

(d) (1) The receipts from every sale of beer, wine or other alcoholic beverages or any other drink of any nature, or from every sale of food and drink of any nature or of food alone, when sold in or by restaurants, taverns, bars, clubs, or other establishments in this county, or by caterers, including in the amount of such receipts, cover, minimum, entertainment or other charge made to patrons or customers (except those receipts taxed pursuant to subdivision (f) of this section);

(2) In all instances where the sale is for consumption on the premises where sold;

(3) In those instances where the vendor or any person whose services are arranged for by the vendor sells the delivery of the food or drink by or on behalf of the vendor for consumption on the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink; and

(4) In those instances where the sale is for consumption off the premises of the vendor, except when the food (other than sandwiches) or drink or both are (A) sold in an unsealed container, (B) are of a type commonly sold for consumption off the premises and in the same form and condition, quantities and packaging, in establishments which are similar to those other than those principally engaged in selling foods prepared and ready to be eaten.

(5) The tax imposed by this subdivision shall not apply to:

- (A) Food or drink which is sold to an airline for consumption while in flight;
- (B) Food or drink sold to a student of a nursery school, kindergarten, elementary school or secondary school, or sold at a restaurant, cafeteria, canteen, mess hall, school, or other establishment located on the premises of a college, university or other establishment located on the premises of a nursery school, kindergarten, elementary or secondary school; provided that the student who purchases such food and drink under a contract of enrollment therein does not pay cash at the time he is served, provided that the school, college or university described in this subparagraph is operated by an exempt organization, incorporated, organized, or licensed by the State Law, or is operating under the regulations of the State Commissioner of Education, or is incorporated by the Regents of the University of the State of New York or with their consent or the consent of the Commissioner of Education as provided in Section 216 of the Education Law.

(c) food and drink sold through coin operated vending machines at ten cents or less, provided the vendor is primarily engaged in making such sales and maintains records satisfactory to the state tax commission.

(e) The rent for every occupancy of a room or rooms in a hotel in this County, except that the tax shall not be imposed upon a permanent resident, or (2) where the rent is not more than at the rate of two dollars per day.

(f) (1) Any admission charge where such admission charge is in excess of ten cents to or for the use of a place of amusement in the County, except charges for admission to race tracks, boxing, sparring or wrestling matches or exhibitions which charges are taxed under the laws of this State except taxes imposed by Article 28 of the Tax Law of the State of New York, or dramatic or musical arts performances, or motion picture theaters, or charges to a person for admission to, or use of, facilities for sporting activities in which such person is to be a participant, such as bowling alleys and swimming pools.

For any person having the permanent use or possession of a box or seat or a lease or a license, other than a person to be used for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The dues paid to any social or athletic club in this County if the dues of an active annual member, exclusive of the initiation fee, are in excess of ten dollars per year, and on the initiation fee, are in excess of the amount of ten dollars, if such initiation fee is in order or association operating under the lodge system or any fraternal association of students of a college or university. Where the tax on dues applies to such social or athletic club, the tax shall be paid by all dues or initiation fees for a period commencing on or after March 1, 1976. In the case of a life membership, the tax shall be upon the annual amount paid by active annual members as dues, whether the imposition of the tax under this resolution and shall be paid annually by the person holding such life membership at the time for payment of dues, by active annual members.

(3) The amount paid as charges of a roof garden, cabaret or other similar place in the state.

SECTION 3. Transitional provisions.

(a) The taxes imposed under subdivisions (b), (c) and (d) of Section 2 shall be paid upon all sales made and services rendered on or after the effective date of this resolution although made or rendered under a prior contract, except as provided in Section 12, hereof, that a delivery or transfer of possession of tangible personal property made after said date pursuant to an agreement for the sale of that property shall not be subject to tax if: (1) the sale of such property was made before the date of this resolution; (2) the sale agreement for the sale of said property was made in writing; (3) the sale of such property was made on or after the date of this resolution; (4) the sale of such property was made on or after December 1, 1975, from any other similar property in the possession of the vendor and identified as having been appropriated to this resolution by agreement of sale and (3) the purchaser, before March 1, 1976, shall have paid to the vendor not less than ten percent of the sale price of such property.

(b) The tax imposed under subdivision (b) of Section 2 shall be paid with respect to receipts for property or services sold on or after March 1, 1976, although made under a prior contract. Where property or services are sold on a monthly, quarterly or other term basis and the bills for such property or services are based on meter readings, the amount received on each bill for such property or services for a month or other term shall be subject to the tax, but such tax shall be applicable to all bills for such property or services read on or after March 1, 1976 only where more than a half of the number of days included in the month or other period in which such bills are for telephone or telegraph service the tax shall apply to such bills dated on or after March 1, 1976, for which no bill was rendered, excepting, however, charges for services furnished before the date of the first of such bills.

(c) The tax imposed under subdivision (c) of Section 2 shall be paid upon any occupancy on or after March 1, 1976, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other basis, the rent shall be subject to the tax imposed under this subdivision (c) to the extent that it covers any period on and after March 1, 1976, and such rent shall be apportioned on the basis of the ratio of the number of days within said period to the total number of days covered thereby.



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cure, mitigation, treatment or prevention of illnesses or diseases in human beings and products consumed by humans for the preservation of health but not including medical equipment and supplies other than such chemical medicines, or cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein.

(4) Prosthetic aids, hearing aids, or eyeglasses and artificial devices designed for the use of a particular individual to correct or alleviate physical incapacity.

(5) Newspapers and periodicals.

(6) Tangible personal property except property incorporated in a building or structure, for the use or consumption directly and predominantly in the production for sale of tangible personal property by farming, including stock, dairy, poultry, fruit, fur bearing animal, and truck farming. The term farming shall also include, operating nurseries, greenhouses or other similar structures used primarily for the raising of agricultural, horticultural or floricultural commodities, and operating orchards.

(7) Tangible personal property sold by a mortician, undertaker or funeral director. However, all tangible personal property sold to a mortician, under-taker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale within the meaning of paragraph (4) of subdivision (b) of Section 1 of this resolution and shall not be exempt from the retail sales tax.

(8) Commercial vessels primarily engaged in interstate or foreign commerce and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship).

(9) Fuel sold to an airline for use in its airplanes.

(10) Tangible personal property purchased for use or consumption directly and predominantly in research and development in the experimental or laboratory tests. Such research and development shall not be deemed to include the ordinary servicing or inspection of materials or products. Efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

(11) Tangible personal property sold through coin-operated vending machines at ten cents or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the state tax commission.

(12) Motor vehicles, as such term is defined in section one hundred twenty-five of the vehicle and traffic law, sold by a person or wife to his or her spouse, or by a parent to his or her child, or by a child to his or her parent. Provided, however, this exemption shall not apply if the vehicle is sold by a dealer as defined in section four hundred fifteen of the vehicle and traffic law.

(13) Tangible personal property sold to a contractor, subcontractor or repairman for use in erecting a structure or building, or an organization described in subdivision (a) of section seven, or adding to, altering or improving real property, or land are defined in the real property tax law; provided, however, no exemption shall exist under this paragraph unless such tangible personal property is to become an integral component part of such structure, building or real property.

(14) Tangible personal property sold to a contractor, subcontractor or repairman for use in maintaining, servicing or repairing real property or repair-land of an organization defined in subdivision (a) of section seven, as the real property, property or land defined in the real property tax law; provided, however, no exemption shall exist under this paragraph unless such tangible personal property is to become an integral component part of such structure, building or real property.

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(15) Tangible personal property sold by a contractor, subcontractor or repairman to a person other than an organization described in subdivision (a) of section seven, for whom he is adding to, or improving real property, property or land by a capital improvement, or for whom he is about to do any of the foregoing. If such tangible personal property is to become an integral component part of such structure, building or real property, provided, however, that if such sale is in a contract irrevocably entered into before September first, nineteen hundred sixty-nine, no exemption shall exist under this paragraph.

(16) Tangible personal property sold by a person at his residence, provided such person does not engage in such sales for more than three days in a calendar year and such person or any member of this household does not conduct a trade or business in which similar items are sold, and the gross receipts from such sales for the calendar year in which such sales are made do not exceed two hundred dollars in a calendar year. This exemption shall not apply to sales at a party or a sale held to liquidate an estate. This exemption shall not apply to the sale of boats, snowmobiles or motor vehicles except such sales which fall within the exemptions of paragraph thirteen of subdivision (a) of this section.

(17) Cartons, containers, and wrapping and packaging materials and supplies, and amounts thereof for use and consumption by a vendor in packaging or packing tangible personal property for sale, and actually transferred by the vendor to the purchaser.

(18) (1) Telephony and telegraphy and telephone and telegraph services used by newspapers, radio broadcasters and television broadcasters in the collection or dissemination of news shall be exempt from the tax imposed under subdivision (2) of Section 2 if the charge for such services is a toll charge or a charge for message services, including the associated station terminal equipment.

(2) Gas, electricity, refrigeration and steam, and gas, electric, refrigeration and steam service of whatever nature for use or consumption directly and exclusively in research and development in the experimental or laboratory tests shall be exempt from the tax imposed under subdivision (b) of Section 2. Such research and development shall not be deemed to include the ordinary testing, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

(3) All sales of tangible personal property for use or consumption directly and predominantly in the production of tangible personal property, gas, electric, refrigeration or steam, for sale, by manufacturing, processing, generating, assembling, fabricating, or for use in extracting, farming, agriculture, horticulture or floriculture, and all sales of gas, electric, refrigeration or steam, for use or consumption directly and predominantly in receiving at destination or in initiating and transmitting messages or telegraph communication shall be exempt from the taxes imposed under subdivision (a) and (b) of Section 2.

(4) Services otherwise taxable under paragraph (1), (2) or (3) of subdivision (c) of Section 2 herein shall be exempt from tax under this resolution if the tangible personal property upon which services were performed is delivered to the purchaser outside the County or use outside the County.

(5) Telephone and telegraph service paid for by inserting coins in coin-operated telephones where the charge is ten cents or less shall be exempt from the tax imposed under subdivision (b) of Section 2.

(6) Services rendered by a veterinarian licensed and registered as required by the education law which constitute the practice of veterinary medicine as defined in said law, including boarding a horse for which no separate boarding charge is made, shall not be subject to tax under paragraph (3) of subdivision

December 8, 1975

(c) of Section 2, but the exemption allowed by this subdivision shall not apply to other services provided by a veterinarian for a companion animal, including but not limited to, boarding, grooming and clipping. A companion animal is property designed for use in some manner relating to domestic life, including, but not limited to, as a pet, a show animal, a hunting dog, a guard dog, a police dog, a service dog, a dog used in a circus, or a dog used in a rodeo. (a) of Section 2 or under Section 4. However, the sale of any such articles of tangible personal property to a veterinarian shall not be deemed a sale for resale unless the meaning of paragraph (4) of subdivision (b) of Section 1 and shall not be exempt from retail sales tax.

(g) Services otherwise taxable under paragraph (3) of subdivision (c) of Section two shall be exempt from tax if performed upon prosthetic aids, hearing aids, or eye glasses and artificial devices designed for the use of a particular individual to correct or alleviate physical incapacity.

SECTION 7. Exempt organizations.

- (a) Except as otherwise provided in this section, any sale or amusement charge by or to any of the following or any use or occupancy by any of the following shall not be subject to the sales and compensating use taxes imposed under this resolution.
- (1) The State of New York, or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to an act or compact with another state or Canada) or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;
  - (2) The United States of America--and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;
  - (3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;
  - (4) Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, the part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.
  - (5) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization;
  - (A) organized in this state;
  - (B) at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets or are spouses, widows or widowers of war veterans or such individuals, and
  - (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (b) Nothing in this section shall exempt:
- (1) retail sales of tangible personal property by any shop or store operated

December 8, 1975

- by an organization described in paragraph (4) or paragraph (5) of subdivision (a) of this section, or
- (2) sales of food or drink in or by a restaurant, tavern or other establishment operated by an organization described in paragraph (1), paragraph (4) or paragraph (5) of subdivision (a) of this section, other than exempt under paragraph (1) of subdivision (c) of Section 4, the taxes imposed hereunder, unless the purchaser is an organization exempt under this section;
  - (c) Where any organization described in paragraph (4) of subdivision (a) of this section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it provides a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.
  - (d) (1) Except as provided in paragraph (2) of this subdivision, any admissions all the seats of which inure exclusively to the benefit of the following organizations shall not be subject to any of the taxes imposed under subdivision (1) of Section 2.
    - (A) An organization described in paragraph (4) or (5) of subdivision (a) of this section;
    - (B) A society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions;
    - (C) National guard organizations, or
    - (D) A police or fire department of a political subdivision of the state, or a voluntary fire or ambulance company or exclusively retirement, pension or disability fund for the sole benefit of members of a police or fire department or to a fund for the heirs of such members.
  - (2) The exemption provided under paragraph (1) of this subdivision shall not apply in the case of admissions to:
    - (A) Any athletic game or exhibition unless the proceeds shall inure exclusively to the benefit of elementary or secondary schools or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game shall inure to the benefit of one or more organizations described in paragraph (4) of subdivision (a) of this section; or
    - (1) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation.
    - (3) Admission charges or admission to the following places or events shall not be subject to any of the taxes imposed under subdivision (1) of Section 2.
      - (A) Any admission to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same; provided the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.
      - (B) Any admission to a home or garden which is temporarily open to the general public as a part of a program conducted by a society or organization to permit the inspection of historical homes and gardens; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.
      - (c) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses and museums; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

December 8, 1975

SECTION 8. Deliveries outside the County; deliveries within the County of property sold or serviced elsewhere.

Where a sale of tangible personal property or services other than those described in subdivision (b) of Section 2, including an agreement therefor, is made in this County, but the property sold or the property upon which the services are performed, or will be delivered to the purchaser elsewhere, such sales shall not be subject to the tax imposed by this resolution. However, if delivery occurs or will occur in a city, county or school district within this County, on the sale or use of such property, pursuant to the authority of Article 28 of the Tax Law, the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York, the aggregate sales or compensating use taxes imposed by the city, if any, county and school district in which delivery occurs or will occur, for distribution by the state tax commission to such taxing jurisdiction or jurisdictions.

Where a sale of tangible personal property or services other than those described in subdivision (b) of Section 2, including an agreement therefor, is made outside this County, but the property sold or the property upon which the services were performed is or will be delivered to the purchaser in this County, such sale and use of such property or services shall be subject to tax under this resolution, and the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York, the aggregate sales or use tax imposed by this resolution, for distribution by the state tax commission to this County.

For the purpose of this section, delivery shall be deemed to include transfer of possession to the purchaser and the receiving of the property by the purchaser.

SECTION 9. Certain sales of motor vehicles; proof required for registration of motor vehicles.

(a) Where a sale of a motor vehicle, including an agreement therefor, is made in this County to a nonresident thereof, such sale shall not be subject to tax under this resolution, despite the fact that such motor vehicle is delivered to the purchaser within this County provided the purchaser furnishes to the vendor prior to taking delivery, proof satisfactory to the tax commission that the purchaser:

- (1) is a nonresident of this County;
- (2) has no permanent place of abode within this County;
- (3) is not engaged in carrying on in this County any employment, trade, business or profession in which the motor vehicle will be used in this County, and such other proof as the tax commission may require to insure proper administration of the taxes imposed under subdivision (a) of Section 2. However, if the purchaser resides in a city, county or school district imposing a tax on the use of such motor vehicle, the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York, the aggregate compensating use taxes imposed by the city, if any, county and school district in which the purchaser resides, for distribution by the state tax commission to such taxing jurisdiction or jurisdictions.

(b) A vendor shall not be liable for failure to collect tax on such sale of a motor vehicle provided the proof furnished to him by the purchaser pursuant to subdivision (a) of this section shows that the purchaser's residence is not in any city, county or school district imposing a tax on the use of such motor vehicle, and provided the vendor keeps such proof available for inspection by the state tax commission and further provided that such proof is not destroyed by the vendor, prior to making physical deliveries of the motor vehicle, to be false.

(c) For purposes of this section, the term "motor vehicle" shall include a

December 8, 1975

motor vehicle as defined in section one hundred twenty-five of the Vehicle and Traffic Law of the State of New York, and a trailer as defined in section one hundred fifty-six of such law.

SECTION 10. Territorial limitations.

Any tax imposed under the authority of this resolution shall apply only within the territorial limits of this County.

SECTION 11. Exemptions from use tax.

The following uses of property shall not be subject to the compensating use tax imposed under this resolution.

- (1) In respect to the use of property used by the purchaser in this County prior to March 1, 1975.
- (2) In respect to the use of property purchased by the user while a nonresident of this County, except in the case of tangible personal property which the user, in the performance of a contract, conveys into real property located in the County. A person who is not a resident in any manner in carrying on in this County any employment, trade, business or profession.

(3) In respect to the use of property or services upon the sale of which the purchaser would be expressly exempt from the taxes imposed under subdivision (a), (b) or (c) of Section 2.

(4) In respect to the use of property which is converted into or becomes a component part of a product produced for sale by the purchaser.

(5) In respect to the use of paper in the publication of newspapers and periodicals.

(6) (A) In respect to the use of property or services to the extent that a retail sales tax or a compensating use tax was legally due and paid thereon, without any right to a refund or credit thereof, to (a) any municipal corporation in this state or (b) any other state or jurisdiction within any other state, but only when it is shown that such other state or jurisdiction always a city or any exemption with respect to the sale or use of tangible personal property or any of the services upon which such a state or county or school district use tax was paid to this State and any of its municipal corporations, except as provided in subparagraph (B) of paragraph (6) of this section.

(B) To the extent that a compensating use tax imposed by this resolution and the compensating use tax imposed by Article 28 of the Tax Law are in higher rate than the rate of tax imposed in any other state or jurisdiction, in any other state, the exemption provided in subparagraph (A) of paragraph 6 of this section shall be inapplicable and the rate difference between such aggregate Article 28 shall apply to such other state or jurisdiction. Where a retail sales tax rate and the retail use tax was legally due and paid to any municipal corporation or a town, county or school district, the rate of such tax shall be subject to the compensating use tax, if the use of such property or services is then subject to the compensating use tax imposed by this resolution and such tax is at a higher rate than the rate of tax imposed by the first municipal corporation or town, county or school district to which the rate of tax imposed by this resolution shall also apply but only to the extent of the difference in such rates.

(C) For the purpose of this paragraph, a payment to the State Tax Commission of a tax imposed by a municipal corporation shall be deemed a payment to such municipal corporation.



December 8, 1975

his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit. The Commissioner may grant or deny such applications for refund or credit and review of such determinations shall be as provided in subdivision (e) of section eleven hundred thirty-nine of the tax law.

SECTION 13. Administration and collection.

The taxes imposed by this resolution under the authority of Article 29 of the Tax Law shall be administered and collected by the State Tax Commission in the same manner as the taxes imposed under Article 28 of the Tax Law as administered and collected by such Commission. All of the provisions of said Article 28 relating to or applicable to the administration and collection of said taxes imposed by that article shall apply to the taxes imposed by this resolution, in all sections eleven hundred one, eleven hundred six (e), eleven hundred thirteen through eleven hundred sixteen, eleven hundred nineteen and eleven hundred thirty-one through eleven hundred thirty-seven, together with any amendments thereto, with the same force and effect as if the provisions had been incorporated in full into this resolution except as otherwise provided in section twelve hundred fifty of the Tax Law.

SECTION 14. Disposition of Revenues.

Net collections distributed to the County by the state tax commission pursuant to Section twelve hundred sixty-two of the Tax Law of the State of New York shall be set aside for County purposes and shall be available for any County purpose.

SECTION 15. Construction and Enforcement.

This resolution shall be construed and enforced in conformity with Articles 23 and 29 of the Tax Law of the State of New York pursuant to which the same is enacted.

SECTION 16. Separability.

If any provision of this resolution or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution but shall be limited in its operation to the provision thereof directly involved in which the judgment shall have been rendered and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 17. Effective date.

This resolution shall take effect on the first day of March, nineteen hundred seventy six, except that notices of registration may be filed with the state tax commission and certificates of liability to collect tax may be issued by the state tax commission prior to said date.

Discussion on the foregoing resolution resulted as follows:

Legislator Hannigan stated that in his opinion the sales tax will not solve anything. The real problem is social services. Until the Social Services Laws are amended, nothing is going to be changed.

Legislator O'Keefe inquired if an amendment could be made to this resolution to provide for an expiration date of one year.

Legislator Follucci stated that he agreed that welfare is a problem but the major problem is waste and duplication in government.

Legislator O'Keefe stated that he would like to have the County Attorney's opinion on the expiration date of January 1, 1977 included in the resolution.

December 8, 1975

Legislator Hannigan stated when this legislation was first discussed the majority of people favored an expiration date of one year. Now you are telling the public they are going to have a sales tax forever.

Legislator O'Keefe offered the following amendment that the foregoing resolution would expire one year after it took effect.

