Regular Meeting

of the

Dutchess County Legislature

Monday, April 12, 2010

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

Roll Call by the Clerk of the Legislature

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

ABSENT: 0

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag.

The invocation was given by Pastor Paul Lent of Freedom Plains Presbyterian Church LaGrangeville, New York followed by a moment of silent meditation.

COMMENDATIONS: Daniel W. Hitsman

Steven Velardo, Jr., American Legion State Oratorical Contest Third Place Finalist

M. Philip Amodeo

Proclamation: Naming the Hudson Valley 40th Anniversary Earth Day Celebration at the Dutchess County Fairgrounds as Official Earth Day Event of Dutchess County

Without objection, the Chairman changed the Regular Order of Business to conduct the public hearing prior to Privilege of the Floor.

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 Nos. 2010106 entitled, "Reconfirming the adoption of Negative Declaration in connection with the Establishment of Part County Sewer District No. 6 in the Village and Town of Red Hook" and Resolution No. 2010107 entitled, "Reaffirming Resolution No. 2010030 that established Part County Sewer District No. 6 in the Village and Town of Red Hook."
Bill O'Neill, Red Hook, New York
Brent Kovalchik, Village of Red Hook Trustee

Bridget Barclay, Director, Dutchess County Water & Wastewater Authority, stated that she was aware that a letter was submitted to the Legislature regarding the Red Hook Sewer Project. (Attached and made a part of these minutes.) She added that she wanted to speak on two points raised in this letter. She added that she would first speak on the SEQR review of this project. She added that there were two sequential findings for the State SEQR review for this project. She added that the first completed State SEQR process made a finding of no environmental impact. She added that then there was a subsequent positive change to the project, the funding. She added that they were able to obtain additional funding that allowed them to fund, as a portion of the public project, installation of adding lateral pipes to individual properties and installation of a grinder pump. She further stated that this changed the physical scope and the area that would be impacted. The SEQR was reviewed again to incorporate this change and a finding of no significant impact was made. A long Environmental Impact Statement was completed. She added that there was no public hearing held for this SEQR process and there was not a requirement that this be done. The second point that was made in the letter was the projected first year total cost for the project. She added that under state law when the Legislature considers a resolution to establish a sewer district part of the information that had to be available to the legislature and the public was a full explanation of the projected first year cost of the project for a typical property, including hook up charges. This information was in the map plan and report that had been made available to this body and was on the Authority's website and the Village and Town of Red Hook's website. She concluded by stating that that there had been full and accurate disclosure should the district go forward.

There being no one else wishing to be heard the Chairman declared the public hearing closed.

The Chairman entertained a motion from the floor, duly seconded and unanimously adopted, to suspend the regular order of business to allow the public to address the Legislature on agenda items.

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, New York, questioned who would be responsible for setting up the pilot program for Resolution No. 2010094 entitled, "Authorizing the County Legislature of Dutchess County, New York to form a Local Development Corporation to Promote and Conduct Local Development Activities in Dutchess County, New York".

Fred Bunnel, Poughkeepsie, New York, urged the Legislature to table Resolution No. 2010111 entitled, "Amendment of Resolution No. 61 of 1993 creating the Dutchess County Criminal Justice Council".

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

Chairman Rolison entertained a motion to approve the minutes of March 8, 2010.

On motion by Legislator Flesland duly seconded by Legislator Cooper the March 8, 2010 minutes were approved.

April 9, 2010

To the Honorable D.C. Legislative Chairman Rolison, D.C. Legislator Ben Traudt, all Legislators and D.C. Legislative Clerk Hohmann:

RE: New Public Hearing 4-12-10, Part County Red Hook Sewer District No. 6 Project

Thank you for rescheduling a new hearing for the proposed Red Hook Sewer District. We applaud Legislator Ben Traudt for his openness, information, paperwork and representing the people. We also thank Legislator James Doxey for voicing his concern over our first letter; he not only fully represents his district but represents the people even beyond his district and into the northern part of our County.

We wish to place into the record local concerns regarding the procedural development of this project and its future outcomes:

Legislature Voting Next Day: As noted and confirmed by this Legislature, it was wrong to vote the next day, Feb. 11, 2010, on this issue in order to facilitate the time line for acquiring the grants for this project without due consideration of the public's proper notification and input, especially those directly impacted by the installation of a sewer system.

10-15-08 DCWWA Board minutes "Bridget said the ITF (Intermunicipal Task Force) is working toward a public information meeting on the sewer district. They will host a meeting open to the public at large, but with invitations sent to all the property owners in the district."

The affected property owners never received mailings describing the project or inviting them to any public meetings, rather selected individuals were approached and/or intimate small group meetings were held.

Lead Agency Confusion: The project's "lead" agency status has been a source of confusion to the public in general. The Authority filed a SEQR Negative Declaration Notice more than once.

**4-15-09 CT Male Dec. 2009 Report: Type I action was determined and a negative declaration was issued and signed by the Bridget Barclay of the DCWWA.*

**5-27-09 NYSDEC Environmental News Bulletin: DCWWA, lead agency, Type I Negative Declaration on the Red Hook Sewer Proposal.*

**2-10-10 NYSDEC Environmental News Bulletin submitted by Bridget Barclay, DCWWA, Type I Negative Declaration. (This was done prior to the proposed 2-10-10 Legislature meeting that was cancelled and held on 2-11-10)*

*Negative Declarations cannot be filed without a public hearing.

properties are generally larger parcels with functioning septic systems and should not be sharing equally in the cost.

Projected First Year total Costs: On page 14 of CT Male's 2009 report, it states that the projected first year total costs would be $765 per benefit unit (BU), made up of $410 for 1 BU and $355 for Operations and Maintenance. This is *not correct* as it does not include the owner's costs for the electrical and plumbing for the hook-up to the grinder pump and the $300 inspection fee. SEQR requires the public notice to include accurate first year costs.

In one intimate ITF/DCWWA group meeting, it was mentioned that the homeowner would have to fill-in their present septic system, at their cost, so as to make it non-useable. That would leave no alternative back-up in case of a long term disaster emergency whereby there was no electricity for more than a week. Much of the related information for this project was not presented in written materials. The information had to be asked directly to the DCWWA at these private meetings.

Increased Rental Fees: Based on the proposed sewer related fees imposed on the property owners, the present affordable rental units will need to be increased substantially for the present tenants to offset the businesses' costs. This contradicts the purpose of the Town's proposed Centers and Greenspace initiatives to provide affordable housing for the local residents. This may cause a social upheaval in the dynamics of the community at large. Volunteerism in our fire departments, churches and non-profits may suffer the most.

Incentivizing Participation: The southern properties should be offered a variant form of the County's 485b program which offers a 10 year-pro-rated tax deduction. This will help ease in the economic burden to those properties with multiple "benefit units" which are actually "taxing units". The present poor economic condition may take ten years to truly recover. An economic incentive might make participation in the southern sector more palatable and assist in stabilizing the sale of properties in foreclosure. There is nothing worst for a business than to have adjoining properties closed up.

Septic Systems Educational Outreach: An educational outreach should be implemented to teach local residences about the proper maintenance and pumping recommendations for their septic systems. Properly maintained systems can recycle water necessary to maintain the aquifer's volume. Extracting sewerage, chlorinating it then allowing it to enter streams changes the nature of the stream and can negatively affect the biodiversity within the stream.

Additionally, in July of last year, we set a record of 9.5 inches of rain. The designed system may fail due to extremes in weather conditions (global warming effects). Larger volumes of treated discharge can cause increased erosion and flooding potentially affecting property values.
(See: Special April 2010 *National Geographic Magazine* on "Water"; Office of State Comptroller, "Economics Benefits of Open Space Preservation", March 2010, http://www.osc.state.ny.us/reports/environmental/openspacepreserv10.pdf)

DCWWA Rates: A recent analysis of the 12 systems (7 water and 3 sewers) run by the DCWWA shows inconsistencies between systems in costs for water and wastewater delivery

no fee attached if the pipes pass by an included property. In Hyde Park, one does not pay a base fee for a water pipe to pass by a non-user property.

The Catskill Watershed Corporation not only offers free classes on septic system operation and maintenance but also authorizes resolutions to cover septic replacements and rehabilitation programs under $20,000.

Conclusion:

1. We oppose the forced participation in a sewage system whose primary purpose is not to protect the environment but rather to increase building development on the fringes of the proposed sewer district.

2. We oppose the marginalization of tenants by the economic necessity to increase rents.

3. We support the need for a sewer system for the Village of Red Hook.

4. We support a 485b type of tax abatement for the southern businesses and households and/or the elimination of the base rate whether or not one hooks up to the system.

5. We support an educational outreach to all property owners regarding the proper maintenance of their septic systems.

6. We support the public's representation in the operation and oversight of this proposed facility.

Sincerely,

Thomas R. Mollica

Thomas R. Mollica
South Broadway
Red Hook, NY 12571
914-456-4242

Cc: County Executive William Steinhaus

COMMUNICATIONS RECEIVED FOR THE APRIL, 2010 BOARD MEETING

RECEIVED: Received from Valerie J. Sommerville, Budget Director, a memo stating that as of April 8, 2010, the General Contingency-A1990.4007 reflected a balance of $1,474,361.

RECEIVED: Received from Kathleen Myers, Director of Real Property Tax Services, monthly counts of ownership transfers and subdivisions for January and February 2010.

RECEIVED: Received from Putnam County Legislature Clerk M. Chris Marrone, Resolution No. 86 entitled, Authorization/Submission of Local Government Efficiency Grant Application/New York State Department of State/Implementation of Hudson Valley Local Government Cooperative Purchasing Project.

FAMILY/HUMAN SVS

RESOLUTION NO. 2010080

RE: AUTHORIZING ACCEPTANCE OF FUNDING UNDER THE TRADE ADJUSTMENT ASSISTANCE ACT

LEGISLATORS HORN, COOPER, HORTON, and ROMAN offer the following and move its adoption:

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

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of FY 2009 TAA funding for the period 10/01/08 through 9/30/11, now, therefore, be it

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

APPROPRIATIONS
Increase (Decrease)
FY 2009

CD6292.2009.4813	TAA Participant Funding	$374,636

REVENUES
Increase (Decrease)
FY 2009

CD6292.2009.47910.22	TAA Participant Funding	$374,636

CA-52-10
CRC/ca/G-1263
3/15/10
Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 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 $ 374,636

Total Current Year Revenue $ 374,636
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

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

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

February 10, 2010

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

Dear Mr. Steinhaus:

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

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

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

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

Sincerely,

Karen A. Coleman

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

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

Phone: (518) 457-0380 Fax: (518) 457-9526
W. Averell Harriman State Office Campus, Building 12, Room 450, Albany, NY 12240
www.labor.state.ny.us
Karen.Coleman@labor.state.ny.us

$ (12,277.00)

New Funding Requests Approved:

FY 2008

TRAINING
None

Changes to Previously Approved Funding Requests:

FY 2008

TRAINING
None

New Funding Requests Approved:

FY 2007

TRAINING
None

Changes to Previously Approved Funding Requests:

FY 2007

TRAINING
None

NOTICE OF OBLIGATIONAL AUTHORITY LWIA# 60 NOA #FY09- 11

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

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

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

NYSDOL Contact: Carrie Aubertine TELEPHONE: (518) 457-0239

TAA GRANT	PRIOR LEVEL	CHANGE THIS NOA	NEW LEVEL
Training	$350,754.24	$374,635.95	$725,390.19
Job Relocation	$0.00	$0.00	$0.00
Job Search	$0.00	$0.00	$0.00

Approved by: Karen A. Coleman 02/10/10
Karen A. Coleman
Director
Division of Employment and Workforce Solutions

Roll call vote on the foregoing Resolution No. 2010080 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2010081

RE: APPOINTMENTS AND REAPPOINTMENTS TO THE MENTAL HYGIENE BOARD

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

WHEREAS, Article 41 of the Mental Hygiene Law, Section 9.03 of the Dutchess County Charter, and Section 9.03 of the Dutchess County Administrative Code provide for the Creation of an Advisory Mental Hygiene Board whose members are appointed by the Legislature, and

WHEREAS, Section 41.11 of the Mental Hygiene Law provides that each member shall be appointed for a four-year term; that vacancies shall be filled for unexpired terms and that no member may serve more than two consecutive terms, and

WHEREAS, there presently exists vacancies on said Board, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby appoint and reappoint the following to the Dutchess County Advisory Mental Hygiene Board:

APPOINTMENTS	*TERM ENDING*
Jennifer L. Rowe, Ph.D (1ST Term) 56 Temby Drive Dover Plains, NY 12522	12/31/13
Ronald Rosen Ed.D 6 Mulberry Lane Poughkeepsie, NY 12603 (Replacing James Warner)	12/31/13
Shirley A. Adams 19 Catherine Street Poughkeepsie, NY 12601 (Replacing Frank J. Falanga)	12/31/13

REAPPOINTMENTS	*TERM ENDING*
FaLisia Cotton LCSW (2nd Term) 8 Alladin Court Wappingers Falls, NY 12590	12/31/13

James J. Fealey (2nd Term) 12/31/13
8 Honeywell Lane
Hyde Park, NY 12538

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 14, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Ronald Rosen, Ed.D.

6 Mulberry Lane
Poughkeepsie, New York 12603

Work Phone: 845-373-8557, Ex. 269
Home Phone and Fax: 845-452-1563
e-mail: adm4pps@aol.com

EDUCATION

Ed.D. Education Administration, SUNY at Albany
M.A. School Psychology, Hofstra University
B.A. General Psychology, Hofstra University

CERTIFICATION

School District Administrator, New York State, Permanent
School Psychologist, New York State, Permanent
Mental Health Administrator, AMHA
School Leader I and II, School Psychologist, Delaware
Superintendent, Director, Principal, Pennsylvania

EXPERIENCE

Assistant Headmaster for Instruction **2004-Pre**
Maplebrook School

Responsible for oversight of curriculum and assessment for private boarding and day school serving students in grades 6 through 12 and post-secondary school. Completely revised academic curriculum and education plan. Major role with organizational and staff development.

Director, Pupil Personnel Services **2000-2004**

Hastings Central Schools
Lakeland Central Schools
Greater Amsterdam City Schools

Ronald Rosen, Ed.D.

Central office administrator responsible for all school professional and support personnel serving both special needs and regular education students Pre K-12---guidance, social work, school psychology, occupational therapy, physical therapy and nursing services. District CSE and 504 Chair. 2,400 to 5,000 students. At Amsterdam also responsible for K thru 9 remedial reading and math.

Superintendent of Schools 1996-2000

Rhinecliff Union Free School District

Chief executive for Special Act public school district which served very challenging students in grades 6-12. 50% with mental health diagnoses. Served as Principal for two years. Program closed.

Director, Pupil Personnel Services 1990-1996

Rondout Valley Central Schools

Tenured central office administrator responsible for all school professional and support personnel serving both special and regular education students Pre K-12. Also responsible for all remedial reading and math education for grades 2 thru 9 and alternative education. 3,000 student district.

Director, Program Operations 1986-1990

Harlem Valley Psychiatric Center
Wingdale, New York

Executive responsible for the development, implementation and evaluation of all educational, habilitative and rehabilitative programs operated through the Office of Mental Health---serving some 1,200 individuals. Principal for facility and community school programs. Extensive experience with MICA patients and dually diagnosed.

Superintendent, Facilities and Schools 1974-1986
Monson Regional Developmental Center
Monson, Massachusetts

Chief executive officer of total program and fiscal operation for all facilities and services for developmentally disabled and mentally ill children and adults. Managed an operating budget of some $36,000,000 and a staff of 1600. Supervised four (4) public school principals and (15) line managers. Facilities now fully decentralized.

Director, Staff Development 1971-1974
Wassaic State School
Wassaic, New York

Administrator responsible for the planning, organization and delivery of wide-ranging staff development programs involving 1200 personnel---across disciplines and at all professional levels.

Associate Psychologist 1968-1971
Wassaic State School
Wassaic, New York

Performed comprehensive psychological evaluations and developed intervention plans for support of client consumers in residential settings.

COLLEGE TEACHING

Adjunct Professor 1986-1997
Marist College
Poughkeepsie, New York

Responsible for both graduate and undergraduate courses within the Divisions of Public Administration and Social and Behavioral Sciences.

Ronald Rosen, Ed.D.

Adjunct Professor 1982-1984
Nichols College
Dudley, Massachusetts

Responsible for undergraduate courses in personnel management and leadership.

CONSULTING ACTIVITY 2003-2007

SLS Health
Brewster, New York

Consulting educator for private residential program.

COMMUNITY ORGANIZATIONS

Member, Dutchess County Developmental Disabilities Committee.

