

Regular Meeting
of the
Dutchess County Legislature

Thursday, February 11, 2010

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

Roll Call by the Clerk of the Legislature

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

ABSENT: 1 Horton.

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag was lead by Lucas Keasbey and James LeGrand of Troop 29 in Amenia. The Invocation was given by Will Reschke of Troop 95 in Fishkill followed by a moment of silent meditation.

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

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

The Chairman declared the public hearing open.

The following people spoke in favor of Resolution No. 2010030 entitled, Establishing Part County Sewer District No. 6 in the Village and Town of Red Hook.

Bill O'Neill, 68 Spencer Drive, Town of Red Hook
Brent Kovalchik, Village of Red Hook Trustee

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

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

The following individuals spoke against Resolution No. 2010025 entitled, 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.

William McCabe, Town of LaGrange, New York

Robert Clearwater, Town of Hyde Park, New York.

Mike Ryan, Hyde Park, Town of Hyde Park, New York.

Patrick Foot, Wappingers Falls, New York.

Rich Parente, Town of LaGrange, New York.

Jeffrey Heck, Town of LaGrange, New York.

Tom Olsen, Town of LaGrange, New York.

Jens Bojstrup, JMB Electric.

Brian VanVlack, Licensed electrician.

John Lacurto, owner and operator Lacurto Electric, Amenia.

Diane Nash, Hyde Park.

Betty Gobalay , Owner, PS Electric, Hopewell Junction, New York.

Sam Fratto, IBEW, Senior Assistant Business Manager at Int Nat Brotherhood Electrical Workers.

Constantine Kazolias, City of Poughkeepsie, New York.

Richard Morse, Town of Clinton, spoke in favor of Resolution No. 2010025 entitled, 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.

Diane Nash, Hyde Park, spoke regarding changes to the *Rules of the Dutchess County Legislature* stating that committee minutes should be available in hard copy, the public should be allowed to speak on non agenda items in the beginning of the board meeting, and the public should be able to comment during Budget Review.

COMMUNICATIONS RECEIVED FOR THE FEBRUARY, 2010 BOARD MEETING

RECEIVED: Memo received February 10, 2010, from Rosemarie Zengen, Spokesperson, Save Our Town Committee, Town and Village of Red Hook requesting that the Legislature not pass legislation concerning a central sewage district in Red Hook without more facts revealed to the community at large.

RECEIVED: Memo received February 10, 2010, from William R. Steinhaus, County Executive, Order of Succession.

RECEIVED: February 2, 2010, Annual Report from Dutchess County Real Property Tax Service Agency.

RECEIVED: February 3, 2010, Contingency Account Status Report from Valerie Sommerville, Budget Director.

RECEIVED: February 4, 2010, from County Attorney Wozniak to Bruce Kastor, Associate Attorney, Department of Taxation and Finance, stating that Resolution No. 2010012 – Repealing Clothing and Footwear Exemption was duly enacted by the County Legislature and County Executive on January 26, 2010.

RECEIVED: January 25, 2010, from County Clerk Kendall Deputy Coordinator Appointments for the Department of Emergency Response.

RECEIVED: January 27, 2010, from County Executive Steinhaus appointment of Kealy Salomon as Acting Dutchess County Commissioner of Planning and Development.

No one else wishing to be heard, the Chairman entertained a motion from the floor, duly seconded, to resume the regular order of business. The Chairman stated that he would entertain agenda items first and then non agenda items.

Legislator Goldberg requested that Resolution Nos. 2010029 and 2010030 be removed from the consent agenda.

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

The prior month's meeting minutes were approved.

Legislator MacAvery stated that she did not see reference to Resolution No. 2010024 entitled, Proclamation: 55th Anniversary of the Passing of City of Beacon Volunteer Firefighter J. Robert Cramer.

Clerk of the Legislature Hohmann stated that reference to Resolution No. 2010024 was included at the end of the January 25, 2010 minutes.

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



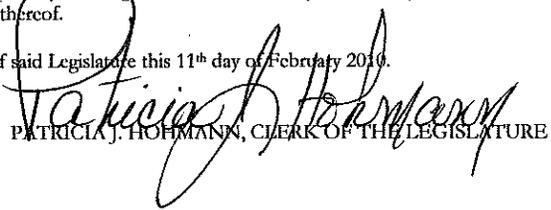
WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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 11th 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 11th 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.

At this time Local Law No. 1 of 2010 entitled, "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" was considered.

Roll call vote on the foregoing 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.

Resolution No. 2010026 entitled, "A LOCAL LAW REQUIRING ELECTED OFFICIALS TO CONTRIBUTE TO THE COST OF THE COUNTY HEALTH INSURANCE BENEFIT" that was laid on the Desks at the January 25, 2010 Regular Board Meeting was tabled in Government Services and Administration Committee on February 4, 2010.

At the May 10, 2010 Regular Board Meeting 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.

RESOLUTION NO. 2010027

RE: ADOPTION OF THE PERMANENT RULES OF THE DUTCHESS COUNTY
LEGISLATURE

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

RESOLVED, that the Permanent rules, as attached hereto, be and they hereby are
adopted as the Permanent Rules of the Dutchess County Legislature, effective January 1, 2010.

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2/24, 2010

Amended on Floor 2/11/10 cm

Amended in Government Services & Administration 2/4/10 lw

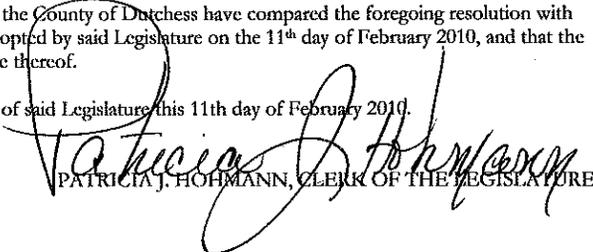
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of 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 11th day of February 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

2010



**Permanent Rules of the
Dutchess County Legislature**

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**PERMANENT RULES OF THE
DUTCHESS COUNTY LEGISLATURE
FOR THE YEAR 2010**

ARTICLE I

**ORGANIZATIONAL MEETING OF THE
COUNTY LEGISLATURE**

RULE 1.1 ORGANIZATION MEETING:

The Organizational meeting of the County Legislature shall be conducted on or before the first Tuesday after the first Monday in January at 7:00 pm.

RULE 1.2 NOTICE OF ORGANIZATIONAL MEETING:

The Clerk of the County Legislature shall serve upon each member of the Legislature a written notice stating the date, time and place of meeting pursuant to Section 151 of the County Law. In the event of a vacancy in the Office of the Clerk of the Legislature, or his/her inability or failure to act in accordance with this provision, notice shall be given by the Deputy Clerk. If the offices of Clerk and Deputy Clerk of the Legislature are vacant, notice shall be given by the County Clerk.

**RULE 1.3 ELECTION OF CHAIRMAN OF THE
LEGISLATURE AND LEADERSHIP:**

A. A Chairman of the County Legislature shall be elected by a roll call vote from the membership of the County Legislature at its Organizational Meeting, or at an adjourned meeting thereof,

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who shall serve as Chairman for the balance of the calendar year. In the event of a vacancy, the County Legislature shall fill the office of Chairman in the manner provided by its rules. Should the County Legislature fail to select a Chairman within thirty (30) days after the office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as its Chairman for the balance of the calendar year, as provided in Section 302 (j) of the Dutchess County Charter.

B. Prior to the commencement of the Legislative Term, Members of the two political parties which shall have polled the largest vote in the past general election for the County Legislature shall elect leaders of their respective parties. The leader of the political party whose membership constitutes a majority shall be known as Majority Leader; the leader of the other political party shall be known as Minority Leader. The assistant leader of the political party whose membership constitutes a majority shall be known as Assistant Majority Leader; the assistant leader of the other political party shall be known as the Assistant Minority Leader.

RULE 1.4 APPOINTMENT OF CLERK OF LEGISLATURE

A Clerk of the Legislature shall be appointed by the Legislature at its Organizational Meeting, or at an adjourned meeting thereof, in the manner provided by its rules. The Clerk shall be and remain an elector of the County, and he/she shall serve at the pleasure of the Legislature and until his/her successor shall be appointed and shall qualify. A vacancy in the Office of the Clerk shall be filled by the County Legislature. The Legislature may appoint such Deputy Clerks and employees as it may require.

RULE 1.5 APPOINTMENT OF COUNSEL TO THE LEGISLATURE:

A Counsel to the Legislature shall be appointed in accordance with the provisions of Section 2.14 of the Dutchess County Charter.

RULE 1.6 CONFIRMATION OF APPOINTMENTS:

Confirmation of appointment, where required by the Dutchess County Charter, shall be by affirmative roll call vote of a majority of the members of the County Legislature, except that if the Legislature shall fail to take action within sixty (60) days after the filing of written notification of appointment with the Clerk of the Legislature such appointment shall be deemed approved.

ARTICLE II

MEETINGS OF THE LEGISLATURE

RULE 2.1 GENERAL PROVISIONS OF MEETINGS:

The County Legislature shall, in addition to its Organizational Meeting, hold regular meetings at stated intervals and special meetings as herein provided, all of which shall be public and may be adjourned from time to time. All such meetings shall be held at the Legislative Chambers in the Dutchess County Office Building, City of Poughkeepsie, Dutchess County, New York, and shall begin at the hour specified in these Rules unless a different time and place shall be provided by a motion for adjournment, or by notice of a special meeting. All meetings - regular, adjourned, or special - shall begin with the Pledge of Allegiance to the Flag. The time of convening and adjournment of each meeting shall be recorded in the Proceedings of the County Legislature.

RULE 2.2 REGULAR MONTHLY MEETINGS:

A. Regular monthly meetings of the County Legislature shall commence at 7:00 pm on the second Monday in each month during the year, except when the second Monday of a month shall fall on a legal holiday, in which case, such regular monthly meeting shall be held on the following day at the same hour and place, except in the month of January when the regular monthly meeting shall be on the fourth Monday of the month. Meetings of the Legislature may be established by resolution at the Organizational meeting for the ensuing term.

B. The Clerk of the County Legislature shall serve upon each member of the Legislature *electronic notice or if requested written notice* stating the date, time and place of the meeting at least forty-eight (48) hours before the date of the meeting, stating the subject matter of all resolutions, ordinances and local laws to be voted on at such meeting, except as otherwise provided in Rule 4.5. Such meeting may be postponed for up to 24 hours by the Chairman of the Legislature.

RULE 2.3 SPECIAL MEETINGS:

Special meetings shall be held at the Call of the Clerk or Deputy Clerk of the Legislature upon direction of the Chairman or upon written request signed by a majority of the members of the Legislature; notice in writing stating the time, place and purpose of the special meeting shall be served either personally, by mail, and *electronic mail* upon each member by the Clerk of the Legislature. In the event that such service is personal, it shall be made at least forty-eight (48) hours in advance of such meeting, upon each member of the Legislature by the Clerk of

the Legislature or his/her designee, who is competent to execute service of process in the State of New York. In the event that such service is by mail it shall be made upon each member of the Legislature at least seventy-two (72) hours in advance of such meeting by the Clerk of the Legislature. Service shall be deemed complete when deposited in a postage, prepaid envelope in a duly maintained depository of the United States Postal Service.

Service either personal, or by mail and by *electronic mail* shall be evidenced by a notarized affidavit of service duly executed by the person making service. A member may waive the service of notice of such meeting by a waiver signed by the member.

Such meeting may be postponed for up to 24 hours by the Chairman of the Legislature.

RULE 2.4 DUTIES OF THE CLERK OF THE LEGISLATURE:

The Clerk of the Legislature shall keep a record of all acts and proceedings of the Legislature and be the custodian of the records, vouchers and other papers required or authorized by law to be deposited in his/her office. The Clerk's responsibilities will include, but are not limited to, forwarding to all Legislators committee reports and printed draft minutes of full Legislature meetings. He/she shall perform such additional and related duties as may be prescribed by law and/or directed by the County Legislature.

ARTICLE III

ORDER OF BUSINESS

RULE 3.1 ORDER OF BUSINESS:

The Order of Business at each meeting of the County Legislature shall be as follows:

- a) Roll Call by the Clerk of the Legislature;
- b) Pledge of Allegiance to the Flag, Invocation, and a Moment of Silent Meditation;
- c) *Proclamations, Commendations and Presentations*
- d) Privilege of the Floor with respect to printed agenda items;
- e) Approval of prior month's meeting minutes
- f) Resolutions
 - 1) Consent Resolutions
 - 2) All Other Resolutions
 - 3) Resolutions for Unanimous Consent;
- g) Other County business;
- h) Privilege of the Floor with respect to agenda and non-agenda County business; and
- i) Adjournment.

ARTICLE IV

RULES OF ORDER AND PROCEDURE

RULE 4.1 ROLL CALL:

The members of the County Legislature shall be called to order by the Chairman at every meeting of the Legislature and it shall be the duty of the Clerk of the Legislature to call roll and record names of those members who are present or absent. Any member arriving after the roll call has been completed shall report to the Clerk and shall be recorded "Present, Late."