The roll call vote on the amendment resulted as follows:  
AYES: 15--Dezate, DiGlio, Hannigan, Cing, Leonard, Lombardi, MacCiallani, O'Keefe, Pattison, Piggott, Vinchiarello, Waryas and Wymann.

NAYS: 21 ABSENT: 1--Finnan

AMENDMENT DEFEATED.

Legislator Cing offered the following amendment that all revenues in excess of \$3 million be returned to the towns and cities.

Legislator Hannigan seconded the motion.

VOICE VOTE--DEFEATED.

The roll call vote on the foregoing resolution resulted as follows:

AYES: 20 NAYS: 14--Armstrong, Baratta, DeBiasi, Dexter, DiGlio, Hannigan, Cing, Leonard, McHoll, O'Keefe, Pattison, Piggott, Follucci, and Waryas.

ABSENT: 1--Finnan.

RESOLUTION ADOPTED.

RESOLUTION NO. 589 -- 1975

RE: Adoption of Tentative Budget for Dutchess County for the year 1976 subject to the amendments herein contained as it pertains to salaries.

The Personnel Committee offers the following and moves its adoption:

WHEREAS, the Tentative Budget for Dutchess County as submitted by the County Executive was referred to the Personnel Committee for consideration, and

WHEREAS, the Personnel Committee has studied and reviewed the tentative budget, now, therefore, be it

RESOLVED, that revisions be made to the Tentative Budget of the County of Dutchess for the year 1976 as follows:

BOARD OF REPRESENTATIVES A1010	FROM	TO
094001--Legislative Authority	\$ 7,550	\$ 6,000
095001--Legislative Aide--Authority	5,250	
CLERK OR THE BOARD A1040		
253001--Clerk of the Board	18,800	18,716
254001--Deputy Clerk of the Board	13,100	12,947
COUNTY COURT A1110		
255001--County Judge	42,930	44,218
259002--County Judge	42,930	41,617
256001--Confident Law Secretary	9,826	9,270
256002--Confident Law Secretary	9,826	9,270
FAMILY COURT A1140		
253001--Family Court Judge	45,215	44,218
259002--Family Court Judge	40,408	41,617

Roll call vote on the foregoing Resolution No. 2010012 resulted as follows:

AYES: 19 – Rolison, Cooper, Flesland, Goldberg, Horn, Borchert, Sadowksi, Roman, White, Jeter-Jackson, Tyner, Weiss, Incoronato, MacAvery, Miccio, Forman, Hutchings, Thomes, Surman.

NAYS: 6 – Kuffner, Doxsey, Bolner, Traudt, Horton, Kelsey.

ABSTENTIONS: 0

Resolution adopted.

Pursuant to Section 3.02 (i) of the Dutchess County Charter the foregoing resolution was deemed approved and duly enacted due to the County Executive's failure to act.



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF COUNSEL  
W.A. HARRIMAN CAMPUS  
ALBANY, NY 12227

Daniel Smirlock  
Deputy Commissioner and Counsel

February 3, 2010

Ronald L. Wozniak, Esq.  
Dutchess County Attorney  
22 Market Street  
Poughkeepsie, NY 12601

Re: Resolution No. 2010012 -- Repealing Clothing and Footwear Exemption  
Our File No. L-19686

Dear Mr. Wozniak:

You advised Bruce Kastor and Patricia Ahasic Pinto of this Department of the following in a telephone conversation on February 1, 2010. The Dutchess County Legislature passed Resolution No. 2010012 on January 25, 2010. Patricia Hohmann, Clerk of the Dutchess County Legislature, delivered the resolution to William Steinhaus, Dutchess County Executive, on January 26, 2010, for his action. The County Executive returned the resolution to the County Legislature unsigned but not vetoed on January 26, 2010. You indicated it was your opinion that Resolution No. 2010012 was therefore enacted on January 26, 2010, when the County Executive returned it to the County Legislature unsigned but not vetoed.

Please confirm these facts in writing by February 4, 2010. Please also confirm that it is your official opinion that Resolution No. 2010012 was duly enacted by the County Legislature and Executive on January 26, 2010 and that it should be given full force and effect. We must receive your written confirmation before we forward the resolution and the county's waiver request to the Acting Commissioner of Taxation and Finance for consideration. Please email your written opinion to Bruce Kastor, Esq., of the Office of Counsel, at [Bruce\\_Kastor@tax.state.ny.us](mailto:Bruce_Kastor@tax.state.ny.us), with the hard copy to follow by U.S. Postal Service.

Ronald L. Wozniak, Esq.

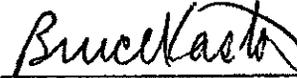
February 3, 2010

Please call Mr. Kastor at (518) 457-8744 if you have any questions. Thank you.

Very truly yours,

DANIEL SMIRLOCK  
Deputy Commissioner and Counsel

by



---

BRUCE KASTOR  
Associate Attorney

cc: William Steinhaus, Dutchess County Executive  
Patricia Hohmann, Clerk of the Dutchess County Legislature  
Scott Volkman, Counsel to the Dutchess County Legislature

**Dutchess**

**Dutchess  
County  
Attorney**

**William R. Steinhaus  
County Executive**

**Ronald L. Wozniak  
County Attorney**

**Anthony De Rosa  
Chief Assistant**

22 Market Street  
Poughkeepsie  
New York  
12601  
(845) 486-2110  
Fax (845) 486-2002

Service by  
facsimile or email  
is not accepted



February 4, 2010

VIA U.S. MAIL AND  
EMAIL to: Bruce\_Kastor@tax.state.ny.us

Bruce Kastor, Associate Attorney  
State of New York  
Department of Taxation and Finance  
Office of Counsel  
W. A. Harriman Campus  
Albany, NY 12227

Re: Resolution No. 2010012 - Repealing Clothing and Footwear Exemption  
Your File No. L-19686  
Our File No. G-0847

Dear Mr. Kastor:

As the Dutchess County Attorney, I am responding to your e-mail letter dated February 3, 2010.

The Dutchess County Legislature passed Resolution No. 2010012 on January 25, 2010. Patricia Hohmann, Clerk of the Dutchess County Legislature, delivered the Resolution to William R. Steinhaus, Dutchess County Executive, on January 26, 2010, for his action. The County Executive returned the Resolution to the County Legislature unsigned but not vetoed on January 26, 2010.

It is my official opinion as Dutchess County Attorney that Resolution No. 2010012 was duly enacted by the County Legislature and County Executive on January 26, 2010 and it should be given full force and effect.

Very truly yours,

A handwritten signature in black ink that reads "Ronald L. Wozniak".

RONALD L. WOZNIAK  
County Attorney

c: William R. Steinhaus, County Executive  
Patricia Hohmann, Clerk, DC Legislature  
Scott Volkman, Counsel, DC Legislature  
Daniel Smirlock, Deputy Commissioner and Counsel

THOMAS P. DINAPOLI  
STATE COMPTROLLER



**FILE**

LUKE BIERMAN  
GENERAL COUNSEL

HELEN M. FANSHAWE  
DEPUTY COUNSEL

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER  
110 STATE STREET  
ALBANY, NEW YORK 12236

February 11, 2010

Patricia Hohmann  
Clerk of the Legislature  
Dutchess County Legislature  
22 Market Street  
Poughkeepsie, New York 12601

Re: County of Dutchess;  
Resolution No. 209303

Dear Ms. Hugo:

This is to acknowledge receipt on February 10, 2010, of a certified copy of a resolution from the County of Dutchess concerning a sales and use tax, which was filed by the County of Dutchess pursuant to section 1210(e) of the Tax Law. In acknowledging receipt, we express no opinion as to the validity or effect of actions taken by the county in connection with this resolution.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Mitchell S. Morris".

Mitchell S. Morris  
Associate Counsel

MSM:EMM:

cc: Steve Fountain

2010 FEB 18 P 11  
LEGISLATURE  
DUTCHESS COUNTY

THOMAS P. DINAPOLI  
STATE COMPTROLLER



STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER  
110 STATE STREET  
ALBANY, NEW YORK 12236

**FILE**

LUKE BIERMAN  
GENERAL COUNSEL

HELEN M. FANSHAWE  
DEPUTY COUNSEL

February 11, 2010

Patricia Hohmann  
Clerk of the Legislature  
Dutchess County Legislature  
22 Market Street  
Poughkeepsie, New York 12601

Re: County of Dutchess;  
Resolution No. 209303

Dear Ms. Hugo:

This is to acknowledge receipt on February 10, 2010, of a certified copy of a resolution from the County of Dutchess concerning a sales and use tax, which was filed by the County of Dutchess pursuant to section 1210(e) of the Tax Law. In acknowledging receipt, we express no opinion as to the validity or effect of actions taken by the county in connection with this resolution.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Mitchell S. Morris".

Mitchell S. Morris  
Associate Counsel

MSM:EMM:

cc: Steve Fountain

2010 FEB 18 P 11  
DUTCHESS COUNTY  
LEGISLATURE

RESOLUTION NO. 2010013

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

LEGISLATORS HORN, FLESLAND, HORTON, and KELSEY offer the following and move its adoption:

WHEREAS, the United States Congress enacted the Workforce Investment Act of 1998 (WIA) and the Trade Adjustment Assistance (TAA) Program 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 2009 TAA funding for the period 10/01/08 through 9/30/11 and for the operation of and PY09 Title 1B Statewide Incentives, for the period 12/10/09 through 06/09/10, 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)

**PY 2009**

CD6292.2009.4816	T-1B Statewide Incentive	\$ 9,268
<b>FY 2009</b>		
CD6292.2009.4813	TAA Participant Funding	<u>30,676</u>
		<u>\$39,944</u>

REVENUES

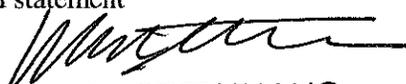
Increase (Decrease)

**PY 2009**

CD6292.2009.47910.24	T-1B Statewide Incentive	\$ 9,268
<b>FY 2009</b>		
CD6292.2009.47910.22	TAA Participant Funding	<u>30,676</u>
		<u>\$39,944</u>

**APPROVED**

CA-14-10 RA/ca/G-1263 1/13/10 Fiscal Impact: See attached statement

  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/5, 2010

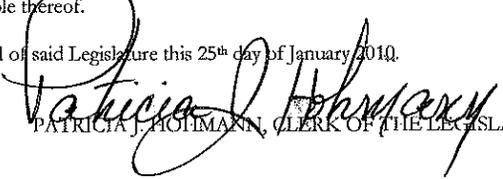
STATE OF NEW YORK

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.

  
PATRICIA J. MOHMANN, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

*(To be completed by requesting department)*

Total Current Year Cost \$ 39,944

Total Current Year Revenue \$ 39,944  
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  
M. Patricia Smith, Commissioner

---

November 24, 2009

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 Workforce Development and Training Division 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

NOTICE OF OBLIGATIONAL AUTHORITY    LWIA# 60    NOA #FY09- 8

LWIA: Dutchess County    GRANTOR: The Governor of New York through  
Grantee:    the New York State Department  
William R. Steinhaus    of Labor  
County Executive, Dutchess County

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

NYSDOL Contact: Carrie Aubertine

TELEPHONE: (518) 457-0239

<u>TAA GRANT</u>	<u>PRIOR LEVEL</u>	<u>CHANGE THIS NOA</u>	<u>NEW LEVEL</u>
Training	\$230,119.75	\$9,698.00	\$239,817.75
Job Relocation	\$0.00	\$0.00	\$0.00
Job Search	\$0.00	\$0.00	\$0.00

Approved  
by:



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

11/24/09



New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

---

December 7, 2009

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 Workforce Development and Training Division 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

LWIA: Dutchess County                      GRANTOR: The Governor of New York through  
Grantee:    the New York State Department  
William R. Steinhaus                              of Labor  
County Executive, Dutchess County

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

NYS DOL Contact: Carrie Aubertine    TELEPHONE: (518) 457-0239

<u>TAA GRANT</u>	<u>PRIOR LEVEL</u>	<u>CHANGE THIS NOA</u>	<u>NEW LEVEL</u>
Training	\$239,817.75	\$20,978.00	\$260,795.75
Job Relocation	\$0.00	\$0.00	\$0.00
Job Search	\$0.00	\$0.00	\$0.00

Approved by:



Karen A. Coleman  
Director  
Division of Employment and Workforce Solutions

12/07/09



New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

---

December 10, 2009

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

Re: WIA PY 2008 Incentive Award

Dear Mr. Steinhaus:

The New York State Department of Labor (NYSDOL) has approved the Local Area's Workforce Investment Act Title 1-B Program PY 2008 Incentive Grant Plan, submitted in accordance with Workforce Development System Technical Advisory #8-7 dated October 24, 2008.

Accordingly, attached is a Notice of Obligational Authority (NOA) in the amount of \$9,267.03 to be expended on the activities as specified in the Incentive Grant Plan. These Incentive funds must be fully expended by June 13, 2010 or the funds will be subject to recapture. Please note that formula fund expenditures cannot be transferred to this Incentive Award. Furthermore, the sustainability of the approved incentive plan activities beyond this grant period cannot be assured by the State or the Department of Labor.

Additionally, if the Local Area's incentive plan includes items which require advance written approval, such approval must be granted prior to the expenditure being incurred. The Division of Employment and Workforce Solutions staff will be monitoring the activities, outcomes and expenditures reported against the approved incentive plan; simultaneously, we will be monitoring local expenditures for its formula funding to ensure reasonable compliance with USDOL ETA Fund Utilization Rate Report.

Once again, congratulations in reaching your performance milestones. I look forward to continuing to work with your local area in providing exemplary service to your region. Please feel free to contact me if you have any questions.

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

NQA #PY09- 6

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

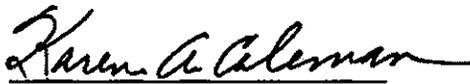
This NQA authorizes Program Year 2009 funding for the period (07/01/09  
through 6/30/11), except Youth (04/01/09 through 6/30/11.)  
Statewide Activities Incentive Grant (\$9,267.03, 12/10/09 through 06/09/10).

NYS DOL Contact: Carrie Aubertine

TELEPHONE: (518) 457-0239

NIA GRANT	PRIOR LEVEL	CHANGE THIS NQA	NEW LEVEL
CFDA# 17.259 T-1B Youth	\$403,013.70	\$0.00	\$403,013.70
CFDA# 17.258,17.259,17.260 T-1B Admin	\$124,571.50	\$0.00	\$124,571.50
CFDA# 17.258 T-1B Adult	\$303,181.20	\$0.00	\$303,181.20
CFDA# 17.260 T-1B Dislocated Worker	\$414,948.60	\$0.00	\$414,948.60
CFDA# 17.258,17.259,17.260 T-1B Statewide Activities Incentive Grant	\$0.00	\$9,267.03	\$9,267.03

Approved by:



12/10/09

Karen A. Coleman  
Director  
Division of Employment and Workforce Solutions

Roll call vote on the foregoing Resolution No. 2010013 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010014

RE: AUTHORIZING GRANT AGREEMENT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND AMENDING THE 2010 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE SHERIFF (A.3110.25)

Legislators FLESLAND, HORTON, WEISS, ROMAN, MICCIO, and ROLISON offer the following and move its adoption:

WHEREAS, the Sheriff has advised that the New York State Division of Criminal Justice Services has awarded the County two legislative grants; TM99287 in the sum of \$10,000 and TM99288 in the sum of \$2,000, to purchase an electronic message board equipped with radar, and

WHEREAS, the grants cover the period 1/1/10 through 12/31/10, and

WHEREAS, it is necessary for this Legislature to authorize the execution of the grant agreements and to amend the 2010 Adopted County Budget to accept such funds and provide for the receipt and expenditure of said funds, now therefore, be it

RESOLVED, that this Legislature hereby authorizes the County Executive to accept the grant awards from the New York State Division of Criminal Justice Services in connection with the above project and further authorizes and empowers the County Executive to execute said grant agreements on behalf of the County of Dutchess, and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2010 Adopted County Budget as follows:

APPROPRIATIONS

Increase

A.3110.25.2500.05 Other Equipment \$12,000

REVENUES

Increase

A.3110.25.30890.14 State Aid \$12,000

CA-07-10 KPB/ca/C-6712-AA & C-6712-BB 1/12/10 Fiscal Impact: See attached statement

APPROVED

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

*[Signature]*

WILLIAM R. STEINHAUS

COUNTY EXECUTIVE

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 25th day of January 2010, 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 25th day of January 2010

Date 2/5 2010  
*[Signature]*  
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 \$ 12,000

Total Current Year Revenue \$ 12,000  
and Source

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

Identify Line Items(s):

A.3110.25.2500.05  
a.3110.25.30890

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

Nature/Reason:

Grant Award for \$12,000 to purchase electronic message board with radar

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

Net County Cost (this year): \_\_\_\_\_

Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

The Sheriff's Office has been awarded two Legislative Grants TM99287 in the amount of \$10,000 and TM99288 in the amount of \$2000. Combined the two Grants will purchase and electronic message board equipped with radar. Resolution requesting acceptance and signature to both Grants by the County Executive and amendment of the Sheriff's 2010 Budget Appropriation line A.3110.25.2500.05 in the amount of \$12,000 as well as amendment to the Revenue Line - State Aid A.3110.25.30890

Prepared by: Maureen Sarigianis

**From:** dcjs.sm.mvtp [mailto:dcjsmvtp@dcjs.state.ny.us]  
**Sent:** Friday, January 08, 2010 1:17 PM  
**To:** Monaco, Robert A.  
**Cc:** countyexec  
**Subject:** Executed Contract Letter for Dutchess County Sheriff's Office

**RE DCJS #: LG09099287 - Traffic Control**

Dear Deputy Sheriff Monaco:

The above mentioned grant contract is fully executed between the Division of Criminal Justice Services (DCJS) and your organization. The terms and conditions of the agreement should be carefully reviewed online in the GMS system. *(If you would like to view and print the entire contract, click on the Acceptance Tab, scroll down, and click on "Click here to view the Award Contract PDF".)*

As outlined in the contract, you are required to submit vouchers and fiscal cost reports for each month of the contract period or quarterly as described in Appendix C of your contract. All vouchers and fiscal cost reports must be submitted in triplicate to the **DCJS Finance Office** at the above address. Payment vouchers are available for download at <http://criminaljustice.state.ny.us/ofpa/forms.htm>. Your Fiscal Cost Reports (FCRs) may be completed online via the new DCJS Grants Management System (GMS), then printed for signatures and mailed. *(NOTE: If you have not yet registered for the GMS System, please visit <http://criminaljustice.state.ny.us/ofpa/gms.htm> for a registration form and user information.)* In addition, please note that a separate fiscal ledger which accurately details the disbursement and expenditure of these grant funds must be maintained by you for audit purposes.

The contract also requires the submission of quarterly progress reports (as outlined in Appendix A1 of your contract) which describe and document the operation of this project. The quarterly report format has been designed to collect information that is essential in properly evaluating the progress of your program in relation to the goals, objectives, tasks, and performance measures specified in your contract. Quarterly reports must be completed online via the GMS System. You are not required to print or mail these reports. **Additionally, you should note that if your contract has a retroactive start date, you may have reports that are currently overdue. These reports must be submitted within 15 days of receipt of this letter or a stop payment will be placed on your contract.**

If you have an equipment line in your contract, please update all inventory received to the Property Module of the **GMS** system. You may, if you wish, print a hardcopy version of your grant equipment inventory for your files. Additionally, if a Budget Amendment/Contract Extension is needed for your program, please use the Budget Amendment/Contract Extension forms available for download at the above noted Website address.

Failure to comply with the provisions of this contract or to submit the required progress reports will result in the rejection of vouchers submitted by your agency.

If you have any questions concerning the contract or should you require technical assistance concerning the operation of your project, please call Paul Chesley at 518.457.5919.

Sincerely,



Eileen Langer-Smith  
Criminal Justice Program Specialist  
Office of Program Development &

Funding

cc: Honorable William R. Steinhaus, County Executive

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This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

**From:** dcjs.sm.mvtp [mailto:dcjsmvtp@dcjs.state.ny.us]  
**Sent:** Friday, January 08, 2010 1:21 PM  
**To:** Monaco, Robert A.  
**Cc:** countyexec  
**Subject:** Executed Contract Letter for Dutchess County Sheriff's Office

**RE DCJS #: - LG09099288 - Traffic Control Message Board**

Dear Deputy Sheriff Monaco:

The above mentioned grant contract is fully executed between the Division of Criminal Justice Services (DCJS) and your organization. The terms and conditions of the agreement should be carefully reviewed online in the GMS system. *(If you would like to view and print the entire contract, click on the Acceptance Tab, scroll down, and click on "Click here to view the Award Contract PDF".)*

As outlined in the contract, you are required to submit vouchers and fiscal cost reports for each month of the contract period or quarterly as described in Appendix C of your contract. All vouchers and fiscal cost reports must be submitted in triplicate to the **DCJS Finance Office** at the above address. Payment vouchers are available for download at <http://criminaljustice.state.ny.us/ofpa/forms.htm>. Your Fiscal Cost Reports (FCRs) may be completed online via the new DCJS Grants Management System (GMS), then printed for signatures and mailed. *(NOTE: If you have not yet registered for the GMS System, please visit <http://criminaljustice.state.ny.us/ofpa/gms.htm> for a registration form and user information.)* In addition, please note that a separate fiscal ledger which accurately details the disbursement and expenditure of these grant funds must be maintained by you for audit purposes.