OTHER ORGANIZATIONS

School Administrators Association of New York State

Workshop Presentation October, 2007: "Initiating and Maintaining Leadership in Vacuums of Our Own Making"

Council on Exceptional Children

Workshop selected for presentation October, 2009: "Why Parents of Special Needs Students Must Change"

Workshop Presentation November 2008: "The Primacy of Social Competencies in Workplace Success for all Students"

Workshop Presentation November, 2006: "Raising the Bar: Academic Program versus Social Skills Training"

INTERESTS

Amateur Radio, Geology, Woodworking, Reading, Exercise Walking, Classical Music, Photography.

Ronald Rosen, Ed.D.

REFERENCES

Telephone and written references provided upon request and which include:

1. One present and a former Ulster BOCES Superintendent
2. One former Dutchess BOCES Superintendent
3. Three former school district superintendents
4. Five Principals from Elementary through High School
5. Teachers within several school districts
6. Board of Education members and parents
7. CEO of private mental health treatment program
8. Dutchess County government executive level personnel

March 17, 2010

To: Mr. Mike Ellison

Please find attached my Bio, submitted to you in consideration for a seat on the D.C. Mental Hygiene Board.

Sincerely,

Shirley A. Adams

Shirley A. Adams

Shirley A. Adams

BIOGRAPHICAL SUMMARY

Shirley A. Adams became the Executive Director of Catharine Street Community Center in 1996. Located in the City of Poughkeepsie, NY., Catharine St. provides Pre-Kindergarten & After School Enrichment Skills as well as HIV/AIDS Support Services to low-income individuals, children and families.

Before Catharine St., Shirley had the distinguished honor to have served in management positions in NY City under the leadership of Mayor Edward Koch. She was appointed by Mayor David Dinkins, and re-appointed by Mayor Rudolph Giuliani to the position of First Deputy Commissioner of NYC Department of Youth & Community Development Agency (YCD). At YCD, Shirley was responsible for the assessment of need, selection of service providers as well as the distribution and monitoring of more than 10 million dollars annually to community based organizations throughout NYC.

Shirley's many honors and awards include the Crystal Apple Award as Outstanding Woman of the Year in New York City Government and the 1998 Distinguished Service Award from the New York State Department of Health - AIDS Institute. Shirley was one of the first to receive the Girl Scout of D.C Seat of Honor Award in 2000. In 2006, Shirley received the Citizen of the Year Award from the Omega Psi Phi Fraternity and the Distingutshed Leadership Dutchess Alumni Award from the Greater Southern Dutchess Chamber of Commerce. In 2007, she also received the Brotherhood Award from the Martin Luther King, Jr. Cultural Center, Beacon, NY. Shirley was honored at the NYS Capital – where she was named one of NYS's 2007 - Women of Distinction. Shirley, was selected for this award by NYS Senator Stephen Saland. In 2009, she received the Volunteer of the Year Award from the Alpha Phi Alpha Fraternity.

Shirley supports her community. She was appointed by former Governor George Pataki to the NYS Governor's Advisory Council to Advocate for Persons with Disabilities. She was appointed by County Executive William Steinhaus to the D.C. HIV/AIDS Planning Council in 1998 and served as Chair from 1999 to 2004. In 2003, County Executive Steinhaus appointed her to the Dutchess County Criminal Justice Coordinating Council. From 2003-2006, she served on the Board of the D.C. Regional Chamber of Commerce. Shirley currently serves on the Board of Poughkeepsie Rural Cemetery, D.C. Children's Council and the D.C. Mental Hygiene, Chemical Dependency Subcommittee. She is also a Board Member and Past President of the Poughkeepsie Rotary Club. In 2004, Shirley was appointed by Mayor Colette Lafuente to the Board of the City of Poughkeepsie Housing Authority and in 2008 was reappointed to the Housing Board by Mayor John Tkazyik, where she currently serves as Board Chair.

Shirley has a BA in Psychology and Special Education from Bennett College, Greensboro, NC, and an MA in Public Administration from NYU. She resides with her family in the City of Poughkeepsie.

19 CATHERINE STREET
POUGHKEEPSIE NY 12601
473-2272

Mental Health

BACKGROUND TO RESOLUTION NO. 2010081

Jennifer L. Rowe, PhD

56 Temby Drive • Dover Plains, NY 12522
JLR540@optonline.net • (914) 213.7584

EDUCATION

2004 – 2006 ***Fellow, Geriatric Psychiatry***
Weill Medical College of Cornell University
NY Presbyterian Hospital — White Plains, NY

2003 – 2006 ***Fellow, Geriatric Psychiatry***
University of Rochester Medical Center — Rochester, NY

1999 – 2003 ***Ph.D., Clinical Health Psychology***
Yeshiva University and Albert Einstein College of Medicine — Bronx, NY

1997 – 1999 ***M.A., Clinical Health Psychology***
Yeshiva University and Albert Einstein College of Medicine — Bronx, NY

1994 – 1997 ***B.A., Psychology***
Fordham University — New York, NY

PROFESSIONAL EXPERIENCE

Certification: Licensure, Clinical Psychologist, New York, # 016579-1, Issued 11/2005

CLINICAL

2007 – ***Clinical Psychologist***
CHE Senior Psychological Services, PC
Dutchess Center for Rehabilitation and Healthcare, Pawling, NY

2006 – 2007 ***Clinical Psychologist***
RG Psychological Services, PC
The Osborn, a senior living community, Rye, NY

- Provide psychological assessment and psychotherapy services to older adults with various functional and cognitive abilities. Work with treatment team and family to provide optimal care.

2004 – 2006 ***Postdoctoral Fellow of Psychology in Psychiatry***
Weill Medical College of Cornell University, Department of Psychiatry

- Provided assessments and individual supportive and cognitive behavioral therapy to older adult home health care utilizers.

2005 – 2006 ***Consultant***
Westchester County Department of Senior Program and Services

- Conducted mental health assessments of older adults in home delivered meals program.

~~COGNITICS~~
Sub OK

2003 – 2006 ***Postdoctoral Fellow – Geriatric Psychiatry***
Center for the Study and Prevention of Suicide, Department of Psychiatry
University of Rochester Medical Center
- Participated in diagnostic evaluations of older adult inpatients with various medical and psychiatric disorders.

SUPERVISED

2001 – 2002 ***Predoctoral Clinical Psychology Intern***
St. Charles Hospital and Rehabilitation Center,
Department of Psychology, Port Jefferson, NY
- Provided assessment and treatment of inpatients and outpatients with various medical and psychological disorders including trauma-related neurological conditions and substance use disorders.
- Conducted individual and group psychotherapy utilizing a variety of therapeutic techniques (e.g., cognitive behavioral, interpersonal, and brief psychodynamic therapy).
- Conducted comprehensive neuropsychological evaluations of children, adolescents, and adults.

2000 – 2001 ***Psychology Extern***
The Mount Sinai Medical Center, Department of Psychiatry, NY
- Conducted diagnostic interviews, neuropsychological evaluations, personality assessments, and provided individual therapy for inpatients and outpatients.

1999 – 2000 ***Psychology Extern***
Albert Einstein College of Medicine, Fisher-Landau Center for the Treatment of Learning Disabilities, NY
- Provided psychoeducational training to adults with severe learning disabilities.

1998 – 2000 ***Psychology Assistant***
Albert Einstein College of Medicine, Department of Neurology, NY
- Conducted clinical interviews, administered formal neuropsychological tests, and experimental memory tests with older adult study participants.
- Group therapist for older adults with mood disorders.

1998 – 1999 ***Therapist***
Albert Einstein College of Medicine, Parnes Psychology Clinic, NY
- Provided individual supportive and cognitive behavioral therapy to adults in an outpatient mental health clinic.

1996 – 1997 ***Occupational Therapy Assistant***
St. Vincents Hospital and Medical Center of New York,
Adolescent Psychiatry Unit
- Assisted occupational therapist and nursing staff implement therapeutic activities for adolescent psychiatric inpatients.

1995 – 1996 ***Therapy Assistant to Special Education Teachers***
Karen Horney Clinic, Therapeutic Nursery School, NY
- Assisted early childhood special education teachers implement a psychodynamic program to treat pre-schoolers with developmental and psychiatric disorders.

RESEARCH

2004 – 2006 ***Postdoctoral Fellow of Psychology in Psychiatry***
Institute of Geriatric Psychiatry
Weill Medical College of Cornell University, White Plains, NY

2003 – 2006 ***Postdoctoral Fellow – Geriatric Psychiatry***
Center for the Study and Prevention of Suicide,
University of Rochester Medical Center, Rochester, NY

2002 – 2003 ***Clinical Researcher***
Ruttenberg Cancer Center, Mount Sinai School of Medicine, NY

2001 – 2002 ***Predoctoral Clinical Psychology Intern***
St. Charles Hospital and Rehabilitation Center, Port Jefferson, NY

1998 – 2001 ***Research Associate***
Ruttenberg Cancer Center, Mount Sinai Medical Center, NY

1998 – 2000 ***Research Associate***
Albert Einstein College of Medicine, NY

1996 – 1997 ***Research Associate***
Fordham University, NY

HONORS

2004 Selected Participant, NIMH Summer Research Institute in Suicide Prevention
2004 Selected Participant, NIMH Summer Research Institute in Geriatric Psychiatry
2003 Recipient, NIMH National Research Service Award (NRSA) Fellowship

PROFESSIONAL MEMBERSHIPS

American Psychological Association
Gerontological Society of America
American Association for Geriatric Psychiatry
American Foundation for Suicide Prevention

PUBLICATIONS

Raue PJ, Meyers BS, **Rowe JL**, Heo M, Bruce ML: Suicidal ideation among elderly homecare patients. International Journal of Geriatric Psychiatry, 2006 Sep 5.

Rowe JL, Conwell Y, Schulberg HC, Bruce ML: Social support and suicidal ideation in older adults utilizing home health care services. American Journal of Geriatric Psychiatry 2006; 14:758-766.

Rowe JL, Bruce ML, Conwell Y: Correlates of suicide among home health care utilizers who died by suicide and community controls. Suicide and Life-Threatening Behavior 2006; 36(1):65-75.

Rowe JL, Montgomery G, Duberstein PR, Bovbjerg D: Health locus of control and perceived risk for breast cancer in healthy women. Behavioral Medicine 2005; 31(1):33-40.

SELECT PRESENTATIONS

Impact of Objective and Subjective Social Support on Suicidal Ideation in Older Adult Home Health Care Utilizers, Gerontological Society of America (GSA) annual scientific conference, Orlando, FL, November 2005.

Recognition of Suicidal Ideation in Home Health Care Patients, American Association for Geriatric Psychiatry (AAGP) conference, San Diego, CA, March 2005.

Correlates of Suicide Among Home Health Care Utilizers Who Died by Suicide and Community Controls, Gerontological Society of America (GSA) conference, Washington DC, November 2004.

Home Health Care Utilization Among Older Adults Who Died by Suicide and Community Controls, American Association of Suicidology (AAS) conference, Miami, FL, April 2004.

RESEARCH SUPPORT

Pilot Grant: An examination of the characteristics of older adult home health care utilizers at high-risk for suicidal behaviors
PI: J. Rowe July 2005 – July 2006

National Research Service Award Fellowship (NIMH T32-MH20061)
PI: Y. Conwell 8/1/03 – 7/31/06 Role: Postdoctoral Research Fellow

Home Care Intervention and Practice Research Infrastructure Program (IP-RISP) (NIMH-R24)
PI: ML Bruce, PhD, MPH Role: Postdoctoral Research Fellow
Department of Psychiatry, Weill Medical College of Cornell University, White Plains, NY

Roll call vote on the foregoing Resolution No. 2010081 resulted as follows:

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

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

ABSENT: 0

Resolution adopted.

FAMILY/HUMAN SVS

TABLED IN FAMILY & HUMAN SERVICES 4/8/10

RESOLUTION NO. 2010082

RE: Requesting Dutchess County Youth Bureau work with high school student governments to create a Youth Leadership summit

Legislators TYNER, Jeter-Jackson, MacAvery, White, Rolison, and Traudt offer the following and move its adoption:

WHEREAS, it's important to make sure the young people of Dutchess County learn how our county government works, and

WHEREAS, it's also important to develop leadership and public speaking skills, self-confidence, and knowledge of issues, and

WHEREAS, there are many challenges facing the Dutchess County Legislature on many different levels and on many different issues, and

WHEREAS, it would be helpful to have new ideas and suggestions from Dutchess County's student leaders on how to make our county a better place, and

RESOLVED, that the Dutchess County Legislature requests that our county's Youth Bureau work with high school student governments across our county to create a Youth Leadership Summit to hold non-binding votes on County Legislature issues and develop innovative ways to make Dutchess County better, and be it further

RESOLVED, that a copy of this resolution be sent to our County Executive, our county's Youth Bureau, and the student governments at Dutchess County's high schools.

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010082 entitled, "Requesting Dutchess County Youth Bureau work with high school student governments to create a Youth Leadership summit" was tabled in Family & Human Services Committee on April 8, 2010.

PUBLIC WORKS

RESOLUTION NO. 2010083

RE: AUTHORIZING GRANT AGREEMENT WITH U. S. DEPARTMENT OF ENERGY AS PART OF AMERICAN RECOVERY REINVESTMENT ACT (ARRA) AND AMENDING THE 2010 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS - (CAPITAL PROJECT ACCOUNT H0416.1620)

LEGISLATORS HUTCHINGS and FLESLAND offer the following and move its adoption:

WHEREAS, the Commissioner of Public Works has advised that as part of the American Recovery and Reinvestment Act (ARRA) of 2009, the United States Department of Energy (DOE) has awarded a direct formula grant to Dutchess County to implement energy savings projects under the Energy Efficiency and Conservation Block Grant (EECBG) Program in the amount of $2,328,800, and

WHEREAS, Dutchess County's grant submittal to the Department of Energy outlines energy savings projects including comprehensive building system assessments and energy improvement analyses at twenty-three (23) Dutchess County building sites, and

WHEREAS, the resultant analyses will recommend and prioritize physical improvements for implementing energy conservation measures, and

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

RESOLVED, that this Legislature hereby authorizes the County Executive to accept the grant award from the United States Department of Energy in connection with the above project and further authorizes and empowers the County Executive to execute any grant agreements on behalf of the County of Dutchess, and be it further

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

APPROPRIATIONS

Increase

H0416.1620.3150	Building Reconstruction	$1,737,800
H0416.1620.4401.107	Professional Services Non-Capitalized	591,000
		$2,328,800

REVENUES
Increase
H0416.1620.40890.95 Other Federal Aid ARRA General Gov't Grant $2,328,800

CA-51-10
CAB/ca/C-8089
3/15/10
Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 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 $ 2,328,800

Total Current Year Revenue $ 2,328,800
and Source
ARRA Federal Grant

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

Identify Line Items(s):
See Attached

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: $2,328,800

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

Additional Comments/Explanation:
As part of the American Recovery and Reinvestment Act (ARRA) of 2009, the United States Department of Energy (DOE) has awarded a direct formula grant to Dutchess County to implement energy savings projects under the Energy Efficiency and Conservation Block Grant (EECBG) program in the amount of $2,328,800. Dutchess County's EECBG submittal to the DOE outlines energy savings projects and includes comprehensive building system assessments and energy improvement studies at twenty-three (23) Dutchess County building sites.