RULE 4.2 ATTENDANCE AND QUORUM:

A. A Majority of the whole of the members of the County Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

B. A member of the County Legislature who has answered roll call at any meeting of the Legislature shall not be permitted to absent himself/herself from such meeting without notifying the Clerk.

C. Any legislator failing to be properly seated at any regular or special meeting of the Legislature shall be recorded absent by the Clerk.

RULE 4.3 POWERS AND DUTIES OF THE CHAIRMAN:

- A. It shall be the duty of the Chairman of the Dutchess County Legislature:
- a) to become familiar with the property, function and fiscal affairs of the County;
 - b) to see that the statutes, local laws and resolutions of the County Legislature and directions of County officers empowered to make the same are faithfully executed and report to the Legislature any neglect of duty; and
 - c) to make recommendations to the County Legislature on legislation and such other matters deemed material and advisable.
- B. The Chairman shall preside at all meetings of the Legislature at which he/she is present; shall preserve order and decorum; shall decide all questions of order subject to appeal to the Legislature; and shall perform such duties as are provided by Law and these Rules.
- C. In the event that the Chairman fails to appear within fifteen (15) minutes of the time fixed for a meeting of the Legislature, it shall be the duty of the Clerk of the Legislature to call the meeting to order and the Legislative members present, by a majority vote, shall select a member of the Legislature as Chairman who shall have and exercise all the duties and powers of the Chairman as temporary Chairman for said meeting.
- D. The Chairman shall designate a Legislator as acting Chairman to preside when the Chairman desires to speak from the

floor on any pending matter. Such designation shall be effective until the question on the floor is disposed of or the Chairman elects to return to the Chair.

E. The Chairman shall in all cases, have the right to vote, except on appeals to the Legislature from decisions of the Chair; on all other questions, when the vote is equally divided, including the vote of the Chairman, the question shall be lost.

F. The County Legislature may delegate to the Chairman the power to:

- a) determine what officers and employees of the Legislative Branch may attend conferences and schools conducted for the betterment of County government.
- b) perform such other duties as the Legislature may determine to be necessary to give full effect to the provisions of the County Law or these Rules.

G. The Chairman may declare an emergency and adjourn a regular or special meeting to a date not to exceed seven (7) days beyond the meeting so adjourned.

H. After the Organizational Meeting of the Legislature, the Chairman shall establish a seating plan. Such plan shall be observed at all regular and special meetings of the Legislature.

I. The Chairman will notify, in a timely fashion, the sponsors of any resolutions, including those resolutions submitted by the Executive Branch, petitions, reports, or local laws which may have conformed to all other requirements of the Legislative rules but have been pulled by the Chairman.

RULE 4.4 PRIVILEGE OF THE FLOOR:

Persons not members of the County Legislature may, on motion to suspend the rules, be permitted to speak in regard to matters pending before the Legislature or in the process of being presented to said Legislature.

RULE 4.5 PETITIONS, REPORTS, MOTIONS AND RESOLUTIONS:

A. All petitions, reports, and resolutions shall be reduced to writing, sponsored by at least two members of the Legislature and filed with the Clerk. *Memorialization resolutions shall require at least four sponsors.*

B. Any Legislator who wishes to be a sponsor of any resolution shall notify the Clerk, at any time prior to the taking of the vote, and the Clerk with the permission of the sponsors(s) shall add the Legislator's name to the resolution as a sponsor or co-sponsor.

C. Petitions, reports, and communications may be presented to the County Legislature by the Chairman or any member of the Legislature and the same or a summary thereof shall be read by the Clerk.

D. All petitions, reports, motions, resolutions and communications requiring action of a committee shall be referred by the Chairman without motion to the committee having in charge matters relating to the same.

E. All resolutions, to be presented at a regular, adjourned

or special meeting of the County Legislature shall be filed with the Clerk of the County Legislature not later than 4:45 pm on the resolution deadline date established annually except that this requirement may be waived by the Chairman of the Legislature.

F. All resolutions amending the adopted budget or directing a capital expenditure must be submitted with a fiscal impact statement.

G. All resolutions authorizing the bonding of expenditures of \$500,000 or more shall be presented at a meeting of the relevant Committee no later than seven (7) calendar days prior to the regularly scheduled legislative committee day and copies thereof shall be placed immediately thereafter in the mailbox of each legislator located in the legislative office. This requirement may be waived by the Chairman of the Legislature.

H. No resolution except those subject to Rule 4.5 (G) shall be considered by a committee unless the same shall have been placed in the mailbox of each legislator located in the legislative office at least three (3) calendar days prior to the legislative committee day. This requirement may be waived by the Chairman of the Legislature or in his/her absence by the Chairman of the relevant Committee.

I. A proposed local law may be introduced by a member of the Legislature at a meeting of the Legislature by laying it on the desks of each Legislator.

As an alternative means of introduction, the Chairman of the Legislature may introduce the Local Law by mailing copies to each Legislator in postpaid, properly addressed and securely closed envelopes or wrappers in a post box or post office of the

United States Post Office, at least ten (10) calendar days, exclusive of Sunday, prior to a meeting of the Legislature and, at the same time, placing copies in the mailbox of each Legislator at the Legislative office.

J. The Clerk will notify, in a timely fashion, the sponsors of any resolutions, including those resolutions submitted by the Executive Branch, petitions, reports, or local laws which have conformed to all other requirements of the Legislative rules which have been pulled by the Committee Chairman.

K. A Consent Agenda may be presented by the Chairman of the Legislature at the beginning of a meeting. Any item of business requiring action by the Legislature but considered to be routine or not controversial in nature, may be presented as part of the Consent Agenda. The Consent Agenda shall be introduced by a motion "to approve the Consent Agenda" and shall be considered by the Legislature as a single item. The motion to approve the Consent Agenda is not debatable. Upon objection by any Legislator to inclusion of any item on a Consent Agenda, that item shall be removed from the Consent Agenda. Such objections may be recorded any time prior to the taking of a vote on a motion to approve the Consent Agenda. Any item removed from the Consent Agenda shall be considered as part of all other resolutions portion of the agenda. The approval of motion to approve the Consent Agenda shall be fully equivalent to approval, adoption or enactment of each such motion or resolution or other item of business thereon, exactly as if each had been acted upon individually.

RULE 4.6 PRIORITY OF BUSINESS:

All questions relating to the priority of business under the same order of business shall be decided by the Chairman without debate.

RULE 4.7 WHEN DEBATE IN ORDER:

No debate shall be in order until the pending questions shall be stated by the Chair.

RULE 4.8 ADDRESSING THE CHAIR:

A member rising to debate, to give notice, to make a motion, or report, or to present a petition on other Legislative business, shall address the Chair and shall not proceed until recognized by the Chair. When two or more members rise to speak at the same time, the Chair shall decide and determine which party is entitled to the floor.

RULE 4.9 CALLS TO ORDER:

If a member shall breach or violate the Rules of the County Legislature or Robert's Rules of Order (newly revised), the Chairman shall call him/her to order, in which case the member so called shall yield the floor and observe order and decorum until recognized by the Chair.

RULE 4.10 MEMBERS ENTITLED TO VOTE:

A. Any member who shall be present when the Chairman announces a vote shall vote, unless he/she has obtained permission of the chair to abstain.

B. A member has the right to change his/her vote up to the time the vote is finally announced by the Clerk.

C. A member who declares a conflict or an intent to abstain may not participate in the discussion of the question.

RULE 4.11 APPEAL FROM DECISION OF CHAIR:

A. Any member of the Legislature may appeal from any decision of the Chairman, except when another appeal is pending, but it can be made only at the time the ruling is made. If any debate or business has intervened, it is too late to appeal.

B. When a member wishes to appeal from the decision of the Chair, he/she shall do so as soon as the decision is made, even though another has the floor and without waiting to be recognized by the Chair, saying, "Madame/Mr. Chairman, I appeal from the decision of the Chair." If this appeal is seconded, the Chair should state clearly the question at issue and his reasons for the decision if he/she thinks it necessary and then state the question. If there is a tie vote, the Chair is sustained.

C. An appeal cannot be debated when related to indecorum, transgression of rules of speaking, priority of business or while the immediately-pending question is undebatable. When debatable, no member is allowed to speak more than once except the Chairman, who may at the close of the debate answer the arguments against the decision.

RULE 4.12 VOTE REQUIRED FOR ADOPTION OF RESOLUTIONS:

A. It shall require a majority vote of all members of the Legislature to adopt a resolution; however, any procedural matter may be adopted by a majority of the members present, except where these rules expressly provide to the contrary and where otherwise required by law.

B. Once the County Budget in any given fiscal year has been adopted it shall require 2/3 affirmative vote of all members of the Legislature to adopt resolutions authorizing the transfer of funds from any contingency line in the adopted County Budget or from the fund balance.

RULE 4.13 EFFECTIVE DATE OF RESOLUTIONS

All resolutions shall become effective as provided by law.

RULE 4.14 POWER TO AMEND OR REPEAL RESOLUTIONS, ORDINANCES AND LOCAL LAWS:

Except as otherwise expressly provided by law or these Rules, the Legislature shall have the power to amend, repeal or supersede any local laws, ordinances or resolutions theretofore adopted.

RULE 4.15 ROLL CALL VOTE TAKEN:

The roll call vote shall be taken on any questions when required by statute or these Rules, or upon demand by any member of the Legislature at any time prior to stating the next question.

RULE 4.16 WITHDRAWAL OF A MOTION:

A motion for leave to withdraw a motion may be made by the mover at any time before voting on the question has commenced, even though the motion has been amended and it requires no second. After the question has been stated, it is in possession of the Legislature, and a member can neither withdraw nor modify it without the consent of the Legislature.

RULE 4.17 MOTIONS WHEN RECEIVABLE:

When a question is under debate, no motion shall be entertained unless:

- 1) for an adjournment;
- 2) to lay on the table;
- 3) for the previous questions;
- 4) to postpone;
- 5) to refer to a committee;
- 6) to amend.

These motions shall have preference in the order in which they are here stated; the first four motions are neither amendable nor debatable.

RULE 4.18 ADJOURNMENT:

A motion to adjourn may be made by a member who has the floor; it cannot be made during a roll call or when the Legislature is engaged in voting and it shall be decided without debate.

RULE 4.19 MOVING THE QUESTION:

A. The Chair shall not close debate so long as any member who has not exhausted his/her right to debate desires the floor, except by order of the Legislature, which requires a 2/3 majority of those present and voting.

B. The form of this motion is "I move (or demand, or call for) the question on (here specify the motion on which it is desired to be ordered)." It cannot be debated or amended and must be voted on immediately. When the Legislature shall order the question and amendments are pending, the questions shall first be taken upon such amendments in reverse order and then upon

the main question without further debate or amendment.

RULE 4.20 POSTPONEMENT OF CONSIDERATION:

A. A motion to lay a question on the table shall be decided without amendment or debate. This motion cannot be applied to anything except a question actually pending.

B. A motion to postpone to a day certain or to make the consideration of the question a special order for a day certain shall until it is decided preclude all amendments to the main question. A question cannot be postponed beyond the next regular session of the Legislature.

RULE 4.21 REFERENCE TO COMMITTEE:

The motion to commit or refer to a committee shall, until it is decided, preclude all amendments to the main question.

RULE 4.22 RECONSIDERATION GENERALLY:

No motion for reconsideration shall be in order unless made on the same day, or the meeting, regular or special, next succeeding that on which the decision proposed to be reconsidered took place, nor unless made by a member who voted with the prevailing side on the vote of the motion or resolution proposed to be reconsidered.

RULE 4.23 MINUTES OF MEETINGS OF THE LEGISLATURE:

A. All resolutions, reports of committees of this Legislature, reports of County Officers, notices and communications from State Officers directing the levy of any tax shall be printed in full in the proceedings of the Legislature.

of the statutes of the State of New York or the County Charter, such statutory provision or requirement shall be deemed to be a part of these Rules and such statute shall govern.

RULE 4.26 AMENDMENT TO RULES:

The Legislature shall have the power to amend these Rules by affirmative vote of a majority of the whole Legislature.

ARTICLE V

COMMITTEES

RULE 5.1 CREATION OF COMMITTEES:

For the purpose of aiding or assisting the Legislature in the transaction of its business, the Legislature shall create Standing and Special Committees. The local law or resolution creating such Standing or Special Committee shall specify the power, duties and number of such committee members.

RULE 5.2 GENERAL DUTIES AND FUNCTIONS OF COMMITTEES:

Every committee shall have actual or implied authority to do whatever is necessary to carry out the functions of the committee or whatever is reasonably incidental thereto, and shall do things as may be necessary or advisable to comply with the requirements of the law and of this Legislature.

RULE 5.3 TIME AND MANNER OF APPOINTMENT COMMITTEES:

Except as specifically required by law, all committees of this Legislature shall be appointed from its membership by

B. The printed minutes of the Clerk shall record the reading of other communications with sufficient description to show their nature and purpose, but they need not be printed in full in the proceedings except upon the order of this Legislature. Public comment shall be included in the minutes, which will include the name of the person who speaks.