The contract also requires the submission of quarterly progress reports (as outlined in Appendix A1 of your contract) which describe and document the operation of this project. The quarterly report format has been designed to collect information that is essential in properly evaluating the progress of your program in relation to the goals, objectives, tasks, and performance measures specified in your contract. Quarterly reports must be completed online via the GMS System. You are not required to print or mail these reports. **Additionally, you should note that if your contract has a retroactive start date, you may have reports that are currently overdue. These reports must be submitted within 15 days of receipt of this letter or a stop payment will be placed on your contract.**

If you have an equipment line in your contract, please update all inventory received to the Property Module of the **GMS** system. You may, if you wish, print a hardcopy version of your grant equipment inventory for your files. Additionally, if a Budget Amendment/Contract Extension is needed for your program, please use the Budget Amendment/Contract Extension forms available for download at the above noted Website address.

Failure to comply with the provisions of this contract or to submit the required progress reports will result in the rejection of vouchers submitted by your agency.

If you have any questions concerning the contract or should you require technical assistance concerning the operation of your project, please call Paul Chesley at 518.457.5919.

Sincerely,



Eileen Langer-Smith  
Criminal Justice Program Specialist  
Office of Program Development &

Funding

cc: Honorable William R. Steinhaus, County Executive

---

This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

Roll call vote on the foregoing Resolution No. 2010014 resulted as follows:

AYES: 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                    ABSTENTIONS: 0

Resolution adopted.

## RESOLUTION NO. 2010015

RE: AUTHORIZING PAYMENT OF 2009 UNENCUMBERED  
VOUCHERS FROM 2010 FUNDS – UNIFIED COURT (A.1162.04)

Legislators MICCIO, COOPER, and FLESLAND offer the following and move its adoption:

WHEREAS, the Chief Clerk of the Family Court has advised that there have been a significant amount of vouchers for assigned counsel fees submitted at the conclusion of fiscal year 2009, and

WHEREAS, due to late submissions following the close of the 2009 budget year there are outstanding payment invoices for Family Court in the sum of \$191,000 for services to said department for which appropriations were made but which were insufficient to encumber at the end of the close out date for submission for 2009, and

WHEREAS, the charges reflected by said vouchers remain unpaid, and

WHEREAS, the State Comptroller has, pursuant to County Law Section 362, expressed the opinion that claims for services rendered to a county in an earlier year may be paid in a later year if the contracts were valid when made and if there are moneys legally available to be used for such purposes (Opinion 69-686), now, therefore, be it

RESOLVED, that payment from 2010 funds is hereby approved from the following accounts in the amounts indicated:

<u>Line Item No.</u>		<u>Amount</u>
A.1162.04.4444	Unified Court, Family Court, Attys/Assigned Counsel	\$191,000

CA-10-10  
RLW/ca/G-0137  
1/13/10

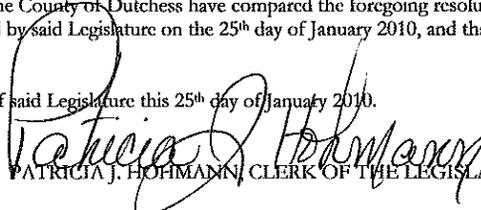
Fiscal Impact: None. Reduction of 2010 appropriations in amounts indicated.  
See attached statements

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.

  
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 \$ 191,000 (2009 invoices)

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): Use existing 2010 appropriations in A.1162.04 - Unified Court.Family Court  
to pay for 2009 invoices for 4444.Atty/Assigned Counsel totaling \$191,000

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

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

Net County Cost (this year): \$191,000  
Over Four Years: \_\_\_\_\_

Additional Comments/Explanation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Valerie J. Sommerville, Budget Director



FAMILY COURT OF THE STATE OF NEW YORK  
 COUNTY OF DUTCHESS  
 50 MARKET STREET  
 POUGHKEEPSIE, NEW YORK 12601  
 TEL (845) 486-2500  
 FAX (845) 486-2510

PETER M. FORMAN  
 Judge  
 VALENTINO T. SAMMARCO  
 Judge  
 JOAN S. POSNER  
 Judge

ELAINE GREENBLATT  
 STEVEN R. KAUFMAN  
 Support Magistrates

ADINA C. GILBERT  
 Court Attorney Referee

PETER A. PALLADINO  
 Chief Clerk  
 LISA D. MACK  
 Deputy Chief Clerk

January 8, 2009

To: Valerie Sommerville, Budget Director  
 Dutchess County Budget Office  
 22 Market Street  
 Poughkeepsie, NY 12601

DUTCHESS COUNTY  
 EXECUTIVE  
 RECEIVED  
 11:02 AM JAN 12 2009

Re: Resolution Request to pay 2009 Assigned Counsel fees with 2010 funds

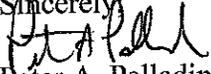
Dear Ms. Sommerville;

There is a significant amount of assigned counsel fees stemming from 2009 services rendered that are outstanding. To date the Comptroller's Office has \$90,000 in assigned counsel vouchers and the Court has received to date an additional \$101,000 in assigned counsel vouchers for services rendered in 2009.

Currently, as in the past as well, the Court has noticed attorneys not to hold vouchers and wait until end-of-year to submit vouchers for services rendered as it poses difficulties in managing the account as well as delayed payments in processing. There has been a significant amount of submissions of vouchers received at the conclusion of the fiscal year 2009 that only concludes me to believe that attorneys did not abide by the timeliness of submitting their vouchers as the Court requested of them to do so.

In October 2009 the Court submitted a supplemental appropriations request that took into account the prior 10 month spending patterns and the outstanding vouchers to date and calculated a reasonable request based on those factors to allow us to cover costs for the remainder of the fiscal year. It is very difficult to manage an account where there are no mechanisms to utilize to calculate what is actually outstanding at any given point in time and do rely heavily on prior spending patterns to date as reference.

The Court is requesting that these 2009 vouchers be paid with 2010 funds as well as transferring \$1,800 from Professional Services line 4401.105 (expecting 1,706.25 voucher from Psychologist services rendered) and \$1,460 from the Steno Fees & transcripts line 4434 into the Atty/Assigned Counsel line 4444.

Sincerely,  
  
 Peter A. Palladino  
 Chief Clerk

cc: Ronald Wozniak, County Attorney

Discussion on Resolution No. 2010015 resulted as follows:

Legislator Kelsey stated that he serves on the assigned council list at Family Court, therefore, he requested permission to abstain.

Chairman Rolison responded permission granted.

Roll call vote on the foregoing Resolution No. 2010015 resulted as follows:

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

NAYS: 0                      ABSTENTIONS: 1 – Kelsey.

Resolution adopted.

Pursuant to Section 3.02 (i) of the Dutchess County Charter the foregoing resolution was deemed approved and duly enacted due to the County Executive's failure to act.

Government Services and Administration

RESOLUTION NO. 2010016

RE: AUTHORIZING SETTLEMENT FROM LIABILITY & CASUALTY RESERVE FUND

Legislators WEISS and FLESLAND offer the following and move its adoption:

WHEREAS, the County of Dutchess maintains a self insured reserve fund pursuant to Section 6-n of the General Municipal Law in connection with the defense of tort cases, and

WHEREAS, the County, as part of its self insured plan, has a contract for excess insurance coverage over and above its self insured retention, and

WHEREAS, the excess carrier has requested that the County release its self insured retention to settle the case of Barrett against the County of Dutchess, and

WHEREAS, it is in the best interests of the County to cooperate fully with its excess insurance carrier in the management of its tort claims, now, therefore, be it

RESOLVED, that the self insured retention of the County of Dutchess in the case of Barrett against the County of Dutchess is released and settlement of said case up to the full amount of said self-insured retention is hereby authorized.

CA-03-10  
KPB:kh/L-4495

12/21/09

Fiscal Impact: Any settlement to the extent of all or part of the self insured retention will be paid from the 6-n Reserve Fund

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

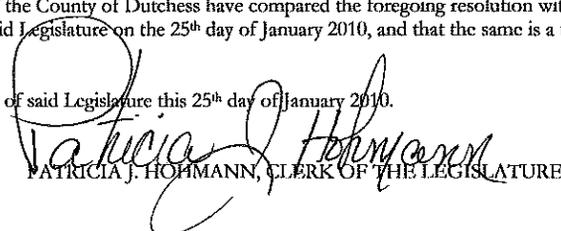
Date 2/5 2010

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010016 resulted as follows:

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

NAYS: 0                    ABSTENTIONS: 1 – Tyner.

Resolution adopted.

RESOLUTION NO. 2010017

RE: APPROVING PROPOSED ACTIVITIES AND FUNDING FOR STOP-DWI PROGRAM FOR 2010

Legislators FLESLAND, DOXSEY, HORTON, SADOWSKI, WEISS 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 2010 fiscal year, and

WHEREAS, this proposed plan requires approval by the County Legislature prior to being submitted to the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, now, therefore, be it

RESOLVED, that the 2010 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 2/5, 2010

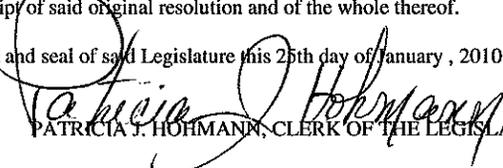
STATE OF NEW YORK

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 25th day of January, 2010, 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 25th day of January, 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Background to Res.

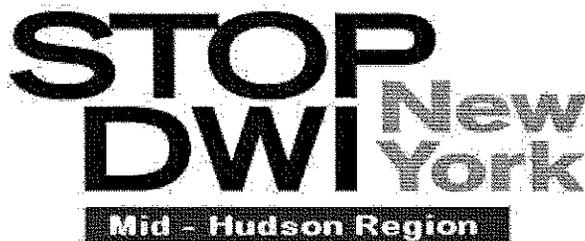
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# DUTCHESS COUNTY STOP-DWI

## 2010

### PLAN NARRATIVE



September 2009

## **Mission Statement:**

*STOP-DWI* stands for "Special Traffic Options Program for Driving While Intoxicated". The *STOP-DWI Program* was enacted by the State Legislature in 1981 for the purposes of empowering county governments to coordinate local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining alcohol and highway safety program.

The Dutchess County STOP-DWI Program's mission is to deter alcohol/drug impaired driving through enhanced enforcement, prosecution, rehabilitation, and education services.

### **Program Accomplishments**

The Dutchess County STOP-DWI Program remains under the Dutchess County Department of Planning and Development, and continues to be a comprehensive, effective program and a viable community resource.

The following objectives were achieved during the time period from October 2008 to September 2009 to fulfill the goals set by the Dutchess County STOP-DWI Planning Board:

#### **To reduce the number of crashes, fatalities, and injuries by impaired driving.**

- Funded 10 law enforcement agencies for dedicated overtime patrols.
- Completed an RFP process and instituted a new operational plan providing funding totaling \$49,500 to 6 law enforcement agencies to conduct multi agency, high visibility coordinated sobriety checkpoints in 2009.
- Continued to partially fund one full-time DWI officer for the Dutchess County Sheriff's Office.
- Allocated \$3,000 to the New York State Police (Troop K) to purchase impaired driving deterrence equipment to be loaned to the NYSP and kept on STOP-DWI inventory.
- The Program conducted a county-wide training needs assessment survey to determine specific law enforcement training needs, and develop an operational plan to coordinate and provide those services.
- Worked in conjunction with the NYS Governor's Traffic Safety Committee to conduct /complete the three phase Drug Recognition Expert (DRE) certification course. Fifteen (15) officers representing the NYPD (1), NYSP(4), and 4 local law enforcement agencies(10) completed the certification process.
- The County's inventory list for loaned DWI equipment was validated and updated by the STOP-DWI Coordinator and Program Assistant.
- Funding to support the District Attorney's Office staff in 2008 resulted in 2,160 convictions of the 2,293 closed cases for a conviction rate of over 94%. Data reveals that in 1,089 of the closed cases the original charge was reduced to a lesser charge.

- Funding to co-sponsor/support the 26<sup>th</sup> annual Mid Hudson Region STOP-DWI Conference in New Windsor, NY (April 2<sup>nd</sup> 2009). STOP-DWI Program sponsorship provided 46 law enforcement personnel from Dutchess County the opportunity to attend the conference and training workshops.
- Coordinator attended quarterly meetings of the New York State STOP-DWI Coordinator's Association, and continues an active role as the Regional Chairman (Mid-Hudson) of the Association, and with the association's Law Enforcement sub-committee.
- Coordinator continues to meet with the chiefs/officers in charge of all contracted law enforcement agencies countywide to enhance communications and identify/address general and agency specific needs.

**To increase the public's perception of the risks of impaired driving.**

- The Program held its 14<sup>th</sup> Annual Law Enforcement Ceremony on November 13<sup>th</sup> 2008. The event honored 16 officers and was attended by 105 guests. The keynote speaker was Joseph A. McCormack, Esq. the Chief of Vehicular Crimes Bureau of the Bronx District Attorney's Office. Designated by the Governor's Traffic Safety Committee as the New York State Traffic Resource Prosecutor and, Mr. McCormack is responsible for statewide training of Prosecutors and Law Enforcement in addition to being a statewide legal and practical resource.
- In the past year the STOP-DWI Office has responded to in excess of 150 public information requests, either through telephone, e-mail, or written correspondence.
- STOP-DWI Coordinator offered remarks at the 26<sup>th</sup> annual Dutchess County R.I.D.'s Victims' Memorial Service in May 2009.
- The program also provided funding towards Dutchess County Remove Intoxicated Drivers (R.I.D) programming expenses.
- Coordinator continues to be a member of the Dutchess County Victim Impact Panel's (VIP) Advisory Committee, the Dutchess County MADD Organizational committee, and the Dutchess Campus Community Coalition.
- Multiple press releases were written and distributed to the media pertaining to changes in legislation and various STOP-DWI and Traffic Safety programs.
- Continued to provide funding to support and co-sponsor the Poughkeepsie Journal's annual Newspapers in Education program. Copies are used as an educational tool in schools throughout the county/region.

**To reduce the incidence of impaired driving by underage drivers.**

- The program partially funded a "Alcohol/Highway Safety Educator" (AHSE) position with the Council on Addiction Prevention & Education(CAPE)of Dutchess County, Inc. Throughout the year; 333 presentations were conducted, including 3 conferences, 8 exhibits, and 303 presentations, of which there were 14 "Teen driving- It's a Family Affair" assemblies. More than 9,237 individuals were contacted, of which 6,603 were youth/students. Also, more than 13,000 PI & E materials and promotional items were distributed.

Goals that were attained in 2008 include continued expansion of the "Teen Driving...It's a Family Affair" program and coordination of SADD chapters and related activities county-wide. DCCAPE, and specifically the Community Educator are instrumental in the development of strong relationships in the schools/community and the delivery of prevention education/information.

- The annual Dutchess County SADD conference, coordinated by the Council on Addiction Prevention & Education was held on October 20<sup>th</sup> 2008 at the John Jay High School. More than 150 SADD participants attended the conference representing ten (10) high schools and established SADD chapters throughout Dutchess County. STOP-DWI funding helped to provide the keynote speaker Ty Sells, who spoke sharing his message "The Power of Acceptance." Also, Senator Steve Saland attended the conference leading a demonstration and presenting eight SADD chapters with fatal vision goggles and a "play-station" driving video for use in their respective school districts to promote impaired driving awareness through experiential learning.
- The STOP Program also provided funding to CAPE of Dutchess County for the purchase of additional educational materials to enhance drinking and driving presentations/ awareness campaigns in both the high school and colleges throughout Dutchess County.
- Funding was provided for "mini-grants" focusing on addressing underage impaired driving issues. Five (5) RFP's were funded for alcohol/drug free after-prom parties.
- Program Coordinator assisted with organization/support of mock DWI crashes and Impaired Driving awareness presentations in School Districts throughout Dutchess County. The STOP-DWI program also provided a variety of PI & E materials that were distributed to the respective student bodies.

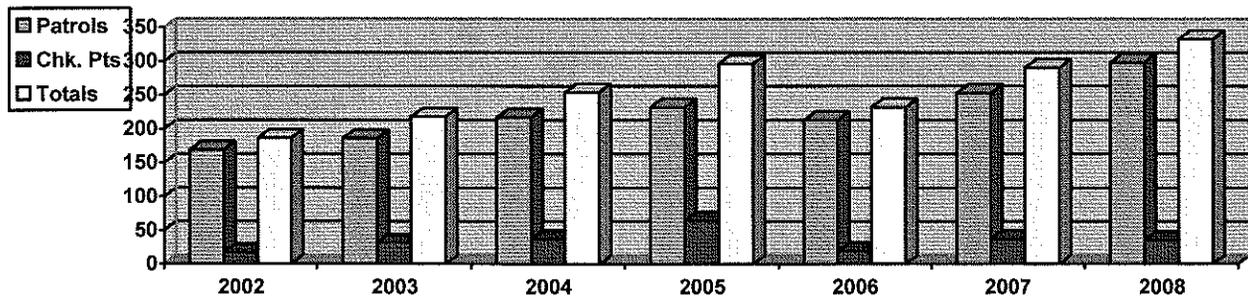
#### **To reduce the incidence of recidivist impaired driving.**

- Provided funding to support the DWI offenders Intensive Supervision Unit in the Dutchess County Probation and Community Corrections Office. In 2008 the specialized unit received 347 new sentenced DWI cases, 408 cases were terminated /closed, and 48 violations were filed. Data reveals the Intensive Supervision unit supervised an average of 95 cases per month. Approximately thirty-one percent (31%) of the total criminal caseload of the Probation Department is DWI related.
- Sponsored a training seminar conducted by the NYS STOP-DWI Foundation entitled; *"The Unique Challenge of Treating the Chronic Drinking Driver, The Role of Nature vs Nurture in Alcoholism"*. The event, held on April 1<sup>st</sup> 2009 at the Henry Wallace Center at the FDR Presidential Library, was attended by Mental Health, Treatment, and Parole/Probation professionals from through out the region.
- The STOP-DWI Program continues to partially fund/subsidize outpatient alcohol and substance abuse services through the Lexington Center for Recovery. In 2008, Lexington Center for Recovery served 1262 clients with 277

completing the substance abuse rehabilitation program. Of the 277 completing the program, 160 or 80% were successful completions. For Dr. Beth Quinn's Cognitive Behavior Therapy program held at Probation and Community Corrections Office, the 2008 program served 56 clients with 100% successful completions.

**Evaluation of the Program (State data)**

In 2008 Dutchess County STOP-DWI funding directly resulted in 3,664 combined hours of dedicated enforcement overtime patrols, resulting in 298 impaired driving arrests. Also, sobriety checkpoints (620 combined hrs.) resulted in 35 additional impaired driving arrests to bring the total of STOP funded arrests in 2008 to 333 compared to 290 in "07" and 232 in 2006.



Fine revenue for 2008 totaled \$758,932 with 1,884 arrests. This compares to a total of \$591,090 in "07", \$612,627 in "06", \$613,419 in 2005, \$516,115 in 2004, \$636,504 in 2003, \$618,732 of total revenue in "02", and \$627,894 in "01".

The program's expenditures totaled \$582,958 in 2008, compared to \$500,753 in 2007, \$480,427 in "06", \$516,659 in "05", \$769,394 in 2004, \$914,891 in "03", \$639,874. in "02", and \$501,986 in 2001.

The STOP-DWI Program's dedicated fund balance as of December 31<sup>st</sup> 2008 was \$448,349. The STOP-DWI planning board remains committed to maintaining fiscal stability by maintaining a responsible fund balance.

The STOP-DWI Planning Board met six times during this period to monitor and evaluate the program. Members continued their participation in the sub-committees of Legislation, Law Enforcement, Promotion and Evaluation/Budget.

The tentative 2010 plan request includes appropriations totaling \$864,181. With the addition of the PPA fringe of \$21,709 appropriations will total \$885,890.

# 2010 STOP-DWI Program Budget Narrative

The 2010 funds will be used in the following components:

## 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 2010 to accomplish this goal:**

- Funding of DWI Overtime patrols \$199,300 (compared to \$172,850 in "09") 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 (\$80,000), 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 (\$11,500) for the Dutchess County Sheriff's Office to conduct additional overtime patrols;
- To dedicate specific funding (\$54,500) for Sobriety Checkpoints in the 2010 budget cycle (compared to \$49,500 in "09"). 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 (\$11,000) 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.

## **Court Related**

The 2010 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.

### **Specific activities for this component are:**

STOP-DWI funding totaling \$132,000 in 2010 will 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.