This resolution request is for Legislative acceptance of the Federal grant in the amount of $2,328,800. & appropriation of the grant funds in Capital Project H0416

Prepared by: Roman Yasiejko, RA

ASSISTANCE AGREEMENT

1. Award No.	2. Modification No.	3. Effective Date	4. CFDA No.
DE-EE0000695		08/10/2009	81.128

5. Awarded To	6. Sponsoring Office	7. Period of Performance
DUTCHESS, COUNTY OF (INC) Attn: BRAD BARCLAY 22 MARKET STREET POUGHKEEPSIE NY 126013235	Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401	08/10/2009 through 08/09/2012

8. Type of Agreement	9. Authority	10. Purchase Request or Funding Document No.
[X] Grant [ ] Cooperative Agreement [ ] Other	PL 110-140, EISA 2007 PL 111-5, recovery Act 2009	09EE003537

11. Remittance Address	12. Total Amount	13. Funds Obligated
DUTCHESS, COUNTY OF (INC) Attn: BRAD BARCLAY 22 MARKET STREET POUGHKEEPSIE NY 126013235	Govt. Share: $2,328,800.00 Cost Share : $0.00 Total : $2,328,800.00	This action: $2,328,800.00 Total : $2,328,800.00

14. Principal Investigator	15. Program Manager	16. Administrator
Charles Traver 845-486-2121	Jason Randall Phone: 303-275-4847	Golden Field Office U.S. Department of Energy Golden Field Office 1617 Cole Blvd. Golden CO 80401-3393

17. Submit Payment Requests To	18. Paying Office	19. Submit Reports To
		See Attachment #2

20. Accounting and Appropriation Data

EECBG

21. Research Title and/or Description of Project

RECOVERY ACT: ENERGY EFFICIENCY AND CONSERVATION PROGRAM

For the Recipient		For the United States of America	
22. Signature of Person Authorized to Sign		25. Signature of Grants/Agreements Officer	
23. Name and Title	24. Date Signed	26. Name of Officer Melissa Y. Wise	27. Date Signed 08/14/2009

Dutchess County Public Works

Dutchess

William R. Steinhaus
County Executive

Charles E. Traver
Commissioner
of Public Works

Roman Yasiejko, R.A.
Director of
Physical Facilities

22 Market Street
Poughkeepsie
New York
12601
(845) 486-2121
Fax (845) 486-2099

MEMORANDUM

To: Charles E. Traver, Commissioner of Public Works
From: Roman Yasiejko, RA, Director of Physical Facilities
Date: 08 March 2010
Re: ARRA Federal Grant Acceptance

As part of the American Recovery and Reinvestment Act (ARRA) of 2009, the United States Department of Energy (DOE) has awarded a direct formula grant to Dutchess County to implement energy savings projects under the Energy Efficiency and Conservation Block Grant (EECBG) program in the amount of $2,328,800. Dutchess County's EECBG submittal to the DOE outlines energy savings projects including comprehensive building system assessments and energy improvement analyses at twenty-three (23) Dutchess County building sites.

The resultant analyses will recommend and prioritize physical improvements for implementing energy conservation measures based on:

- projected energy savings in terms of usage and dollars;
- component first cost estimates and project budgets;
- anticipated return on investment (ROI);
- life-cycle cost analysis;
- order of magnitude timelines and durations for implementation;
- other pertinent items as required.

Please forward this resolution request to the Legislature for its approval and acceptance of the Federal grant in the amount of $2,328,800 in time for the April board meeting. Thank you.

Roll call vote on the foregoing Resolution No. 2010083 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010084

RE: ACCEPTANCE OF ADDITIONAL RIGHT-OF-WAY, CR 29, CARPENTER ROAD, TOWN OF EAST FISHKILL FROM LYNNE D'APICE F/K/A LYNNE PARSONS

LEGISLATORS Hutchings, Horton, Flesland, Kelsey, and Weiss offer the following and move its adoption:

WHEREAS, as part of the review of an application of the Parsons Subdivision to subdivide a parcel of land on CR 29, Carpenter Road, in the Town of East Fishkill, the Town of East Fishkill Planning Board determined that a survey of the parcel indicated that a portion of the property extended into what is typically assumed to be the highway right-of way, and

WHEREAS, the Town of East Fishkill has requested that Lynne D'Apice f/k/a Lynne Parsons formally dedicate any land located within the assumed highway right-of-way of CR 29, within 25 feet of the existing centerline, to the County, thereby providing for a legally defined right-of-way, and

WHEREAS, the Department of Public Works has prepared and reviewed a short environmental assessment form and has determined that the proposed right-of-way (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, a true copy of the short environmental assessment form and the Negative Declaration reflecting the finding of non-significance are annexed hereto and made a part hereof, now, therefore, be it

WHEREAS, it is necessary for this Legislature to approved the acceptance of the dedication of this additional right-of-way, now therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the Short Environmental Assessment Form and Negative Declaration, concluding acceptance of the dedication of this additional right-of-way will not have a significant effect on the environment, and be it further

RESOLVED, that this Legislature approves the acceptance of the dedication of additional right-of-way, CR 29, Carpenter Road, Town of East Fishkill from Lynne D'Apice f/k/a Lynne Parsons.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 2010

CA-50-10 CAB/ca/R-0881
3/15/10 Fiscal Impact: See attached statement

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 0

Total Current Year Revenue $ 0
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: D. Bartles, Right of Way Engineer, DC DPW

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
DUTCHESS COUNTY

2. PROJECT NAME
PARSONS RIGHT OF WAY DEDICATION

3. PROJECT LOCATION:
Municipality EAST FISHKILL County DUTCHESS

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
COUNTY ROUTE 29, CARPENTER ROAD IMMEDIATELY TO THE SOUTH OF THE INTERSECTION OF CR 29 WITH THE METRO NORTH RAIL LINE. ALSO BEING LOCATED ON THE EAST SIDE OF CR 29.

5. PROPOSED ACTION IS:
☑ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
TO ACCEPT THE DEDICATION OF 0.06 ACRES FROM LYNNE F. D'APICE f/k/a LYNNE F. PARSONS ALONG A PORTION OF CR 29.

7. AMOUNT OF LAND AFFECTED:
Initially 0.06 ACRES acres Ultimately 0.06 ACRES acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: DUTCHESS COUNTY DPW Date: 3/12/10
Signature:

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

OVER

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☑ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☑ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NONE

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☑ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☑ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☑ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

DUTCHESS COUNTY DPW	3/12/10
Name of Lead Agency	Date
CHARLES E. TRAVER	COMMISSIONER OF PUBLIC WORKS
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	D. BARTLES, ROW ENGINEER
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number

Date: 3/12/10

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Dutchess County Dept. of Public Works as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

PARSONS RIGHT OF WAY DEDICATION

SEQR Status: Type 1 ☐
Unlisted ☑

Conditioned Negative Declaration: ☐ Yes
☑ No

Description of Action:

TO ACCEPT THE DEDICATION OF 0.06 ACRES OF ADDITIONAL RIGHT OF WAY BY LYNNE F. A'PICE ALONG A PORTION OF CR 29, CARPENTER ROAD IN THE TOWN OF EAST FISHKILL.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

THE EAST SIDE OF CR 29 TO THE SOUTH OF THE METRO NORTH RAIL ROAD CROSSING

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

A REVIEW OF BOTH PART 1 AND PART 2 OF THE ATTACHED SHORT FORM EAF INDICATES THAT THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH THIS ACTION.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication In the ENB)

For Further Information:

Contact Person: DONALD BARTLES, RIGHT OF WAY ENGINEER

Address: 626 DUTCHESS TURNPIKE, POUGHKEEPSIE, NY 12603

Telephone Number: 845-486-2925

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW *ENGINEERING*

Memo

To: Charles Traver, Commissioner of Public Works

CC: Gregory Bentley Director of Engineering

From: Don Bartles, Right of Way Engineer DB

Date: 3/12/10

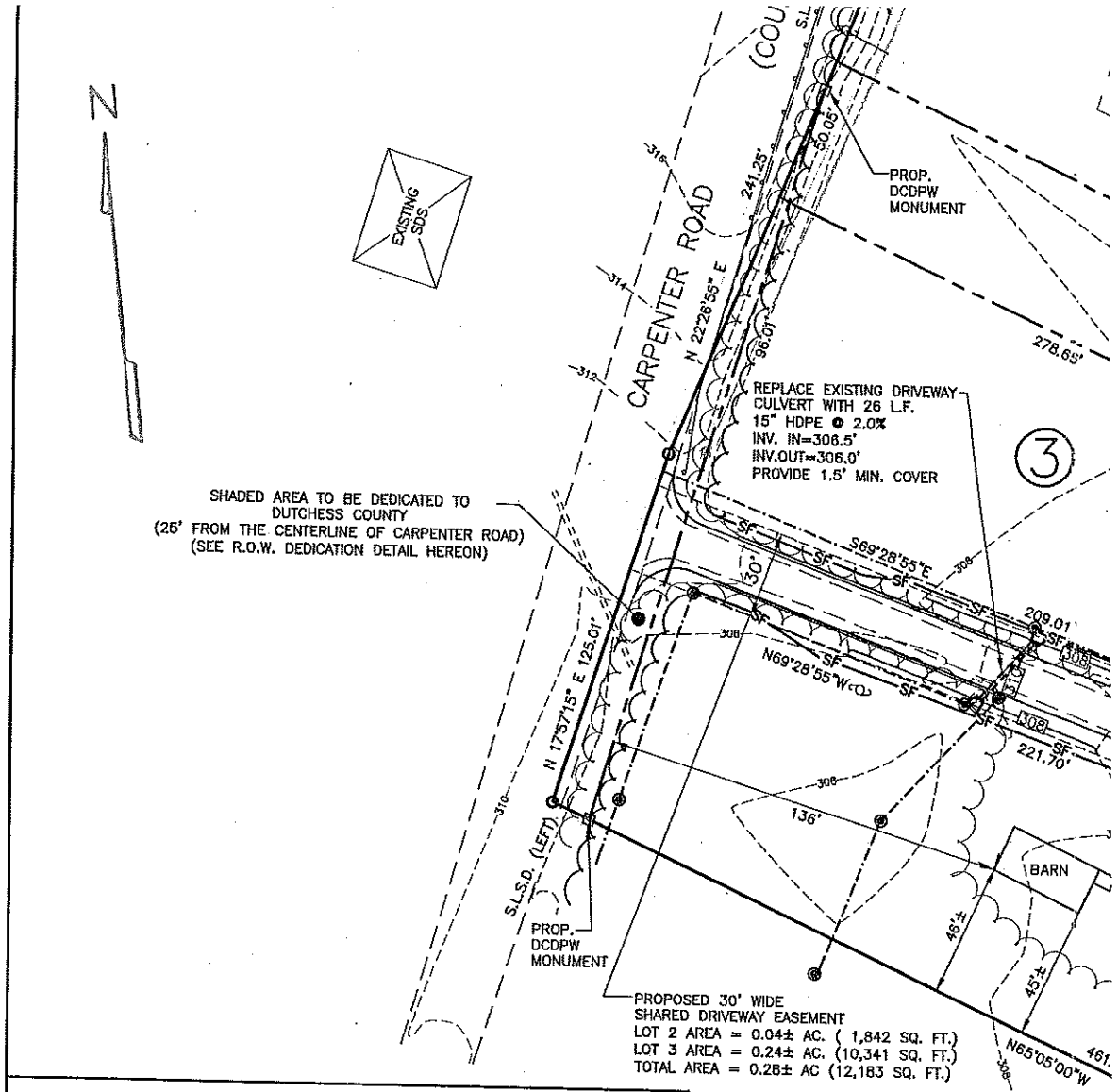
Re: Resolution Request for the acceptance of additional right of way

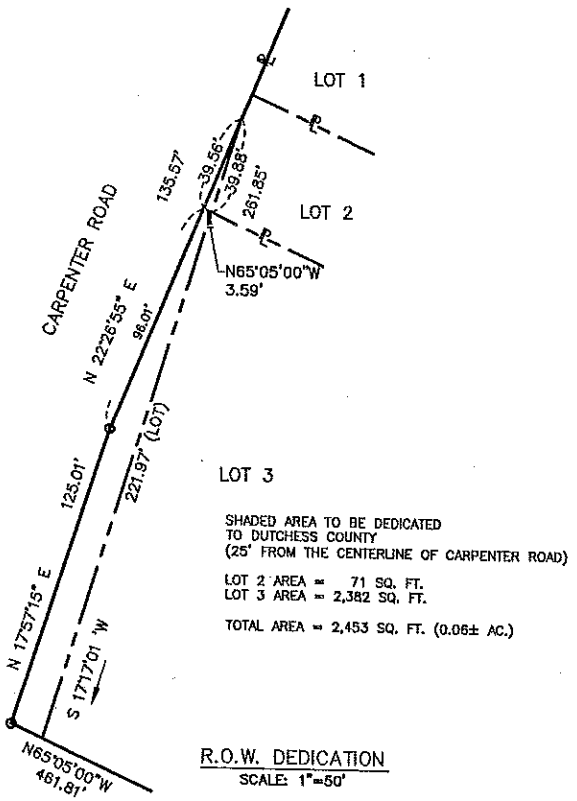
---

Accompanying this memo is a Resolution Request asking for Legislative approval to accept 0.06 acres of additional right of way along CR 29, Carpenter Road in the Town of East Fishkill from Lynne D'Apice. This parcel of land represents that portion of the lands of D'Apice that lies within 25 foot of the centerline of CR 29.

Also included with the Resolution Request are a Short Form EAF indicating that no significant impacts were discovered in our environmental review, a Fiscal Impact Statement indicating no fiscal impacts are related to this resolution and 2 exhibits; apportion of the Filed Map indicating the location and dimensions of the parcel in question and a portion of a copy of the deed offering this parcel to the County.

Please review and if satisfactory sign the EAF as responsible officer, sign the Resolution Request the forward the information to the County Executive for approval to present to the Legislature.





R.O.W. DEDICATION
SCALE: 1"=50'

EXHIBIT A

BEING A REDUCED COPY OF A PORTION OF FILED MAP 12260

REVISIONS	
DATE:	DESCRIPTION:
02-21-06	GENERAL REVISIONS AS PER TOWN COMMENTS

SURVEYOR'S CERTIFICATION:

Standard N.Y.B.T.U.
Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp.

EXHIBIT B

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 25th day of September, 2009

BETWEEN LYNNE F. D'APICE f/k/a LYNNE F. PARSONS, residing at 223 Carpenter Road, Hopewell Junction, New York 12533,

party of the first part,

and COUNTY OF DUTCHESS, having a principal place of business located at 22 Market Street, Poughkeepsie, New York 12601

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and NO/100 --------

----------($10.00)---------- Dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second

part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of East Fishkill, County of Dutchess and the State of New York.

BEGINNING at a point along the easterly line of Carpenter Road and said point being the southwesterly corner of the lands of Parsons, thence in a northerly direction along the easterly line of Carpenter Road the following courses and distances, North 17-57-15 East 125.01 feet to a point, thence North 22-26-55 East 135.56 feet to a point, thence in a westerly direction over and through the lands of Parsons, South 17-17-01 West 261.85 feet to a point along the southerly line of Parsons, thence in a westerly direction along the southerly line of Parsons, North 65-05-00 West 13.79 feet to the point of beginning. Containing 0.06 acres of land more or less.

Subject to the rights of public utilities of record.

BEING a portion of the same premises conveyed by Joseph Kenneth Parsons and Lynne F. Parsons, husband and wife to Lynne F. Parsons by Deed dated August 22, 2005 and recorded in the Offices of the Dutchess County Clerk on September 9, 2005 as Document Number 02 2005 7972.

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
DUTCHESS COUNTY

2. PROJECT NAME
PARSONS RIGHT OF WAY DEDICATION

3. PROJECT LOCATION:
Municipality EAST FISHKILL County DUTCHESS

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
COUNTY ROUTE 29, CARPENTER ROAD IMMEDIATELY TO THE SOUTH OF THE INTERSECTION OF CR 29 WITH THE METRO NORTH RAIL LINE. ALSO BEING LOCATED ON THE EAST SIDE OF CR 29.

5. PROPOSED ACTION IS:
☑ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
TO ACCEPT THE DEDICATION OF 0.06 ACRES FROM LYNNE F. D'APICE f/k/a LYNNE F. PARSONS ALONG A PORTION OF CR 29.