C. In all cases where a resolution or motion is entered on the minutes the Clerk shall enter the name of the moving members.

D. A draft of the previous regular monthly meeting's minutes shall be given to Legislators, either by e-mail or in their mail boxes, no later than five days before the next regularly scheduled monthly meeting. Accepted minutes shall be made available to Legislators no more than seven days after the meeting at which they were accepted. The same requirements shall apply to the minutes of any special meeting conducted by the Legislature.

RULE 4.24 WHERE NO EXPRESS RULE IS PROVIDED:

Except as herein otherwise provided, *Robert's Rules of Order* (newly revised), shall be applicable and shall govern.

RULE 4.25 STATE STATUTE OR COUNTY CHARTER SHALL GOVERN:

A. In the event that any Rules herein, or portion thereof, is inconsistent or in conflict with any State Statute or County Charter, the said State Statute or County Charter shall govern.

B. In the absence of any rule or in the event of an inconsistency of any rules of this Legislature with respect to any requirement

the Chairman within thirty (30) days from the date of the Organizational Meeting by filing with the Clerk a list showing the name of the committee and the membership thereof and all vacancies shall be filled in like manner. The Clerk shall, upon receipt of such list, mail a copy to each member of the Legislature. Those committees specifically required to be appointed pursuant to law shall be created as directed by Statute. The Chairman of the Legislature, Majority Leader, Assistant Majority Leader, Minority Leader and Assistant Minority Leader shall be ex officio members of each of said Committees.

RULE 5.4 TERM OF COMMITTEE MEMBERSHIP:

A member of any Standing or Special Committee shall serve until the end of the year of his/her appointment unless sooner replaced by the Chairman for stated written cause. Each member of any Special Committee shall serve for a period specified in the resolution appointing him/her unless sooner replaced by the Chairman, provided, however, no committee member shall serve longer than the term of which he/she shall have been elected as Legislator.

RULE 5.5 RULES OF PROCEDURE FOR COMMITTEES:

A. The Chairman of each committee shall be the Presiding Officer and shall cause the members thereof to be notified twenty-four (24) hours in advance of each meeting and call all necessary and required meetings. Upon his refusal or neglect to call any meeting, the Clerk of the Legislature upon written request signed by a majority of the committee shall call such meetings. Each committee shall perform the duties assigned to it by the Legislature and such other duties as may be required by law.

B. The Order of Business at each meeting of Committees of the County Legislature shall be as follows:

- a) Roll Call by the Clerk
- b) Presentations and Reports
- c) Privilege of the floor with respect to printed agenda items, *except during budget review sessions of the Budget & Finance Committee subject to Rule 5.13 (A).*
- d) Consideration of Resolutions with respect to printed agenda items
- e) Other Business
- f) Adjournment

C. A quorum shall be defined as a majority of the members of any given committee including the Chairman of the Legislature, the Majority Leader, the Minority Leader, the Assistant Majority Leader, and the Assistant Minority Leader.

For the purpose of conducting the business of any given committee, a quorum must be maintained. Except as provided in Rule 4.12, once a quorum has been established all voting shall be decided by a majority of those present and voting, including the Chairman of the Legislature, the Majority Leader, the Minority Leader, the Assistant Majority Leader and the Assistant Minority Leader. Except as provided in Rule 4.12, all committee determinations shall be on recorded roll call vote of a majority of those present and voting. All votes shall be cast in person in open session of the committee.

D. The chairman of a committee shall not close debate so long as any member of the committee who has not exhausted his/her right to debate desires the floor, except by order of the committee, which requires a 2/3 majority of those members present. Every member of the committee present shall have the opportunity to speak at least once for a period not to exceed ten minutes.

E. No report shall be made by any committee on any subject referred to it in the absence of approval by a majority of the said committee unless a majority of the Legislature so orders or directs.

F. All committee meetings shall be open to the public, except as otherwise provided by law.

G. The Chairman of each committee shall appoint a standing subcommittee for the purpose of reviewing and making recommendations regarding appointments submitted for confirmation by the Legislature. Such appointments to the standing subcommittee will be provided to the Majority and Minority leaders by February 1st along with any changes that are made during such term.

RULE 5.6 COMMITTEE AUTHORIZED TO ACCEPT HELP FROM NON-MEMBERS

Any committee of this Legislature is authorized to accept advice and counsel from citizens who are not members of the Legislature.

RULE 5.7 POWERS AND DUTIES OF THE LEGISLATURE NOT BE DELEGATED:

Except when expressly authorized by law, nothing herein shall be deemed to authorize the delegation of the power, duties, or responsibilities of the legislature, or of any officer.

RULE 5.8 REFERENCE TO COMMITTEES:

A. No action shall be taken by the Legislature upon any matter or resolution on the same day on which it is presented, except for the election or appointment of the Chairman, Clerk,

and Deputy Clerk of the County Legislature, members of committees whose terms have expired, resolutions directing the Chairman and the Clerk of the Legislature to sign tax rolls and affix the seal of the Legislature thereto, resolutions ratifying and confirming the tax rolls and directing the collection of taxes, and matters or resolutions which have theretofore been considered by and reported out of committee.

B. Except by unanimous consent of the Legislature in attendance, no matter, except the election or appointment of the Chairman, Clerk, and Deputy Clerk of the County Legislature, shall be acted upon by the Legislature until after reported out by the proper committee.

C. Any resolution considered by a committee shall be considered by any subsequent committee in the form reported out by the prior committee. The resolution considered or amended by the last committee to consider or amend such resolution shall be the version of such resolution listed on the Legislature's meeting agenda.

RULE 5.9 REFERENCE TO SPECIAL COMMITTEE:

Upon the majority vote of all members of the Legislature, any matter entrusted to any committee may be withdrawn from the consideration of such committee and referred to a special committee appointed in such manner as the resolution withdrawing such matter shall direct.

RULE 5.10 RESIGNATION FROM COMMITTEE:

No member shall be entitled to resign from any Committee to which he/she has been appointed unless said application has been approved by the Chairman of the Legislature.

RULE 5.11 PRESIDING OFFICER OF THE COMMITTEE OF THE WHOLE:

In forming a Committee of the Whole Legislature, the Chairman shall leave the Chair and appoint another Legislator to preside.

RULE 5.12 RULES FOR THE COMMITTEE OF THE WHOLE:

A. The Rules of the Legislature shall be observed by this Committee so far as they may be applicable except limiting the number of times of speaking and except that the yeas and nays shall not be taken on substantive matters and except that a motion to rise and report progress shall always be in order and decided without debate.

B. The Committee of the Whole shall be open to the public, except as otherwise provided by law, with no public comment.

RULE 5.13 STANDING COMMITTEES OF THE LEGISLATURE:

A. BUDGET, FINANCE, AND PERSONNEL

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of the law and the action of the Legislature with respect to:

- 1) Annual Budget Review
- 2) County Comptroller
- 3) Dutchess Community College
- 4) Employee Contracts
- 5) Grants
- 6) Leases
- 7) Merit Awards
- 8) Off-Track Betting
- 9) Personnel Department
- 10) Real Property Tax Agency
- 11) Risk Management, Office of
- 12) Taxes - hotel/motel, property, sales
- 13) Arts, History, Tourism
- 14) Economic Development Corporation
- 15) Economic Development Zone
- 16) Industrial Development Agency
- 17) Above Department Budget Amendments

Notwithstanding Rule 5.5 (B)(c) it is intended that public comment on the Tentative Budget and the reports by this committee will be reserved for a public hearing(s) on said budget.

B. ENVIRONMENT

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

- 1) Cooperative Extension

- 2) Environmental Impact Statements
- 3) Environmental Mangement Council
- 4) Fish & Wildlife
- 5) Grants
- 6) Forest Practice Board
- 7) Planning and Development, Department of
- 8) Resource Recovery Agency
- 9) Soil Conservation Board
- 10) Solid Waste Agency
- 11) Water and Natural Resources
- 12) Above Department Budget Amendments

C. FAMILY AND HUMAN SERVICES

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

- 1) Aging, Office of
- 2) Community Action Agency
- 3) Family Court
- 4) Grants
- 5) Health Department
- 6) Human Rights Commission
- 7) Mental Hygiene Department
- 8) Social Services Department
- 9) Veterans Affairs, Office of
- 10) Voluntary Action Agency
- 11) Youth Bureau
- 12) Above Department Budget Amendments

D. GOVERNMENT SERVICES AND ADMINISTRATION

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

- 1) Board of Elections
- 2) Board/Code of Ethics
- 3) Central Services, Division of
- 4) Computer Information Services, Office of
- 5) County Attorney
- 6) County Charter
- 7) County Clerk
- 8) County Executive
- 9) County Legislature
- 10) Consumer Affairs Department
- 11) Grants
- 12) Local Laws
- 13) Above Department Budget Amendments

E. PUBLIC SAFETY

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of law and action of the Legislature with respect to:

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- 1) Commissioner of Jurors
- 2) County of Courts (except Family Court)
- 3) County Sheriff
- 4) District Attorney
- 5) Emergency Response, Department of
- 6) Grants
- 7) Homeland Security
- 8) Probation, Department of
- 9) STOP-DWI
- 10) Traffic Safety
- 11) Above Department Budget Amendments

F. PUBLIC WORKS AND CAPITAL PROJECTS

This committee shall consist of twelve (12) members of the Legislature inclusive of ex officio members.

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

- 1) Capital Budget
- 2) Capital Projects
- 3) Grants
- 4) Public Works, Department of
 - Airport
 - Buildings and Grounds
 - Dutchess Stadium
 - Highways
 - Parks
- 5) Above Department Budget Amendments
- 6) Transportation

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Discussion on the foregoing Resolution No. 2010027 resulted as follows:

Legislator Goldberg moved to amend the foregoing *Rules of the Dutchess County Legislature* to add the following paragraph to Page 5 Rule 2.3: "*Special meetings will be held annually where county elected officials and department heads are invited to meet with the Legislature, in addition to meetings held at budget time*" duly seconded by Legislator Kuffner.

Roll call vote on the foregoing motion resulted at follows:

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

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

ABSENT: 1 - Horton.

Motion defeated.

Legislator Goldberg moved to amend the *Rules of the Dutchess County Legislature* Page 5 Rule 2.4 Duties of the Clerk of the Legislature by inserting the word "*committee*" after the words "minutes of", duly seconded by Legislator Kuffner.

Legislator Goldberg moved to rescind the foregoing amendment.

Legislator Goldberg moved to amend the *Rules of the Dutchess County Legislature* Page 5 Rule 2.4 Duties of the Clerk of the Legislature by inserting the words "*the clerk should also forward electronically minutes of all committee meetings and have a printed copy on hand at the office*" (after the word "and"), duly seconded by Legislator Doxsey.

Roll call vote on the foregoing motion resulted as follows:

AYES: 8 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, Weiss, MacAvery.

NAYS: 16 - Bolner, Borchert, Cooper, Flesland, Forman, Horn, Hutchings, Incoronato, Kelsey, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt.

ABSENT: 1 - Horton.

Motion defeated.

Legislator Goldberg moved to add D) *Privilege of the Floor with respect to non-agenda items* to Rule 3.1 Order of Business and then re-letter the series, duly seconded.

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

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

ABSENT: 1 - Horton.

Motion defeated.

Legislator Flesland moved to amend the *Rules of the Dutchess County Legislature* Page 9 Rule 4.3 Powers and Duties of the Chairman I. Add a last sentence which will read *This notification will be accompanied by a written explanation from the chairman.* duly seconded by Legislator Cooper and unanimously carried.

Legislator Goldberg moved to amend Page 12 *Rules of the Dutchess County Legislature* Rule 4.5 J Add a last sentence which will read "*This notification will be accompanied by a written explanation from the committee chairman*", duly seconded by Legislator Kuffner.

Roll call vote on the foregoing motion resulted as follows:

AYES: 8 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, MacAvery, Traudt.

NAYS: 16 - Bolner, Borchert, Cooper, Flesland, Forman, Horn, Hutchings, Incoronato, Kelsey, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Weiss.

ABSENT: 1 - Horton.

Motion defeated.

Legislator Goldberg moved to amend Page 13 *Rules of the Dutchess County Legislature* Rule 4.10 A remove wording "*unless he/she has obtained permission of the chair to abstain*", duly seconded by Legislator Kuffner.

Roll call vote on the foregoing motion resulted as follows:

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

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

ABSENT: 1 - Horton.

Motion defeated.

Legislator Goldberg moved to amend Page 21 *Rules of the Dutchess County Legislature* Rule 5.5 Rules of Procedure for Committees add E and renumber series as follows:

E. During Budget Review Sessions privilege of the floor will be recognized

duly seconded by Legislator Kuffner.

Legislator Miccio moved to call the question duly seconded by Legislator Incoronato and carried with Legislator Kuffner casting a no vote.

Roll call vote on the foregoing motion resulted as follows:

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

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

ABSENT: 1 – Horton.

Motion defeated.