## **Probation Activity**

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 2010 Plan will partially support/fund an Intensive Supervision Program (ISP) for DWI offenders with the Office of Probation and Community Corrections totaling \$98,400. 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:**

- 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 (\$22,500) will provide approximately 415 hrs of OT to increase monitoring (unannounced home/work visits/stake-outs) of impaired driving offenders /probationers to assure compliance with Court orders and Probation conditions. Initiative includes added funding (\$7,500) to purchase approximately 250 eighty (80) hour Alcohol /Drug Detection Tests.

## **Rehabilitation**

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 \$69,000 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.

Over the last two years the scopes of service required the provider to utilize evidence based treatment groups using Cognitive Behavioral Therapy (CBT). Specific performance goals for the CBT group(s) include drug testing a minimum of once /month, 50% successful completion, and pre/post testing.

Due to positive outcomes relating to CBT the 2010 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 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.

## **Public Information / Education**

In an effort to continue raising community awareness, specifically for the new or soon to be driver, the 2010 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, 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 (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 15<sup>th</sup> fifteenth annual Dutchess County Law Enforcement Recognition Luncheon / Awards Ceremony.

The 2010 budget plan also includes appropriations to continue three (3) initiatives started in 2008;

- Drug Recognition (DRE) call out reimbursement Initiative (\$12,000);
- Support of the regional (Mid Hudson) STOP-DWI Conference (\$5,000)
- Underage Coordinated Sting initiative (\$6,500)

**Program Administration**

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

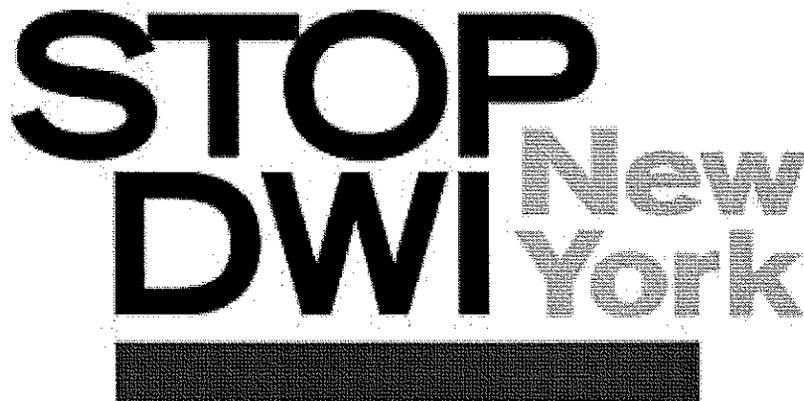
- Technical assistance for the contracted agencies;
- Networking with related agencies on state and local levels;
- Provide strategic planning and on going monitoring and evaluation;
- Support/coordination of training opportunities; and
- Provide information on DWI Issues and related legislation.

**Dutchess County STOP-DWI Planning Board**

Ernest Floegel, Chairman; L. Eric Bickmann, William V. Grady, James Doxsey, Angela Flesland, Margaret Hirst, Evelyn Kaufman, Sgt. Christine Lopez (NYSP), Bradford Kendall, Sgt. Frank LaMonica (DCSO), Josephine Johnson, Brian Rexhouse, James Warner, Matthew S. Vetare, and William C. Johnson, Coordinator.

**DUTCHESS COUNTY**

**2010 STOP-DWI PLAN**



## INSTRUCTIONS FOR 2010 PLAN SUBMISSION

On using the STOP-DWI template Word form document:

- Obtain the Word document by downloading it from the GTSC website <http://www.SafeNY.com> click on **Forms**, look for **STOP-DWI**.
- The plan document has been protected to create a MS Word form. To complete this document, type into the grey shaded fields. In the Narrative section, there are no grey fields, it is unprotected. Type into it like a regular document. Spell check will only work in the Narrative section.
- Be sure to complete the contact information update section.

Your **2010 STOP-DWI Plan** should be submitted to the Governor's Traffic Safety Committee (GTSC) in accordance with this format. We encourage you to submit your plan by **November 2, 2009** so that it can be reviewed before the fiscal year begins.

The GTSC requests that all STOP-DWI program staff paid by STOP-DWI funds be listed in the Administration/Evaluation budge section, unless they are employed in other offices and act as Coordinator or staff. This may change your budget presentations from prior years. Also, this year we are requesting that contractual items presented in your plan should specify the name of contractor what services they are providing.

Article 31 of the Vehicle and Traffic Law requires "Avoidance of duplication of existing programs funded or operated by either the state or any municipality." **Proposed expenditures for activities/personal service items routinely funded by state or municipal funds are therefore not eligible for inclusion in the plan.**

The plan includes a certification document. **Please send the completed certification page and attachment(s) to GTSC no later than December 31, 2009 after it has been approved by the County's governing body.**

It should be noted that plans require a narrative description of the proposed project activities for each of the program areas. Provide your narrative description beginning on the last page of the document in the section provided.

**Please send an original and one copy of the STOP-DWI Plan by November 2, 2009 to:**

**Charles DeWeese, Assistant Commissioner  
Governor's Traffic Safety Committee  
2010 STOP-DWI Plan  
6 Empire State Plaza, Room 414  
Albany, New York 12228**

## INSTRUCTIONS FOR FISCAL REPORTS SUBMISSION BEGINNING WITH 2010

- Obtain the Fiscal Reports Word documents by downloading it from the GTSC website <http://www.SafeNY.com/forms> (a copy of each is enclosed with this mailing.)
- The documents have been protected to create a MS Word form. To complete this document, type into the grey shaded fields. **There are only two reports that have to be submitted for the 2010 Plan.**
- The fiscal forms, "Mid Year Report" due on August 15 of the current year and "Annual Year End Report" are March 15 of the next year. Example, for **2010 the Mid Year Report will be due August 15, 2010** it will cover January through June. The **2010 Annual Year End report will be due March 15, 2011** and will cover the January though December of 2010.
- If you have difficulty using the fiscal report forms, contact the GTSC at (518) -486-4228 or (518) 474-5777.

**STOP-DWI CONTACT INFORMATION UPDATE PAGE**

**PLEASE RETURN THIS SHEET WITH YOUR PLAN**

**DUTCHESSCOUNTY**

In the letter sent to you calling for Plan submissions, the contact information for your County program was listed as GTSC's file showed as of August, 2009.

Check here if that information is correct:

If there are any changes to this information, please make appropriate changes on this sheet to allow us to update our master file. Return it with your plan.

«NAME» William C. Johnson  
«TITLE» Coordinator  
«AGENCY» Dutchess County STOP-DWI  
«ADDRESS\_I» 1351 Route 55, Room 107  
«ADDRESS\_II» Lagrangeville, NY 12540  
«CSZ»  
«PHONE» (845) 4863603  
«FAX» (845) 486-3612  
«EMAIL» wjohnson@co.dutchess.ny.us

«NAME» Pamela N. Riordan  
«TITLE» Principal Program Assistant  
«AGENCY» Dutchess County STOP-DWI  
«ADDRESS\_I» 1351 Route 55, Room 107  
«ADDRESS\_II» Lagrangeville, NY 12540  
«CSZ»  
«PHONE» (845) 486-3648  
«FAX» (845) 486-3612  
«EMAIL» priordan@co.dutchess.ny.us

«NAME»  
«TITLE»  
«AGENCY»  
«ADDRESS\_I»  
«ADDRESS\_II»  
«CSZ»  
«PHONE»  
«FAX»  
«EMAIL»

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

DUTCHESS COUNTY

CERTIFICATION OF 2010 STOP-DWI PLAN

The 2010 STOP-DWI PLAN was approved by the Dutchess County governing body on \_\_\_\_\_, in the amount of \$ 868,993. This amount agrees with the total on the Budget Summary Page of the 2010 plan on page B1. The following document(s) are attached:

THE COUNTY RESOLUTION APPROVING THE STOP PLAN

AND/OR;

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

STOP-DWI COORDINATOR

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

Name in PRINT: William C. Johnson

COUNTY OFFICIAL

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

Name in PRINT:

**DUTCHESS COUNTY**

**BUDGET SUMMARY 2010 STOP-DWI PLAN**

<b>COMPONENT</b>	<b>TOTALS</b>
<b>Enforcement</b>	\$ 282,300
<b>Court Related</b>	\$ 132,000
<b>Probation</b>	\$ 128,400
<b>Rehabilitation</b>	\$ 69,000
<b>Public Information/Education</b>	\$ 105,000
<b>Administration</b>	\$ 152,293
<b>TOTAL STOP-DWI BUDGET</b>	\$ 868,993

<b>Revenue estimates for 2010 year</b>	\$ 700,000
<b>Current STOP-DWI Revenue/Rollover fund balance</b>	\$ 448,349

# DUTCHESS

## COUNTY

### 2010 ENFORCEMENT ACTIVITY BUDGET

#### PERSONAL SERVICES

\*Do not include any portion of the STOP-DWI Program administrative staff salaries unless they are sworn officers whose salary is paid in part or entirely by STOP-DWI funds.

DWI Patrols: Also list each participating agency on police funding detail page.	\$199,300
Staff: List job title(s) /duties and full or part time ↴	
	\$
	\$
<b>Total Personal Services</b>	<b>\$</b>

#### OTHER THAN PERSONAL SERVICES

Breath Testing Devices	\$
Radar	\$
Video Equipment	\$
Equipment Maintenance	\$
<b>Patrol Vehicles(s)*</b> (specify if paying all or partial purchase & the agency that will have the vehicle, on next page).	\$
Vehicle Maintenance	\$
Supplies	\$
Training	\$
<b>Contractual Services*</b> (specify on next page the contractor and services to be provided)	\$ 73,000
<b>Other *</b> (specify on next page)	\$ 10,000
<b>Total Other Than Personal Services</b>	<b>\$</b>
<b>Total Enforcement Budget</b>	<b>\$ 282,300</b>

# DUTCHESS COUNTY

## 2010 ENFORCEMENT ACTIVITY BUDGET

### DESCRIPTIONS

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

**Describe/explain Contractual services:**

Sobriety Checkpoints	\$54,500
Underage Coordinated Stings	\$ 6,500
DRE Call Out	\$12,000

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

Equipment	\$10,000
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**DUTCHESS COUNTY**

**POLICE PATROL FUNDING DETAIL PAGE**

**2010 ENFORCEMENT ACTIVITY BUDGET**

<b>NAME OF POLICE AGENCY</b>	<b>AMOUNT PERSONAL SERVICES FOR DWI PATROLS</b>
Dutchess County Sheriff's Office	\$ 91,500
C/O Beacon P.D.	\$ 6,100
T/O East Fishkill P.D.	\$ 6,100
T/O Fishkill P.D.	\$ 9,100
C/O Poughkeepsie P.D.	\$ 11,000
T/O Poughkeepsie P.D.	\$ 61,000
V/O Fishkill P.D.	\$ 3,000
T/O Hyde Park P.D.	\$ 6,100
V/O Rhinebeck P.D.	\$ 2,200
W/O Wappingers Falls P.D.	\$ 3,200
	\$
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	\$
	\$
	\$
	\$
<b>TOTAL*</b>	<b>\$ 199,300</b>

\* The total of this column should equal line 1 of Enforcement Schedule DWI Patrols.

## DUTCHESS COUNTY

### 2010 COURT 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.

Assistant District Attorneys	\$ 132,000
Support Staff	\$
Other* (specify at bottom of page)	\$
<b>Total Personal Services</b>	<b>\$ 132,000</b>

#### OTHER THAN PERSONAL SERVICES

Supplies and materials	\$
Training	\$
<b>Contractual services</b> *MUST specify below the contractor and services to be provided	\$
Reimbursement to local courts	\$
Other* (specify at bottom of page)	\$
<b>Total Other Than Personal Services</b>	<b>\$</b>
<b>Total Court Related Budget</b>	<b>\$ 132,000</b>

#### Describe/explain Contractual services:

Partially fund the salary of 3 assistant DA's to prosecute DWI offenders

#### Describe/explain "Other" items:

## DUTCHESS COUNTY

### 2010 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.

Probation Officer(s)	\$ 120,900
Support Staff	\$
<b>Other*</b> (specify at bottom of page)	\$
<b>Total Personal Services</b>	<b>\$ 120,900</b>

#### OTHER THAN PERSONAL SERVICES

Travel	\$
Alcohol/drug screening equipment	\$ 7,500
Training	\$
<b>Contractual Services*</b> MUST specify below the contractor and services to be provided	\$
<b>Other*</b> (specify at bottom of page)	\$
<b>Total Other Than Personal Services</b>	<b>\$ 7,500</b>
<b>Total Probation Budget</b>	<b>\$ 128,400</b>

#### Describe/explain Contractual services:

partially fund 5 probation officers dealing with DWI offenders on probation

#### Describe/explain "Other" items

80-hour alcohol/drug screening tests - \$7,500

# DUTCHESS COUNTY

## 2010 REHABILITATION ACTIVITY BUDGET

### PERSONAL SERVICES

Do not include any portion of the STOP-DWI Program Administrative staff salaries unless they are Rehabilitation staff.

Alcoholism Counselor(s)	\$ 69,000
Social Workers	\$
<b>Contractual services*</b> MUST specify below the contractor and services to be provided	\$
<b>Other*</b> (specify at bottom of page)	\$
<b>Total Personal Services</b>	\$ 69,000

### OTHER THAN PERSONAL SERVICES

Alcohol/drug screening equipment	\$
Training	\$
<b>Contractual services*</b> MUST specify below the contractor and services to be provided	\$
<b>Other*</b> (specify at bottom of page)	\$
<b>Total Other Than Personal Services</b>	\$
<b>Total Rehabilitation Budget</b>	\$ 69,000

#### Describe/explain Contractual services:

funding for group and traditional therapy using the CBT modality

#### Describe/explain "Other" items:

## DUTCHESS COUNTY

### 2010 PUBLIC INFORMATION/EDUCATION ACTIVITY BUDGET

#### PERSONAL SERVICES

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

Staff: List job title, office location, full or part time status below ↓	Full or Part	
		\$
		\$
		\$
<b>Other*</b> (specify at bottom of page)		\$
<b>Total Personal Services</b>		\$

#### OTHER THAN PERSONAL SERVICES

Presentations	\$
Printed materials	\$ 4,000
Training	\$ 16,250
<b>Contractual services*</b> MUST specify below the contractor and services to be provided.	\$ 62,050
Travel	\$ 3,700
<b>Other*</b> (specify at bottom of page)	\$ 19,000
<b>Total Other Than Personal Services</b>	\$
<b>Total Public Information/Education</b>	<b>\$ 105,000</b>

#### Describe/explain Contractual services:

Council on Addiction Prevention and Education - \$50,000 , Students Against Drunk Driving - \$2,200; Remove Intoxicated Drivers - \$1,450; High School Mini Grants - \$5,000; Marist College, Dr. Quinn Project - \$3,400

#### Describe/explain "Other" items:

TRAINING - train/conference - \$250; Training \$11,000; Mid Hudson Conference - \$5,000

TRAVEL: Mileage - \$1,000; Travel - \$1,400; Meals - \$50; Auto Center - \$1,250

OTHER: Advertising \$12,500; Law Enforcement Ceremony/Luncheon - \$4,500; Reimbursement Non-Employee - \$2,000

## DUTCHESS COUNTY

### 2010 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	Full Time	Part Time	TOTAL
STOP-DWI Program Coordinator 2/3 includes fringe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ 61,026
Other Staff	<input type="checkbox"/>	<input type="checkbox"/>	\$
Other Staff	<input type="checkbox"/>	<input type="checkbox"/>	\$
Support Staff Principal Program Asst - includ.fringe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$ 79,047
Support / Other staff	<input type="checkbox"/>	<input type="checkbox"/>	\$
<b>Additional staff</b>	<input type="checkbox"/>	<input type="checkbox"/>	\$
<b>Total Personal Services</b>			<b>\$ 140,073</b>

#### OTHER THAN PERSONAL SERVICES

Office supplies	\$ 3,000
Office equipment	\$
Overhead: office space, maintenance costs, telephone service	\$ 3,570
Travel	\$
<b>Contractual services*</b> MUST specify below the contractor and services to be provided	\$
<b>Other*</b> (specify at bottom of page)	\$ 5,650
<b>Total Other Than Personal Services</b>	<b>\$ 12,220</b>
<b>Total Administration/Evaluation Budget</b>	<b>\$ 152,293</b>

**Describe/explain Contractual services:**

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

Maintenance - \$1,500; telephone - \$1,600; Freight - \$400; Water Cooler \$70

OTHER: Printing/copier/postage - \$2,150; Subscriptions - \$200; Dues NYS STOP-DWI Assoc. - \$3,300;

Vehicle for Coordinator - \$27,000

## DUTCHESS COUNTY

### NARRATIVE SECTION

**Provide a narrative description of activities** planned under each of the program areas that your County program will fund. **Do not include a general history** of the STOP-DWI program. Provide specific details about the activities planned for your county in each of the five program areas and how they are expected to provide a reduction in DWI incidents.

**Use as many pages as required. This section is unprotected, so spell check is enabled and there is no fixed area to type in.**

**STOP-DWI BUDGET COMPARISON FOR 2010 PROPOSAL**

DESCRIPTION	2005 BUDGET	2006 BUDGET	2007 BUDGET	2008 BUDGET	2009 BUDGET	2010 PROPOSAL
Coordinated Checkpoint Prog.		\$18,000.00	\$36,000.00	\$43,200.00	\$49,500.00	\$54,500.00
Underage Drinking				\$6,000.00	\$6,500.00	\$6,500.00
All Equip.-Municipal PDs & NYSP	\$9,000.00	\$8,000.00	\$6,000.00	\$9,000.00	\$10,000.00	\$10,000.00
DRE Call Out Initiative				\$12,000.00	\$12,000.00	\$12,000.00
Sheriff's Office				\$57,600.00	\$66,000.00	\$80,000.00
FT		\$48,000.00	\$48,000.00	\$57,600.00	\$66,000.00	\$80,000.00
OT		\$7,000.00	\$7,000.00	\$8,400.00	\$9,600.00	\$11,500.00
Sob.Ckpt.		\$10,000.00				
City of Beacon		\$4,000.00	\$4,000.00	\$4,800.00	\$5,500.00	\$6,100.00
OT/TRG		\$3,500.00				
Sob.Ckpt.		\$3,500.00				
SFST classes		\$5,000.00	\$4,000.00	\$4,800.00	\$5,500.00	\$6,100.00
Town of East Fishkill		\$2,000.00	\$4,000.00	\$4,800.00	\$5,500.00	\$6,100.00
Sob.Ckpt.		\$6,000.00	\$6,000.00	\$7,200.00	\$8,250.00	\$9,100.00
Town of Fishkill		\$1,500.00	\$10,000.00	\$10,000.00	\$10,000.00	\$11,000.00
Sob.Ckpt.		\$3,000.00	\$40,000.00	\$48,000.00	\$55,000.00	\$61,000.00
City of Poughkeepsie		\$3,250.00	\$2,000.00	\$2,400.00	\$2,750.00	\$3,000.00
OT/TRG		\$4,000.00	\$4,000.00	\$4,800.00	\$5,500.00	\$6,100.00
Sob.Ckpt.		\$1,400.00				
Town of Hyde Park		\$2,000.00			\$2,000.00	\$2,200.00
OT/TRG		\$600.00				
Village of Rhinebeck		\$1,000.00	\$2,000.00	\$2,400.00	2,750.00	3,200.00
Sob.Ckpt.		\$500.00				
Vil.wappingers Falls			\$2,000.00	\$2,400.00	2,750.00	3,200.00
OT/TRG						
Sob.Ckpt.						
CAPE- College Initiative		\$0.00				
Parents Who Care						
Alcohol/Highway		\$27,500.00	\$32,500.00	\$39,000.00	\$45,000.00	\$50,000.00
Safety Educator(AHSE)						
CAPE- SADD Conference		\$1,000.00	1000	\$1,200.00	\$2,000.00	\$2,200.00
Lexington Center- Trad. Rehab		\$35,000.00	\$30,000.00	\$54,000.00	\$47,000.00	\$52,000.00
Lexington Center-Cog.Grp.Thpy.		\$15,000.00	\$15,000.00	total	\$15,000.00	\$17,000.00
DC Probation-Int. Supervision		\$75,000.00	\$60,000.00	\$72,000.00	\$82,000.00	\$98,400.00
DC Probation-OT. Supervision		\$0.00	\$0.00		\$18,750.00	\$30,000.00
DC DA's Office		\$100,000.00	\$80,000.00	\$96,000.00	\$110,000.00	\$132,000.00
DC RID		\$1,000.00	\$1,000.00	\$1,200.00	\$1,300.00	\$1,450.00
<b>TOTAL CONTRACTED AGENCIES</b>		<b>\$427,750.00</b>	<b>\$367,500.00</b>	<b>\$484,000.00</b>	<b>\$571,900.00</b>	<b>\$665,350.00</b>