7. AMOUNT OF LAND AFFECTED:
Initially 0.06 ACRES acres Ultimately 0.06 ACRES acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: DUTCHESS COUNTY DPW Date: 3/12/10
Signature:

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

OVER

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☑ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☑ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NONE

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☑ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☑ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☑ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

DUTCHESS COUNTY DPW	3/12/10
Name of Lead Agency	Date
CHARLES E. TRAVER	COMMISSIONER OF PUBLIC WORKS
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	D. BARTLES, ROW ENGINEER
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number

Date: 3/12/10

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Dutchess County Dept. of Public Works as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

PARSONS RIGHT OF WAY DEDICATION

SEQR Status: Type 1 ☐
Unlisted ☑

Conditioned Negative Declaration: ☐ Yes
☑ No

Description of Action:

TO ACCEPT THE DEDICATION OF 0.06 ACRES OF ADDITIONAL RIGHT OF WAY BY LYNNE F. A'PICE ALONG A PORTION OF CR 29, CARPENTER ROAD IN THE TOWN OF EAST FISHKILL.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

THE EAST SIDE OF CR 29 TO THE SOUTH OF THE METRO NORTH RAIL ROAD CROSSING

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

A REVIEW OF BOTH PART 1 AND PART 2 OF THE ATTACHED SHORT FORM EAF INDICATES THAT THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH THIS ACTION.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication in the ENB)

For Further Information:

Contact Person: DONALD BARTLES, RIGHT OF WAY ENGINEER

Address: 626 DUTCHESS TURNPIKE, POUGHKEEPSIE, NY 12603

Telephone Number: 845-486-2925

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

Roll call vote on the foregoing Resolution No. 2010084 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010085

RE: INCREASE IN PETTY CASH FOR DEPARTMENT OF PUBLIC WORKS - PARKS DIVISION

LEGISLATORS Hutchings and Cooper offer the following and move its adoption:

WHEREAS, a petty cash fund currently exists for the Department of Public Works - Parks Division at Wilcox Park in the sum of $50.00, and

WHEREAS, the fund is used at Wilcox Park to make change at the front gate, for the boat rentals and mini golf concession, and

WHEREAS, with the implementation of fees being charged to all participants who enter the park, except overnight campers, from Memorial Day to Labor Day additional funds are necessary to be properly prepared to have enough change on hand to meet projected demand, and

WHEREAS, the Commissioner of Public Works requests that the petty cash fund for the Department of Public Works - Parks Division at Wilcox Park be increased from $50.00 to $200.00, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and hereby is authorized, empowered, and directed to issue a petty cash check for $150.00 to increase the Petty Cash Fund of the Department of Public Works - Parks Division at Wilcox Park to $200.00 and to charge General Ledger Account A210.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 2010

CA-47-10
CAB/ca/G-173
3/4/10
Fiscal Impact: None

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 12th day of April, 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 12th day of April, 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 $ _____

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: Steven J. Olsen

Dut.pdf

Roll call vote on the foregoing Resolution No. 2010085 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2010086

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8757.22)

Legislators Hutchings, Cooper, and Surman offer the following and move its adoption:

WHEREAS, a project for Bridge Replacement of Dogtail Corners Road (CR 22) over Ten Mile River (BIN 3342980) in the Town of Dover, Dutchess County, identified as PIN 8757.22 (the Project) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the appropriation of the costs for such project to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the project by making a commitment of 100% of the non-federal share of the costs of Construction, Construction Inspection, and Construction Supervision work of the project or portions thereof, now, therefore, be it

RESOLVED, that Dutchess County approves of the above subject project, and it is further

RESOLVED, that this Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the cost for Construction, Construction Inspection and Construction Supervision work of the project or portions thereof, and it is further

RESOLVED, that the sum of $1,583,000 is hereby appropriated and made available under Capital Project H 0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21) to cover the cost of participation in the Construction, Construction Inspection, and Construction Supervision phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, this Legislature will convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County with the New York State Department of Transportation in connection with the advancement or approval of the Project providing for the administration of the Project and the County's first instance funding of project costs and

permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

CA-44-10
CAB/ca/C-6846
3/9/10
Fiscal Impact: See attached statement.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 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 $ 1,583,000

Total Current Year Revenue and Source $ 1,503,850

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

Identify Line Items(s):
H0289.5120.3450.213

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: $1,503,850

Net County Cost (this year): $79,150
Over Five Years: _____

Additional Comments/Explanation:
This F.I.S. is related to the Resolution Request to accept the Master Agreement funding from the NYSDOT for Construction and Construction Inspection phase of PIN 8757.22 Bridge Replacement on Dog Tail Corners Rd. over Ten Mile River, in the Town of Dover.

Prepared by: Rosanne M. Hall, Contract Specialist

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County DPW
Engineering

Memo

To: Charles E. Traver, Commissioner of Public Works

From: Gregory V. Bentley, PE, Director of Engineering GVB

Date: February 23, 2010

RE: PIN 8757.22 BRIDGE REPLACEMENT OF DOGTAIL CORNERS RD. (CR 22) OVER TEN MILE RIVER, TOWN OF DOVER

The attached Resolution Request and Fiscal Impact Statement are submitted for the referenced project. The purpose of this resolution is to have the Dutchess County Executive sign the attached project Master Agreement which will allow Dutchess County to receive reimbursement from the Federal Government and the State of New York for the Construction and Construction Inspection phase. Project funding was previously allocated under Capital Project H 0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21). All funds expended under this Master Agreement are eligible for 80% Federal reimbursement and 15% Marchiselli-Match Funding. The remaining 5% will be paid by the County.

While this resolution request is for the full amount of $1,583,000 as indicated by the NYSDOT in paragraph 3 of their letter, the Master Agreement is only for $850,000. When the additional funds come available only the schedule A will need to be revised. No further legislature action will be required.

This project involved replacement of the existing structure on the existing alignment with a cost-effective, low maintenance new structure with a 30-year design life. Construction was completed in 2008.

Roll call vote on the foregoing Resolution No. 2010086 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2010087

RE: ECONOMIC RECOVERY PROJECTS MUNICIPAL/SPONSOR RESOLUTION IN CONNECTION WITH THE REPLACEMENT OF CRUM ELBOW ROAD (CR 41) OVER FALLKILL CREEK (PIN 8755.81)

Legislators Hutchings, Cooper and Sadowski offer the following and move its adoption:

WHEREAS, the **Replacement of Crum Elbow Road (CR 41) over Fallkill Creek** Identified as **PIN 8755.81**, an Economic Recovery Project (hereinafter "the Project") in the **Town of Hyde Park, in Dutchess County** (hereinafter "the Municipality/Sponsor"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds, and

WHEREAS, Resolution No. 209179 approved by Dutchess County Legislature on June 8, 2009 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work, and

WHEREAS, it was subsequently found necessary to undertake additional construction and construction inspection work not contemplated in the original agreement authorized by the previous Agreement, and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the project, and

WHEREAS, the Municipality/Sponsor desires to advance the Project by making a commitment of 100% of the non-federal share (if any) of the costs of the additional construction and construction inspection work for the Project or portions thereof,

NOW, THEREFORE, the Municipality/Sponsor's Legislature duly convened does hereby:

RESOLVE, that the Municipality/Sponsor's Legislature hereby approves the Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor's resources and agrees that the Municipal/Sponsor's Legislature hereby authorizes the Municipal/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof, and it is hereby further

RESOLVED, that the Municipality/Sponsor's Legislature makes a 100% commitment of the non-federal share (if any) of the costs of **Construction/ Construction Inspection** phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further

RESOLVED, that the sum of **$210,520 ($1,110,520 minus previous $900,000)** is hereby appropriated from an ARRA Stimulus Capital Project Account (Resolution No. 209117) and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof; and it is hereby further

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipality/Sponsor Legislature shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the **County Executive** is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

APPROVED

CA-43-10
CAB/ca/C-4479
3/9/10
Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 210,520

Total Current Year Revenue and Source $ 210,520

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

Identify Line Items(s):
H0410.5120.3450

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: $210,520

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

Additional Comments/Explanation:
This F.I.S. is related to the Resolution Request to accept Supplemental Agreement to increase the Construction & Construction Inspection phase of PIN 8755.81 Crum Elbow Rd. (CR 41) over Fallkill Creek (Bridge H-20). Construction & Construction Inspection are 100% reimbursable under the ARRA Stimulus Project.

Prepared by: Rosanne M. Hall, Contract Specialist

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County DPW
Engineering

Memo

To: Charlie E. Traver, Commissioner of Public Works

From: Gregory V. Bentley, PE, Director of Engineering GVB

Date: February 23, 2010

RE: ARRA STIMULUS PROJECT
PIN 8755.81 REPLACEMENT OF BRIDGE H-20; CRUM ELBOW RD. (CR 41) OVER FALLKILL CREEK (BIN 3343170) IN THE TOWN OF HYDE PARK

The attached Resolution Request and Fiscal Impact Statement are submitted for the referenced project. The purpose of this resolution is to have the Dutchess County Executive sign the attached project Supplemental Agreement # 3 which increases the funding from which Dutchess County will receive Federal reimbursement for the Construction and Inspection phase. Project funding was previously allocated under Capital Project H0410.5120.3450 (Stimulus Funds). All funds for Construction and Inspection expended under this Supplemental Master Agreement will be eligible for 100% Federal reimbursement by the American Recovery & Reinvestment Act (ARRA). There is no local share.

This project involves replacing the existing bridge with appropriate approach highway work, pavement striping, signs and bridge and approach railing.

Roll call vote on the foregoing Resolution No. 2010087 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2010088

RE: ECONOMIC RECOVERY PROJECTS MUNICIPAL/SPONSOR RESOLUTION IN CONNECTION WITH THE REHABILITATION OF LIME KILN ROAD OVER TEN MILE RIVER (PIN 8757.25)

Legislators Hutchings, Cooper, Kelsey, and Surman offer the following and move its adoption:

WHEREAS, the **Rehabilitation of Lime Kiln Road over Ten Mile River** Identified as **PIN 8757.25**, an Economic Recovery Project (hereinafter "the Project") in the **Town of Dover, in Dutchess County** (hereinafter "the Municipality/Sponsor"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds, and

WHEREAS, Resolution No. 209180 approved by Dutchess County on June 8, 2009 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work, and

WHEREAS, it was subsequently found necessary to undertake additional construction and construction inspection work not contemplated in the original agreement authorized by the previous agreement, and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the project, and

WHEREAS, the Municipality/sponsor desires to advance the Project by making a commitment of 100% of the non-federal share (if any) of the costs of the additional construction and construction inspection work for the Project or portions thereon,

NOW, THEREFORE, the Municipality/Sponsor's Legislature duly convened does hereby,

RESOLVE, that the Municipality/Sponsor's Legislature hereby approves the Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor's resources and agrees that the Municipal/Sponsor's Legislature hereby authorizes the Municipal/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof; and it is hereby further

RESOLVED, that the Municipality/Sponsor's Legislature makes a 100% commitment of the non-federal share (if any) of the additional costs of **Construction/ Construction Inspection** phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further,

RESOLVED, that the sum of **$645,100 ($1,610,100 minus previous $965,000** is hereby appropriated from an ARRA Stimulus Capital Project Account (Resolution No. 209117) and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof; and it is hereby further

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipality/Sponsor Legislature shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the **County Executive** is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

APPROVED

CA-45-10
CAB/ca/C-6905
3/9/10
Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 645,100

Total Current Year Revenue and Source $ 645,100

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

Identify Line Items(s):
H0410.5120.3450

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: $645,100

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

Additional Comments/Explanation:
This F.I.S. is related to the Resolution Request to accept Supplemental Agreement to increase the Construction & Construction Inspection phase of PIN 8757.25 Lime Kiln Rd. over Ten Mile River (Bridge D-13). Construction & Construction Inspection are 100% reimbursable under the ARRA Stimulus Program.

Prepared by: Rosanne M. Hall, Contract Specialist

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County DPW
Engineering

Memo

To: Charlie E. Traver, Commissioner of Public Works

From: Gregory V. Bentley, PE, Director of Engineering GVB

Date: February 23, 2010

RE: ARRA STIMULUS PROJECT
PIN 8757.25 REHABILITATION OF BRIDGE D-13; LIME KILN RD. OVER TEN MILE RIVER, IN THE TOWN OF DOVER

The attached Resolution Request and Fiscal Impact Statement are submitted for the referenced project. The purpose of this resolution is to have the Dutchess County Executive sign the attached project Supplemental Agreement # 4 which increases the funding from which Dutchess County will receive Federal reimbursement for the Construction and Inspection phase. Project funding was previously allocated under Capital Project H0410.5120.3450 (Stimulus Funds). All funds for Construction and Inspection expended under this Supplemental Master Agreement will be eligible for 100% Federal reimbursement by the American Recovery & Reinvestment Act (ARRA). There is no local share.

This project involves rehabilitating the existing bridge on, the existing alignment, with appropriate approach highway work, pavement striping, signs and bridge and approach railing.

Roll call vote on the foregoing Resolution No. 2010088 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010089

RE: REQUESTING NEW YORK STATE LEGISLATURE ENACT LEGISLATION REQUIRING THE METROPOLITAN TRANSPORTATION AUTHORITY TO UTILIZE RECENT WINDFALL FUNDS FROM FEDERAL STIMULUS ACT TO ELIMINATE "MOBILITY PAYROLL TAX" ON DUTCHESS COUNTY

Legislators BORCHERT, COOPER, FLESLAND, BOLNER, HORTON, HUTCHINGS, INCORONATO, MICCIO, ROLISON, ROMAN, and WEISS offer the following and move its adoption:

WHEREAS, the United States Government passed legislation that would allow the Metropolitan Transportation Authority to utilize ten per cent of their Federal Stimulus Aid funds for operating expenses to prevent service cuts and lay-offs; and

WHEREAS, this Federal Stimulus Act's funding authorized for use by the Metropolitan Transportation Authority is currently 1.22 billion dollars in federal Transportation aid; and

WHEREAS, the amount of dollars that now can be used for the Metropolitan Transportation Authority for non-capital projects (operating expenses) would amount to 122 million dollars: and

WHEREAS, it has been estimated that the Mobility Tax will cost Dutchess, Putnam, Orange and Rockland County employers an estimated 70 million dollars; Therefore, due to the lack of full representation by the four northern counties of the MTA and the substantial adverse impact on jobs, cut-backs and lay-offs and viability of businesses in those counties because of the Mobility Tax, it is most desirable and highly equitable for the State Legislature to mandate that the Metropolitan Transportation Authority must use the 10 percent of the U.S. Federal Stimulus money to eliminate the Mobility Tax on Dutchess, Orange, Putnam and Rockland Counties; and

WHEREAS, the only justification for the Mobility Tax was the alleged lack of funding available from other sources that allegedly justified the imposition of a Mobility Tax, it is therefore essential that the authorization from the Federal government to use 10 percent of the Stimulus funds for non-capital projects be followed and that the State eliminate the Mobility Tax on the four counties stated above; now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby requests that the New York State Legislature to enact legislation requiring the Metropolitan Transportation Authority to utilize recent windfall of funds made available to the agency through federal legislation (Stimulus Act) and use same to eliminate the recently enacted "Mobility Payroll Tax" on Dutchess, Orange, Putnam and Rockland counties' employers'; and be it further

RESOLVED, given the many public instances of fiscal mismanagement by the Metropolitan Transportation Authority that are direct examples of abuse, waste and fraud of taxpayer monies, we, members of the Dutchess County Legislature, ask that the New York State Comptroller conduct a forensic audit of the authority as quickly as possible with the findings be made public so that overdue reforms and fiduciary controls can be enacted by the mass transit agency in an ongoing effort to restore accountability and transparency; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to send a copy of this resolution to Governor David A. Paterson, New York State Senators Vincent L. Leibell and Stephen M. Saland, New York State Assemblymen Greg Ball, Frank Skartados, Kevin Cahill, Joel M. Miller and Marcus Molinaro, the President Pro Tem of New York State Senate, the Speaker of the New York State Assembly and the Legislative Chairs of Orange, Putnam and Rockland Counties.

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 12th day of April, 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 12th day of April, 2010.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010089 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

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

Budget, Finance, & Personnel

RESOLUTION NO. 2010090, 2010

BOND RESOLUTION DATED APRIL 12, 2010.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $740,835 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE PURCHASE OF MOTOR VEHICLES AND MOTORIZED EQUIPMENT FOR VARIOUS DEPARTMENTS IN AND FOR SAID COUNTY.

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

Section 1. The pay the cost of the purchase of motor vehicles and motorized equipment for various departments, including in each case incidental equipment and expenses in connection therewith, there are hereby authorized to be issued $740,835 serial bonds of the County of Dutchess, New York pursuant to the provisions of the Local Finance Law, apportioned as follows:

a) the purchase of vehicles for law enforcement purposes to replace those in service at least 1 year, at a maximum estimated cost of $391,880, being a class or objects or purposes, having a period of probable usefulness of three years, pursuant to subdivision 77(1st) of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $391,880 serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized;

b) for the purchase of vehicles and equipment for construction, maintenance and/or for snow removal purposes, being pick-up trucks, the cost of each item of which is $30,000 or over, at a maximum estimated cost of $65,650, being a class of objects or purposes, having a period of probable usefulness of fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $65,650

serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized;

c) for the purchase of passenger vehicles for various departments with seating capacity of ten or more persons each, at a maximum estimated cost of $47,470, being a class of objects or purposes, having a period of probable usefulness of five years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $47,470 serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized; and

d) for the purchase of other passenger vehicles and combination passenger-cargo vans for various departments, at a maximum estimated cost of $235,835, being a class of objects or purposes, having a period of probable usefulness of five years, pursuant to subdivision 77(1st) of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $235,835 serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized.