Legislator Goldberg moved to amend Page 24 *Rules of the Dutchess County Legislature* Rule 5.12 B Rules of Committee of the Whole: remove the wording “*with no public comment*”, duly seconded by Legislator Kuffner.

Chairman Rolison requested that Legislator Cooper temporarily chair the meeting so that he may address the Legislature.

Legislator Rolison stated that the intent of a Committee of the Whole was for information to be received by this Legislative body so that the Legislators understood the issues surrounding the Resource Recovery Agency or any other topic to be discussed at a Committee of the Whole. He added that it was not the forum for public comment. He added the Legislature won't understand the critical and important issues needed to be educated on if a controversial Committee of the Whole session was dominated by the public. He added that it was a working session that the Legislature, as a group, could listen and ask questions enabling them to understand the issues. He added then at a later date the issues could be addressed publicly.

Legislator Weiss moved to call the question duly seconded by Legislator Flesland and carried by voice vote.

Roll call vote on the foregoing motion resulted as follows:

AYES: 8 - Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, MacAvery, Kelsey..

NAYS: 16 - Bolner, Borchert, Cooper, Flesland, Forman, Horn, Hutchings, Incoronato, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss.

ABSENT: 1 - Horton.

Motion defeated.

Roll call vote on the foregoing Resolution No. 2010027 resulted as follows:

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

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

ABSENT: 1 - Horton.

Resolution adopted.

Chairman Rolison took the Chair again to preside over the remainder of the meeting.

RESOLUTION NO. 2010028

RE: AUTHORIZING THE FINANCE DEPARTMENT TO AMEND THE COMMUNITY DEVELOPMENT ACCOUNT FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM.

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

WHEREAS, the County is a participant in the Community Development Block Grant Program pursuant to the Housing and Community Development Act, and

WHEREAS, pursuant to the Act, the County receives funding under the HOME Investment Partnership Program, the purpose of which is to provide assistance for the building of affordable housing for low and moderate income individuals in participating jurisdictions, and

WHEREAS, pursuant to HOME Investment Partnership Program guidelines, the County makes loans to qualified candidates for rehabilitation purposes, which loans are repaid to the County, and

WHEREAS, on repayment the County is authorized under the HOME Investment Partnership Program to make additional loans to other qualified candidates, and

WHEREAS, by Resolution No. 77 of 1998, the Commissioner of Finance was directed to establish a Community Development Account for the HOME Investment In-House Loan Program, and

WHEREAS, loan payments received by the County have exceeded the amount appropriated to date and it is necessary to increase appropriations, now, therefore be it

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to amend the In-House Loan Program Account as follows:

APPROPRIATIONS

Increase

CD8668.2705.4404	HOME Trust Fund Program	<u>\$89,000</u>
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REVENUES

Increase

CD.8668.21700.02	HOME Program Income	<u>\$89,000</u>
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CA-11-10 ADR/ca/G-179
1/13/10 Fiscal Impact: See attached statement

APPROVED



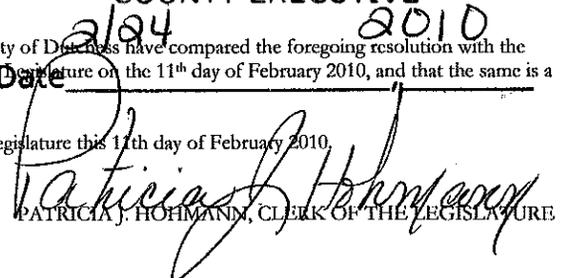
WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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 11th 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 11th day of February 2010.

2/04 2010

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 \$ 89,000

Total Current Year Revenue \$ 89,000

and Source

HOME Trust Fund Program Income

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

Identify Line Items(s):

CD8668.2705.4404/CD8668.21700.02

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Patricia Longbard (845) 486-3635

Roll call vote on the foregoing Resolution No. 20100028 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

RESOLUTION NO. 2010029

RE: ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 6 IN THE VILLAGE AND TOWN OF RED HOOK

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

WHEREAS, this Legislature has before it two resolutions together with maps, plans and reports, all prepared by or on behalf of the Dutchess County Water and Wastewater Authority ("WWA") in support of the establishment of Part County Sewer District No. 6 by the County of Dutchess ("County") to facilitate the payment of the costs of acquisition and expansion of the existing Red Hook Commons Wastewater Treatment Plant and construction of the Red Hook Sewer collection system through the levy of benefit assessments and the enforcement of delinquent sewer rates, and

WHEREAS, as part of its review of the proposed actions the WWA prepared a Full Environmental Assessment Form and Negative Declaration both dated January 20, 2010 on file with the Clerk of the Legislature, which conclude that the proposed project constitutes an unlisted action pursuant to Part 617 of the New York Code of Rules and Regulations (SEQR), and that the actions will not have a significant effect on the environment, and

WHEREAS, it appears that WWA made a careful review of the proposed actions and this Legislature should confirm those findings, now, therefore, it is hereby

RESOLVED, that this Legislature adopts and confirms the findings of the WWA as set forth in the Full Environmental Assessment Form and Negative Declaration concluding that the proposed actions will not have a significant effect on the environment.

CA-13-10
RLW/ca/G-1332-F
1/13/10

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2/24, 2010

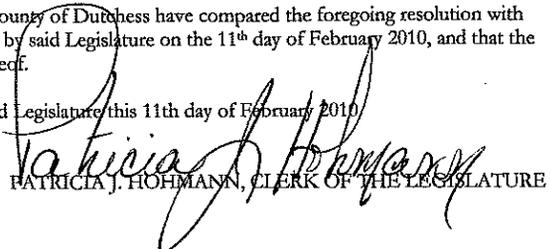
STATE OF NEW YORK

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 11th 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 11th day of February 2010


PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <i>Proposed Sewer District and Expansion of Wastewater Treatment Plant for Town & Village of Red Hook.</i>		
LOCATION OF ACTION (Include Street Address, Municipality and County) <i>Village/Town of Red Hook</i>		
NAME OF APPLICANT/SPONSOR <i>Dutchess County Water and Wastewater Authority (DCWWA)</i>		BUSINESS TELEPHONE <i>(845) 486 3601</i>
ADDRESS <i>27 High Street</i>		
CITY/PO <i>Poughkeepsie</i>	STATE <i>NY</i>	ZIP CODE <i>12601</i>
NAME OF OWNER (if different)		BUSINESS TELEPHONE <i>()</i>
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION <i>In coordination with the Village of Red Hook and the Town of Red Hook, the Dutchess County Water and Wastewater Authority (DCWWA) is proposing to establish a new central sewer system to serve areas in the Village and Town with frontage on Route 9 (Broadway) and Route 199 (Market Street), to be owned and operated by DCWWA. The project includes the establishment by Dutchess County of a Part-County Sewer District, the acquisition of an existing privately owned Wastewater Treatment Plan (located off of Route 9 and commonly referred to as the Red Hook Commons WWTP, expansion of the WWTP, and construction of 10,000 linear feet of collection system. Additionally, DCWWA is proposing to own and operate the laterals and grinders along the proposed sewer system. This addition would add approximately 13,000 linear feet of 1 1/4 inch pipe for the connections to property owners along the proposed sewer district. Therefore, the total linear extent of the entire project would be approximately 23,000 feet. Figure 1 shows the location of the proposed project.</i>		

Please Complete Each Question - Indicate N.A. if not applicable.

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

- Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____
- Total acreage of project area: _____ ~7 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	~0.1 acres	~0.1 acres
Forested	0 acres	0 acres
Agricultural (Includes orchards, cropland, pasture, etc.)	0 acres	0 acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	0 acres	0 acres
Water Surface Area	0 acres	0 acres
Unvegetated (Rock, earth or fill)	0 acres	0 acres
Roads, buildings and other paved surfaces	~4.0 acres	~5.0 acres
Other (Indicate type) <i>Maintained lawn</i>	~2.9 acres	~1.9 acres
- What is predominant soil type(s) on project site? *Canandaigua silt loam, neutral substratum (Ca), Haven loam, nearly level (HeA), & Haven-Urban land complex (Hf) according to the Dutchess County Soil Survey dated 1992. Refer to Figure 4.*
 - Soil drainage: Well drained 75 % of site Moderately well drained _____ % of site
 Poorly drained 25 % of site
 - If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 370).
- Are there bedrock outcroppings on project site? Yes No
 - What is depth to bedrock? Variable (0 to >10) (in feet)

5. Approximate percentage of proposed site with slopes: 0-10% 80 % 10-15% 20 %
 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?
 Yes No Refer to Figure 7. Based on a review of New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application, the project is located within an "archeosensitive" area and has the potential to contain one or more National Register Eligible (NRE) sites. One (1) national listed site, St Paul's Evangelical Lutheran Church and two (2) state listed sites were observed on a field visit to the project site on 11/9/09 the Village Diner and the Elmendorph Inn. Additionally, the St. Margaret's Site is a historic place and was observed on a field visit to the project site on 11/9/09. DCWWA plans to complete a Phase I archeological investigation for the project's area of potential effect (APE) with the intent avoiding all areas of archeological concern to the maximum extent practicable and obtaining the concurrence of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If for some reason avoidance is not possible, then DCWWA will conduct Phase 2 and 3 archeological investigations, as needed. DCWWA will obtain concurrence from OPRHP prior to construction initiation.

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? Variable (in feet) Based on review of the USDA Natural Resource Conservation Service Web Soil Survey Soil Data, it is estimated that the depth of the water table will range from several feet below grade to >10 feet.

9. Is site located over a primary, principal, or sole source aquifer? Yes No Based on review of the EPA Sole Source Aquifer Region II Map (2008) & the NYSDEC Primary and Principal Aquifers website (2009).

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No Based on a field visit to the project site on 11/9/09.

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to Refer to Figure 11, NYSDEC Environmental Resource Mapper <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm> (2004)

Identify each species _____

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe Based on a field visit to the project site on 11/9/09.

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain Based on a field visit to the project site on 11/9/09.

14. Does the present site include scenic views known to be important to the community?
 Yes No Based on a field visit to the project site on 11/9/09.

15. Streams within or contiguous to project area: Unnamed Tributary to Saw Kill. Refer to Figure 5 which shows mapped streams within the project site.

a. Name of Stream and name of River to which it is tributary Saw Kill

16. Lakes, ponds, wetland areas within or contiguous to project area:

a. Name Refer to Figure 2 which shows mapped New York State Department of Environmental Conservation (NYSDEC) wetlands and Figure 3 which shows mapped National Wetland Inventory (NWI) wetlands in the vicinity of the project. A delineation of wetlands and other waters of the U.S. dated August 19, 2009 has been completed. The 2009 Wetland Validation Plan stamped by NYSDEC on August 28, 2009 displays the wetlands within proximity to the project site. These wetlands are not anticipated to be impacted by expansion of the existing WWTP; however a Freshwater Wetland Permit will be submitted to the NYSDEC associated with the wastewater discharge consistent with prior correspondence from NYSDEC.
b. Size (In acres) ~4.3

17. Is the site served by existing public utilities? Yes No

a. If Yes, does sufficient capacity exist to allow connection? Yes No

b. If Yes, will improvements be necessary to allow connection? Yes No

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 1,650 cubic yards.
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? After Sewer line is installed, the area will be returned to its previous state.
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? ~1.1 acres
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No *Based on field review of the project site on 11/9/09.*
6. If single phase project: Anticipated period of 18 months, (including demolition) construction
7. If multi-phased: *N/A*
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No *Unknown, at present and to be determined by a geotechnical investigation. If blasting is required, then controlled blasting methods will be used.*
9. Number of jobs generated: during construction ~36 ; after project is complete ~2
10. Number of jobs eliminated by this project None
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
-
12. If surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount Approximately 85,000 gallons of sewage will be treated and discharged per day.
- b. Name of water body into which effluent will be discharged Unnamed tributary to Saw Kill and NYSDEC wetland KE-3
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
 Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No *Refer to Figure 8, FEMA Floodplain Map (dated October 16, 1984).*
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month ~1-2 tons
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name Unknown; location A permitted solid waste management facility.
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s) Electric energy for powering wastewater treatment plant and pump stations.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If Yes, explain The Village of Red Hook, Town of Red Hook and the Dutchess County Water and Wastewater Authority are to provide funding for this proposed sewer district and expansion of the wastewater treatment plant. In addition funding is being sought from the Environmental Facilities Corporation (EFC) and USDA Rural Development (RD).