ADMINISTRATIVE	2005 BUDGET	2006 BUDGET	2007 BUDGET	2008 BUDGET	2009 BUDGET	2010 PROPOSAL
Positions	\$43,652.00	\$44,334.00	\$49,359.00	\$51,309.00	\$53,176.00	\$53,176.00
DC Planning-Coordinator	\$40,682.00	\$41,700.00	\$47,573.00	\$50,645.00	\$53,185.00	\$61,026.00
Telephone-	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00
Office Supplies	\$2,400.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,500.00	\$3,000.00
Records Storage	\$350.00	\$350.00	\$350.00	\$350.00	\$0.00	\$0.00
Advertising	\$6,000.00	\$3,000.00	\$3,386.00	\$4,063.00	\$10,000.00	\$12,500.00
Employee Meage/travel Expenses	\$2,375.00	\$2,550.00	\$2,550.00	\$2,950.00	\$3,350.00	\$3,700.00
Mile-.4619= \$1000, Travel-.4620.72= \$1,400						
Meals-.4626.75= \$50, AutoCrt-.4628.80= \$1250						
Training/Conferences	\$200.00	\$200.00	\$200.00	\$200.00	\$250.00	\$250.00
Interdept. Exp. Transfer	\$1,300.00	\$1,170.00	\$1,370.00	\$1,470.00	\$1,950.00	\$2,150.00
printing-.4628.79= \$1000 copier-.4628.78= \$800						
Postage=.4628.77= \$350						
Mid Hudson Region Conference				\$4,500.00	\$5,000.00	\$5,000.00
Life Skills Pilot Prog. In High Schools				\$5,200.00		
Commercial Printing (Poster)				\$3,000.00		
Postage/freight	\$150.00	\$150.00	\$150.00	\$300.00	\$400.00	\$400.00
High School Mini-Grants	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00
LE Ceremony Luncheon	\$3,000.00	\$3,000.00	\$3,000.00	\$3,800.00	\$4,500.00	\$4,500.00
Public info supplies & petty cash	\$2,200.00	\$1,980.00	\$1,980.00	\$2,000.00	\$2,300.00	\$4,000.00
Training	\$3,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$11,000.00	\$11,000.00
Subscriptions, journals	\$2,000.00	\$2,000.00	\$2,800.00	\$2,800.00	\$3,200.00	\$3,500.00
Dues*						
Subscript.	\$60.00	\$60.00	\$60.00	\$60.00	\$70.00	\$70.00
Rental of Equipment						
Rental of Real Property	\$2,000.00	\$1,800.00	\$1,800.00	\$2,000.00	\$2,000.00	\$2,000.00
Reimbursement/Non-employee		\$0.00			\$0.00	\$0.00
Professional Services						
<b>Total Administrative Budget</b>	<b>\$114,969.00</b>	<b>\$113,894.00</b>	<b>\$126,178.00</b>	<b>\$146,247.00</b>	<b>\$159,481.00</b>	<b>\$174,372.00</b>

<b>IMPAIRED DRIVING GRANT</b>	\$10,400.00
<b>TOTAL APPROPRIATION</b>	<b>\$553,119.00</b>
+ PPA FRINGE (estimate)	\$10,913.00
Marist	4404.106
Program Vehicle 27,000	2300.05
Adm. Fringe (estimate)	
<b>TOTAL BUDGET</b>	<b>\$564,032.00</b>

<b>IMPAIRED DRIVING GRANT</b>	<b>\$126,178.00</b>	<b>\$630,247.00</b>	<b>\$731,381.00</b>	<b>\$839,722.00</b>
<b>TOTAL APPROPRIATION</b>	<b>\$514,678.00</b>	<b>\$630,247.00</b>	<b>\$731,381.00</b>	<b>\$839,722.00</b>
+ PPA FRINGE (estimate)	\$12,340.00	\$20,378.00	\$22,365.00	\$25,871.00
Marist				\$3,400.00
Program Vehicle 27,000				
Adm. Fringe (estimate)				
<b>TOTAL BUDGET</b>	<b>\$527,018.00</b>	<b>\$650,625.00</b>	<b>\$753,746.00</b>	<b>\$868,993.00</b>



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



DAVID A. PATERSON  
Governor

DAVID J. SWARTS  
Chair

November 5, 2009

William C. Johnson  
Coordinator  
Dutchess County STOP-DWI Program  
1351 Route 55, Room 107  
Lagrangeville, NY 12540

Re: 2010 STOP-DWI Plan Approval

Dear Mr. Johnson:

We are approving your 2010 STOP-DWI Plan as submitted. Thank you for your dedication and continued work to address the problem of impaired driving.

Due to the varying timelines in the local budget process, county certification may still be pending. If you did not include a county certification in your Plan submission, we ask that you submit that certification to the Governor's Traffic Safety Committee (GTSC) as soon as it is available. If your plan is not certified before the deadline of December 31, 2009, please request an extension from the GTSC. The certification page must include either the county resolution approving the STOP-DWI Plan or a copy of the county budget page(s) showing the amount approved for STOP-DWI.

We recognize that county governments are experiencing the same fiscal constraints as the rest of the state. In these difficult fiscal times, we have to be sure that program spending is kept to areas that prevent impaired driving and that do not supplant local spending. If you plan to modify this approved STOP-DWI budget plan, you must notify the GTSC before incurring any costs.

If you have any questions about your plan or the program in general, please contact Rich Devlin at the Governor's Traffic Safety Committee at (518) 486-4221 or (518) 474-5777.

Sincerely,

David J. Swarts  
Commissioner

DJS/CD/RD

Roll call vote on the foregoing Resolution No. 2010017 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010018

RE: SETTING A PUBLIC HEARING IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 6 LOCATED IN THE VILLAGE AND TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK

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

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

WHEREAS, the WWA has presented to this Legislature a notice of project pursuant to Section 1124 of the Public Authorities Law which outlines the WWA's plan to establish Part County Sewer District No. 6 located in the Village and Town of Red Hook, Dutchess County, New York, and

WHEREAS, said notice of project also describes the Part County Sewer District No. 6 that will be created, which is more particularly described in Attachment A attached hereto, and

WHEREAS, it is necessary to conduct a public hearing on the establishment of such Part County Sewer District No. 6, now therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 10th day of February, 2010 at 7:00, in the evening of said day, at the Chambers of the Dutchess County Legislature, County Office Building, 22 Market Street, Poughkeepsie, New York, on a proposal to establish Part County Sewer District No. 6 located in the Village and Town of Red Hook, Dutchess County, New York, described in Attachment A attached hereto, and be it further

RESOLVED, that the Clerk of the Legislature shall publish notice of said hearing in the official newspapers of the County and shall include therein a description, identifying the areas to be included within the Part County Sewer District No. 6, the improvements proposed, the maximum amount to be expended for the improvements, the proposed method of assessment of the cost, the estimated cost of hook-up fees, if any, the cost to the typical property or one or two family home, all in accordance with Section 254 of the County Law.

APPROVED

CA-06-10 RLW:ca/G-1332-F 1/12/10 Fiscal Impact: Statement will be attached to resolution creating Part County Sewer District No. 6 when submitted to Legislature.

STATE OF NEW YORK
COUNTY OF DUTCHESS

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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 25th day of January 2010, 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 25th day of January 2010.

Date 2/5, 2010
PATRICIA J. HOFMANN, CLERK OF THE LEGISLATURE

## ATTACHMENT A

**DUTCHESS COUNTY PART-COUNTY SEWER DISTRICT NO. 6**  
Part-County Sewer District No. 6 shall include all those properties presently indicated by the tax parcel grid numbers below:

### ZONE OF ASSESSMENT A

6272- 07-514864  
6272- 07-531857  
6272- 07-506847  
6272- 07-503840  
6272- 07-522832  
6272- 06-490816  
6272- 06-479800  
6272- 06-459805  
6272- 06-450818  
6272- 06-454830  
6272- 06-473785  
6272- 06-456795  
6272- 06-455789  
6272- 06-471776  
6272- 06-453784  
6272- 06-451778  
6272- 06-478765  
6272- 06-440772  
6272- 06-470753  
6272- 06-443763  
6272- 06-461750  
6272- 06-440756  
6272- 10-471735  
6272- 10-436749  
6272- 10-452731  
6272- 10-429738  
6272- 10-446726  
6272- 10-425729  
6272- 10-413739  
6272- 10-395718  
6272- 10-408743  
6272- 10-403746  
6272- 10-390724  
6272- 10-396745  
6272- 10-383729  
6272- 10-378736  
6272- 06-390752  
6272- 06-383756  
6272- 10-373736  
6272- 10-357737  
6272- 06-374762  
6272- 06-367763  
6272- 10-353746  
6272- 10-348747  
6272- 06-361767  
6272- 06-342750  
6272- 06-351772  
6272- 06-334754

6272- 10-444720  
6272- 10-455723  
6272- 10-459722  
6272- 10-450722  
6272- 10-450702  
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6272- 10-460703  
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6272- 10-464702  
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6272- 10-472702  
6272- 10-478721  
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6272- 11-508722  
6272- 11-506690  
6272- 11-512689  
6272- 11-523727  
6272- 11-520689  
6272- 11-526712  
6272- 11-530695  
6272- 11-532711  
6272- 11-535694  
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6272- 11-544688  
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6272- 10-402710  
6272- 10-416707  
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6272- 10-413702  
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6272- 10-433677  
6272- 10-404688

6272- 10-422678  
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6272- 00-242426  
6272- 00-267429  
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6272- 00-242939  
6272- 00-310385  
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6272- 00-256365  
6272- 00-310361  
6272- 00-285362  
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6272- 00-305346  
6272- 00-244321  
6272- 00-282336  
6272- 00-280330  
6272- 00-295276  
6272- 00-230310  
6272- 00-269271  
6272- 00-244274  
6272- 00-257211  
6272- 00-298202  
6272- 00-237238  
6272- 17-235217  
6272- 17-233209  
6272- 17-230195  
6272- 17-219182  
6272- 17-225162  
6272- 00-288312  
6272- 10-407720  
6272- 10-403700  
6272- 10-474721  
6272- 09-205603  
6272- 14-329473  
6272- 13-246435  
6272- 14-271441  
6272- 00-312410  
6272- 00-222345  
6272- 00-234295

### ZONE OF ASSESSMENT B

6272- 10-250565  
6272- 10-263580  
6272- 10-312583  
6272- 10-273554  
6272- 10-302574  
6272- 10-287598  
6272- 10-285569  
6272- 10-262591  
6272- 10-273583

# 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:

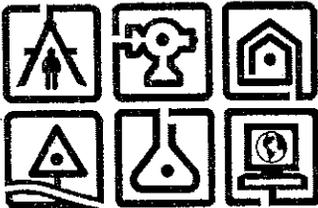
Anticipated Savings to County: \_\_\_\_\_

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay

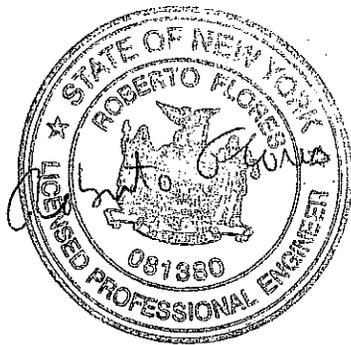
December, 2009



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:*

C.T. MALE ASSOCIATES, P.C.  
50 Century Hill Drive  
Latham, New York 12110  
(518) 786-7400  
FAX (518) 786-7299

*C.T. Male Project No: 09.9081*

Unauthorized alteration or addition to this document is a violation of Section 7209 Subdivision 2 of the New York State Education Law.

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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 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 2009 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 189 properties in the District area, 379 developed Benefit Units were determined. Based on New York State Law, the costs (\$7.6M capital and \$134,500 O&M) for the proposed improvements can only be assessed to the properties in the District.

### 1.1 Project Need

Forty years of adopted planning documents, including:

- Village of Red Hook Comprehensive Plan (1969);
- Town of Red Hook Master Plan (1990);
- 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 density 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. This would be an improvement to public health of the community.
- A 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.

## 2.0 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 two separate Zones of Assessment as follows:

- Zone of Assessment B will include those ten properties currently within the existing service area of the Red Hook Commons Sewer Transportation Corporation;
- Zone of Assessment A will include all remaining parcels within 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.

## 2.1 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:

- 5,500 feet of 3-inch sewer
- 4,700 feet of 4-inch sewer
- 100 feet of 6-inch sewer
- 168 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 anticipated cost for a typical property owner to connect to the grinder pump is \$500.

Additionally, the property owner will be responsible for a hook up fee of \$300. The Hook-up fee is used by DCWWA to pay for inspecting the final connection from the property owner to the grinder pump.

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 and paying the electricity for the grinder pump.

## **2.2 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 Plan 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.

### **2.3 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.
- 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 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 379 developed and 73 vacant units.

To account for the difference in benefit received between a developed versus a vacant parcel a reduction factor of 0.9 is applied to the rate per vacant 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 Zone of Assessment A, 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 Zone of Assessment A, 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 2-1 summarizes the District's BU count.

**Table 2-1**  
**Benefit Units**

Description	Zone A	Zone B
Single Family Residential	64	0
Multi-Family Residential	143	49
Mix Use/Commercial/Gov't	158	1
Vacant Lots	31	6
Total Benefits Units	396	56
Vacant Benefit Units	67	6
Developed Benefit Units	329	50

Single Family Residential includes parcels assigned land use code 210 by Dutchess County Real Property Tax Rolls.

The property with the largest assessed BU count in Zone A is the Red Hook Mobile Home Park with 15 BU.

The properties with the largest assessed BU count in Zone B are the Red Hook Commons parcels with 24.5 BU each.

### 3.0 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.

#### 3.1 Capital Cost

The projected capital cost for the sewer district is \$7,592,400. Appendix B details the capital cost. Table 3-1 summarizes the capital costs

**Table 3-1  
Capital Costs**

Collection System	\$1,800,000
Laterals and Grinder Pumps	\$692,400
Wastewater Treatment Plant	\$3,200,000
Contingency	\$1,000,000
Engineering, Legal, and Admin.	\$900,000
Total Capital Cost (2010 Dollars)	\$7,592,400

#### 3.2 Operation and Maintenance Cost

The projected first year annual operating costs for the sewer district is \$134,500. Appendix C details the operation and maintenance (O&M) cost. Table 3-2 summarizes the O&M cost.

Table 3-2  
O&M Costs

Electric	\$25,000
Labor	\$31,000
Sludge Disposal	\$18,000
Miscellaneous	\$19,000
Short-lived Assets Replacement	\$16,500
Contingency	\$14,000
Inflation	\$11,000
Total O&M Cost (2010 Dollars)	\$134,500

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 \$134,500 allocated across 379 developed Benefit Units results in an O&M cost per Benefit Unit of \$355.

### 3.3 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 projected cost for connecting to the grinder pump is \$500 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.

At the time of connection each property owner will be charged a \$300 hook up fee by the DCWWA to pay for inspecting the final connection from the property owner to the grinder pump.

#### **4.0 PROJECT FINANCING**

The projected capital cost for the project is \$7,592,400. This cost would be financed through the United States Department of Agriculture Rural Development (USDA-RD) grant and loan sewer program.

USDA-RD has offered a financing plan that includes a \$3,403,000 grant and a loan for \$533,000 at 3.375% for 38-years. See Appendix D for correspondence from USDA-RD.

A CDBG grant of \$62,300 was awarded to the Village for the sewer project.

Additionally, the Clean Water State Revolving Fund (CWSRF) program has determined the project is eligible for a zero interest loan for 30-years for the project cost not covered by the USDA-RD grant. See Appendix D for correspondence from CWSRF.

Thus, the financing plan would be to accept the USDA grant and loan and then re-finance the \$533,000 loan with CWSRF loan at 0% for 30-years. This re-financing step is necessary to accept the USDA-RD grant and is acceptable to both USDA-RD and CWSRF programs.

With this financing plan, the estimated annual debt service payment on \$4,127,100 0% 30-year loan for the project is \$137,570.

Based on Zone A 335.70 BU (329 developed +6.7 vacant), the annual debt service per BU is \$410.

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

#### **4.1 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, 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 is  $(\$410 + \$355)$  \$765 per BU.

The estimated first year cost for a similar property located in Zone of Assessment B would be \$355 per BU, based on Operating & Maintenance expenses only.

## 5.0 PROJECT IMPLEMENTATION PLAN

### 5.1 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 there from. Upon making such determinations in the affirmative, the Legislature may act by resolution approving the establishment of the district. Such resolution shall be subject to permissive referendum. (Sect. 256)

There is a 45 day period after the Legislature acts during which a petition for a referendum may be filed with the Clerk of the Legislature. A permissive referendum shall be conducted in accordance with Sections 101 and 102 of County Law, except that only those electors shall be qualified to sign a petition who are resident within the proposed county district, and provided further that the number of signatures required on the petition shall be one hundred or five per centum of the owners of taxable real property situated within the proposed district, whichever shall be less. Should a referendum be triggered, qualified electors 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.

## **5.2 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. Based on adding the

lateral and grinder pump installation, DCWWA, acting as lead agency through the coordinate review process, is planning to re-issue the negative declaration in January 2010.

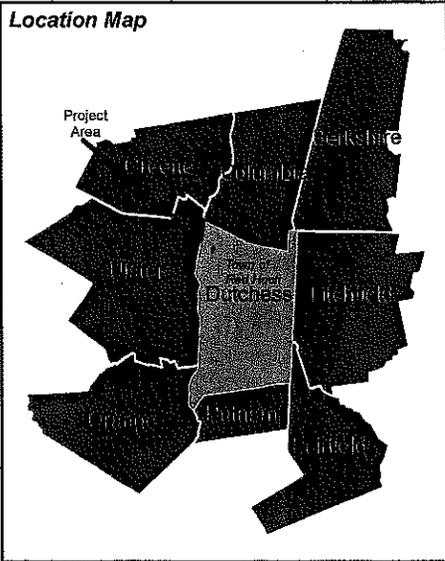
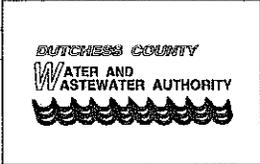
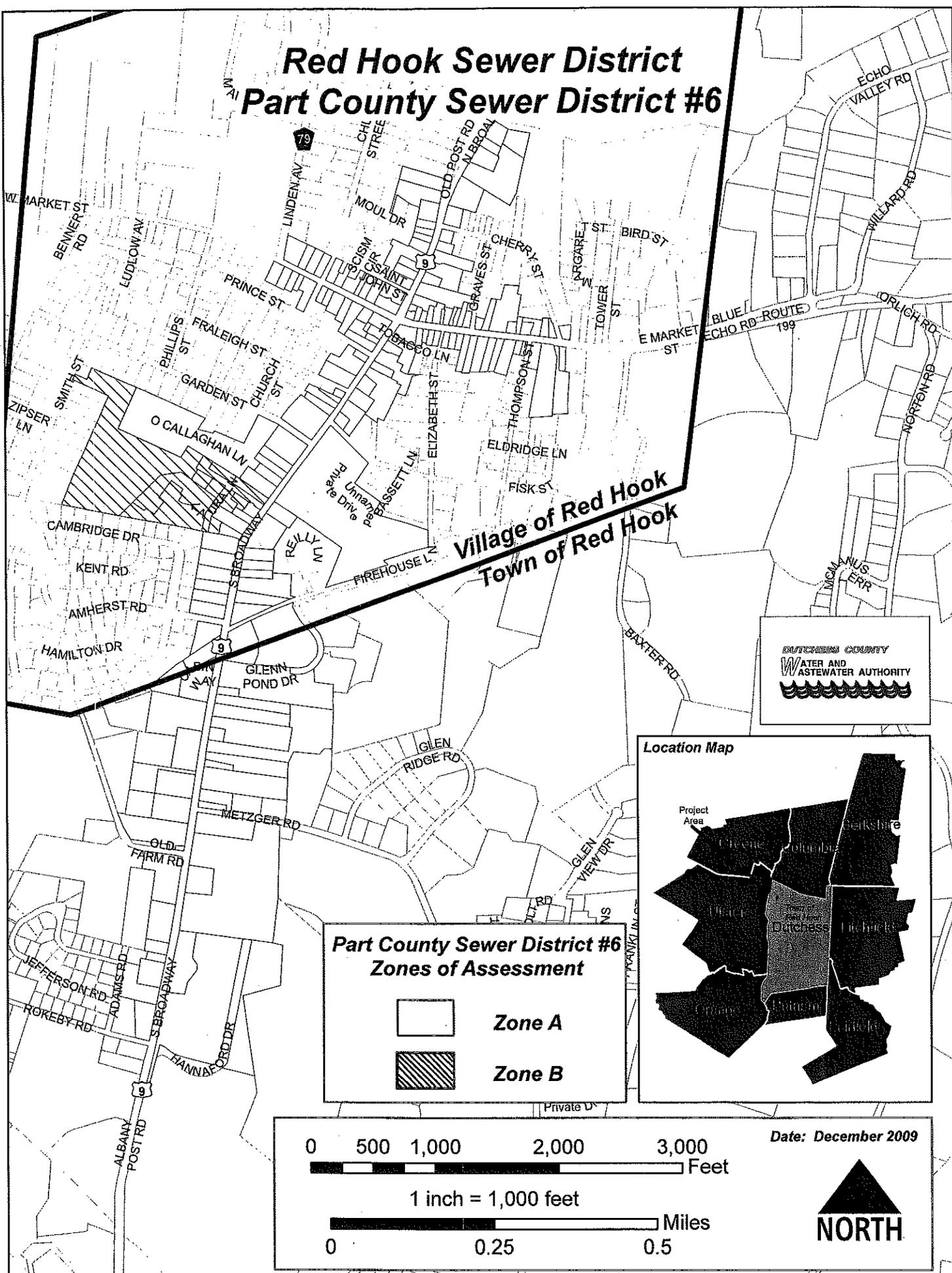
The plans for the proposed collection system and expanded wastewater treatment plant will need approval from New York State Department of Environmental Conservation (NYSDEC).