Section 2. It is hereby determined that the aggregate maximum estimated cost of the aforesaid classes of objects or purposes described in Section 1 hereof is $740,835, and that the plan for the financing thereof by the issuance of the $740,835 serial bonds herein authorized to be issued pursuant to the provisions of the Local Finance Law therefore apportioned to each such class of objects or purposes in accordance with the maximum estimated cost of each specified in Section 1 hereof.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the

Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

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

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service

and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and *The Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

* * * * *

2010 COUNTY VEHICLES
$740,835 at 1.90%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	$740,835	$191,663	$12,964	$204,627
2	549,171	191,663	9,866	201,529
3	357,506	191,663	6,768	198,431
4	165,842	61,038	3,670	64,708
5	104,804	61,038	2,623	63,660
6	43,767	4,377	1,576	5,952
7	39,390	4,377	1,418	5,795
8	35,013	4,377	1,260	5,637
9	30,637	4,377	1,103	5,480
10	26,260	4,377	945	5,322
11	21,883	4,377	788	5,164
12	17,507	4,377	630	5,007
13	13,130	4,377	473	4,849
14	8,753	4,377	315	4,692
15	4,377	4,377	158	4,534
TOTAL		740,835	44,556	785,388
AVG. PER YEAR		$49,389	$2,970	$52,359

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL	$740,835
ANTICIPATED INTEREST RATE	2.00%
TERM 15 YEARS. TOTAL ANTICIPATED FEES:	7,335
ANTICIPATED ANNUAL COST (PRIN + INT):	52,359
TOTAL PAYBACK (ANNUAL COST x TERMS):	$785,388

PREPARED BY PAMELA BARRACK

CERTIFICATION FORM

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

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

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on April 12, 2010, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 18 ayes and 7 noes, with 0 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on April 16, 20, 2010, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

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

Newspaper and/or other news media	Date given
Southern Dutchess News Poughkeepsie Journal	April 9, 2010

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

Designated Location(s) of posted notice	Date of Posting
22 Market, Street,6th Floor, County Office Building, Poughkeepsie, New York	April 9, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this13th day of April, 2010.

PATRICIA J. HOHMANN
Clerk, County Legislature

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 2010

DUTCHESS COUNTY ATTORNEY'S OFFICE
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110
Fax (845) 486-2002

MEMORANDUM:

TO: Patricia J. Hohmann, Clerk, Legislature

FROM: Catherine Avallone, Conf. Secretary to County Attorney

DATE: April 9, 2010

SUBJECT: Bond Resolution $740,835
Our File No. G-0145

Attached please find 2010 Vehicle Replacement spreadsheet, Don Miller's memos dated March 17, 2010 and H0417 2010 Vehicle Bond Budget Amendments.

These documents were inadvertently omitted by this office when the original Bond Resolution was delivered to your office on March 17, 2010.

2010 Vehicle Replacements

#	Dept	Replace	Year	Miles Now	-	Estim Miles	Reason	Veh Type	Est Price	1%	Alt Fuel	Reimb
1	Sheriff	4785	2002	107,708	-	125,000	Age, miles, condition	Marked Pickup	30,000	300	Flex	No
2	Sheriff	5020*	2004	87,245	-	105,000	Age, miles, condition	Marked Patrol K9 SUV	41,000	410	Flex	No
3	Sheriff	5045	2004	101,834	-	120,000	Age, miles, condition	Marked Pickup	30,000	300	Flex	No
4	Sheriff	5047*	2004	98,443	-	120,000	Age, miles, condition	Marked Patrol SUV	38,000	380	Flex	No
5	Sheriff	5157	2006	101,588	-	130,000	Miles	Marked Patrol - Full Size	28,500	285	Flex	No
6	Sheriff	5165	2006	117,457	-	150,000	Miles, condition	Marked Patrol - Full Size	28,500	285	Flex	No
7	Sheriff	5169	2006	117,194	-	150,000	Miles, condition	Marked Patrol - Full Size	28,500	285	Flex	No
8	Sheriff	5178	2006	94,522	-	120,000	Miles	Marked Patrol - Full Size	28,500	285	Flex	No
9	Sheriff	4412	2001	94,269	-	107,000	Age, miles, condition	Unmarked - Mid Size	18,500	185	Flex	No
10	Sheriff	4704*	2002	105,387	-	120,000	Age, miles, condition	Unmarked - SUV	38,000	380	Flex	No
11	Sheriff	4816*	2003	92,085	-	110,000	Age, miles, condition	Unmarked - Mid Size	18,500	185	Flex	No
12	Sheriff	5011*	2004	92,377	-	115,000	Age, miles, condition	Unmarked - Mid Size	18,500	185	Flex	No
13	Sheriff	5012*	2004	101,094	-	125,000	Age, miles, condition	Unmarked - Mid Size	18,500	185	Flex	No
14	Probation	4643*	2002	100,995	-	115,000	Age, miles, condition	Full Size Sedan Police Pkg	23,000	230	Flex	11%
Total 3 Year Vehicles 2300.03									**388,000**	**3,880**	**391,880**	
15	Sheriff	3982*	1999	60,603	-	65,000	Age, miles, condition	Pickup w/ plow	30,000	300	Flex	No
16	Highway	O-3	2001	154,500	-	170,000	Age, miles, condition	Pickup	35,000	350	No	No
Total 15 Year Vehicles 2300.15									**65,000**	**650**	**65,650**	
17	MH	4526	2000	68,201	-	77,000	Age, miles, condition	15 Pass van	23,500	235	No	63%
18	MH	4920*	2003	91,572	-	105,000	Age, miles, condition	15 Pass van	23,500	235	No	63%
Sub-Total 5 Year Vehicles 2300.05									**47,000**	**470**	**47,470**	
19	MH	4520	2000	62,023	-	70,000	Age, miles, condition	Mini Van	19,000	190	Flex	63%
20	Soc Serv	4577*	2001	72,479	-	82,000	Age, miles	Station Wagon	17,500	175	No	50%
21	Soc Serv	4608*	2001	82,945	-	95,000	Age, miles, condition	Mid-size	17,500	175	Flex	64%
22	Soc Serv	4680*	2003	70,591	-	82,000	Age, miles, condition	Mid-size	17,500	175	Flex	64%
23	Soc Serv	4948*	2005	110,499	-	135,000	Age, miles, condition	Mid-size	17,500	175	Flex	64%
24	Soc Serv	4983	2006	103,475	-	130,000	Miles	SUV	28,000	280	Flex	64%
25	Auto Ctr	4521	2000	70,152	-	75,520	Age, miles, condition	8 Pass Van	19,000	190	Flex	No
26	Engin	4567*	2001	81,000	-	90,000	Age, miles, condition	Full Size SUV	37,500	375	Flex	No
27	Engin	4690*	2003	77,300	-	90,000	Age, miles, condition	Compact	24,000	240	CNG	No
28	Cent Serv	4623*	2001	93,189	-	105,000	Age, miles, condition	Cargo van	18,500	185	Flex	No
29	Pub Def	4580*	2001	63,550	-	72,000	Age, miles, condition	Mid-size	17,500	175	Flex	No
Sub-Total 5 Year Vehicles 2300.05									**233,500**	**2,335**	**235,835**	
Total 5 Year Vehicles 2300.05									**280,500**	**2,805**	**283,305**	
Total All Vehicles									**733,500**	**7,335**	**740,835**	

Dutchess County
Division of
Central
Services

Dutchess

William R. Steinhaus
County Executive

Donald C. Miller, MBA, CPPO
Director

Nicholas S. Johnson
Assistant Director

27 High Street
Poughkeepsie
New York
12601
(845)486-3670
Fax (845)486-3659

MEMORANDUM

TO: William R. Steinhaus, County Executive

FROM: Don Miller, Director

SUBJECT: Resolution Request – Automotive Service Center

DATE: March 17, 2010

Enclosed for your review and consideration is a resolution request to bond and procure twenty-nine vehicles detailed in the 2010 capital improvement program. All vehicles are replacements only. The attached detail and letter to Chairman Rolison summarizes this request.

Thank you for your consideration.

Dutchess County
Division of
Central
Services

Dutchess

William R. Steinhaus
County Executive

Donald C. Miller, MBA, CPPO
Director

Nicholas S. Johnson
Assistant Director

27 High Street
Poughkeepsie
New York
12601
(845)486-3670
Fax (845)486-3659

MEMORRANDUM

TO: ROBERT ROLISON, CHAIRMAN, D. C. LEGISLATURE

FROM: DON MILLER, DIRECTOR

DATE: MARCH 17, 2010

SUBJECT: BONDING REQUEST - VEHICLES, 2010

****

Attached for your review is the detail of twenty-nine vehicles included in the 2010 Capital Improvement Program. These requests are for replacement of currently assigned vehicles. These vehicles include fourteen marked and unmarked Sheriff vehicles, nine Human Services department vehicles and six vehicles for other county departments as outlined in the attached detail. The vehicles in question will be reimbursed up to $104,380 over there useful life. Identification of non traditional vehicles has been included based on the results of the NYSERDA study which evaluated the make-up of the entire ASC fleet for current and future needs.

The accompanying spreadsheet will give you the detail of the vehicles included in this request. The total anticipated cost for all vehicles is $740,835.

If additional information is required, please advice.

cc: Chairman, Planning and Capital Projects Committee
Budget
County Attorney w/o attachments
Finance w/o attachments
P. Hohmann

H0417 2010 Vehicle Bond Budget Amendments

APPROPRIATIONS		
Increase		
H0417.1640.2300.03	Motor Vehicles - 3 Year	388,000.00
H0417.1640.2400.15	Highway & Street Equipment - 15 Year	65,000.00
H0417.1640.2300.05	Motor Vehicles - 5 Year	280,500.00
H0417.1640.3900	Bond Issue Costs	7,335.00
		740,835.00
REVENUE		
Increase		
H0417.1640.57100	Serial Bonds	
		740,835.00

Discussion on Resolution No. 2010090 resulted as follows:

Legislator Goldberg moved to amend the forgoing Resolution No. 2010090 duly seconded by Legislator Kuffner as follows:

c) for the purchase of **(2 hybrid)** passenger vehicles for various departments with seating capacity of ten or more persons each, at a maximum estimated cost of $47,470, being a class of objects or purposes, having a period of probable usefulness of five years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $47,470 serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized; and

d) for the purchase of **(11)** other passenger vehicles and combination passenger-cargo vans for various departments, **(of which no less than 2 be hybrid vehicles)** at a maximum estimated cost of $235,835, being a class of objects or purposes, having a period of probable usefulness of five years, pursuant to subdivision 77(1st) of paragraph a of Section 11.00 of the Local Finance Law, there are hereby authorized to be issued $235,835 serial bonds of the $740,835 serial bonds of the County of Dutchess, New York, herein authorized.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of ~~and to sell bond anticipation notes in anticipation of the issuance~~ and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Roll call vote on the amendment resulted as follows:

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

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

ABSENT: 0

Amendment defeated.

Legislator Incoronato moved to amend the foregoing Resolution No. 2010090 by removing the 2010 Vehicle Replacement numbers 17, 19,20,22,25, and 29 from the attached list of vehicles duly seconded by Legislator MacAvery.

Legislator Horn called the question on the amendment duly seconded by Legislator Cooper and unanimously carried.

Roll call vote on the foregoing amendment resulted as follows:

AYES: 9 Goldberg, Kuffner, Doxsey, Jeter-Jackson, Tyner, Incoronato, MacAvery, Horton, Surman.

NAYS: 16 Rolison, Cooper, Flesland, Horn, Borchert, Sadowski, Roman, White, Weiss, Bolner, Miccio, Forman, Traudt, Hutchings, Thomes, Kelsey.

ABSENT: 0

Amendment defeated.

Legislator Goldberg moved to table the foregoing resolution duly seconded by Legislator Kuffner.

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

AYES: 10 Goldberg, Kuffner, Doxsey, White, Jeter-Jackson, Tyner, Incoronato, MacAvery, Horton, Thomes.

NAYS: 15 Rolison, Cooper, Flesland, Horn, Borchert, Sadowski, Roman, Weiss, Bolner, Miccio, Forman, Traudt, Hutchings, Surman, Kelsey.

ABSENT: 0

Motion defeated.

Legislator Flesland called a five minute Republican Caucus.

Roll call vote on the foregoing Resolution No. 2010090 resulted as follows:

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

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

ABSENT: 0

Resolution adopted.

Budget, Finance, & Personnel

RESOLUTION NO. 2010091

RE: AUTHORIZING PAYMENT OF 2009 UNENCUMBERED VOUCHERS FROM 2010 FUNDS – FOR WEBCASTING LEGISLATIVE MEETINGS ON OCTOBER 8TH AND 13TH , 2009

Legislators Cooper and Flesland offer the following and move its adoption:

WHEREAS, the submission of vouchers following the close of the 2009 budget year has shown that there are outstanding payment invoices for the Dutchess County Legislature, in the sum of $710 for webcasting of Legislative meeting on October 8th and October 13th , 2009 for which appropriations were made but for which funds were not encumbered before the close out date for voucher submission, and

WHEREAS, said charges were proper except that appropriations that were made were left unencumbered at the end of the close out date for submission for 2009, and

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

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

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

Line Item No.		Amount
A1010.4401.105	PROFESSIONAL SERVICES - CONSULTANTS	$710

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

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 2010

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Total Webcasting Inc.

PO Box 665
New Paltz, N.Y. 12561-0665

Invoice

Date	Invoice #
10/21/2009	600

Bill To
Dutchess County Legislature 22 Market St. Poughkeepsie, NY 12601

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
1	Webcasting on 20091008	355.00	355.00
1	Webcasting on 20091013	355.00	355.00
		Total	$710.00

☐ No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost **$ 710**

Total Current Year Revenue and Source: **$ 0**

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

Identify Line Item (s): A1010.4401.105 PROFESSIONAL SERVICES - CONSULTANTS

Related Expenses: _____

Nature of Expenses: _____

Anticipated Savings to County: _____

Net county Cost (this year): **$ 710**

(over five years): **$** _____

Prepared by: Carolyn Morris

Roll call vote on the foregoing Resolution No. 2010091 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, & Personnel
Defeated in Budget, Finance, and Personnel

RESOLUTION NO. 2010092

RE: AUTHORIZING PAYMENT OF 2009 UNENCUMBERED VOUCHERS FROM 2010 FUNDS – FOR THE PAYMENT OF A 2009 BILL FOR LEGAL SERVICES RENDERED IN DEFENSE OF LEGISLATOR DANIEL KUFFNER

Legislators KUFFNER and GOLDBERG offer the following and move its adoption:

WHEREAS, the submission of vouchers following the close of the 2009 budget year has shown that there are outstanding payment invoices for the Dutchess County Legislature, in the sum of $2,187.50 for representation of Legislator Daniel Kuffner who was a party to an action commenced in Supreme Court Dutchess County entitled, "The Matter of Michael J. Tomkovitch, Chairman of the Dutchess County Industrial Development Agency vs. The Dutchess County Legislature, William R. Steinhaus, as County Executive of Dutchess County, Paul P. Calogerakis, Patrick J. McVeich, Jr., Reinaldo Diaz, Jonathan B. Smith, Charles Daniels, III, Henry Killian, Phylis Distaci Keenan, David R. Tetor and Daniel Kuffner" for which appropriations were made but for which funds were not encumbered before the close out date for voucher submission, and

WHEREAS, said charges were proper except that appropriations that were made were left unencumbered at the end of the close out date for submission for 2009, and

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

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

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

Line Item No.		Amount
A1010.4401.105	PROFESSIONAL SERVICES - CONSULTANTS	$2,187.50

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

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 10th day of May, 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of May, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Legislature

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

DAN KUFFNER
Assistant Minority Leader

DISTRICT VII
Town of Hyde Park

Dan Kuffner being duly sworn deposes and says;

1. I am a duly elected member of the Dutchess County Legislature from District 7, Hyde Park.

2. I was a former member of the Dutchess County Industrial Development Agency (DCIDA) Board of Directors as the Legislative appointment, from February 2008 to September 2009 when said board position was vacated by the Court for failure to file an oath of office within the appropriate time period. Said vacancy determination was rendered by NYS Supreme Court Justice James V. Brands as the result of a law suit initiated by the DCIDA.

3. Prior to the filing of the law suit, discussions took place with the DCIDA counsel, Donald Cappillino, and the entire Board of Directors, where I was advised to discuss legal representation by the Dutchess County Attorney's office.

4. On or about a date during the first week of September, 2009, I met with then County Attorney Ronald Wozniak to discuss his office representing me in this law suit since I was at the time a sitting member of the Dutchess County Legislature. I was told by Mr. Wozniak during said meeting that the Dutchess County Attorney's Office would be and did represent the County. I was told by Mr. Wozniak his office would not, could not provide representation for me as well. He further suggested I seek private counsel in this matter.

5. As a result of this meeting and reliance thereon, I sought and then did received legal representation from Mr. Gary Levine of the Law firm Gary Levine and Susan Htoo PC, 290 Hooker Ave., Poughkeepsie NY in this law suit.