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>County Planning Board Courtesy Referral</i>	
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>County Creation of Part- County Sewer District DCWWA Approval</i>	
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>NYSDEC -Freshwater Wetlands Permit, Change in Use Notification (ECL Article 56, Title 5), SWPPP, Wastewater Discharge SPDES Permit NYSDOT 17 NYCRR Parts 126 and 131 OPRHP State and Federal Preservation Laws(9 NYCRR 428)(36 CFR 800) EFC - Funding</i>	
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>USDA Rural Development - Funding</i>	

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other
- What is the zoning classification(s) of the site? General Business and Residential
- What is the maximum potential development of the site if developed as permitted by the present zoning? N/A
- What is the proposed zoning of the site? N/A, no zoning change is proposed.
- What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A, no zoning change is proposed.
- Is the proposed action consistent with the recommended uses in adopted local land use plan Yes No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? General Business and Residential
- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? N/A
 a. What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
 Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present level? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

See attached Figures.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Robert Flores, P.E. Date 11/12/09

Signature Robert Flores Title Managing Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

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Part 2 - PROJECT IMPACTS AND THEIR MAGNITUDE
 Responsibility of Lead Agency
 January 8, 2010

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read Carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? NO YES

Examples that would apply to Column 2

- Any construction on slopes of 15% or greater, (15 foot riser per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involved more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts: _____

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

Specific land forms: _____

(Based on Information Provided in Part I of EAF)

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).
- Other impacts: _____

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? NO YES
(If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B).
Examples that would apply to Column 2
- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
 - Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
 - Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
 - Other impacts: _____

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? NO YES
Examples that would apply to column 2
- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
 - Any impact to an archaeological site or fossil bed located within the project site.
 - Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
 - Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? NO YES
Examples that would apply to Column 2
- The permanent foreclosure of a future recreational opportunity.
 - A major reduction of an open space important to the community.
 - Other impacts: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
IMPACT ON AESTHETIC RESOURCES				
11. Will proposed action affect aesthetic resources? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B). Examples that would apply to Column 2				
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES				
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Examples that would apply to column 2				
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
IMPACT ON OPEN SPACE AND RECREATION				
13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Examples that would apply to Column 2				
• The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

(Based on Information Provided in Part I of EAF)

Examples that would apply to Column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or employment of the resource?
- Other impacts: _____

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to Column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? NO YES

Examples that would apply to Column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

Construction activities involving creation of the sewer district and expansion of the wastewater treatment plant.

- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety? NO YES

Examples that would apply to Column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other *Improvements to public health through the installation of municipal wastewater collection system and expansion of the wastewater treatment plant.*
impacts: _____

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community? NO YES

Examples that would apply to Column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.).
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.

Proposed action will create construction jobs and permanent jobs after construction is complete (see information provided in Part 1 of the EAF).

- Other impacts: *Proposed action is consistent with local community plans.*

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? NO YES

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring.
- The duration of the impact.
- Its irreversibility, including permanently lost resources of value.
- Whether the impact can or will be controlled.
- The regional consequence of the impact.
- Its potential divergence from local needs and goals.
- Whether known objections to the project relate to this impact.

(Continue on attachments)

5. Impact on Water

Proposed Action will require the modification of an existing SPDES discharge permit.

The probability of this impact occurring is relatively high. The duration of the impact is expected to be permanent for the life of the sewer district and wastewater treatment plant in the Town & Village of Red Hook, NY. The discharge of treated wastewater has the potential to alter the hydrology and water quality characteristics of the receiving stream, an unnamed tributary to Saw Kill Creek and a surrounding wetland. Based on preliminary correspondence from NYSDEC, effluent limitations will be established based on a waste assimilation capacity analysis and no discharge at a temperature over 70 degrees Fahrenheit will be allowed. In addition, it will be required to demonstrate that no downstream water users within the water basin will be affected by possible water basin transfers. Prior to construction, it is the intent of DCWWA to apply for and obtain a SPDES permit modification and Freshwater Wetlands permit from NYSDEC. During the NYSDEC permit application process potential impacts to surface water hydrology and water quality will be minimized to the maximum extent practicable prior to permit issuance. Regional consequences of the impact include potential alteration of the hydrology and water quality characteristics of the receiving stream and surrounding wetland. It is unknown if there is local opposition to the project relative to this impact. Based on this information, it is reasonable to conclude that this impact is important.

12. Impact on Historic and Archeological Resources

Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

The probability of this impact occurring is relatively high. The duration of the impact is expected to be permanent for the life of the sewer district and wastewater treatment plant in the Town & Village of Red Hook, NY. Permanent losses associated with this impact could include the potential disturbance of the Elmendorph Inn (state listed), the Village Diner (state listed) St. Margaret's historic site and St. Paul's Evangelical Church (listed on the National Register of Historic Places). Based on a review of New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application, the project is located within an "archeosensitive" area. DCWWA plans to mitigate the impact by completing a Phase I archeological investigation for the project's Area of Potential Effect (APE) with the intent of avoiding all areas of archeological concern and obtaining the concurrence of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If for some reason avoidance is not possible, then DCWWA will mitigate this impact by conducting Phase 2 and 3 archeological investigations, as needed. DCWWA will obtain approval from OPRHP prior to construction initiation. Regional consequences of the impact include partial or temporary disturbance of this historically sensitive area. It is unknown if there is local opposition to the project relative to this impact. Based on this information, it is reasonable to conclude that this impact is important.

Proposed Action will occur in an area designated as sensitive for archeological sites on the NYS Site Inventory.

The probability of this impact occurring is relatively high. The duration of the impact is expected to be permanent for the life of the sewer district and wastewater treatment plant in the Town & Village of Red Hook, NY. Permanent losses associated with this impact could include the potential disturbance an "archeosensitive" area located within the project area based on a review of New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. DCWWA plans to mitigate the impact by completing a Phase I archeological investigation for the project's Area of Potential Effect (APE) with the intent of avoiding all areas of archeological concern and obtaining the concurrence of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If for some reason avoidance is not possible, then DCWWA will mitigate this impact by conducting Phase 2 and 3 archeological investigations. DCWWA will obtain approval from OPRHP prior to construction initiation. Regional consequences of the impact include partial or complete disturbance of this historically sensitive area. It is unknown if there is local opposition to the project relative to this impact. Based on this information, it is reasonable to conclude that this impact is important.



**State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance**

Name of Action: Proposed Sewer District and Expansion of Wastewater Treatment Plant for Town & Village of Red Hook

SEQR Status: Type 1

Description of Action:

Dutchess County Water and Wastewater Authority (DCWWA) has proposed to form a new sewer district in Red Hook to serve the areas with frontage on Route 9 (Broadway) and Route 199 (Market Street). This proposed sewer district would be in the Village and Town of Red Hook, Dutchess County, New York (refer to Attachment A, Site Location Map).

The proposed district would become a Part County Sewer District, owned and operated by Dutchess County Water and Wastewater Authority. Additionally the project includes acquisition of an existing privately operated Wastewater Treatment Plant (located off of Route 9 and commonly referred to as the Red Hook Commons Wastewater Treatment Plant), expansion of the Wastewater Treatment Plant and construction of the 10,000 linear feet of new sewer pipe and 13,000 linear feet of sewer laterals. The Wastewater Treatment Plant project area is approximately 7 acres of paved surfaces (i.e., sidewalks, parking lots) and maintained lawn. The proposed action includes the following activities:

- Installation of the new sewer main and its laterals will be conducted by trenchless and open cut methods.
- The acquisition of the wastewater treatment plant and expansion located off on Morgan Avenue. The largest structure in the proposed expansion will have an approximate height of 16 feet and a diameter of 30 feet.

Location: Broadway (Route 9) and Market Street (Route 199) in the Town and Village of Red Hook, Dutchess County, New York (refer to Site Location Map).

Reasons Supporting This Determination:

The environmental impacts of the proposed action have been carefully evaluated by the Dutchess County Water and Wastewater Authority and its consultants, in consultation with the Town of Red Hook and the Village of Red Hook, as well as other permitting and funding agencies, including the United States Department of Agriculture (USDA) - Rural Development, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Agriculture and Markets, the New York State Environmental Facilities Corporation (NYSEFC), the New York State Department of Transportation (NYSDOT), the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), the U.S. Army Corps of Engineers (Corps).

The engineering design for the proposed project will be developed in conformance with applicable environmental laws, design standards, and accepted engineering practice. In August 2008 a Preliminary Engineering Report was completed for the project and submitted to NYSDEC.

In accordance with the National Environmental Policy Act (NEPA), a Draft Environmental Report has been prepared for the proposed action and was submitted to USDA Rural Development on September 17, 2009. A letter amendment discussing the changes to the project was sent to USDA Rural Development on November 27, 2009. Issuance of a Final Environmental Report is pending. A preliminary notice for the Draft Environmental Report is underway pursuant to December 28, 2009 correspondence from USDA Rural Development.

The proposed project is largely an environmental benefit project that will provide sewer treatment to residents within the new sewer district that presently are reliant upon private septic systems. The porous and relatively permeable nature of the Town and Village of Red Hook soils may not be adequately filtering the wastewater from the private septic systems as it enters into the underlying groundwater resource, representing a potential threat to the existing drinking water supply. A central sewer system confined to the dense and impervious area of the Village will treat all wastewater for safe return to the environment. This would be an improvement to public health for this community.

The proposed project will not result in any significant physical changes to the project site. All sewer mains will be installed underground or beneath existing structures and pre-construction contours will be restored.

The proposed project will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

The proposed project will not impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g). No CEA's exist in the project area.

Except for temporary minor impacts during construction, the proposed project will not have any effect to the existing transportation systems.

The proposed project will not have any adverse effect on the community's sources of fuel or energy supply.

Except for possible temporary minor impacts during construction, the proposed project is not anticipated to have any adverse noise or vibration impact.

The proposed project is not anticipated to have any adverse odor impact.

The proposed project will not have adverse air quality impacts, except perhaps for minor amounts of dust generated during construction which can readily be controlled by the use of best management practices (BMPs).

The proposed project is not anticipated to have any adverse impact on the character of the existing community.

The discharge of treated wastewater has the potential to alter the hydrology and water quality characteristics of the receiving stream, an unnamed tributary to Saw Kill Creek and a surrounding wetland. Based on preliminary correspondence from NYSDEC, effluent limitations will be established based on a waste assimilation capacity analysis and no discharge at a temperature over 70 degrees Fahrenheit will be allowed. In addition, it will be required to demonstrate that no downstream water users within the water basin will be affected by possible water basin transfers. Prior to construction, it is the intent of DCWWA to apply for and obtain a SPDES permit modification. Construction will not commence until NYSDEC issues a modified SPDES discharge permit.

A delineation of wetlands and other waters of the U.S. dated August 19, 2009 has been completed. The 2009 Wetland Validation Plan stamped by NYSDEC on August 28, 2009 displays the wetlands within proximity to the project site. These wetlands are not anticipated to be impacted by expansion of the existing WWTP; however a Freshwater Wetland Permit Application will be submitted to the NYSDEC associated with the wastewater discharge consistent with prior correspondence from NYSDEC dated July 1, 2009. The discharge of treated wastewater has the potential to alter the hydrology and water quality characteristics of the receiving stream, an unnamed tributary to Saw Kill Creek and a surrounding wetland. During the NYSDEC permit application process that potential impacts to surface water hydrology and water quality will be minimized to the maximum extent practicable prior to permit issuance. Regional consequences of the impact include potential alteration of the hydrology and water quality characteristics of the receiving stream and surrounding wetland. Construction will not commence until NYSDEC issues a Freshwater Wetlands permit for the project, as necessary.

Prior to commencing construction a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and a Notice of Intent (NOI) will be submitted to NYSDEC requesting coverage under the SPDES General Permit No. GP-0-08-001 for stormwater discharges from construction activity.

Correspondence was submitted to the NYSDEC Natural Heritage Program and the United States Fish and Wildlife Service (USFWS) on August 17, 2009 in anticipation that the proposed project will have no adverse impact on any state or federally listed threatened and endangered

species. Correspondence dated August 31, 2009 from NYSDEC stated that there are no known occurrences of threatened and endangered species within or in the vicinity of the project site. Correspondence dated September 15, 2009 from USFWS stated that the proposed project will have no impact on threatened and endangered species. Field reviews conducted by C.T. Male did not disclose the presence of any threatened or endangered species or their habitats.

Correspondence dated March 24, 2009 was submitted to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine the effect of the project on historical and cultural resources. In response to this initial request, OPRHP recommended that a Phase I archeological survey be completed for the proposed project's area of potential effect (APE). DCWWA plans to complete a Phase I archeological investigation for the project's area of potential effect (APE) with the intent avoiding all areas of archeological concern to the maximum extent practicable and obtaining the concurrence of OPRHP. If for some reason avoidance is not possible, then DCWWA will conduct Phase 2 and 3 archeological investigations, as needed to satisfy the requirements of the New York State Historic Preservation Act. DCWWA will obtain concurrence from OPRHP prior to construction initiation.

It is not anticipated that the proposed wastewater treatment plant expansion will have any significant adverse impact to the aesthetic resources of the project area. The wastewater treatment plant expansion is located at the site of an existing wastewater treatment plant, no modifications will be made to the existing outfall structure, and all new sewer pipes will be installed below the ground surface.