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>

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

1 inch = 1,000 feet

0 0.25 0.5 Miles

Date: December 2009







## Appendix A

### List of Property Owners and Benefit Unit Assessment

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - December 2009**

VILLAGE OF RED HOOK  
TOWN OF RED HOOK, NEW YORK

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

Zone	Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units	
				Developed	Vacant
<b>North Broadway - Before Cherry St.</b>					
A	Burkley, Brandon	7592 N. Broadway	07-514864	1	
A	Rotger, Scott	7590 N. Broadway	07-531857	4	
A	North Broadway Plzza	7588 N. Broadway	07-506847	1	
A	Vito LaMorte	7582 N. Broadway	07-503840	2	
A	Red Hook Business Park Inc	5758 N. Broadway	07-522832	1	0
A	Red Hook IGA	7588 N. Broadway	06-490816	2	0
A	Elmendorf Inn	7562 N. Broadway	06-479800	1	
A	Butcher	7563 N. Broadway	06-459805	1	
A	Staff	7567 N. Broadway	06-450818	2	0
A	Pagano	7571 Old Post Road	06-454830	1	0
<b>North Broadway - Between Cherry St. and St. John St.</b>					
A	Stewart's Shops Corp.	7558 N. Broadway	06-473785	1	
A	Cuthell, Erik	7557 N. Broadway	06-456795	1	
A	Cole, Allen Richard	7555 N. Broadway	06-455789	1	
A	Village Diner	7550 N. Broadway	06-471776	5	
A	Bard, Richard	7549 N. Broadway	06-453784	2	
A	Nicolas-Marcy, Michael	7545 N. Broadway	06-451778	1	
A	Baright Realty	7540 N. Broadway	06-478765	3	
A	Bischoff, Steve	7537-7539 N. Broadway	06-440772	3	
A	Keil Equipmebt Co., INC.	7536 N. Broadway	06-470753	1	
A	Golden, Paula; Papreka, P	7531 N. Broadway	06-443763	3	
A	Scheer Cleaners	7528 N. Broadway	06-461750	1	
A	Verrilli, Richard (Post Office)	7525 N. Broadway	06-440756	1	
A	CVS Store # 5359	7518 N. Broadway	10-471735	1	
A	Getty	3 St. John St.	10-436749	1	
<b>North Broadway - Between St. John St. and Market</b>					
A	Baright Realty	7514 N. Broadway	10-452731	3	
A	Rhtel LLC	7509 N. Broadway	10-429738	1	
A	Baright Realty	7506-7508 N. Broadway	10-446726	1	
<b>West Market - Between Broadway and Church St.</b>					
A	Baright Realty	15 W. Market St.	10-425729	8	
A	Dillon, John	21 W. Market St.	10-413739	3	
A	Keybank	28 W. Market St.	10-395718	1	
A	Christian Lodge	31 W. Market St.	10-408743	1	
A	Fell, David	37 W. Market St.	10-403746	1	
A	Taste Budd's, LLC	40 W. Market St.	10-390724	3	
A	Red Hook Holdings LLC	39-43 W. Market St.	10-396745	3	
A	K. D. K. Realty	42-44 W. Market St.	10-383729	4	
A	K. D. K. Realty	46 W. Market St.	10-378736	1	
A	Borenstein, David	45-47 W. Market St.	06-390752	2	
A	Trezza, Gloria	49 W. Market St.	06-383756	1	
<b>West Market - Between Church St. and Linden Ave.</b>					
A	Methodist Church	Church Street	10-373736		1
A	Methodist Parsonage	52 W. Market St.	10-357737	2	
A	Dominy, Michele	51 W. Market St.	06-374762	1	
A	Simmons, Herbert	53 W. Market St.	06-367763	1	
A	Scheer, Jonathan M.	54 W. Market St.	10-353746	1	
A	Agrest, Sara	56 W. Market St.	10-348747	1	
A	Steerman, James	57 W. Market St.	06-361767	1	
A	Cirincion, John and Cubba	58 W. Market St.	06-342750	1	
A	Monahan-Tennant, James	59 W. Market St.	06-351772	2	
A	Guido, Frank	60 W. Market St.	06-334754	1	

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - December 2009**

Zone	Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units	
				Developed	Vacant
<b>East Market - Between Broadway and Elizabeth St.</b>					
A	Baright Realty	1-7 E. Market St.	10-444720	4	
A	Baright Realty	17 E. Market St.	10-455723	1	
A	Baright Realty	17-21 E. Market St.	10-459722	2	
A	Baright Realty	9 E. Market St.	10-450722	1	
A	Baright Realty	16 E. Market St.	10-450702	1	
A	Rifenbergh, Mrs. Vernon S.	20 E. Market St.	10-455704	1	
A	Lown, Donna	22 E. Market St.	10-460703	1	
A	Lyceum Theater	23 E. Market St.	10-466723	1	
A	Gudenzi-Ruess, Raida	24 E. Market St.	10-464702	1	
<b>East Market - Between Elizabeth St. and Graves St.</b>					
A	Haddad, Randolph	25 E. Market St.	10-470720	1	
A	Chan-Mohammed, Chau	28 E. Market St.	10-472702	2	
A	Henke Insurance Agency	29 E. Market St.	10-478721	1	
A	Blue Lake House, LLC	30 E. Market St.	10-477701	1	
A	Star Travel	31 E. Market St.	10-482721	1	
A	Goldman, Robert and Claire	32 E. Market St.	10-482699	2	
A	Hardman, Selma	33 E. Market St.	10-485722	1	
A	Coon, Germaine	34 E. Market St.	10-485691	1	
A	Klose, Woody	35 E. Market St.	10-490719	2	
A	Meyer, Nancy J.	36 E. Market St.	10-491689	1	
A	Econopoly, Gus	37 E. Market St.	10-499714	1	
<b>East Market - Between Graves St. and Thompson St.</b>					
A	Laibach Associates	38 E. Market St.	10-498689	3	
A	Lekstrom, Arvid	39 E. Market St.	11-508722	1	
A	Borenstine, David	40 E. Market St.	11-506690	1	
A	Rider, Caroline	42 E. Market St.	11-512689	1	
A	Baright Realty	43 E. Market St.	11-523727	3	
A	Dut. Co. Comm. Action Agency	44 E. Market St.	11-520689	3	
A	Depietro, Jack	45-47 E. Market St.	11-526712	2	
A	Alfio H. Comacchini Arch	48 E. Market St.	11-530695	1	
A	Coons, Leslie	49 E. Market St.	11-532711	1	
A	Lowry, Stephen and Maureen	50 E. Market St.	11-535694	2	
A	Perazzo, Albino	51 E. Market St.	11-538711	2	
A	Kudia, Phillip	52 E. Market St.	11-544688	2	
<b>East Market - After Thompson St.</b>					
A	Urbin, Lori	53 E. Market St.	11-546711	1	
A	Fier, Jennifer	56 E. Market St.	11-553669	1	0
A	Borenstine, David	57 E. Market St.	11-553715	2	
A	Borenstine, David	59-61 E. Market St.	11-557709	2	
A	Rider, Eleanor	60 E. Market St.	11-567659	1	
A	Hillster, Peter	62 E. Market St.	11-567686	1	
A	Borenstine, David	63 E. Market St.	11-570707	3	
<b>South Broadway - Between Market and Prince St.</b>					
A	RHVBR LLC	12 E. Market St.	10-440706	9	
A	Extra-Mart D/B/A	2 W. Market St.	10-419715	2	
A	Eckelman, Stephen and Marya	S Broadway Rear	10-410710		0.5
A	Eckelman, Stephen and Marya	7485 S. Broadway	10-402710	3	
A	Kittner and Fredricks	7481-7483 S. Broadway	10-416707	3	
A	Matwey	S 7484 Broadway	10-442688	6	
A	Cheng, Kankuen	7479 S. Broadway	10-413702	5	
A	Powers Auto Supplies, INC.	7478 S. Broadway	10-431694	1	
A	K. D. K. Realty	7472 S. Broadway	10-433677	2	
<b>South Broadway - Between Prince St. and Fraleigh St.</b>					
A	Village Hall	7487 S. Broadway	10-404688	2	
A	K. D. K. Realty	7466 S. Broadway	10-422678	2	
A	Giek, Kenneth	7461 S. Broadway	10-392686	2	
A	Ayoub, Nabil	7460 S. Broadway	10-421656	1	
A	Griffin Insurance Agency	7452 S. Broadway	10-408663	1	
A	Eccles, Thomas and Jennifer	7449 S. Broadway	10-385673	1	2

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - December 2009**

Zone	Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units	
				Developed	Vacant
<b>South Broadway - Between Fraleigh St. and Garden St.</b>					
A	Red Hook Public Library	7444 S. Broadway	10-404652	1	0
A	Phillips, Velma	7441 S. Broadway	10-385658	1	
A	Edgecrest LLC	7437 S. Broadway	10-378656	1	
A	Seitz, Elizabeth	7436 S. Broadway	10-398640	1	
A	Stokum, Jeff and Jenny	7435 S. Broadway	10-371656	1	
A	Diamond, Douglas	7432 S. Broadway	10-388636	1	
A	Odom, Ronald	7431 S. Broadway	10-368650	3	
A	Christ Church	7423-7429 S. Broadway	10-358639	1	0
<b>South Broadway - Between Garden St. and Firehouse Lane</b>					
A	St. Pauls Lutheran Church	7412 S. Broadway	10-395562	1	0
A	St. Christopher Church	4 Garden St.	10-343617	1	0
A	St. Christopher Rectory	7411 S. Broadway	10-334606	1	
A	Irons, Rockwell	7407 S. Broadway	10-330601	1	
A	Wicks, Douglas F.	7405 S. Broadway	10-328593	1	
A	Red Hook Central School/Universal Builders	7401 S. Broadway	10-317588	1	0
A	Universal Builders	7401 S. Broadway	10-282617	1	
A	Wilms, Martin	7398 S. Broadway	10-338560	1	0
A	Lamic, Inc.	7939 S. Broadway	10-314564	1	
A	Red Hook Soap Factory, LL	7392 S. Broadway	10-324546	2	
A	Fell, David	7391 S. Broadway	10-307560	2	
A	Fell, David	7387 S. Broadway	10-299560	1	
A	Red Hook Group, LLC	7385 S. Broadway	10-292549	1	
A	Cayea, Dr. James	7381 S. Broadway	10-289538	1	
A	Heuer, Marilyn	7380 S. Broadway	10-319528	1	
A	McGovern, John	7376 S. Broadway	10-318519	1	
A	Northern Dutchess Archery	7375 S. Broadway	10-286526	1	
A	Kuhn, John	7374 S. Broadway	10-317512	1	
A	Gabryszewski, Joseph and Mo	7373 S. Broadway	10-285513	1	
A	Cohen, David	7372 S. Broadway	10-324503	1	
A	Coston, Gregory	7369 S. Broadway	10-281504	1	
A	Webster, Henry	7366 S. Broadway	14-320493	1	
A	Denter, Louise	7365 S. Broadway	14-279495	1	
A	Gorsuch, Thomas	7362 S. Broadway	14-309484	2	
A	Griffin, Lisa and Dennis	7361 S. Broadway	14-278485	2	
A	Migliorelli, Kenneth A.	7357 S. Broadway	14-278467	1	
B	Red Hook Commons Apartments	11-15 Laura Lane	10-250565	24.5	
B	Red Hook Commons Apartments	Laura Lane	10-263580	24.5	
B	Kearney Development	Laura Lane/Morgan Dr.	10-312583	1	
<b>South Broadway - Between Firehouse Lane and Old Farm Rd.</b>					
A	Colburn, Shirley Ann	7351 S. Broadway	14-271451	10	
A	Rhinebeck Savings Bank	7350 S. Broadway	14-302461	2	
A	AB Olson Holdings LLC	12 Glen Pond rd	00-340455	1	
A	Rhinebeck Savings Bank	7346 S. Broadway	00-304449	1	
A	Colburn, Arnold	7345 S. Broadway	00-242426		0.5
A	Colburn, Arnold	7345 S. Broadway	00-267429	8	0
A	Town of Red Hook	7340-7342 S. Broadway	00-350421	1	
A	Donna's Hairstyling Center	7336 S. Broadway	00-293419	1	
A	Howland, Richard	7332 S. Broadway	00-310400	3	
A	Castellanos, Felipe	7329 S. Broadway	00-242939	9	2
A	Red Hook Mobile Home Park	7328 S. Broadway	00-310385	15	
A	Pottenburgh, Michael	7324 S. Broadway	00-283385	3	
A	Wilms, Martin	7320 S. Broadway	00-346380	5	
A	Triebels Garage	7317 S. Broadway	00-256365	1	
A	Sipperley, Arthur	7318 S. Broadway	00-310361	1	
A	Sipperley, Arthur	7316 S. Broadway	00-285362	1	
A	Ruge, Lewis	7311 S. Broadway	00-249341	1	
A	Zengen, Ms. Rosemary	7310 S. Broadway	00-305346	2	
A	JNY Quest Realty, LLC	7307/ 7309 S. Broadway	00-244321	1	
A	Coon, Glen Sr. and Lynda	7306 S. Broadway	00-282336	1	
A	Dalton, Jack	7302 S. Broadway	00-280330	1	
<b>In Town, not on Village Water</b>					
A	TGS Associates	7270 S. Broadway	00-295276	7	28
A	Ruge, Lewis	7293 S. Broadway	00-230310	1	0

**PROPOSED RED HOOK SEWER DISTRICT  
Benefit Assessment Roll - December 2009**

Zone	Customer Name	Service Located	Tax ID (block-lot)	Benefit Assessment Units	
				Developed	Vacant
A	First National Bank	7280 S. Broadway	00-269271	2	0
A	Red Hook Land Corp.	7277 S. Broadway	00-244274	2	2
A	Town of Red Hook	7260 S. Broadway	00-257211	2	0
A	Hannaford	Hannaford Drive	00-298202	10	0
A	Red Hook Terminal Inc.	7269 S. Broadway	00-237238	2	0
A	Red Hook Terminal Inc.	7259 S. Broadway	17-235217	1	0
A	Schultz, Robert	7255 S. Broadway	17-233209	1	0
A	Weiss, David	7249 S. Broadway	17-230195	4	0
A	Stewart's Shops Corp.	7243 S. Broadway	17-219182	2	0
A	Conway, John	7235 S. Broadway	17-225162	1	0
A	Ulster Savings Bank	7296 S. Broadway	00-288312	1	0
<b>Vacant Land</b>					
A	Key Bank	W. Market St.	10-407720		1
A	Key Bank	7475 S. Broadway	10-403700		1
A	Haddad, Christian G	E. Market St	10-474721		1
B	Kearney Development (Proposed WWTP Owned by DCWWA)	Laura Lane/Morgan Dr	09-205603		0
B	Kearney Development	Laura Lane/Morgan Dr	10-273554		1
B	Kearney Development	Laura Lane/Morgan Dr	10-302574		1
B	Kearney Development	Laura Lane/Morgan Dr	10-287598		1
B	Kearney Development	Laura Lane/Morgan Dr	10-285589		1
B	Kearney Development	Laura Lane/Morgan Dr	10-262591		1
B	Kearney Development	Laura Lane/Morgan Dr	10-273583		1
A	AB Olson Holdings LLC	Fire House LN	14-329473		11
A	Colburn, Arnold	South Broadway Rear	13-246435		0.5
A	Colburn, Arnold	7345 S. Broadway	14-271441		0.5
A	Howland, Richard	7332 S. Broadway	00-312410		0.5
A	Ruge, Lewis	7313 S. Broadway	00-222345		15
A	Hoffman, Roger	Old Fam Road	00-234295		0.5

Dev	Vac
379	73

B

**Appendix B**  
**Capital Cost Opinions**



C.T. MALE ASSOCIATES, P.C.

Project Name: Red Hook Sewer District  
 Project #: 9-9981  
 Date: 12/14/2009  
 Prepared By: R. Flans

Conceptual Cost Opinion WWTP									
ID	Description	Quantity	Units	Materials	Labor	Equipment	Total Unit Cost	Cost W/O&P	Subtotals
1	Influent Pump Station	400	LF	\$10.00	\$25.00	\$5.00	\$40.00	\$26,400.00	
	6-inch FM	1	LS	\$60,000.00	\$30,000.00	\$500.00	\$90,500.00	\$99,550.00	
	Pumps with Controls	1	LS	\$10,000.00	\$2,000.00	\$2,000.00	\$14,000.00	\$24,200.00	
	Valve Pit	1	LS	\$25,000.00	\$5,000.00	\$2,000.00	\$32,000.00	\$32,000.00	
	Electrical	1	LS	\$25,000.00	\$5,000.00	\$2,000.00	\$32,000.00	\$55,200.00	
	Generator	1	LS	\$10,000.00	\$10,000.00	\$2,000.00	\$22,000.00	\$24,200.00	\$231,550.00
	Preah Modular Building	1	LS	\$10,000.00	\$10,000.00	\$2,000.00	\$22,000.00	\$24,200.00	
2	Headworks	1	LS	\$60,000.00	\$20,000.00	\$2,000.00	\$82,000.00	\$90,200.00	
	Fine Screen	1	LS	\$1,000.00	\$1,000.00	\$2,000.00	\$4,000.00	\$2,000.00	
	By-pass Fine Screen	1	LS	\$1,000.00	\$1,000.00	\$2,000.00	\$4,000.00	\$2,000.00	
	Debris Channel	1	LS	\$5,000.00	\$10,000.00	\$2,000.00	\$17,000.00	\$16,500.00	
	Flow Metering	1	LS	\$15,000.00	\$5,000.00	\$2,000.00	\$22,000.00	\$22,000.00	
	Electrical	1	LS					\$22,000.00	
								\$	\$ 152,900.00
3	Yard Piping	480	LF				\$40.00	\$19,500.00	
	Wastewater	300	LF				\$60.00	\$19,500.00	
	Sludge	100	LF				\$40.00	\$4,000.00	
	Drainage	1	LS				\$10,000.00	\$11,000.00	
	D-Box	1	LS					\$85,000.00	
4	Aerators	2	LS	\$205,900.00	\$16,000.00	\$5,000.00	\$226,900.00	\$494,780.00	
	30-foot Aerator Plant	2	LS	\$60,000.00	\$10,000.00	\$2,000.00	\$72,000.00	\$158,000.00	
	50-foot FRP Covers	115	CY	\$100.00	\$250.00		\$350.00	\$44,775.00	
	Concrete Slab	140	CY	\$100.00	\$450.00		\$550.00	\$84,700.00	
	Concrete Curved Wall	40	CY	\$100.00	\$450.00		\$550.00	\$24,200.00	
	Additional Concrete Work	4000	CY	\$15.00	\$15.00		\$30.00	\$132,000.00	
	Excavation, fill, backfill	1	LS	\$300,000.00	\$20,000.00		\$320,000.00	\$55,000.00	
	Grating and hand rolls	1	LS				\$130,000.00	\$143,000.00	\$1,136,355.00
	Electrical								
5	Filters	1	LS	\$120,000.00	\$60,000.00		\$180,000.00	\$198,000.00	
	Sand Filters	1	LS	\$201,000.00	\$10,000.00		\$211,000.00	\$53,000.00	
	EO Tank	800	LF				\$120.00	\$105,600.00	
	General Metal Building w/ Foundation	1	LS	\$300,000.00	\$50,000.00		\$350,000.00	\$66,000.00	
	Site Work	1	LS				\$40,000.00	\$44,000.00	
	Electric	1	LS				\$20,000.00	\$22,000.00	
	HVAC	1	LS				\$10,000.00	\$11,000.00	
	Plumbing	1	LS				\$10,000.00	\$11,000.00	\$ 479,600.00
6	UV Tanks	1	LS	\$120,000.00	\$60,000.00		\$180,000.00	\$198,000.00	
	UV Units	1	LS				\$16,000.00	\$17,600.00	
	Electric	1	LS				\$40,000.00	\$44,000.00	
	Tanks and Cover	1	LS					\$ 259,600.00	
7	Sludge Holding Tank	1	LS				\$10,000.00	\$11,000.00	
	Re-hab	1	LS				\$10,000.00	\$11,000.00	
	Truck Loading	1	LS					\$ 22,000.00	