6. The bill for services rendered is attached hereto and made apart hereof.

7. That upon information and belief the Charter of Dutchess County provides for the payment of legal services rendered under circumstances provided herein.

Daniel Kuffner

Sworn before me this
29th day of April, 2010

Notary Public

Dpkdcld7@aol.com
www.dutchessny.gov

LEIGH A. WAGER
Notary Public, State of New York
No. 01WA5065210
Qualified in Dutchess County
Commission Expires 7/3/10

RESOLUTION 2010192

LAW FIRM OF
GARY LEVINE & SUSAN HTOO, P.C.

290 Hooker Avenue, Poughkeepsie, New York 12603

Telephone: (845) 452-2366
Fax: (845) 485-2771
Email: LevineandHtooLaw@aol.com

Gary M. Levine, Esq.
NY, FLA, & Federal Bars

Susan S. Htoo, Esq.
NY & Federal Bars

TIME SHEET - Tomkovich v. Daniel Kuffner, et al.

DATE	TIME	BILLING
9/6/09	1 hour	Received and reviewed file
9/8/09	1 hour	Court time
9/8/09	.50 hour	Consult with client
9/9/09	2 hours	Research and review
9/10/09	2 hours	Research
9/11/09	2.50 hours	Preparation of draft answer
9/12/09	3.50 hours .50 hours	Research and redraft of answer Preparation of affirmation
9/13/09	3 hours	Review and redraft of pleadings, add'l research, consult w/ client
9/15/09	.50 hours	Filed papers with court
9/16/09	1 hour	Court appearance and argument
TOTAL	17.50 hours @ $125/hr = $2187.50	
Amount Due		$2187.50

☐ No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost **$ 2,187.50**

Total Current Year Revenue and Source: **$ 0**

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

Identify Line Item (s): A1010.4401.105 PROFESSIONAL SERVICES - CONSULTANTS

Related Expenses: _____

Nature of Expenses: _____

Anticipated Savings to County: _____

Net county Cost (this year): **$ 2,187.50**

(over five years): **$** _____

Prepared by: Carolyn Morris

Resolution No. 2010092 entitled, "Authorizing Payment of 2009 Unencumbered Vouchers from 2010 Funds – for the Payment of a 2009 Bill for Legal Services Rendered in Defense of Legislator Daniel Kuffner" was pulled by sponsor on April 8, 2010 and then was defeated on May 6, 2010 in Budget, Finance, and Personnel Committee.

BUDGET, FINANCE, & PERSONNEL
REVISED 3-31-10
TABLED IN BUDGET, FINANCE, AND PERSONNEL 4/8/10

Resolution No. 2010093

RE: DUTCHESS COUNTY LEGISLATURE CONDUCT PUBLIC JOBS SUMMIT

Legislators TYNER, Jeter-Jackson, MacAvery, and White offer the following and move its adoption:

WHEREAS, the Poughkeepsie Journal reported March 5th that "Dutchess County's unemployment rate hit 8.4 percent in January according to the New York State Department of Labor

WHEREAS, Dutchess County's unemployment rate was 7.7 percent in December; 8.4 percent is the highest rate for our county since 1994, and

WHEREAS, there are now well over 10,000 Dutchess County residents officially on unemployment, and

WHEREAS, people without jobs can't pay taxes, and

WHEREAS, people without jobs can't purchase products and services to turn our local economy around, and

WHEREAS, many good ideas on how to turn our local economy around have been suggested by various members of the private sector, unions, local colleges, and local taxpayers, and therefore be it

RESOLVED, that the Dutchess County Legislature will hold a public Jobs Summit in the next sixty days, to hear input from Dutchess County taxpayers as well as expert advice from business leaders in the private sector, labor representatives, local academia, et. al., with the County Executive invited as well to participate in this, and be it further

RESOLVED, that a copy of this resolution be sent to the Dutchess County Executive, Dutchess County Economic Development Corporation, Dutchess County Industrial Development Corporation, Dutchess County Regional Chamber of Commerce, Southern Dutchess Chamber of Commerce, Rhinebeck, Hyde Park, and Red Hook Chambers of Commerce, Dutchess County Central Labor Council, Hudson Valley Area Labor Federation, Bard College, Dutchess Community College, Marist College, and Vassar College.

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010093 entitled, "Dutchess County Legislature Conduct Public Jobs Summit" was tabled in Budget, Finance, and Personnel Committee on April 8, 2010.

Budget, Finance, & Personnel
Amended

RESOLUTION NO. 2010094

RE: AUTHORIZING THE COUNTY LEGISLATURE OF DUTCHESS COUNTY, NEW YORK TO FORM A LOCAL DEVELOPMENT CORPORATION TO PROMOTE AND CONDUCT LOCAL DEVELOPMENT ACTIVITIES IN DUTCHESS COUNTY, NEW YORK

Legislators BORCHERT, COOPER, FLESLAND, ROLISON, HORTON, MICCIO, WEISS, INCORONATO, SURMAN, HUTCHINGS, SADOWSKI, HORN, KELSEY, TRAUDT, THOMES, BLONER, and FORMAN offer the following and move its adoption:

WHEREAS, the County Legislature of Dutchess County, New York (the "County") has determined that it is in the best interests of the County for such County to form a local development corporation to promote and conduct economic development activities in the County; and

WHEREAS, the Dutchess County Local Development Corporation (the "Corporation") will be formed as a local development corporation under Section 1411 of the New York Not-for-Profit Corporation Law (the "N-PCL"); and

WHEREAS, the powers and purposes of the Corporation will serve to complement the powers of the Dutchess County Industrial Development Agency (the "IDA"), including, but not limited to, the power to finance facilities for not-for-profit corporations, acquire, improve, maintain, equip and furnish projects, to lease such projects and collect rent; to sell and convey any and all of its property whenever the board of directors shall find such action to be in furtherance of the purposes for which it was organized; thus enabling the Corporation to finance transactions that the IDA currently cannot under its enabling legislation; and

WHEREAS, under Internal Revenue Service ("IRS") guidance, the Corporation must meet certain requirements in order for it to qualify as an entity eligible to issue tax-exempt bonds on behalf of the County which include: (1) the Corporation is formed only after the governing body of the County has given its formal approval to the creation of the Corporation and to the form of Certificate of Incorporation; (2) the Board of Directors of the Corporation is elected by the County Legislature of the County subject to confirmation of the County Executive and serves without compensation; (3) the Corporation's corporate powers include the power to acquire, improve, maintain, equip and furnish projects, to lease such projects and collect rent; to sell and convey any and all of its property whenever the Board of Directors shall find such action to be in furtherance of the purposes for which it was organized; and to issue bonds for the purpose of carrying out any of its powers; (4) all bonds are payable solely out of revenues and receipts derived from the leasing or sale by the Corporation of its projects, or from loans made by the Corporation; (5)

the County is not liable for the payment of principal or interest on any of the bonds of the Corporation; (6) the Corporation is exempt from all state taxation, and interest on bonds issued by the Corporation is exempt from state taxes; (7) the Corporation is a nonprofit corporation and no part of its net earnings may inure to the benefit of any private person; and (8) upon dissolution of the Corporation, the title to all property owned by it shall vest in and become the property of the County in accordance with applicable law; and

WHEREAS, Section 1411(c) of the N-PCL provides local development corporations with authority to issue bonds to carry out their purposes and Section 1411(f) of the N-PCL provides that the income and operations of such corporations are exempt from state taxation; and

WHEREAS, the Corporation shall be formed under the N-PCL and shall be subject to all the provisions of the N-PCL as modified by Section 1411 and the Corporation shall be formed with the specific purposes as follows: "The Corporation is formed and shall be operated exclusively for the charitable and public purposes of benefiting and furthering the activities of the County, more specifically, the Corporation shall act as a local development corporation for the County by conducting activities that will relieve and reduce unemployment; promote and provide for additional and maximum employment; better and maintain job opportunities; instruct or train individuals to improve or develop their capabilities for such jobs; carry on scientific research for the purpose of aiding the County by attracting new industry to the County; or by encouraging the development of, or retention of, an industry in the County; and lessening the burdens of government and acting in the public interest"; now, therefore, be it

RESOLVED, that the County approves the formation of the Corporation under N-PCL as a local development corporation and the County will be the sole member of the Corporation; and be it further

RESOLVED, that the Corporation shall be the Dutchess County Local Development Corporation; and be it further

RESOLVED, that the Corporation shall have no less than three (3) Directors nor more than seven (7) Directors; and be it further

RESOLVED, that the following are duly nominated and elected as the initial members of the Corporation's Board of Directors, to serve until their successors are elected and have been qualified:

Michael J. Tomkovitch
Charles Daniels, III
Angela Flesland
George R. Stoffers
David R. Tetor
Phyllis DiStasi Keenan
Henry Killian; and be it further

RESOLVED, that the Board of Directors are hereby empowered, authorized and directed to take all actions as may be required in furtherance of the designation of the Corporation; and be it further

RESOLVED, that the Board of Directors be encouraged to direct the originators of the projects to incorporate the use of the local labor force wherever possible, and be it further

RESOLVED, that the Certificate of Incorporation and By-Laws, in substantially the form attached to these resolutions, are hereby approved and adopted; and be it further

RESOLVED, that this Legislature, hereby finds and determines that the Dutchess County Clerk is authorized to take such actions and execute such documents as he/she deems necessary or appropriate to carry out these resolutions.

CA-57-10
ADR/ca/G-1406
3/24/10
Fiscal Impact: See attached statement
Amended in Budget, Finance, and Personnel 4/8/10 lw

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

RESOLVED, that the Board of Directors are hereby empowered, authorized and directed to take all actions as may be required in furtherance of the designation of the Corporation; and be it further

RESOLVED, that the Board of Directors be encouraged to direct the originators of the projects to incorporate the use of the local labor force wherever possible, and be it further

RESOLVED, that the Certificate of Incorporation and By-Laws, in substantially the form attached to these resolutions, are hereby approved and adopted; and be it further

RESOLVED, that this Legislature, hereby finds and determines that the Dutchess County Clerk is authorized to take such actions and execute such documents as he/she deems necessary or appropriate to carry out these resolutions.

CA-57-10
ADR/ca/G-1406
3/24/10
Fiscal Impact: See attached statement
Amended in Budget, Finance, and Personnel 4/8/10 lw

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

BY-LAWS
OF
DUTCHESS COUNTY LOCAL DEVELOPMENT CORPORATION

ARTICLE I - THE CORPORATION

Section 1. Name. The name of the Corporation shall be as provided in its Certificate of Incorporation and is currently the Dutchess County Local Development Corporation.

Section 2. Seal. The Corporation's seal shall be in the form of a circle and shall bear the name of the Corporation and the year of its organization

Section 3. Office. The office of the Corporation shall be located at Poughkeepsie, New York, or such other address as the Corporation may designate, from time to time, by resolution.

ARTICLE II - MEMBER

Dutchess County, New York (the "County") acting through the County Legislature and the County Executive shall be the sole Member of the Corporation.

ARTICLE III - BOARD

Section 1. Power of the Board and Qualification of Directors. The Corporation shall be overseen and governed by its Board who shall exercise oversight and control over the officers and staff of the Corporation. Each Director shall be at least eighteen years of age. The Board shall have all powers conferred on Boards of public benefit corporations and local public authorities pursuant to New York State law, including, without limitation, the New York Not-for-Profit Corporation Law ("N-PCL"), the Public Authorities Accountability Act of 2005, as amended (the "PAAA"), and any other New York State Law that is applicable to the Corporation.

Section 2. Number of Directors and Term of Office. (a) The Board of Directors shall consist of not less than three (3) nor more than seven (7) Directors. Directors shall be elected by the County Legislature subject to the approval of the County Executive. Each Director shall serve as a Director and continue to hold office until his or her successor is appointed and has been elected and qualified. As used in this Article III, "entire Board" means the total number of Directors entitled to vote which the Corporation would have if there were no vacancies.

(b) No Director, including the Chair, shall serve as the Corporation's Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Comptroller, or hold any other equivalent executive position or office while also serving as a Director.

(c) As soon as practicable and in compliance with Section 2825 of the New York Public Authorities Law, the majority of the Directors of the Board shall be Independent Directors, as such term is defined in paragraph (d) below.

(d) Independence. For the purposes of these By-Laws, an Independent Director is one who:

(i) is not, and in the past two (2) years has not been, employed by the Corporation or another corporate body having the same ownership and control of the Corporation in an executive capacity;

(ii) is not, and in the past two (2) years has not been, employed by an entity that received remuneration valued at more than fifteen thousand dollars ($15,000.00) for goods and services provided to the Corporation or received any other form of financial assistance valued at more than fifteen thousand dollars ($15,000.00) from the Corporation;

(iii) is not a relative of an executive officer or employee in an executive position of the Corporation or another corporate body having the same ownership and control of the Corporation; and

(iv) is not, and in the past two (2) years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the Corporation or another corporate body having the same ownership and control of the Corporation.

(e) Each Director shall have one vote.

Section 3. Organization. At each meeting of the Board, the Chair, or, in the absence of the Chair, a Vice Chair shall preside, or in the absence of either of such officers, a chair chosen by a majority of the Directors present shall preside. The Secretary shall act as secretary of the Board. In the event the Secretary shall be absent from any meeting of the Board, an Assistant Secretary shall act as the secretary for such meeting.

Section 4. Resignations and Removal of Directors.

(a) Any Director of the Corporation may resign at any time by giving written notice to the Chair or to the Secretary. Such resignation shall take effect at the time specified therein or, if no time be specified, then on delivery.

(b) Any or all of the Directors may be removed with or without cause by vote of the County Legislature subject to the approval of the County Executive.

Section 5. Newly Created Directorships and Vacancies. Newly created Directorships resulting from an increase in the number of Directors and vacancies occurring in the Board of Directors for any reason shall be filled by vote of the County Legislature subject to the confirmation of the County Executive. Directors elected to fill newly created Directorships shall hold office until their successors have been elected or appointed and qualified. Directors elected to fill vacancies shall serve for the remaining term of the Director for whom they are replacing, and until their successors are elected and have qualified.

Section 6. Action by the Board. Except as otherwise provided by law or in these By-Laws, the act of the Board means action taken at a meeting of the Board by vote of a majority of the Directors present at the time of the vote, if a quorum is present at such time.

Section 7. Place of Meeting. The Board may hold its meetings at its principal place of business, or at such place or places within the State of New York as the Board may from time to time by resolution determine.

Section 8. Annual Meetings. Except in case of the Annual Meeting in calendar year 2010, the annual meeting of the Corporation shall be held in January in each calendar year at the regular meeting place of the Corporation as described in Section 7 of this Article III. Such 2010 annual meeting may be held at such other time or location as approved by the chairman of the Corporation; and if it is held at another time, notice shall be given as hereinafter provided for special meetings of the Board.

Section 9. Regular Meetings. Regular meetings of the Board may be held at such times as may be fixed from time to time by resolution of the Board. Notice of such meetings shall be given in accordance with the New York State Open Meetings Law. All meetings shall be conducted in accordance with the New York State Open Meetings Law.

Section 10. Special Meetings. Special meetings of the Board shall be held whenever called by the Chair or in the absence of the Chair by a Vice Chair, or by any two (2) of the Directors. Notice shall be given orally, by telefax, by e-mail, or by mail and shall state the purposes, time and place of the meeting. If notice is given orally, in person or by telephone, it shall be given not less than two (2) days before the meeting; if it is given by telefax, by e-mail or by mail, it shall be given not less than three (3) days before the meeting. At such special meeting no business shall be considered other than that designated in the notice.

Section 11. Waivers of Notice. Notice of a meeting need not be given to any Director who submits a signed waiver of notice whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to him or her.

Section 12. Quorum.

(a) A majority of the entire Board of Directors shall constitute a quorum for the transaction of business.

(b) A majority of the Directors present, whether or not a quorum is present, may adjourn any meeting to another time and place without notice to any Director.

Section 13. Compensation. Directors shall receive no compensation for their services but may be reimbursed for the expenses reasonably incurred by them in the performance of their duties.

Section 14. Annual Independent Audit. The Board of Directors shall present to the Member the annual independent audit report performed in accordance with the requirements of

the PAAA and generally accepted government auditing standards certified by a firm of independent public accountants selected by the Board. The certified independent public accounting firm that performs the annual independent audit shall report the following:

(i) the assets and liabilities, including the status of reserve, depreciation, special or other funds including the receipts and payments of such funds, of the Corporation as of the end of the fiscal year;

(ii) the principal changes in assets and liabilities, including trust funds, during said fiscal period;

(iii) the revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes during said fiscal period;

(iv) the expenses or disbursements of the Corporation for both general and restricted purposes, during said fiscal period; and

(v) a schedule of the bonds and notes of the Corporation outstanding during said fiscal period, including all refinancings, calls, refundings, defeasements, and interest rate exchange or other such agreements, and for any debt issued during the fiscal period, together with a statement of the amounts redeemed and incurred during such fiscal period as a part of a schedule of debt issuance that include the date of issuance, term, amount, interest rate, means of repayment and cost of issuance.