DCWWA formally coordinated with other potentially involved agencies on November 17, 2009. Part 1 of a Full Environmental Assessment Form (EAF) has been completed and reviewed in conjunction with determinations made by the DCWWA, as well as other permitting and funding agencies, including the United States Department of Agriculture - Rural Development (RD), NYSDEC, New York State Department of Agriculture and Markets, New York State Environmental Facilities Corporation (NYSEFC), New York State Department of Transportation (NYSDOT), New York State Department of Health (NYSDOH), OPRHP, USFWS, and Corps. These agencies concurred that DCWWA assume the role of the SEQRA Lead Agency. On December 17, 2009, the DCWWA formally declared themselves as the SEQRA Lead Agency.

For Further Information:

Contact Person: Bridget Barclay, Executive Director, Dutchess County Water & Wastewater Authority (DCWWA)

Address: 27 High Street
Poughkeepsie, NY 12601

Telephone Number: (845) 486-3601

Discussion on the foregoing Resolution No. 2010029:

Legislator Kuffner read a letter into the minutes from Ms. Rosemary Zengen, Spokesperson, Save Our Town Committee. (Letter filed at the end of these proceedings.)

The Chairman entertained a motion to suspend the Rules to allow Red Hook residents to address the Legislature, duly seconded and unanimously carried.

Mary Morris, Deputy Director, Water & Wastewater and Jonathan Churins, Project Facilitator, stated that to the best of their knowledge it was not a requirement that residents needed a certified registered letter. Ms Morris further stated that the taxpayers and property owners in the affected areas had been included and informed in a number of public meetings. She added that there were also stakeholder meetings held with larger property owners regarding the project. She added that very specifically all legal requirements were followed.

Legislator Flesland stated to clarify for the record SEQR was followed.

Mary Morris, Deputy Director, Water & Wastewater stated yes.

Legislator Doxsey stated that he would request permission to abstain.

The Chairman entertained a motion to return to the Regular Order of Business duly seconded and unanimously adopted by voice vote.

Legislator Weiss moved to call the question duly seconded and unanimously carried.

Roll call vote on the foregoing Resolution No. 2010029 resulted as follows:

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

NAYS: 0 ABSTENTIONS: 1 – Doxsey. ABSENT: 1 – Horton.

Resolution adopted.

RESOLUTION NO. 2010030

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

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

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

WHEREAS, WWA proposes to provide sewer services to 189 properties in the existing commercial corridor of the Village and Town of Red Hook along Broadway (NYS Route 9) and Market Street (NYS Route 199), and

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

WHEREAS, the proposed Part County Sewer District No. 6 will include a total of 189 tax parcels, consisting of 173 developed commercial and residential properties and 16 vacant lots and will be comprised of two Zones of Assessment; Zone of Assessment B will include 10 parcels currently within the existing service area of the Red Hook Commons Sewer Transportation Corporation and Zone of Assessment A will include the remaining 179 parcels, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report Part County Sewer District No. 6" which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124, and

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

WHEREAS, said project notification shows an estimated capital expenditure for the construction of the sewer system of approximately \$7,600,000, and

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

WHEREAS, the average annual customer cost for the typical property, a small commercial property within Zone of Assessment A will be \$765 and the average annual cost for a typical single family home will also be \$765, and

RESOLVED that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

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

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

RESOLVED, that this resolution is subject to permissive referendum.

CA-12-10
IGM/ca/G-1332-F
1/13/10
Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

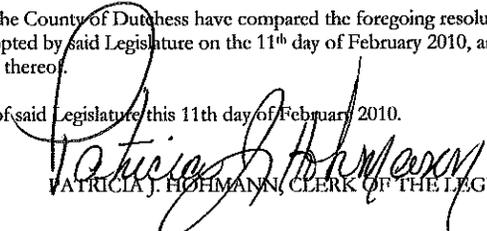
Date 2/24, 2010

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 11th 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 11th day of February 2010.



PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY
27 HIGH STREET
POUGHKEEPSIE, NEW YORK 12601
Tel. (845) 486-3601
Fax (845) 486-3610

MEMORANDUM

TO: Executive Office
cc: County Attorney
FROM: Bridget Barclay, Executive Director
DATE: January 8, 2010
RE: Resolution Requests: Scheduling a Public Hearing on Creation of Part-County Sewer District No. 6 (Red Hook Sewer District)

Working in conjunction with the Village and Town of Red Hook, the Authority has completed an Engineering Report for the Red Hook Sewer Project, to provide sewer services to 189 properties in the existing commercial corridor of the Village and Town along Broadway (NYS Route 9) and Market Street (NYS Route 199.) Wastewater treatment capacity would be provided through the acquisition and expansion of the existing Red Hook Commons Wastewater Treatment Plant. The Authority is requesting the creation of Part County Sewer District No. 6 to include all parcels within this area.

The Authority is providing to the County a Map, Plan and Report that identifies the specific parcels to be included in Part-County Sewer District No. 6, and describes the improvements that will be constructed in order to provide sewer service to Part-County Sewer District No. 6. The proposed Part County Sewer District No. 6 will include a total of one hundred and eighty-eight (189) tax parcels, consisting of one hundred and seventy-three (173) developed commercial and residential properties, and sixteen (16) vacant lots. The proposed Sewer District will be comprised of two Zones of Assessment, as specified in the Map, Plan and Report. Zone of Assessment B will include those ten parcels currently within the existing service area of the Red Hook Commons Sewer Transportation Corporation. Zone of Assessment A will include the remaining 179 parcels.

As presented in the Map, Plan and Report, the estimated capital expenditure for the construction of the sewer system is \$7,600,000. The average annual cost for the typical property, a small commercial property within Zone of Assessment A, will be \$765. The average annual cost for a typical single family home will also be \$765.

The Authority is also requesting a resolution to adopt a negative declaration pursuant to SEQRA, and will provide documentation of the completion of the Authority's SEQRA review for this project. A resolution to schedule the required public hearing regarding the creation of the Part-County Sewer District will be considered by the Legislature at its January 25th meeting.

Please find attached the following previous Resolutions that may be used as a sample to draft the requested resolution:

Res. No. 204182 – Adoption of a Negative Declaration in Connection with the Establishment of Zone of Assessment H and Part County Sewer District No. 3 in the Town of Beekman.

Roll call vote on the foregoing Resolution No. 2010030 resulted as follows:

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

NAYS: 0 ABSTENTIONS: 1 – Doxsey. ABSENT: 1 – Horton.

Resolution adopted.

The foregoing resolution was repealed by adoption of Resolution 2010182 at the June 14, 2010 Regular Board Meeting.

RESOLUTION NO. 2010031

RE: CONFIRMING REAPPOINTMENTS TO DUTCHESS COUNTY PLANNING BOARD

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

WHEREAS, Section 12.03 of the Dutchess County Charter, as amended by Local Law No. 7 of 2003 enacted by Resolution No. 203363 of the Dutchess County Legislature, empowers the County Executive to appoint nine members of the Dutchess County Planning Board including one member from the City of Poughkeepsie and one member from the City of Beacon, and

WHEREAS, Section 12.03 of said Charter and said Amendment empowers the County Executive to make appointments to the Dutchess County Planning Board for the purpose of filling new appointments and vacancies thereon, now, therefore, be it

RESOLVED, that the following individuals be reappointed to serve as volunteer members of the Dutchess County Planning Board:

REAPPOINTMENTS

TERM

Robert Hankin
11 Cedar Pond Lane
Poughkeepsie, New York 12603

(Town of Poughkeepsie)
01/01/10-12/31/12

James Nelson
40 Garden Street
P.O. Box 112
Poughkeepsie, New York 12602

(City of Poughkeepsie)
01/01/10-12/31/12

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

CA-04-10 ADR/ca/G-180 1/13/10

Date 2/24, 2010

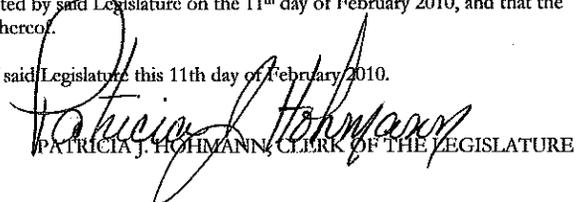
STATE OF NEW YORK

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 11th 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 herunto set my hand and seal of said Legislature this 11th day of February 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 20100031 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

RESOLUTION NO. 2010032

RE: CONFIRMING REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

Legislators ROMAN, FLESLAND, and Horton offer the following and move its adoption:

WHEREAS, pursuant to Local Law No. 8 of 1977, a Dutchess County Traffic Safety Board was established, and

WHEREAS, in accordance with said Local Law, members to the Board shall be appointed by the County Executive pursuant to Section 3.02(e) of the County Charter, subject to confirmation of the Legislature, and

WHEREAS, the terms of Steven Minard, Sgt. Kevin Faber, Theresa Flaherty, Neil A. Garrison, Joseph A. Ryan, and Lt. Daniel Dowd have expired and the County Executive has reappointed them, now, therefore, be it

RESOLVED, that the reappointments to the Traffic Safety Board of the following individuals, to serve without compensation, except for reimbursement of reasonable and necessary expenses incurred in the performance of their duties, is confirmed:

REAPPOINTMENTS

Steven Minard c/o City of Poughkeepsie Police Department P.O. Box 863 Poughkeepsie, New York 12601	01/01/2010-12/31/2012
Sgt. Kevin Faber c/o Town of Poughkeepsie Police Department 19 Tucker Drive Poughkeepsie, NY 12603	01/01/2010-12/31/2012
Theresa Flaherty c/o DC Department of Health 387 Main Street Poughkeepsie, New York 12601	01/01/2010-12/31/2012
Neil A. Garrison 16 Memory Lane Poughkeepsie, New York 12603	01/01/2010-12/31/2012
Joseph A. Ryan 16 Cooper Road Poughkeepsie, New York 12603	01/01/2010-12/31/2012

Lt. Daniel Dowd
c/o City of Beacon Police Department
One Municipal Plaza
Beacon, New York 12508

01/01/2010-12/31/2012

CA-05-10
LDF/ca/G-202
1/12/10

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2/24, 2010

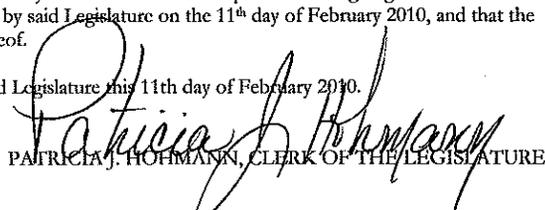
STATE OF NEW YORK

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 11th 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 11th day of February 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 20100032 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

RESOLUTION NO. 2010033

RE: AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF POUGHKEEPSIE FOR BACK-UP TO THE COUNTY'S E 911 SYSTEM

Legislators ROMAN, WEISS, ROLISON, FLESLAND, Cooper and Horton offer the following and move its adoption:

WHEREAS, by Resolution No. 259 of 1995 this Legislature established that the City of Poughkeepsie would be a Public Service Answering Point (PSAP) along with the Dutchess County Department of Emergency Response, and

WHEREAS, by Resolution No. 980356 this Legislature authorized an Intermunicipal Agreement dated December 15, 1998, County Contract No. 98-0793-11/2008-ER to provide, in part, that the City as part of the County's E 911 System would be responsible for responding to all E 911 calls originating with the City and that both municipalities would act as backup sites for each other, and

WHEREAS, by Resolution Nos. 208393, 209062 and 209290, this Legislature authorized extensions of the above agreement until January 31, 2010 so that the County and City could continue their negotiations of a new agreement, and

WHEREAS, the Coordinator of Emergency Response advises that negotiations are complete, now therefore, be it

RESOLVED, that this Legislature hereby approves the annexed Intermunicipal Agreement, for the term of February 1, 2010 through January 31, 2020, with the City of Poughkeepsie and hereby authorizes the County Executive to execute said Agreement on behalf of the County in substantially the same form attached hereto.

CA-09-10
CAB/ca/C-4929-B
1/12/10
Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2/24, 2010

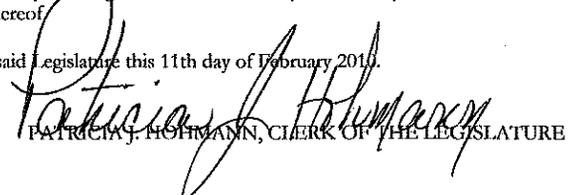
STATE OF NEW YORK

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 11th 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 herunto set my hand and seal of said Legislature this 11th day of February 2010.



PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 81,900

Total Current Year Revenue \$ 0
and Source

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

Identify Line Items(s):
A.3020.4442.1300

Related Expenses: Amount \$ _____

Nature/Reason:
|

Anticipated Savings to County: _____

Net County Cost (this year): \$81,900
Over Five Years: \$350,493

Additional Comments/Explanation:

Prepared by: John Murphy

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made this day of 2010, by and between the **COUNTY OF DUTCHESS**, a municipal corporation with offices at 22 Market St., Poughkeepsie, New York, 12601 (hereinafter referred to as the "COUNTY") and the **CITY OF POUGHKEESIE**, a municipal corporation with offices at the City Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York, 12601 (hereinafter referred to as the "CITY").