**C.T. MALE ASSOCIATES, P.C.**

Project Name: Real Hook Sewer District  
 Project#: 9,988T  
 Date: 12/14/2009  
 Prepared By: R. Flores

Conceptual Cost Opinion WWTP									
ID	Description	Quantity	Units	Materials	Labor	Equipment	Total Unit Cost	Cost W/C&P	Subtotals
8	Generator	1	LS	\$100,000.00	\$50,000.00		\$150,000.00	\$165,000.00	
a	100 KW Genset						\$25,000.00	\$27,500.00	
b	Electrical								\$ 192,500.00
9	General Condition	1	LS				\$75,000.00	\$82,500.00	
a	Insurance & Bonds						\$100,000.00	\$110,000.00	
b	Robotization						\$500,000.00	\$330,000.00	
c	PM & General Condition								\$ 522,500.00
10	Collection System								
a	Hub & De-Hub General Conditions	1	LS				\$50,000.00	\$55,000.00	
b	Station and Test Pits	1	LS				\$40,000.00	\$44,000.00	
c	3-inch LPSS	5483	LF				\$35.00	\$211,172.50	
d	4-inch LPSS	4713	LF				\$37.00	\$191,500.50	
e	6-inch LPSS	109	LF				\$40.00	\$4,620.00	
f	Grinder Pumps	138	EA	\$5,700.00			\$3,700.00	\$43,068.00	
g	Lateral Kils	138	EA				\$925.00	\$66,485.00	
h	Sidewalk Replacement	373	SY				\$12.00	\$4,950.00	
i	Erosion and Traffic Control	1	LS				\$21,000.00	\$23,100.00	
j	General Restoration	1	LS				\$230,000.00	\$220,000.00	
									\$ 1,454,288.00
11	Laurels	12713	LF				\$25.00	\$319,665.50	
a	Pumphng Construction	169	EA				\$500.00	\$92,400.00	
b	Additional Restoration	1	LS				\$97,130.00	\$106,865.00	
c	Elements	168	EA				\$600.00	\$110,880.00	
d									\$639,807.50

Cost Summary	
2009 Construction Cost Subtotal	\$5,166,100.30
2010 Cost (5% Increase/year)	\$ 5,424,400.00
Land Acquisition	\$ 10,000.00
Admin (Interest, Publishing, Audit)	\$ 56,200.00
Engineering (Preliminary, Design, Construction, Archaeology, Survey)	\$ 870,700.00
Legal (IMA, Bonds, Contracts, District)	\$ 131,100.00
Contingency	\$ 1,100,000.00
Project Costs	\$ 7,592,400.00
Total Grants	\$ 3,465,300.00
Total annualized Project Cost (30 years @0%)	\$,197,370.00
Zone A only Capital Cost per BU @ 335.7	\$ 409.80
Zone A and B O&M Cost Per BU @ 379	\$ 354.88
Zone B Total First Year Annual Cost Per BU	\$ 354.88
Zone A Total First Year Annual Cost Per BU	\$ 764.68

C

## **Appendix C**

### **Operation and Maintenance Cost Opinions**



**C.T. MALE ASSOCIATES, P.C.**

Project Name: Red Hook Sewer District  
 Project#: 9,9081  
 Date: 12/14/2009  
 Prepared By: R. Flores

Conceptual Cost Opinion Aerotor WWTP O&M					
ID	Description	Quantity	Units	Unit Cost	Subtotals
1	Electric				
a	Influent Pumps	8242.5	kwh	\$0.14	\$1,149.75
b	Fine Screen	13140	kwh	\$0.14	\$1,839.60
c	Aerotors	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	3650	kwh	\$0.14	\$511.00
					\$24,598.35
2	Labor				
a	Contract Operator	1040	hr	\$30.00	\$31,200.00
					\$31,200.00
3	Sludge Removal				
a	Sludge Disposal	90000	gal	\$0.08	\$7,200.00
b	Sludge Hauling	12000	mile	\$0.89	\$10,620.00
					\$17,820.00
4	Other				
a	Lab	1	LS	\$3,000.00	\$3,000.00
b	Supplies	1	LS	\$5,000.00	\$5,000.00
c	Maintenance	1	LS	\$5,000.00	\$5,000.00
d	Phone	1	LS	\$720.00	\$720.00
e	Vehicle	1	LS	\$5,200.00	\$5,200.00
f	Short-lived Assets Replacement	1	LS	\$13,000.00	\$13,000.00
					\$31,920.00
Cost Summary					
Sub-Total					\$105,598.35
15% Contingency					\$ 16,000.00
2009 Dollars					\$ 122,000.00
2010 Dollars					\$ 134,500.00



D



**Appendix D**  
**Funding Correspondence**



United States Department of Agriculture  
Rural Development  
Syracuse, NY

November 3, 2009

SUBJECT: Dutchess County Water & Wastewater Authority  
Red Hook Central Sewer System  
Dutchess County  
Preliminary Eligibility Determination - Revised

TO: George Popp, Area Specialist, Middletown  
Brenda Smith, CPS, Cortland

Based upon my review of the subject proposal, my findings are as follows:

1. The proposed project as presented is eligible for USDA Rural Development financing.
  - Based upon the estimated funding package, the applicant is invited to submit a full application for funding. **PLEASE SUBMIT A COPY OF THE COMPLETE APPLICATION PACKAGE TO THE STATE OFFICE. UNTIL THIS IS RECEIVED A LETTER OF CONDITIONS CANNOT BE ISSUED.**
2. The estimated funding package is as follows:

EFC- CWSRF	\$3,594,100		
*RD Loan (3.375% @ 38 yrs)	\$ 533,000		
*RD Direct Grant	\$3,403,000		
CDBG	\$ 62,300		
<b>Total Project Cost</b>	<b>\$7,592,400</b>	<b>Total cost per EDU</b>	<b>\$742.08 annually</b>

Revenue Bonds issued by applicant will cover D.S., O&M, Debt Service Reserve and SLA Reserve

Total # of EDUs = 379

\* American Recovery and Reinvestment Act of 2009 funding

**TRIBAL CONSULTATION IS REQUIRED AS PER ADVISORY COUNCIL ON HISTORIC PRESERVATION SECTION 106 AND SHOULD BE INITIATED AT THIS TIME. RURAL DEVELOPMENT WILL INITIATE THIS ACTION ON BEHALF OF THE APPLICANT.**

441 S. Salina Street, Suite 357, Syracuse, New York 13202  
Telephone: (315) 477-6427 • Fax: (315) 477-6448 • TDD: (315) 477-6447  
Web: <http://www.rurdev.usda.gov/ny> • Email: david.miller @ny.usda.gov

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

USDA Rural Development is an equal opportunity lender, provider, and employer.  
To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights,  
Washington, D. C. 20250-9410, or call (202) 720-5964 (voice or TDD)

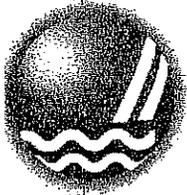
**IMPORTANT NOTE:** This is presented as an **estimated funding proposal only** to assist the applicant by presenting a possible funding scenario. This Preliminary Eligibility Determination is **NOT** to be construed or understood to be a commitment of funding. A funding commitment can only be made when a **full application** has been received, reviewed and found to be acceptable.

3. Environmental Classification: Categorical Exclusion with Environmental Report.
4. Estimated cost per EDU is \$749 or 1.9% of MHI (\$38,503).
5. Your project may be eligible for additional funding from other government programs. The Water and Sewer Infrastructure Co-Funding Initiative, assists municipalities in obtaining optimum funding packages for their projects. For more information, contact Co-Funding Coordinator, Dwight Brown, at the NYS Environmental Facilities Corporation at 800-882-9721, or visit the Co-Funding website at [www.nycofunding.org](http://www.nycofunding.org).

Please update CPAP.

DAVID A. MILLER, P.E.  
Community Program Director

cc: Madeline Crowe, Environmental Specialist, Syracuse  
Marcy Newman, P.E., State Engineer, Watertown  
Titus Falkenburg, P.E., State Engineer, Syracuse  
Ronda Falkena, Area Director  
N.Y.S. Environmental Facilities Corporation, Mr. Dwight Brown,  
Funding Coordinator, 625 Broadway, Albany, N.Y. 12207  
RCAP Solutions, ATTN: Diane Perley, State Lead for New York  
N.Y.S. Dept. of Agriculture & Markets, Division of Agricultural Protection &  
Development, Robert C. Somers, PhD, C.F., 10B Airline Drive, Albany,  
NY 12235  
NYS DEC Region 3, William Janeway, Regional Director, 21 South Putt Corners Road, New  
Paltz, NY 12561-1696  
Stockbridge-Munsee Community Band of Mohicans, Sherry White, Tribal Historic  
Preservation Officer, N8754 MoNeConNuck Road, PO Box 70, Bowler, WI, 54416



New York State  
ENVIRONMENTAL FACILITIES CORPORATION

ALEXANDER B. GRANNIS, Chairman

August 7, 2009

Ms. Bridget Barclay  
Executive Director  
Dutchess County Water and Wastewater Authority  
27 High Street, 2<sup>nd</sup> Floor  
Poughkeepsie, New York 12601

Re: CWSRF Project No. C3-5330-01-00  
Dutchess County Water and Wastewater Authority  
Red Hook Central Sewer Project  
Dutchess County

Dear Ms. Barclay:

Thank you for your recent hardship application to the New York State Environmental Facilities Corporation (EFC) seeking financial assistance from the Clean Water State Revolving Fund (CWSRF). I am very pleased to inform you that your proposed clean water project is eligible for \$3,594,100 in CWSRF interest-free financing.

This determination is based on the information provided in your hardship application, including the following:

- A total project cost of \$6,778,900;
- A Rural Development grant of \$3,090,000;
- A USDA Preliminary Project Development grant of \$32,500;
- A Dutchess County Community Development Block grant of \$62,300;
- 355 total equivalent dwelling units (EDUs) within the service area (247.5 EDUs Village, 107.5 EDUs Town);
- A target annual service charge per EDU of \$510;
- A calculated Median Household Income (MHI) of \$39,456 based on the proportion of residential EDUs and the 2000 Census Village MHI of \$37,284 and Town MHI of \$46,701; and,
- Projected annual operation and maintenance costs of \$134,500.

This proposed funding package results in a Project Service Charge (PSC) of \$885 per equivalent dwelling unit for 20 year financing and \$716 per equivalent dwelling unit for 30 year financing and is available for two years from the date of this letter, which expires August 7, 2011.

Please note, that upon review of your completed financing application, EFC reserves the right to adjust the financial assistance offered in this letter due to any material changes that may occur in the factors presented in your original hardship application, including for example, the availability of grants from other funding sources. In addition, EFC may only provide financial assistance for your project after receiving formal approvals from the Corporation's Board of Directors and the New York State Public Authorities Control Board.

Should you have any questions or require any assistance in completing your CWSRF application packet, please do not hesitate to contact Mr. Timothy P. Burns, P.E., Director, Division of Engineering and Program Management, at 518-402-7396, 1-800-882-9721 (in NYS), or [Burns@nysefc.org](mailto:Burns@nysefc.org).

Thank you again for your interest in the CWSRF program and congratulations to you and the community you represent on receiving hardship assistance from this invaluable program. We look forward to working with you to ensure that your community has a safe, affordable and sustainable wastewater system for generations to come.

Sincerely,



Matthew J. Millea  
Acting President

MJM/GK/NR

cc: NYSDEC Region 3 – T. Rudolph  
C.T. Male – R. Flores

Bcc: D. Brown  
J. Levine  
B. McClintock  
T. Burns  
G. Kerzic  
T. Matthews  
F. Testa

Roll call vote on the foregoing Resolution No. 2010018 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010019

RE: ESTABLISHING DATES OF REGULAR MONTHLY MEETINGS FOR 2010

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

WHEREAS, for various reasons, it is not convenient for the regular monthly meetings of the Dutchess County Legislature for 2010 to be held on the dates specified by the Rules of the Legislature, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby adopt the following schedule for its regular meetings for the calendar year 2010:

DATES OF MEETINGS

January 25  
**\*February 10**  
March 8  
April 12  
May 10  
June 14  
July 12  
August 9  
September 13  
**\*\*October 13**  
November 3 – Public Hearing  
**\*\*\*November 4**  
December 2 – Public Hearing  
**\*\*\*\*December 7**  
December 16

- \*Change due to NYSAC Conference
- \*\*Change due to Columbus Day Holiday
- \*\*\*Change due to budget review
- \*\*\*\*Change due to budget adoption deadline

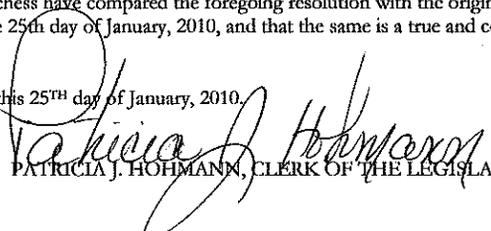
STATE OF NEW YORK

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 25th day of January, 2010, 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 25<sup>TH</sup> day of January, 2010.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010019 resulted as follows:

AYES: 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                    ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010020

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

Legislators BORCHERT, FLESLAND, and COOPER 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 the Commissioner's 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.

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-01-10 PB:CM:db/ca/G-0145 12/18/09 Fiscal Impact: None  
Amended in Budget, Finance, and Personnel 1/21/10 lw

STATE OF NEW YORK

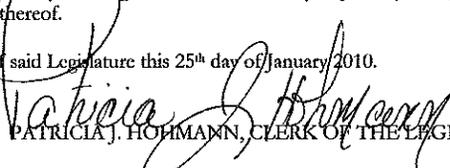
ss:

COUNTY OF DUTCHESS

Date 2/5, 2010

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010020 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010021

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF WAPPINGER  
VILLAGE OF WAPPINGERS FALLS  
ASSESSED UNDER THE NAME OF  
NEIGHBORHOOD DAYCARE SERVICES INC  
GRID: 135601-6158-14-315297-0000

Legislators BORCHERT, INCORONATO, and GOLDBERG offer the following  
and move its adoption,

WHEREAS, unpaid tax on property in the Town of Wappinger Village of  
Wappingers Falls assessed to Neighborhood Daycare Services Inc for the levy year 2006 and  
described as Grid No. 135601-6158-14-315297-0000 amounting to \$17,501.01 was placed on a  
List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 5, 2007 for  
the tax lien year of 2007, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index  
2007/5320, to enforce the collection of delinquent tax liens for the levy year 2006 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 22, 2009 in the Office of the Dutchess County Clerk, Document # 02 2009  
3508, and

WHEREAS, the sum of \$80,550.77 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 Neighborhood  
Daycare Services Inc, 11 Mill Street, Wappingers Falls, NY 12590 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-02-10 PB:CM:deb/ca 12/18/09 Fiscal Impact: None

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

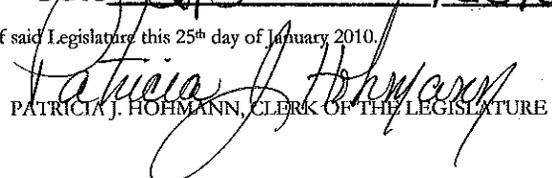
STATE OF NEW YORK

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 25<sup>th</sup> day of January 2010, and that the  
same is a true and correct transcript of said original resolution and of the whole thereof. Date 215, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 25<sup>th</sup> day of January 2010.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010021 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010022

RE: REJECTION OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES

APPLICANT: Neal Mancuso  
Karen Mancuso  
2 Elm Ct.  
Fishkill NY 12524

ACCOUNT NO. 133089-6156-17-184053-0000

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

WHEREAS, there is an assessment on the assessment roll for the Town of LaGrange for 2008 under the name of Neal Mancuso and Karen Mancuso, Account No. 133089-6156-17-184053-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a refund of real property taxes on the basis of a clerical error, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County Director of Real Property Tax Service has investigated this claim, and

WHEREAS, it has been determined and certified by said Director that the tax bill, as issued, was correct since no clerical error exists, and

WHEREAS, there is attached hereto the written report of the Director, together with her recommendation that the application be rejected by the County Legislature, and

WHEREAS, the County Legislature has agreed that the claimed clerical error does not exist, now, therefore, be it

RESOLVED, that the application received December 23, 2009 relating to Account No. 133089-6156-17-184053-0000 for a refund of real property taxes be and it hereby is rejected, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to mail a copy of the rejected application and this resolution to the applicant.

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

CA-08-10 MB/ca/G-0194 1/12/10

STATE OF NEW YORK

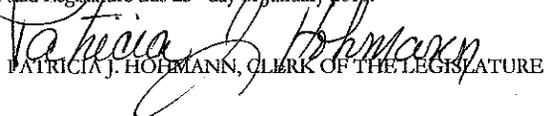
ss:

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 25<sup>th</sup> day of January 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date 2/5, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 25<sup>th</sup> day of January 2010.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

**Dutchess County Real Property Tax Service Agency**  
**COE Investigating Report**

Legal Description (grid #) 133089-6156-17-184053-0000

Owner's Name Neal and Karen Mancuso

Mailing Address 2 Elm Ct. Fishkill NY 12524

Property Location 2 Elm Ct.

School District Wappingers Central School Dist Special District \_\_\_\_\_

Total Assessed Value now on roll 330,000 Corrected to same

Taxable Assessed Value now on roll 277,580 Corrected to Same

Exempt codes and amounts if applicable

Amount Levied \$2,796.05 Should be Same

Tax Bill Paid?  yes  no Verified with assessor?  yes  no

Error Claimed is defined in Real Property Tax Law, Section 550:

- Subdivision 2, Paragraph \_\_\_ (clerical error)
- Subdivision 3, Paragraph \_\_\_ (error in essential fact)
- Subdivision 7, Paragraph \_\_\_ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll \_\_\_

Exemption amount incorrectly calculated \_\_\_

Assessed value on roll does not match assessor's final work product \_\_\_

Structure did not exist on taxable status date or was present on another parcel \_\_\_

Assessment based on incorrect acreage \_\_\_

Parcel should be Wholly Exempt \_\_\_

Parcel Misclassified as homestead, non-homestead or portions misallocated \_\_\_

Other: \_\_\_

Recommendation  APPROVE APPLICATION  DENY APPLICATION

Details: **It is recommended that the application for a partial refund of the 2008/09 Cnty/Town tax bill be denied. No evidence of a mathematical or arithmetical error was found as defined in RPTL 550 (2) (d). The proper remedy for this type of valuation error would have been to file an administrative complaint with the Board of Assessment review.**

Investigator Margaret Burns

Director Kathleen Myers



NYS BOARD OF REAL PROPERTY SERVICES

RP-556 (1/03)

APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES

FOR THE YEAR(S) 20 08/2009

2009 DEC 23 PM 4:25  
REAL PROPERTY TAX SERVICES

Part I: To be completed in duplicate by Applicant. For refund or credit of real property tax, submit both copies to County Director of Real Property Tax Services, (in Nassau and Tompkins Counties, submit to Chief Assessing Officer or in a village which has retained its assessing unit status submit to the village assessor or chairman of village board of trustees). The application must be submitted within three years of the annexation of the warrant for the collection of such tax. For an "unlawful entry" as defined in Sec. 550(7)(a) of the Real Property Tax Law, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll. (See definitions on reverse side).

Neal + Karen Mancuso  
1a. Name of Owner

Day 845 896-7507 Evening ( )  
2. Telephone Number

2 Elm Court  
Fishkill, Ny 12524  
1b. Mailing Address

2 Elm Ct.  
3. Parcel Location (if different than 1b.)

06-6156-17-184053  
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. 002889 6a. Amount of taxes paid or payable \$ 2796.05 6b. Date of payment (if paid) 10/7/08  
(as appears on tax bill)

7. I hereby request a refund or credit of real property taxes levied for the year(s) 08/09 by Wapp Central School Dist  
for the following reasons (use additional sheets if necessary): (Tax levying body)

Due to a mathematical error in computing of AV for 2008 Roll  
\* Insert name of village, county, city, school district; town in Westchester County

10-22-09  
Date

Neal Mancuso  
Signature of Applicant

PART II: For use by COUNTY DIRECTOR, VILLAGE ASSESSOR: Attach written report including documentation and recommendation (Include type of error as defined in Sec. 550)

Date application received: 12/23/09 Date warrant annexed: 8/28/08

Recommendation:  Approve application\*  Deny Application

1/11/10  
Date

Kathleen Myers  
Signature of Official

\*  If box is checked, this copy is for assessor and board of assessment review of city/town/village of \_\_\_\_\_ which are to consider attached report and recommendation as equivalent of petitions filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION \_\_\_\_\_ :  
(Insert Number or Date)

APPLICATION APPROVED (Check reason)  Clerical error  Unlawful entry  Error in essential fact

Amount of taxes paid: \$ \_\_\_\_\_ Amount of taxes due: \$ \_\_\_\_\_

Amount of refund or outstanding tax to be credited: \$ \_\_\_\_\_

APPLICATION DENIED Reason: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Chief Executive Officer  
or Official Designated by Resolution

Roll call vote on the foregoing Resolution No. 2010022 resulted as follows:

AYES: 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                      ABSTENTIONS: 0

Resolution adopted.