Furthermore, the certified independent public accounting firm that performs the annual independent audit shall report to the Board or designated Board committee the following:

(i) all critical accounting policies and practices to be used;

(ii) all alternative treatments of financial information within generally accepted accounting principals that have been discussed with the management of the Corporation, ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the certified independent public accounting firm;

(iii) other material written communications between the certified independent public accounting firm and the management of the Corporation, such as the management letter along with management's response or plan of corrective action, material corrections identified or schedule of unadjusted differences, where applicable.

Section 15. Annual Budget. The Board of Directors shall present to the Member the annual budget prepared in accordance with the requirements of the PAAA.

ARTICLE IV - COMMITTEES

Section 1. Audit Committee. There shall be an Audit Committee consisting entirely of Independent Directors, who shall be elected by the Directors at each Annual Meeting and shall serve until the next Annual Meeting. To the extent practicable, members of the Audit Committee should be familiar with corporate financial and accounting practices. The Audit Committee shall recommend to the Board the hiring of a certified independent accounting firm in compliance with the Public Authorities Law of New York State to conduct the annual independent audit, establish the compensation to be paid to the accounting firm and provide direct oversight of the performance of the annual independent audit

Section 2. Governance Committee. There shall be a Governance Committee consisting entirely of Independent Directors, who shall be elected by the Directors at each Annual Meeting and shall serve until the next Annual Meeting. The Governance Committee shall keep the Board informed of current best governance practices, review corporate governance trends, update the Corporation's governance principles, and advise the Board on the skills and experience required of potential Directors.

Section 3. Finance Committee. There shall be a Finance Committee consisting entirely of Independent Directors, who shall be elected by the Directors at each Annual Meeting and shall serve until the next Annual Meeting. The Finance Committee shall keep the Board informed of current best financial practices, review debt to be issued by the Corporation, update the Corporation's financial principles, and advise the Board on the skills and experience required of potential Directors.

Section 4. Other Standing Committees. The Board of Directors, by resolution adopted by a majority of the entire Board, may designate from among its members other standing committees consisting of three (3) or more Directors, which can make recommendations to the entire Board. The standing committees shall have such authority as the Board shall by resolution provide, except that no such committee shall have authority as to the following matters:

(a) the submission to the Member of any action requiring Member approval under the law;

(b) the filling of vacancies in the Board or in any committee;

(c) the amendment or repeal of the By laws, or the adoption of new By laws; or

(d) the amendment or repeal of any resolution of the Board which by its terms, shall not be so amendable or repealable.

Section 5. Special Committees. The Board of Directors may designate special committees, each of which shall consist of such persons and shall have such authority as is provided in the resolution designating the committee.

Section 6. Meetings. Meetings of committees shall be held at such time and place as shall be fixed by the Chair of the Board or the chair of such committee or by vote of a majority of all the members of the committee. Notice of such meetings shall be given in accordance with the New York State Open Meetings Law. All meetings shall be conducted in accordance with the New York State Open Meetings Law.

Section 7. Quorum and Manner of Acting. Unless otherwise provided by resolution of the Board, a majority of all of the members of a committee shall constitute a quorum for the transaction of business and the vote of a majority of all of the members of the committee shall be the act of the committee.

The procedures and manner of acting of the committees of the Board shall be subject at all times to the direction of the Board.

Section 8. Tenure of Members of Committees of the Board. Each committee of the Board and every member thereof shall serve at the pleasure of the Board.

Section 9. Alternate Members. The Board may designate one (1) or more members as alternate members of any standing committee of the Board, who may replace any absent member or members at any meeting of such committee.

ARTICLE V - BOARD OFFICERS

Section 1. Officers. The Officers of the Corporation's Board shall be a Chair, one (1) or more Vice Chairs, a Treasurer, a Secretary and/or such other officers as the Board may in its discretion determine. Any two (2) or more offices may be held by the same person, except the offices of Chair and Secretary.

Section 2. Term of Office and Qualifications. Those officers whose titles are specifically mentioned in Section 1 of this Article V shall be elected by the Board at its Annual Meeting. Unless a shorter term is provided in the resolution of the Board electing such officer, the term of office of each officer shall extend to the next Annual Meeting and until the officer's successor is elected and qualified.

Section 3. Additional Officers. Additional officers may be elected for such period, have such authority and perform such duties, either in an administrative or subordinate capacity, as the Board may from time to time determine.

Section 4. Removal of Officers. Any officer may be removed by the Board with or without cause at any time.

Section 5. Resignation. Any officer may resign his or her position as an officer at any time by giving written notice to the Board, to the Chair or to the Secretary. Any such resignation shall take effect at the time specified therein, or, if no time be specified, then upon delivery.

Section 6. Vacancies. A vacancy in any office shall be filled by the Board.

Section 7. Chair. The Chair shall preside at all meetings of the Board at which the Chair is present. In the absence or incapacity of the Chief Executive Officer of the Corporation or the Chief Financial Officer, and except as otherwise authorized by resolution of the Board, the Chair shall execute all agreements, contracts, deeds, and any other instruments of the Corporation. At each meeting, the Chair shall submit recommendations and information as he or she may consider proper concerning the business, affairs, the bonds, the notes, the loans, the projects and facilities of the Corporation, the economic benefits to be conferred on project applicants and occupants, and the policies of the Corporation. Nothing in this provision shall be construed as granting the Chair the exclusive right to bring matters before the Corporation for consideration.

Section 8. Vice Chairs. In the absence or incapacity to act of the Chair, or if the office of Chair be vacant, the Vice Chair or, if there be more than one Vice Chair, the Vice Chairs in order of seniority as determined by the Board, shall preside at all meetings of the Board, and shall perform the duties and exercise the powers of the Chair, subject to the right of the Board from time to time to extend or confine such powers and duties or to assign them to others. Each Vice Chair shall have such powers and shall perform such other duties as may be assigned by the Board or the Chair.

Section 9. Treasurer. The Treasurer shall, if required by the Board, obtain a bond for the faithful discharge of his or her duties, in such sum and with such sureties as the Board shall require. The Treasurer shall oversee the Chief Financial Officer of the Corporation and shall review all the books and accounts of the Corporation and shall advise the Chief Financial Officer of the Corporation with respect to the charge, custody and investment of all funds and securities of the Corporation, and the Treasurer shall ensure the proper deposit by the Chief Financial Officer of the Corporation all such funds in the name of and to the credit of the Corporation in such banks, trust companies, or other depositories as shall be selected by the Board. The Treasurer shall also perform all other duties customarily incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board.

Section 10. Assistant Treasurer. The Assistant Treasurer shall carry out the duties of the Treasurer in the absence of the Treasurer.

Section 11. Secretary. It shall be the duty of the Secretary to act as secretary of all meetings of the Board, and to keep the minutes of all such meetings in a proper book or books to be provided for that purpose; the Secretary shall see that all notices required to be given by the Corporation are duly given and served; the Secretary shall keep a current list of the Directors and officers of the Corporation's Board and their residence addresses; the Secretary shall be custodian of the seal of the Corporation and shall affix the seal, or cause it to be affixed, to all agreements, documents and other papers requiring the same. The Secretary shall have custody of the minute book containing the minutes of all meetings of Directors, the Audit Committee, the Governance Committee, the Finance Committee and any other committees which may keep minutes, and of all other contracts and documents which are not in the custody of the Treasurer of the Corporation, or in the custody of some other person authorized by the Board to have such custody.

Section 12. Assistant Secretary. The Assistant Secretary shall carry out the duties of the Secretary in the absence of the Secretary.

Section 13. Appointed Officers. The Board may delegate to any officer or committee the power to appoint and to remove any subordinate officer, agent or employee.

ARTICLE VI - EXECUTIVE OFFICERS AND OTHER PERSONNEL

Section 1. Chief Executive Officer. The Corporation shall appoint a Chief Executive Officer by resolution, which resolution shall set the Chief Executive Officer's annual compensation.

Section 2. Duties and Responsibilities of Chief Executive Officer. The Chief Executive Officer shall report to the Chair of the Board of the Corporation and he or she shall have general supervision and management of the Corporation and all Corporation staff and employees shall report directly to the Chief Executive Officer. Except as may otherwise be authorized by a resolution adopted by the Board, the Chief Executive Officer shall:

(a) execute all agreements, bonds, notes, contracts, agreements, deeds, leases and any other instruments of the Corporation;

(b) sign all financial instruments and checks;

(c) cosign all purchase orders and instruments and checks over certain dollar thresholds as may be established from time to time by the Board (said instruments may be countersigned by the Chief Financial Officer, or other officer or Director as shall be designated by the Board);

(d) prepare the annual budget of the Corporation with the consultation and cooperation of the Audit Committee, the Chief Financial Officer and Deputy Financial Officer for submission to the Board for approval; and

(e) sign all purchase orders, under the direction of the board by resolution and the Chief Financial Officer.

Furthermore, the Chief Executive Officer shall assist the Chair with such matters as the Chair or the Board may request in furtherance of the Corporation's public purposes. The Chief Executive Officer shall be charged with leading the Corporation in carrying out its Mission Statement and fulfilling its public purposes. The Chief Executive Officer shall also perform all other duties customarily incident to the office of a Chief Executive Officer of a local development corporation and local public authority of the State of New York and such other duties as from time to time may be assigned by the Board.

Section 3. Chief Financial Officer. The Corporation shall appoint a Chief Financial Officer by resolution, which resolution shall set the Chief Financial Officer's annual compensation.

Section 4. Duties and Responsibilities of Chief Financial Officer. In the absence or incapacity of the Chief Executive Officer, the Chief Financial Officer shall exercise the duties and responsibilities of the Chief Executive Officer. Except as may otherwise be authorized by a resolution of the Board, if the office of the Chief Executive Officer shall be vacant the Chief Financial Officer of the Corporation shall be the Acting Chief Executive Officer of the Corporation until such time as the Board has appointed a replacement Chief Executive Officer. The Chief Financial Officer of the Corporation shall assist the Chief Executive Officer in the carrying out of the Corporation's purposes and in fulfillment of the Corporation's public purposes. The Chief Financial Officer shall oversee the maintenance of the books and accounts of the Corporation. The Chief Financial Officer shall also perform all other duties customarily incident to the office of a Chief Financial Officer of a public benefit corporation and public authority of the State of New York and such other duties as from time to time may be assigned by the Board. The Chief Financial Officer shall be the Chief Compliance Officer of the Corporation for purposes of ensuring that the Corporation is in full compliance with all provisions of the PAAA applicable to the Corporation. The Chief Financial Officer shall prepare and distribute all annual reports required by the PAAA and as may otherwise be required by the Office of the Comptroller of the State of New York. The Chief Financial Officer of the Corporation shall assist the Chief Executive Officer, Deputy Financial Officer and Chair in preparing the annual budget of the Corporation for submission to the Board for approval and he or she shall distribute all copies of the annual budget of the Corporation to all persons required by the PAAA. The Chief Financial Officer shall assist the Audit Committee of the Board in carrying out their functions. The Chief Financial Officer of the Corporation shall be the Contracting Officer of the Corporation for the disposition of real and personal property in accordance with the provisions of the PAAA.

Section 5. Deputy Financial Officer. The Corporation may appoint a Deputy Financial Officer by Resolution, which resolution shall set the Deputy Financial Officer's Annual compensation.

Section 6. Duties and Responsibilities of Deputy Financial Officer. The Deputy Financial Officer shall be the assistant to the Chief Financial Officer of the Corporation. The Deputy Financial Officer of the Corporation shall assist the Chief Executive Officer and Chief Financial Officer in carrying out the Corporation's purposes to fulfill the Corporation's public purposes under the PAAA. The Deputy Financial Officer shall keep and maintain the books and accounts of the Corporation and shall have charge and custody of, and be responsible for, all funds and securities of the Corporation, and shall deposit all such funds in the name of and to the credit of the Corporation in such banks, trust companies, or other depositories as shall be selected by the Board. The Deputy Financial Officer shall pay out and disburse such moneys under the direction of the Chief Executive Officer and the Chief Financial Officer. All such purchase orders and instruments and checks over certain dollar threshold as may be established from time to time by the Board shall be signed by the Chief Executive Officer or the Chief Financial Officer of the Board, or other officer or Director as shall be designed by the Board. The Deputy Financial Officer of the Corporation shall assist the Chief Executive Officer and Chief Financial Officer of the Corporation in the preparation of the annual budget of the Corporation for submission to the Board for approval.

Section 7. Compliance Officer. The Corporation shall appoint a Compliance Officer by resolution, who may be the Chief Financial Officer, or any other employee of the Corporation. The Compliance Officer shall be responsible for insuring that the Corporation complies with all financial and other reporting requirements imposed by law, including those requirements in the General Municipal Law and the Public Authorities Law of New York State. The Compliance Officer shall be the "Contracting Officer" (as such term is defined in Section 2895 of New York's Public Authorities Law).

Section 8. Additional Personnel. The Corporation may from time to time employ such personnel as the Corporation, upon the recommendation of the Chief Executive Officer, deems necessary to exercise the Corporation's powers, duties and functions as prescribed by the PAAA and all other laws of the State of New York applicable thereto. The selection and compensation of all personnel shall be determined by the Corporation subject to the laws of the State of New York.

Section 9. Municipal Personnel. The Corporation may, with the consent of the County, use the agents, employees and facilities of the County. In such event, the Corporation will, by resolution, enter into a contract with the County providing the terms upon which the County will provide the use of its agents, employees and facilities to the Corporation and the compensation, if any, that the Corporation shall pay to the County for the use by the Corporation of the County's agents, employees and facilities.

ARTICLE VII - CONTRACTS, CHECKS, DRAFTS AND BANK ACCOUNTS

Section 1. Execution of Contracts. The Board, except as in these By-Laws otherwise provided, may authorize any officer or officers, agent or agents, in the name of and on behalf of the Corporation to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances; but, unless so authorized by the Board, or expressly authorized by these By-Laws, no officers, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily in any amount for any purpose.

Section 2. Loans. No loans shall be contracted on behalf of the Corporation unless specifically authorized by the Board.

Section 3. Checks, Drafts, etc. All checks, drafts and other orders for the payment of money out of the funds of the Corporation, and all notes or other evidences of indebtedness of the Corporation, shall be signed on behalf of the Corporation in such manner as shall from time to time be determined by these By-Laws or by resolution of the Board.

Section 4. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select or in the absence of such selection by the Board, as selected by the Chief Executive Officer in consultation with the Chief Financial Officer and Deputy Financial Officer.

ARTICLE VIII - INDEMNIFICATION AND INSURANCE

Section 1. Authorized Indemnification. Unless clearly prohibited by law or Section 2 of this Article VIII, the Corporation shall indemnify any person ("Indemnified Person") made, or threatened to be made, a party in any action or proceeding, whether civil, criminal, administrative, investigative or otherwise, including any action by or in the right of the Corporation, by reason of the fact that he or she (or his or her testator or intestate), whether before or after adoption of this Section, (a) is or was a Director or officer of the Corporation, or (b) in addition is serving or served, in any capacity, at the request of the Corporation, as a Director or officer of any other corporation, or any partnership, joint venture, trust, employee benefit plan or other enterprise. The indemnification shall be against all judgments, fines, penalties, amounts paid in settlement (provided the Corporation shall have consented to such settlement) and reasonable expenses, including attorneys' fees and costs of investigation, incurred by an Indemnified Person with respect to any such threatened or actual action or proceeding, and any appeal thereof.

Section 2. Prohibited Indemnification. The Corporation shall not indemnify any person if a judgment or other final adjudication adverse to the Indemnified Person (or to the person whose actions are the basis for the action or proceeding) establishes, or the Board in good faith determines, that such person's acts were committed in bad faith or were the result of active and deliberate dishonesty and were material to the cause of action so adjudicated or that he or she personally gained in fact a financial profit or other advantage to which he or she was not legally entitled.

Section 3. Advancement of Expenses. The Corporation shall, on request of any Indemnified Person who is or may be entitled to be indemnified by the Corporation, pay or promptly reimburse the Indemnified Person's reasonably incurred expenses in connection with a threatened or actual action or proceeding prior to its final disposition. However, no such advancement of expenses shall be made unless the Indemnified Person makes a binding, written commitment to repay the Corporation, with interest, for any amount advanced for which it is ultimately determined that he or she is not entitled to be indemnified under the law or Section 2 of this Article VIII. An Indemnified Person shall cooperate in good faith with any request by the Corporation that common legal counsel be used by the parties to such action or proceeding who are similarly situated unless it would be inappropriate to do so because of actual or potential conflicts between the interests of the parties.