WITNESSETH:

WHEREAS, the County has been operating a county wide E 9-1-1 system for over ten (10) years at its Public Service Answering Point (PSAP) located at 392 Creek Rd in the Town of Hyde Park, and

WHEREAS, while the City is part of the County's E 9-1-1 system, the City operates its own PSAP located at the City Municipal Building and is responsible for receiving wireline E 9-1-1 calls originating in the City of Poughkeepsie and dispatching wireline and wireless E 9-1-1 calls originating in the City of Poughkeepsie, and

WHEREAS, the County and the City entered into an Intermunicipal Agreement dated December 15, 1998 which described the parties' relationship as back-up PSAP sites for each other, and

WHEREAS, that Intermunicipal Agreement has expired and the parties wish to enter into a new Intermunicipal Agreement which will describe the parties' relationship as back-up PSAP sites for each other,

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. **TERM OF AGREEMENT:** This agreement will commence on February 1, 2010 and terminate on January 31, 2020, unless otherwise terminated as set forth herein. This agreement may be renewed upon such terms and conditions as may be agreed to by the parties.
2. **PAYMENT:** As full and complete consideration for this agreement, the County shall pay the City a total sum not to exceed NINE HUNDRED AND THIRTY ONE THOUSAND NINE HUNDRED AND NINETY ONE and 98/100 (\$931,991.98) DOLLARS in accordance with the following payment schedule:

Year 1: \$81,900.00
Year 2: \$83,947.50
Year 3: \$86,046.19
Year 4: \$88,197.34
Year 5: \$90,402.27

Year 6: \$94,922.38
Year 7: \$97,295.44
Year 8: \$99,727.83
Year 9: \$102,221.03
Year 10: \$107,332.08

The first payment will be made on or about March 1, 2010, or when the City has demonstrated that it has an executed contract with the vendor for the approved phone system which has been selected by the County through its procurement procedure. For subsequent years, the County will make its annual payments to the City on or about March 1st.

3. **BACK-UP.** As stated in the preamble to this agreement, the City will act as back-up to the County in the event that the County's E 9-1-1 system fails to operate properly. The term back-up has many components as it relates to E 9-1-1. The components of back-up as they relate to this agreement will be briefly outlined below. The parties agree that representatives of each municipality will meet annually and review and revise as needed the Standard Operating Guide.

IN THE EVENT THAT ONE MUNICIPALITY'S E 9-1-1 CENTER IS RENDERED INOPERABLE, THE OTHER MUNICIPALITY WILL ANSWER THE CALLS AND DISPATCH THE APPROPRIATE EMERGENCY SERVICE UNTIL PERSONNEL FROM THE "DISABLED" AGENCY ARRIVES AND IS ABLE TO TAKE OVER OPERATIONS.

TELEPHONE

- (a) Each municipality will obtain and maintain a compatible telephone system.
- (b) Overflow: In the event either municipality receives an overflow of calls, the other municipality will handle the overflow.
- (c) Disruption of Phone Lines: In the event that either municipality's phone lines are disrupted, the other municipality will answer the call and then, via radio, advise the affected municipality of each call so that it can dispatch the call.

RADIO

Each municipality will obtain and maintain a compatible radio system. In the event either municipality's radio system is rendered inoperable, the other municipality will dispatch the E 9-1-1 calls.

EQUIPMENT AND TESTING

Each municipality will obtain and maintain the following equipment:

- E 9-1-1 telephones including ANI/ALI.
- Console furniture.

- Radio programming/modifications to handle police frequency (155 megahertz)
- Radio programming/modifications to handle EMS and fire frequency (450 megahertz).

COMPUTER AIDED DISPATCH SYSTEM (CADS)

Each municipality will maintain compatible CADS software at the same release level. Each municipality will obtain the necessary software licenses from New World Systems. To ensure this compatibility, each agency will use copies of the same County wide geographic files, County fire/EMS run assignments, and related CAD table files.

All back up equipment will be tested on a monthly basis. The dates and duration of the back up tests will be mutually agreed upon between representatives of both municipalities.

PERSONNEL

Each municipality will provide the necessary personnel to handle an emergency situation until personnel from the other municipality arrives. The County will provide training for both the County and City dispatchers as to its recommended procedures.

4. **ADDITIONAL RADIO FREQUENCIES.** The City will continue to provide to the County additional radio frequencies 155.130 and 155.415. The City and the County will share the use of these frequencies upon the termination of this agreement.
5. **SPACE ALLOCATION.** The City will continue to provide the former fire alarm dispatch office space located at City Hall to the County as a permanent back-up location. The County and the City will mutually agree on all issues surrounding any renovations to the back-up PSAP location. In addition, there will be access to City Hall and sufficient parking for County personnel. The County will allocate the necessary space at the County PSAP to the City for call taking and dispatching in the event of an emergency.
6. **EMERGENCY MEDICAL SERVICE.** The County and City will continue to provide a mutually agreeable emergency medical service dispatch procedure. The parties are currently using the Medical Priority Dispatching System. The City agrees that it shall not change from this system unless the County approves the change in advance in writing.
7. **PERSONNEL.** Both the County's and the City's PSAP personnel must be able to operate both PSAP's radio, telephone and CAD systems. In addition, both the City's and County's PSAP personnel must have the same level of training and expertise, including emergency medical dispatching. The County shall provide County specific training for the City's PSAP personnel for the purposes herein.

8. **E 9-1-1 OVERSIGHT BOARD.** The parties agree that the E 9-1-1 Oversight Board will continue to meet periodically and discuss matters pertaining to the operation of the countywide E 9-1-1 system. This board cannot bind either the City or the County on policy or financial matters.

9. **CITY TO INDEMNIFY COUNTY.** The City shall defend, protect and indemnify the County for damages to property, injury or death to persons resulting from the negligence of the City hereunder.

10. **COUNTY TO INDEMNIFY CITY.** The County shall defend, protect and indemnify the City for damages to property, injury or death to persons resulting from the negligence of the County hereunder.

11. **NOTICE.** Except as otherwise provided in this Agreement, a bill, statement, notice or communication required to be given pursuant to this Agreement shall be made in writing and addresses to the following or such other persons as the parties may designate:

Emergency Response Coordinator
392 Creek Rd.
Poughkeepsie, NY 12601

City of Poughkeepsie Administrator
62 Civic Center Plaza
City Municipal Building
Poughkeepsie, NY 12601

City E 9-1-1 PSAP
c/o The City of Poughkeepsie Police Chief
62 Civic Center Plaza
City Municipal Building
Poughkeepsie, NY 12601

12. **SEVERABILITY.** If any provision of this agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provision shall not in any way be affected or impaired thereby.

13. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the New York State Civil Service Practice Law and Rules ("CPLR"), the City hereby consents to service of process on it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon the City's actual receipt of process or upon the County's receipt of the return thereof by the United States Postal Service as refused or undeliverable. The City must promptly notify the County, in writing, of each and every change of address to which service of process can be made. Service by the County to the last known address shall be sufficient. The City will have thirty (30) days after service is complete in which to respond.

14. **CAPTIONS.** The captions are inserted only as a matter of convenience and reference, and in no way define, limit or describe the scope or intent of this Agreement nor in any way affect the terms hereof.

15. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original and shall constitute the same Agreement.

16. **GENDER.** Whenever words of the masculine or feminine gender appear in this Agreement, unless the sense of the sentence indicates otherwise, they shall be deemed to refer to both male or female persons. This construction shall apply to gender indicative suffixes or prefixes as well as to gender indicative words. Whenever the reference is to a corporation, board, body, group, organization or other entity comprising more than one person or to an assemblage of persons or to an inanimate object, the reference shall be construed to be neuter in gender.

17. **ENTIRE AGREEMENT.** The terms of this Agreement, including its attachments and exhibits, represent the final intent of the parties. Any modification, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded this basic Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

APPROVED AS TO FORM:

ACCEPTED : COUNTY OF DUTCHESS

County Attorney

By: _____
William R. Steinhaus
County Executive

APPROVED AS TO CONTENT:

CITY OF POUGHKEEPSIE

Emergency Response

By: _____
John Tkazyik
Mayor

Roll call vote on the foregoing Resolution No. 20100033 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

Public Works & Capital Projects

RESOLUTION NO. 2010034

RE: AUTHORIZING A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR DESIGN AND REHABILITATION OF TAXIWAY D; LED LIGHTING OF TAXIWAYS B, C, AND D ALONG WITH AN OBSTRUCTION STUDY FOR ALL APPROACHES AND TO REPLACE AIRCRAFT RESCUE FIRE FIGHTING (ARRF) VEHICLE AT THE DUTCHESS COUNTY AIRPORT AND AMENDING THE 2010 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS-AVIATION (EA.0415)

Legislators HUTCHINGS and INCORONATO offer the following and move its adoption:

WHEREAS, the Department of Public Works, Aviation Division, applied to the Federal Aviation Administration (FAA) for a grant of federal funds for the following projects in two parts: Part A: design and rehabilitation of Taxiway D and LED lighting of Taxiways B, C, and D and for an obstruction study for all approaches; and Part B: replace the aircraft rescue fire fighting (ARRF) vehicle, and

WHEREAS, this grant is time-sensitive as all grants under this FAA program must be signed and returned to the FAA no later than March 17, 2010, and

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

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

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

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

APPROPRIATIONS

Increase

EA 0415.5610.3550	Airport Improvements	\$ 275,000
EA 0415.5610.2400.20	Highway & Street Equip – 10 yr	<u>750,000</u>
		<u>\$1,025,000</u>

REVENUES

Increase

EA 0415.5610.45890.00	Federal Aid - Airport	\$ 973,750
EA 0415.5610.35890.00	State Aid - Airport	25,625
EA 0415.5610.50310	Interfund Transfers	<u>25,625</u>
		<u>\$1,025,000</u>

APPROPRIATIONS

Increase

A.9950.9801	Contribution to EA Capital	<u>\$ 25,625</u>
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Decrease

A.1990.4007	Contingency	<u>\$ (25,625)</u>
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CA-15-10
 CAB/ca/C-5194-L
 1/29/10
 Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2/24, 2010

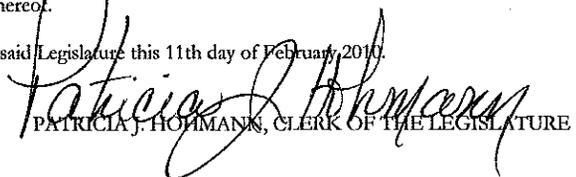
STATE OF NEW YORK

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 11th 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 11th day of February, 2010.


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 \$ 1,025,000

Total Current Year Revenue \$ 999,375
and Source

95% Federal, 2.5% State, 2.5% County

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

Identify Line Items(s):

Interfund Transfers

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$25,625

Over Five Years: _____

Additional Comments/Explanation:

The FAA requires signed grant documents be returned by March 17, 2010.

Prepared by: Brenda-Jean Fulling, DPW-Aviation, 463-6002

Memo To: Mr. Charles E. Traver, Commissioner of Public Works

From: Edward A. Rose, Airport Director 

Date: 26 January 2010

Re: Resolution Request – Grant Acceptance

The FAA has earmarked funding for the following capital projects for FY2010.

PART "A" Program

Design Phase rehabilitation of "D" taxiway: This taxiway was constructed in three phases over the last 39 years. One section was built when Cessna Citation erected their service center in 1971. Another section extended pavement from the Cessna accommodation to Juliet paved tiedown (circa 1974). The next section continues westerly and was installed in 1982 as part of the first set of Juliet T-hangars. The final section was installed in 1989 with a connecting taxiway "G" north. The older sections have been cracksealed twice and have exhibited rutting and ponding conditions as well as continued fracturing. The Division has also saw cut and replaced the worst areas. The extension of "D" taxiway to the approach end of runway 24 will NOT be a part of this design.

Design Phase lighting taxiway "B", "C", "D": These taxiways are not currently lighted. The project includes installation of LED taxiway lights, lighted signs, associated cabling, conduits, and cans, a constant current regulator, and associated control equipment in the regulator vault and air traffic control tower. This project adds a measureable degree of safety for all users as these surfaces current have no lighting.

Estimated cost for two above projects combined is \$150,000.

Obstruction Study: This planning project will assess each approach for obstructions to navigable airspace as defined in Federal Aviation Regulation Part 77. While few on airport property obstructions are expected to be identified in this study it will, in practice, set the course for treatment of off airport obstructions. I expect the priorities resulting from this study will be in "Quiet Acres" to the west, current undeveloped parcels to the east (lands beyond the current runway 24 approach clearing project), south of New Hackensack Rd in the runway 33 approach, and the runway 15 approach (primarily in flood plain owned by the Town of Poughkeepsie). The last Obstruction Study was completed in 1989. Trees are expected to be the source of most, if not all, obstructions. Estimated cost \$125,000.

PART "B" Program

Aircraft Rescue and Firefighting vehicle replacement: The current vehicle is a 1992 Oshkosh unit with 1500 gallons of water, 190 gallons of 3% AFFF foam, 700 lbs of B/C dry chemical. The unit has undertruck nozzles, bumper turret (water/foam) and roof turret(water/foam/drychem). It is four wheel drive. It has both water/foam preconnected handlines and a dry chem. hose reel. The unit has been recommended for replacement for the last several years as a part of the annual certification inspections. The FAA Airports Division has recommended a vehicle of like capacities and capabilities based on the fleet mix utilizing Dutchess County Airport. The unit is also a unique asset to Dutchess County and may be utilized in mutual aid responses requiring the capabilities of this equipment. Estimated cost \$750,000.