RESOLUTION NO. 2010023

RE: VOLUNTEER CONTRIBUTIONS TO HEALTH INSURANCE BY THE  
DUTCHESS COUNTY LEGISLATORS

Legislators Rolison, Cooper, Flesland, Borchert, Weiss, Miccio, Roman, Hutchings, Sadowski, Kelsey, Surman, Traudt, Bolner, Thomes, Incoronato and Horton offer the following and move its adoption:

WHEREAS, Dutchess County is facing difficult economic times; and

WHEREAS, the taxpayers of Dutchess County are facing difficulties paying taxes for necessary government services; and

WHEREAS, the Dutchess County Legislature adopted Resolution No. 209309 on October 13, 2009, which was vetoed by the County Executive on November 13, 2009, that established a policy as it pertained to contributions to health insurance benefits by certain elected county officials; now, therefore, be it

RESOLVED, that pursuant to Section 2.02 of the Dutchess County Charter, the Legislature is authorized to determine policy, and thereby establishes a policy whereby the Dutchess County Legislature and the County Comptroller, effective January 1, 2010, voluntarily contribute 15% to the cost of their County provided health plan, and the same for the County Executive, County Clerk, Sheriff and District Attorney effective January 1, 2012.

Amended in Government Services & Administration 1/21/10 lw

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date 2/5, 2010

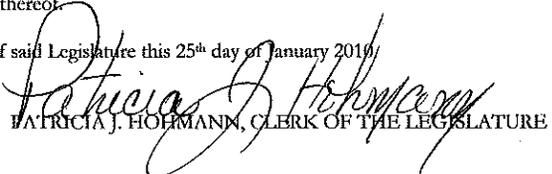
STATE OF NEW YORK

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 25<sup>th</sup> day of January 2010, 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 25<sup>th</sup> day of January 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010023 resulted as follows:

Legislator Goldberg moved to table the foregoing resolution until Linda Way, Director, Risk Management could be present to address questions, duly seconded by Legislator Kuffner.

Roll call vote on the foregoing motion resulted as follows:

AYES: 6 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, MacAvery.

NAYS: 19 - Rolison, Cooper, Flesland, Horn, Borchert, Sadowski, Roman, Tyner, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

Motion defeated.

Legislator Weiss moved to call the questions, duly seconded by Legislator Cooper.

Roll call vote on calling the question resulted as follows:

AYES: 20 – Rolison, Cooper, Flesland, Doxsey, Horn, Borchert, Sadowski, Roman, White, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

NAYS: 5 - Goldberg, Kuffner, Jeter-Jackson, Tyner, MacAvery.

ABSTENTIONS: 0

Motion adopted.

Roll call vote on the foregoing Resolution 2010023 resulted as follows:

AYES: 19 – Rolison, Cooper, Flesland, Borchert, Sadowski, Roman, White, Tyner, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

NAYS: 6 – Goldberg, Kuffner, Doxsey, Horn, Jeter-Jackson, MacAvery.

ABSTENTION: 0

Resolution adopted.



## *Dutchess County Legislature*

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*Scott L. Volkman*  
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*  
*Telephone: 845-486-2100 Fax 845-486-2113*

TO: Linda Way, Director  
Risk Management

FROM: Scott Volkman   
Legislative Attorney

RE: Health Insurance Contribution pre-tax

DATE: January 22, 2010

As you know, the Legislature is considering Resolution No. 210023, which will voluntarily commit the Legislators to contribute toward their health insurance premiums.

This matter was discussed at length at the committee meeting held on January 22, 2010, as was the memo from Michele Emmett dated 1/20/10.

Several legislators expressed concern about the apparent requirement to file certain forms prior to the Legislature acting on Resolution No. 23, as well as, the two day deadline imposed by that memo.

On behalf of the Government Services Committee, I am requesting that your office assist the Legislators in filing the necessary paperwork despite the fact that some of the papers will be filed after your deadline.

Thank you.

c: County Legislators

REPLY TO: 75 Washington Street, Poughkeepsie, NY 12601  
845-454-3250 Fax 845-454-4652  
svolkman@gklaw.us  
www.dutchessny.gov



Dutchess County  
Department of  
Risk Management

# Dutchess

William R. Steinhaus  
County Executive

Linda S. Way  
Director

## MEMORANDUM

22 Market Street  
Poughkeepsie  
New York  
12601  
(845)486-2030  
Fax(845)486-2067

To: Dutchess County Legislators

From: Linda S. Way, Director of Risk Management *LSW*

Date: January 25, 2010

Re: Health Insurance Contributions

I understand that there are additional questions regarding our recent communication to you relative to your ability to have your health insurance contributions taken from your paycheck as a pre-tax deduction under the IRS regulation 125. The following information should answer those questions.

- Dutchess County offers an option to pay for health contributions called the Mini Flex option under IRS Regulation 125. This option for the employee permits the employer to remove the amount of their health benefit contributions for the purpose of calculating taxable wages.
- To take advantage of using a pre-tax option, the regulation requires the employer to have a signed consent form from the employee prior to implementing this option.
- The employee is eligible to enroll in this pre-tax option within 30 days of when they first sign up for a benefit or when they are first required to make a contribution or annually during a specified period set by the employer.
- For returning legislators with health insurance, the 30 day period ends January 30, 2010. For new legislators who are just applying for health insurance, your pre-tax document should be submitted with your health insurance application.
- If you are a new legislator and wish to apply for health insurance, you should complete all necessary paperwork and submit it to my office by 5 PM on January 29, 2010. Your coverage will then be effective February 1, 2010. As a newly elected official you have until the above noted date to apply for coverage. If your application is not received in my office by that date, you may be subject to a three month waiting period before your coverage will become effective.
- In accordance with normal payroll timelines, we originally had requested the pre-tax document be submitted to my office by January 22, 2010, but the Finance department has extended that timeline in this instance, and we can accept your completed form until 10 AM on January 26, 2010.
- If we receive your pre-tax form after 10 AM on January 26, 2010 but prior to 5 PM on January 29, 2010, it will still be processed and your February 2010 and all subsequent contributions will be taken as pre-tax deductions.

If any legislator has further questions, please call me at (845) 486-2039, email me at [lwayhartmann@co.dutchess.ny.us](mailto:lwayhartmann@co.dutchess.ny.us) or stop in my office between the hours 9 AM and 5 PM. My staff and I will be happy to answer your questions and assist you in completing any necessary paperwork.

C: James Coughlan, Comptroller  
Scott Volkman, Legislative Attorney  
Patricia Hohmann, Clerk of the Legislature

**FLEXIBLE BENEFIT OVERVIEW**  
**Pre-Tax Contribution**  
**Flex 125 (Mini Flex)**

Dutchess County offers a Pre-Tax Contribution Program as an optional part of your group medical plan. This feature is offered through an Employer-sponsored Flexible Benefits Plans and allows you to pay your premium contributions for medical coverage with pre-tax dollars rather than after-tax dollars. As a result, your cost for coverage is reduced and your take-home pay increased.

This program is made possible by a provision in the Federal Tax code (IRS Section 125) which permits employers to establish Flexible Benefit Plans and allows participants to pay their portion of medical premiums on a pre-tax basis.

**Who Is Eligible**

All active Bargaining Unit and Confidential Employees who are required to contribute towards their health insurance; who work for Dutchess County and who are covered under our health insurance are eligible to participate in this program. You may enroll at the same time you enroll for health insurance coverage. However, if you enroll for health insurance and choose not to enroll in the Flex 125 Plan at that time, you must wait until the next annual transfer period to enroll.

**Here Is How It Works**

Under the Pre-Tax Contribution Program, medical plan contributions are deducted from your pay and applied to cover the cost of your benefits before any taxes are withheld. For income tax purposes, your contributions are treated as employer contributions, which are not subject to Social Security (FICA) taxes, Federal or New York State income taxes. Since your contributions are not reflected as part of your gross annual earnings, your taxable income is reduced, resulting in lower tax withholdings and higher take-home pay.

Savings under this pre-tax arrangement will differ from employee to employee. The actual amount you save will depend upon your individual circumstances, such as whether you have single or family coverage, your tax bracket, and the number of withholding allowances you claim.

**Flexible Spending Plan (Mini-Flex)**  
**Page 2**

**Important Points To Consider**

- ***The Plan year runs from January 1 to December 31.***
- ***Changes in Benefit Elections*** – Due to Federal regulations, once you are enrolled, you may not change your medical contribution elections for the remainder of the Plan year, unless you experience a change in family status. A change in family status would include the following events:
  - Marriage or divorce;
  - Death of your spouse or child;
  - Birth or adoption of a child;
  - Termination or commencement of your spouse's employment;
  - Certain other events causing a change in coverage status (and vice versa); or
  - Taking an unpaid leave of absence
- ***Future Social Security Payments*** – For individuals earning less than the Social Security Wage Base, your Social Security benefits may be slightly reduced at retirement since your reportable earnings will be slightly reduced for Social Security purposes. The effect will be minimal and will be offset by the amount you save in taxes throughout the years you participate.

The attached form must be completed and returned to the Office of Risk Management at the time you apply for health insurance coverage or during the open enrollment period.

If you have any questions, please contact the Office of Risk Management.

11/13/2007

**COUNTY OF DUTCHESS**  
**Pre-Tax Contribution Program (Mini-Flex)**  
**Election and Compensation Reduction Agreement**

Name \_\_\_\_\_  
Last First Middle

Address \_\_\_\_\_

Department Name \_\_\_\_\_

Home Telephone Number \_\_\_\_\_ Social Security Number \_\_\_\_\_

I elect to participate in the County of Dutchess Flexible Benefits Plan and receive my group health coverage under the Plan on a pre-tax basis. I hereby agree that my cash compensation will be reduced by the amount of my required contribution for the health plan and this will continue for each succeeding pay period until this agreement is amended or terminated.

I acknowledge that:

-I have enrolled for group health coverage on the applicable enrollment form. The amount of my required contribution is explained on a schedule which has been provided to me, and this amount may change automatically from time to time as required by the County of Dutchess.

-I will not be permitted to change or revoke this election prior to the end of the Plan Year, except in the event of certain special circumstances, including a change in family or coverage status (as defined in the Plan).

-Prior to January 1 each year, I will be offered the opportunity to change my benefit election for the new calendar year. If I do not make a new election at that time, I will be treated as having elected to continue the health coverage then in effect for the new calendar year and having agreed to the continuation of the above Compensation Reduction Agreement.

-If I earn less than the Social Security Wage Base, my benefits may be slightly reduced at retirement since my reportable earnings are reduced for Social Security tax purposes.

I have been given the opportunity to enroll in the County of Dutchess Flexible Benefits Plan but I do not elect to participate.

This agreement is subject to the terms of the County of Dutchess Flexible Benefits Plan, as amended from time to time, and revokes any previous Election and Compensation Reduction Agreement which I have signed under this Plan related to the Pre-Tax Contribution Program.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Please return to the Office of Risk Management

***Proclamation: 55<sup>th</sup> Anniversary of the Passing of City of Beacon  
Volunteer Firefighter J. Robert Cramer***

Legislators MACAVERY and FORMAN move the following and offer its adoption:

WHEREAS, January 29, 2010, is the anniversary of the death of Firefighter J. Robert Cramer; and

WHEREAS, as many times before, along with his brother Firefighters, Cramer responded to the call of duty, and

WHEREAS, on a cold winter night in January 1955, Firefighter J. Robert Cramer responded to an alarm at a tavern with an apartment located on Main Street; and

WHEREAS, upon hearing a report of a child in the apartment, abandoning his own personal safety Firefighter Cramer entered the building; and

WHEREAS, when the fire was extinguished Cramer's body was found lifeless; and

WHEREAS, his wife and young family were grief-stricken, this loss also devastated the residents of the City of Beacon; and

WHEREAS, Firefighter Cramer's valor and selflessness is symbolic of all the men and women who always stand ready and willing to respond to fires and other emergency situations in our communities; now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby in solemn remembrance acknowledge the 55<sup>th</sup> anniversary of the brave and heroic act of the Volunteer Firefighter J. Robert Cramer.

Res. No. 2010024

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 25<sup>th</sup> day of January, 2010, 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 25<sup>th</sup> day of January, 2010.

PATRICIA HOHMAN , CLERK OF THE LEGISLATURE

Resolution No. 2010024 entitled, Proclamation: 55<sup>th</sup> Anniversary of the Passing of City of Beacon Volunteer Firefighter J. Robert Cramer was unanimously adopted.

RESOLUTION NO. 2010025

RE: LOCAL LAW NO. 1 OF 2010, A LOCAL LAW REPEALING LOCAL LAW NO. 4 OF 2008, REQUIRING THE LICENSING OF MASTER ELECTRICIANS TO DO BUSINESS AS ELECTRICAL CONTRACTORS WITHIN DUTCHESS COUNTY, AS AMENDED BY LOCAL LAW NO. 1 OF 2009

Legislators INCORONATO, COOPER, BOLNER, BORCHERT, FORMAN, HORN, HUTCHINGS, KELSEY, MICCIO, ROMAN, SADOWSKI, SURMAN, THOMES, and TRAUDT offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. 1 of 2010, which has been submitted this day for consideration by said Legislature.

APPROVED



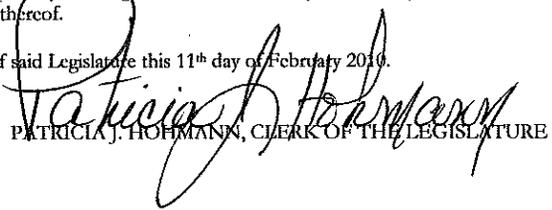
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date March 12, 2010

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 11<sup>th</sup> day of February 2010, 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 11<sup>th</sup> day of February 2010.



PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

**LOCAL LAW NO. 1 OF 2010**

**RE: A LOCAL LAW REPEALING LOCAL LAW NO. 4 OF 2008, REQUIRING THE LICENSING OF MASTER ELECTRICIANS TO DO BUSINESS AS ELECTRICAL CONTRACTORS WITHIN DUTCHESS COUNTY, AS AMENDED BY LOCAL LAW NO. 1 OF 2009**

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

SECTION 1: Local Law No. 4 of 2008, a Local Law requiring the licensing of Master Electricians to do business as electrical contractors within Dutchess County, which was duly passed by the Dutchess County Legislature on September 8, 2008, and deemed duly adopted on October 16, 2008, and Local Law No.: 1 of 2009, a Local Law amending Local Law 4, 2008, which was duly passed by the Dutchess County Legislature on January 26, 2009, and deemed duly adopted on February 25, 2009, are both hereby repealed.

SECTION 2: This Local Law shall take effect immediately upon filing in the New York State Secretary of State's Office.

The foregoing local law Resolution No. 2010025 was laid on the desk at this time and considered at the February 11, 2010 Regular Board Meeting.

Roll call vote on Resolution No. 2010025 resulted as follows:

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

NAYS: 7 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, MacAvery.

ABSENT: 1 - Horton.

Legislator Goldberg requested that before the vote was announced if Legislative Counsel Volkman could comment on a possible conflict with Legislator Sadowski voting on this resolution because he works for a contractor.

Legislative Counsel Volkman stated that it was up to the individual member of the body to determine whether or not they had a conflict. He added that the County's Ethics Code was very specific as to what created a conflict with legislation or other functions that a legislator may have. He added that if legislators had questions they could seek an opinion from the Ethics Board. He further added that short of that it was up to the legislator to determine whether he had a conflict or not. He added that this body did not have the power to deny him a vote and had no authority or jurisdiction to prevent that vote from occurring.

Legislator Sadowski stated that he did not work for an Electrical Contractor. He added that he worked for the site division, meaning he did heavy construction for a general contractor and did not do any electrical work at all.

Resolution adopted.

The County Executive held a public hearing on the foregoing local law on Thursday, March 4, 2010 at 10 am and signed it into law on March 12, 2010 The effective date was March 19, 2010.

Laid on Desks 1/25/10  
Government Services & Administration  
Tabled in Government Svs & Adm 2/4/10  
Discharge from Committee 5/10/10

**RESOLUTION NO. 20100026**

**RE: A LOCAL LAW REQUIRING ELECTED OFFICIALS TO CONTRIBUTE  
TO THE COST OF THE COUNTY HEALTH INSURANCE BENEFIT**

**Legislators ROLISON, COOPER, FLESLAND, FORMAN, HORTON, HORN,  
HUTCHINGS, BORCHERT, MICCIO, and WEISS offer the following and move its adoption:**

**RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. 2 of  
2010, which has been submitted this day for consideration by said Legislature.**

**APPROVED**

  
**WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE**

Date 6/10, 2010

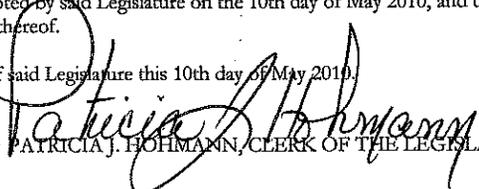
STATE OF NEW YORK

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 10th day of May 2010, 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 10th day of May 2010.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

**LOCAL LAW NO. 2 OF 2010**

**RE: A LOCAL LAW REQUIRING ELECTED OFFICIALS TO CONTRIBUTE TO THE COST OF THE COUNTY HEALTH INSURANCE BENEFIT**

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

SECTION 1: Legislative Intent.

The Dutchess County Legislature has determined that in the interest of fiscal responsibility, during difficult economic times, that all elected officials, including the County Executive, County Sheriff, County Clerk, County Comptroller, District Attorney and members of the County Legislature shall contribute towards their health insurance benefits provided by the County. The County Legislature has heretofore adopted a voluntary policy requiring the County Legislature and the County Comptroller, whose terms started January 1, 2010, to contribute towards their health insurance premiums. This Local Law is intended to make the contribution for health insurance benefits a requirement for those officials that took office on January 1, 2010 and for all other elected officials at the commencement of their term following the next countywide election. For terms to commence on January 1, 2012.

SECTION 2: Establishing a Health Benefit Contribution.

Elected officials including the County Executive, County Sheriff, County Clerk, County Comptroller, District Attorney and member of the County Legislature, shall contribute 15% of the cost of the premiums for health benefits provided to them as a result of their County employment. Those elected officials who participate in the County sponsored health insurance program shall have 15% of the cost of that benefit deducted from their salaries at appropriate pay periods as determined by the appropriate county department, upon the effective date of this Local Law.

SECTION 3: Severability.

If any part of this ordinance is found to be illegal by a Court of competent jurisdiction, the remaining sections shall remain in full force and effect.

SECTION 4: Effective Date.

This Local Law shall take effect immediately upon filing in the New York State Secretary of State's Office and shall be mandatory for all elected officials upon the commencement of their terms subsequent to the effective date of this Local Law.

The foregoing Resolution No. 2010026 was laid on the desk at this time and was tabled in Government Services and Administration Committee on February 4, 2010. At the May 10, 2010 Legislator Cooper moved to "Discharge from Committee" Resolution No. 2010026 entitled, A Local Law Requiring Elected Officials to Contribute to the Cost of the County Health Insurance Benefit duly seconded by Legislator Flesland.

Roll call vote on the foregoing motion to "Discharge from Committee" resulted as follows:

AYES: 19 - Rolison, Cooper, Flesland, Horn, Borchert, Sadowksi, Jr., Roman, Tyner, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

NAYS: 6 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, MacAvery.

ABSENT: 0

Motion adopted.

Legislator Cooper moved to "Call the Question" duly seconded by Legislator Flesland.

Roll call vote on the foregoing motion to "Call the Question" resulted as follows:

AYES: 18 - Rolison, Cooper, Flesland, Horn, Borchert, Sadowksi, Jr., Roman, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

NAYS: 7 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, MacAvery.

ABSENT: 0

Motion adopted.

Roll call vote on the foregoing Resolution No. 2010026 resulted as follows:

AYES: 19 - Rolison, Cooper, Flesland, Horn, Borchert, Sadowksi, Jr., Roman, Tyner, Weiss, Bolner, Incoronato, Miccio, Forman, Traudt, Horton, Hutchings, Thomes, Surman, Kelsey.

NAYS: 6 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, MacAvery.

ABSENT: 0

Resolution adopted.

The County Executive held a public hearing on the foregoing local law on Tuesday, May 25, 2010 at 10 am and signed it into law on June 10, 2010. The effective date was June 25, 2010.

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.

Constantine Kazolias, City of Poughkeepsie, New York, spoke in favor of Resolution Nos. 2010023 entitled, "Volunteer contribution to Health Insurance by the Dutchess County Legislators," and Resolution No. 2010012 "Repealing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear, pursuant to the authority of Article 29 of the Tax Law of the State of New York" he also questioned when the Legislature was going to discuss Solid Waste.

No one else 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 at 8:30 p.m. subject to the call of the Chair.