The Part "A" program already has authorization from Congress. **ALL GRANTS UNDER PROGRAM "A" MUST BE SIGNED AND RETURNED TO THE FAA -NYADO NOT LATER THAN MARCH 17, 2010.**

The Part "B" program does not yet have congressional authorization, however, the program has been split over the last several fiscal years and Congress has provided the Part "B" authorization. There is no expectation that this will change this year. I expect signed grants for PART"B" will be due by mid July to mid August.

Should you have any questions regarding this funding, please contact me directly.

Roll call vote on the foregoing Resolution No. 20100034 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

RESOLUTION NO. 2010035

RE: **AUTHORIZING THE CHAIRMAN OF DUTCHESS COUNTY LEGISLATURE TO WITHDRAW THE PENDING APPEAL FILED IN THE MATTER OF MICHAEL J. TOMKOVITCH, CHAIRMAN OF THE DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY V. THE DUTCHESS COUNTY LEGISLATURE, WILLIAM R. STEINHAUS, AS COUNTY EXECUTIVE OF DUTCHESS COUNTY, PAUL P. CALOGERAKIS, PATRICK J. MCVEIGH, JR., REINALDO DIAZ, JONATHAN B. SMITH, CHARLES DANIELS, III, HENRY KILLIAN, PHYLIS DISTACI KEENAN, DAVID R. TETOR AND DANIEL KUFFNER.**

LEGISLATORS COOPER, FLESLAND, Forman, Incoronato, Kelsey, and Miccio offer the following and move its adoption:

WHEREAS, the Dutchess County Legislature is a party to the above entitled action involving appointments to the Dutchess County Industrial Development Agency; and

Whereas, there is now an appeal pending in the Appellate Division Second Department; and

WHEREAS, without conceding the merits of the case or of the underlying Supreme Court decision, but as a matter of economy of taxpayers dollars, the Dutchess County Legislature is desirous of discontinuing the action, now, therefore, be it

RESOLVED, that Robert G. Rolison, Chairman of the Dutchess County Legislature be and the same is hereby authorized, to file or cause to be filed any papers necessary to discontinue the pending appeal in The Matter of Michael J. Tomkovitch, Chairman of the Dutchess County Industrial Development Agency and the Dutchess County Industrial Development Agency V. the Dutchess County Legislature, William R. Steinhaus, as County Executive of Dutchess County, Paul P. Calogerakis, Patrick J. Mcveigh, Jr., Reinaldo Diaz, Jonathan B. Smith, Charles Daniels, Iii, Henry Killian, Phylis Distaci Keenan, David R. Tetor and Daniel Kuffner. Dutchess County Index No. 6951/2009.

APPROVED



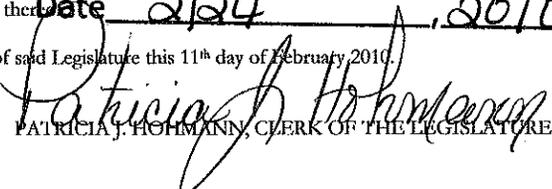
WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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 11th day of February 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof. Date 2/24, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of February 2010.



PATRICIA J. HOCHMANN, CLERK OF THE LEGISLATURE

Discussion on the forgoing Resolution No. 2010035 resulted as follows:

Legislator Flesland moved to call the question duly seconded by Legislator Cooper and carried by voice vote.

Roll call vote on the foregoing Resolution No. 2010035 resulted as follows:

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

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

ABSENT: 1 – Horton.

Resolution adopted.

RESOLUTION NO. 2010036

RE: IN SUPPORT OF A JOINT APPLICATION WITH OTHER MUNICIPALITIES TO THE NEW YORK STATE DEPARTMENT OF STATE'S 2009-2010 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM FOR THE PURPOSES OF SEEKING FUNDING FOR GENERAL EFFICIENCY PLANNING GRANT TO ENTER INTO A STUDY OF REGIONAL COLLABORATION AND SHARED SERVICES WITH THE INTENT TO ACHIEVE COST SAVINGS AND ECONOMIES OF SCALE.

Legislators BORCHERT, COOPER, FLESLAND, KUFFNER, ROLISON, SADOWSKI, JR., and Hutchings offer the following and move its adoption:

WHEREAS, the current economic crises at state and local levels makes collaboration and shared services a high priority and necessity for continued operations, especially when such efforts and initiatives lead to cost savings, economies of scale, and reduced burdens on the taxpayers; and

WHEREAS, many municipalities in the County of Dutchess share interest in studying how a regional approach to service delivery would lead to savings and other efficiencies yet to be demonstrated and have participated in several meetings to discuss the issue if shared services given current and projected needs; and

WHEREAS, Patterns for Progress, the regional planning agency has facilitated meetings in which the County and many municipalities have been represented to explore regional collaboration among neighboring municipalities in which reducing costs through collaboration and sharing has emerged as a top priority; and

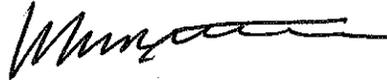
WHEREAS, the Budget, Finance and Personnel Committee has requested that Dutchess County be authorized to submit a grant application to the New York State Department of State's 2009-2010 for the Local Government Efficiency Grant Program for multi municipal, general efficiency planning grant and for Dutchess County to commit to share among municipalities, the ten (10%) percent required cash match; now, therefore, be it

RESOLVED, that the County Executive, on behalf of Dutchess County is hereby authorized to apply for a grant from the New York State Department of State for Local Government Efficiency Grant program in the General Efficiency Planning Grant category for the purpose of funding a study of cost savings and economies of scale resulting from shared services; and, be it further

RESOLVED, that Dutchess County will pay fifty (50%) percent of the required ten (10%) cash match with the local municipalities sharing equally with other participating municipalities in the amount of fifty (50%) percent of the required ten (10%) percent cash match for the project and commits to a local contribution; and, be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all other paper and agreements required in connection with such application subject to the review thereof by the County Attorney for the purposes of form and content.

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 2-17, 2010

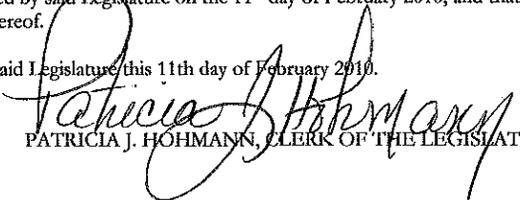
STATE OF NEW YORK

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 11th 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 11th day of February 2010.



PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010036 resulted as follows:

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

NAYS: 0 ABSENT: 1 - Horton.

Resolution adopted.

Legislator KELSEY makes the following motion and moves for its adoption:

Commendation: Expressing support for the Boy Scouts of America as they celebrate their 100th Anniversary.

Whereas, the Boy Scouts of America, a volunteer organization centered on citizenship and character formation of young people, was incorporated by Chicago publisher William D. Boyce on February 8, 1910, after learning of the Scouting movement during a visit to London; and in 1916, the United States Congress granted the Boy Scouts of America a federal charter; and

Whereas, the Boy Scouts of America has and continues to live out its commitment to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a happy and fulfilling life; and there have now been more than 111,000,000 members of Scouting, including currently 2,682 youth enrolled in Dutchess County, and

Whereas, the Boy Scouts of America endeavors to develop United States citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others and understand the principles of the United States social, economic, and governmental systems; take pride in their American heritage and understand our nation's role in the world; have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to the American society; and

Whereas, Scouting also offers co-educational programs known as Venturing and Exploring that provide youth with opportunities to pursue particular career paths or public services vocations including in Dutchess County two police cadet posts, and seven fire fighter posts, and

Whereas, Scouting emphasizes values of public service, honesty, loyalty and challenges boys to strive for excellence embodied by the Eagle Scout rank which nationally over 2 million Scouts have earned since Scouting's inception, and for which 39 Scouts earned Eagle Scout in Dutchess County in 2009; and

Whereas, the Scout Slogan teaches Scouts to do a good turn daily and that each council commits each Scout to perform at least 12 hours of community service yearly, totaling more than 30,000,000 community service hours each year; and

Whereas, local Boy Scouting has made it a part of their program to annual stock food pantries with food and toiletries to assist the needy in our community thereby teaching young people from an early age to look out for the less fortunate in society; and

Whereas, the U.S. Congress has sought to recognize the 100- year contributions of the Boy Scouts of America in serving our communities and developing leaders by recognizing the scouting's centennial by legislative decree, now, therefore, be it

Resolved, that upon their 100-year anniversary that the Dutchess County Legislature does hereby recognize the local contributions of the Boy Scouts of America in making Dutchess County a better place through their continual commitment to service, emphasis on values, and investment in the future, and hereby congratulate Boy Scouting on their centennial milestone.

Res. No. 2010037

STATE OF NEW YORK
COUNTY OF DUTCHESS

55

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of 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 11th day of February 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010037 entitled, “ *Expressing Support for the Boy Scouts of America as they celebrate their 100th Anniversary*” was unanimously adopted by voice vote.

Condolence: Donald R. Rice

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, The Dutchess County Legislature has learned with sadness and regret of the recent death of, Donald R. Rice on January 26, 2010, at the age of 80; and

WHEREAS, Donald R. Rice was a long-time Poughkeepsie resident, born on May 24, 1929, in Waterbury, CT, to the late Samuel and Norma Cizdeck Rice; and

WHEREAS, Donald R. Rice was a beloved husband, father and grandfather; and

WHEREAS, Donald R. Rice was a man who loved God and his Country and served both with honor and integrity;
and

WHEREAS, Donald R. Rice served in the U.S. Navy from 1946 - 1967. He served as a U.S. Navy Sr. Chief Petty Officer and a Naval Recruiter for twenty-one years of active duty. He was a WWII and Korean War Veteran who took part in four invasions during the Korean War and received a Purple Heart. He was on the Maiden Voyage and a plank holder of the USS Valley Forge on its maiden journey around the world cruise. Donald was also part of the Astronaut Recovery Team; and

WHEREAS, Donald R. Rice was a parishioner of Holy Trinity Church where he was a Eucharistic Minister; and

WHEREAS, Donald R. Rice was very active on behalf of the Veterans in the area being the past exalted ruler of the B.P.O.E. #275; past post commander of the American Legion Post #37; past vice commander of the N.Y.S. American Legion Post #170; member of the Military Academy Selection Committee for Congressman Hamilton Fish, Jr., a member of the Knights of Columbus #304 Florentine Council and Human Resources Planning Council; and

WHEREAS, Donald R. Rice lived a full and accomplished life with many achievements to be proud of; and

WHEREAS, his passing will be mourned by his family and friends throughout Dutchess County; now, therefore,
be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Donald R. Rice, and, be it further

RESOLVED, that this meeting of the Dutchess County Legislature be adjourned in memory of the late Donald R. Rice.

Res. No. 2010038
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 11th 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 11th day of February 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010038 entitled, "*Condolence Donald R. Rice*" was unanimously adopted by voice vote.

FILE

10/2/10

COMMUNICATIONS

February 10, 2010

Re: Establishment of Part County Sewer District No. 6 located in the Village and Town of Red Hook, Public Hearing, rescheduled to Feb. 11, 2010, 7 pm.

To the Honorable Dutchess County Legislature:

We, the members of the Save Our Town Committee, representing the Town and Village of Red Hook, appeal to you to NOT pass any legislation concerning a central sewage district in Red Hook without more facts revealed to the community at large.

The December 2009 engineer's report, prepared for the Dutchess County Water & Wastewater Authority specified contributing federal, state and county grants, thereby, making the proposal seem "too good to pass up". The report states that a Type I action was determined and a negative declaration was issued on April 15, 2009. We feel that the taxpayers and residents of this proposed sewage district were not fully informed of the potential immediate and future costs and environmental considerations associated with this proposal, including the raising of rental fees to marginalized individuals.

The property owners never received a certified registered letter as required under the State Environmental Quality Review Act, SEQRA process. The owners were purposely excluded from the full disclosure of the facts prior to the mapping and presentation of the proposed sewer district. We feel this exclusionary tactic to be undemocratic and not the intention of the SEQRA process.

Please address our concerns before voting on this issue.

Sincerely,

Rosemarie Zengen, Spokesperson
Save Our Town Committee
7310 South Broadway
Red Hook, NY 12571

On motion by Legislator Cooper, duly seconded by Legislator Flesland and carried, the Rules were suspended to allow the public to address the Legislature on agenda and non agenda items.

No one wishing to speak, on motion by Legislator Cooper duly seconded by Legislator Flesland and carried, the Regular Order of Business was resumed.

On motion by Legislator Cooper, duly seconded by Legislator Flesland and carried, the meeting was adjourned in memory of Donald R. Rice at 10:45 p.m. subject to call of the Chair.