Section 4. Indemnification of Others. Unless clearly prohibited by law or Section 2 of this Article VIII, the Board may approve Corporation indemnification as set forth in Section 1 of this Article VIII or advancement of expenses as set forth in Section 3 of this Article VIII, to a person (or the testator or intestate of a person) who is or was employed by the Corporation or who is or was a volunteer for the Corporation, and who is made, or threatened to be made, a party in any action or proceeding, by reason of the fact of such employment or volunteer activity, including actions undertaken in connection with service at the request of the Corporation in any capacity for any other corporation, partnership, joint venture, trust, employee benefit plan or other enterprise.

Section 5. Determination of Indemnification. Indemnification mandated by a final order of a court of competent jurisdiction will be paid. After termination or disposition of any actual or threatened action or proceeding against an Indemnified Person, if indemnification has not been ordered by a court the Board shall, upon written request by the Indemnified Person, determine whether and to what extent indemnification is permitted pursuant to these By-Laws. Before indemnification can occur the Board must explicitly find that such indemnification will not violate the provisions of Section 2 of this Article VIII. No Director with a personal interest in the outcome, or who is a party to such actual or threatened action or proceeding concerning which indemnification is sought, shall participate in this determination. If a quorum of disinterested Directors is not obtainable, the Board shall act only after receiving the opinion in writing of independent legal counsel that indemnification is proper in the circumstances under then applicable law and these By-Laws.

Section 6. Binding Effect. Any person entitled to indemnification under these By-Laws has a legally enforceable right to indemnification, which cannot be abridged by amendment of these By-Laws with respect to any event, action or omission occurring prior to the date of such amendment.

Section 7. Insurance. The Corporation is not required to purchase Directors' and officers' liability insurance, but the Corporation may purchase such insurance if authorized and approved by the Board. To the extent permitted by law, such insurance may insure the Corporation for any obligation it incurs as a result of this Article VIII or operation of law and it may insure directly the Directors, officers, employees or volunteers of the Corporation for liabilities against which they are not entitled to indemnification under this Article VIII as well as for liabilities against which they are entitled or permitted to be indemnified by the Corporation.

Section 8. Nonexclusive Rights. The provisions of this Article VIII shall not limit or exclude any other rights to which any person may be entitled under law or contract. The Board is authorized to enter into agreements on behalf of the Corporation with any Director, officer, employee or volunteer providing them rights to indemnification or advancement of expenses in connection with potential indemnification in addition to the provisions therefore in this Article VIII, subject in all cases to the limitations of Section 2 of this Article VIII.

ARTICLE IX - CONFLICTS OF INTEREST

Section 1. Definition of Conflicts of Interest. A conflict of interest will be deemed to exist whenever an individual is in the position to approve or influence Corporation policies or actions which involve or could ultimately harm or benefit financially: (a) the individual; (b) any family member (spouse, domestic partner, grandparents, parents, children, grandchildren, great grandchildren, brothers or sisters (whether whole or half blood), and spouses of these individuals); or (c) any organization in which he or a family member is a director, trustee, officer, member, partner or more than 10% of the total (combined) voting power. Service on the board of another not-for-profit corporation does not constitute a conflict of interest.

Section 2. Disclosure of Conflicts of Interest. A Director or officer shall disclose a conflict of interest: (a) prior to voting on or otherwise discharging his duties with respect to any

matter involving the conflict which comes before the Board or any committee; (b) prior to entering into any contract or transaction involving the conflict; (c) as soon as possible after the Director or officer learns of the conflict; and (d) on the annual conflict of interest disclosure form.

The Secretary of the Corporation shall distribute annually to all Directors, officers and key employees (as identified by the Corporation), a form soliciting the disclosure of all conflicts of interest, including specific information concerning the terms of any contract or transaction with the Corporation and whether the process for approval set forth in this policy was used. Such disclosure form may require disclosure of other relationships that may not constitute an actual conflict of interest, but which are required to be disclosed in order for the Corporation to comply with its annual reporting requirements.

Section 3. Approval of Contracts and Transactions Involving Potential Conflicts of Interest. A Director or officer who has or learns about a potential conflict of interest should disclose promptly to the Secretary of the Corporation the material facts surrounding any potential conflict of interest, including specific information concerning the terms of any contract or transaction with the Corporation. All effort should be made to disclose any such contract or transaction and have it approved by the Board before the arrangement is entered into.

Following receipt of information concerning a contract or transaction involving a potential conflict of interest, the Board shall consider the material facts concerning the proposed contract or transaction, including the process by which the decision was made to recommend entering into the arrangement on the terms proposed. The Board shall approve only those contracts or transactions in which the terms are fair and reasonable to the Corporation and the arrangements are consistent with the best interests of the Corporation. Fairness includes, but is not limited to, the concepts that the Corporation should pay no more than fair market value for any goods or services which the Corporation receives and that the Corporation should receive fair market value consideration for any goods or services that it furnishes others. The Board shall set forth the basis for its decision with respect to approval of contracts or transactions involving conflicts of interest in the minutes of the meeting at which the decision is made, including the basis for determining that the consideration to be paid is fair to the Corporation.

Section 4. Validity of Actions. No contract or other transaction between the Corporation and one or more of its Directors or officers, or between the Corporation and any other corporation, firm, association or other entity in which one or more of its Directors or officers are directors or officers, or have a substantial financial interest, shall be either void or voidable for this reason alone or by reason alone that such Director or Directors or officer or officers are present at the meeting of the Board of Directors, or of a committee thereof, which authorizes such contract or transaction, or that his or their votes are counted for such purpose, if the material facts as to such Director's or officer's interest in such contract or transaction and as to any such common directorship, officership or financial interest are disclosed in good faith or known to the Board or committee, and the Board or committee authorizes such contract or transaction by a vote sufficient for such purpose without counting the vote or votes of such interested Director or officers. Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or committee which authorizes

such contract or transaction. At the time of the discussion and decision concerning the authorization of such contract or transaction, the interested Director or officer should not be present at the meeting.

Section 5. Employee Conflicts of Interest. An employee of the Corporation with a potential conflict of interest in a particular matter shall promptly and fully disclose the potential conflict to his supervisor. The employee shall thereafter refrain from participating in deliberations and discussion, as well as any decisions, relating to the matter and follow the direction of the supervisor as to how the Corporation decisions which are the subject of the conflict will be determined. The Chief Executive Officer shall be responsible for determining the proper way for the Corporation to handle Corporation decisions which involve unresolved employee conflicts of interest. In making such determinations, the Chief Executive Officer may consult with legal counsel.

The Chief Executive Officer shall report to the Board at least annually concerning employee conflicts of interest which have been disclosed and contracts and transactions involving employee conflicts which the President has approved.

ARTICLE X - COMPENSATION

Section 1. Reasonable Compensation. It is the policy of the Corporation to pay no more than reasonable compensation for personal services rendered to the Corporation by officers and employees. The Directors shall not receive compensation for fulfilling their duties as Directors, although Directors may be reimbursed for actual out-of-pocket expenses, which they incur in order to fulfill their duties as Directors. Expenses of spouses will not be reimbursed by the Corporation unless the expenses are necessary to achieve a Corporation purpose.

Section 2. Approval of Compensation. The Board must approve in advance the amount of all compensation for officers of the Corporation.

Before approving the compensation of an officer, the Board shall determine that the total compensation to be provided by the Corporation to the officer is reasonable in amount in light of the position, responsibility and qualification of the officer for the position held, including the result of an evaluation of the officer's prior performance for the Corporation, if applicable. In making the determination, the Board shall consider total compensation to include the salary and the value of all benefits provided by the Corporation to the individual in payment for services. At the time of the discussion and decision concerning an officer's compensation, the officer should not be present in the meeting. The Board shall obtain and consider appropriate data concerning comparable compensation paid to similar officers in like circumstances.

The Board shall set forth the basis for its decisions with respect to compensation in the minutes of the meeting at which the decisions are made, including the conclusions of the evaluation and the basis for determining that the individual's compensation was reasonable in light of the evaluation and the comparability data.

ARTICLE XI - GENERAL

Section 1. Books and Records. These shall be kept at the office of the Corporation: (1) correct and complete books and records of accounts; (2) minutes of the proceedings of the Board and the standing and special Committees of the Corporation; (3) a current list of the Directors and the officers of the Corporation and their residence addresses; (4) a copy of these By-Laws; (5) a copy of the Corporation's application for recognition of exemption with the Internal Revenue Service (if applicable); and (6) copies of the past three (3) years' information returns to the Internal Revenue Service (if applicable).

Section 2. Loans to Directors and Officers. No loans shall be made by the Corporation to its Directors or Officers, or to any other company, corporation, firm, association or other entity in which one or more of the Directors or Officers of the Corporation are members, director or officers or hold a substantial financial interest except as allowed by law.

Section 3. Fiscal Year. The fiscal year of the Corporation shall commence on January 1 in each calendar year and shall end on December 31 of each calendar year.

Section 4. Training. All Directors shall participate in training approved by the State of New York regarding their legal, fiduciary, financial and ethical responsibilities as Directors within one (1) year of appointment to the Board. All Directors of the Board shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of the Corporation and the adhere to the highest standards of responsible governance.

ARTICLE XII - AMENDMENTS

Section 1. Amendments to By-Laws. The By-Laws and the Certificate of Incorporation of the Corporation may be amended or repealed by the Member. At least seven (7) days written notice thereof of the proposed amendments must be provided to the Member.

CERTIFICATE OF INCORPORATION
OF
DUTCHESS COUNTY LOCAL DEVELOPMENT CORPORATION

UNDER SECTION 402 OF THE NOT-FOR-PROFIT CORPORATION LAW

The undersigned, for the purpose of forming a local development corporation, hereby certifies that:

1. The name of the Corporation is Dutchess County Local Development Corporation.

2. The Corporation is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law ("N-PCL") and is a local development corporation pursuant to Section 201 of the N-PCL. The Corporation is a Type C Corporation under Section 201 of the Not-for-Profit Corporation Law.

3. The Corporation is formed and shall be operated exclusively for the charitable and public purposes of benefiting and furthering the activities of Dutchess County, New York (the "County"). More specifically, the Corporation shall act as a local development corporation for the County by conducting activities that will relieve and reduce unemployment; promote and provide for additional and maximum employment; better and maintain job opportunities; instruct or train individuals to improve or develop their capabilities for such jobs; carry on scientific research for the purpose of aiding the County by attracting new industry to the County; or by encouraging the development of, or retention of, an industry in the County; and lessening the burdens of government and acting in the public interest. The Corporation's corporate powers shall include, but are not limited to, the power to finance facilities for not-for-profit corporations, acquire, improve, maintain, equip and furnish projects, to lease such projects and collect rent; to sell and convey any and all of its property whenever the Board of Directors shall find such action to be in furtherance of the purposes for which it was organized; and to issue bonds for the purpose of carrying out any of its powers; all bonds are payable solely out of revenues and receipts derived from the leasing or sale by the Corporation of its projects, or from loans made by the Corporation. The County is not liable for the payment of principal or interest on any of the bonds of the Corporation.

In furtherance of the foregoing purposes, the Corporation shall have all the powers conferred by Section 1411(c) of the N-PCL.

The lawful public or quasi-public objectives which each business purpose will achieve are the following: the training of community residents in the development of their business skills; the reduction of unemployment; the promotion of maximum employment by bettering and maintaining job opportunities; the stimulation of the economic growth of the County.

Nothing herein shall authorize the Corporation, directly or indirectly, to engage in or include among its purposes, any of the activities mentioned in Section 404(a)-(v) of the Not-For-Profit Corporation Law.

Nothing herein shall authorize the Corporation to operate or maintain an institution of higher learning or to grant degrees. Nothing herein shall authorize the Corporation to engage in the practice of the profession of medicine or any other profession required to be licensed by Title VIII of the Education Law. Nothing herein shall authorize the Corporation to provide professional training in the profession of medicine or any other profession required to be licensed by Title VIII of the Education Law.

4. (a) All income and earnings of such corporation shall be used exclusively for its corporate purposes or accrue and be paid to the New York Job Development Authority. No part of the net earnings of the Corporation shall inure to the benefit of any director, or officer of the Corporation or any private individual, except that reasonable compensation may be paid, other than to a director, for services rendered to or for the Corporation. No director or officer of the Corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

(b) No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, except as otherwise provided by Section 501(h) of the Internal Revenue Code of 1986, as amended. The Corporation shall not participate or intervene (including the publication or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, it shall be dissolved in accordance with the provisions provided below upon the repayment or other discharge in full by the Corporation of all such loans.

(d) Notwithstanding any other provision of this Certificate, the Corporation is organized exclusively for charitable and public purposes and is intended to qualify as an entity the income of which is excludable under Code Section 115.

(e) In the event of the liquidation, dissolution, or winding up of the Corporation, whether voluntary or involuntary or by operation of law, all of the remaining assets and property of the Corporation shall after necessary expenses thereof be distributed to the County for furtherance of the purposes set forth above.

5. The office of the Corporation in the State of New York shall be located in Dutchess County.

6. The name and address of the initial directors of the Corporation are

NAME	ADDRESS
Michael J. Tomkovitch	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
Charles Daniels, III	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
Angela Flesland	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
George R. Stoffers	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
David R. Tetor	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
Phyllis DiStasi Keenan	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601
Henry Killian	Dutchess County Local Development Corporation 3 Neptune Road Poughkeepsie, New York 12601

7. The Secretary of State of the State of New York is hereby designated as the agent of the Corporation upon whom process in any action or proceeding against the Corporation may be served. The post office address to which the Secretary of State shall mail a copy of any such process so served is:

Dutchess County Local Development Corporation
3 Neptune Road
Poughkeepsie, New York 12601

IN WITNESS WHEREOF, the undersigned incorporator, being at least eighteen years of age, has signed this certificate this ____ day of _____, 2010, and hereby affirms the truth of the statements contained herein under penalty of perjury.

/s/_____
, Incorporator
Address:

CERTIFICATE OF INCORPORATION
OF
DUTCHESS COUNTY LOCAL DEVELOPMENT CORPORATION

UNDER SECTION 402 OF THE NEW YORK NOT-FOR-PROFIT CORPORATION LAW

Filed by:

MARIST

April 7, 2010

Hon. Robert Rolison, Chairman and the
Dutchess County Legislature
22 Market Street
Poughkeepsie, New York 12601

Re: Proposal to Form Local Development Corporation

Dear Chairman Rolison and County Legislators:

I understand that the Dutchess County Legislature is considering a proposal to create a Local Development Corporation to provide tax exempt bond financing to Not-For-Profit corporations in Dutchess County. As the President of Marist College, I write to note our wholehearted support for this proposal. The Not-For-Profit corporations are major employers and economic engines in this county. By providing us with access to less expensive investment capital, you are helping promote the economic welfare of Dutchess County and the prosperity of our community and preventing unemployment and economic deterioration.

Office of the President
Marist College
Poughkeepsie, NY
12601-1387
telephone: 845-575-3600
fax: 845-575-3337
Dennis.Murray@Marist.edu

As you are aware, this type of bond financing was previously provided by the Dutchess County IDA to many Not-For-Profit corporations in Dutchess County, including ours. Since the state authorizing legislation expired in January, 2008 this vital financing alternative has not been available to us. The tax exempt bonds are "conduit" financing, meaning none of the assets of the County, the Local Development Corporation or the taxpayers is pledged to the repayment of the bonds. It merely provides a less expensive way for us to borrow.

In these tough financial times, we are pleased to see you are taking the initiative to help us create new employment opportunities in Dutchess County for us and the local construction industry. As a substantial employer in Dutchess County, we strongly urge you to support this proposal.

Sincerely,

Dennis J. Murray

Dennis J. Murray

www.sfhhc.org

241 North Road
Poughkeepsie, New York
12601-1399
Phone: 845-483-5000

Our Vision:
To be the hospital of choice in the Hudson Valley, spiritually grounded, quality driven and trusted for generations to come.

Our Mission:
Saint Francis Hospital is privileged to serve the healthcare needs of our community with reverence for life and the dignity and worth of every individual, embracing a healing ministry in the spirit of Saint Francis of Assisi.

Our Catholic tradition is reflected in our CREST of Values:

Compassionate Care
Respect
Excellence
Service
Teamwork

April 6, 2010

Hon. Robert Rolison, Chairman and the
Dutchess County Legislature
22 Market Street
Poughkeepsie, New York 12601

Re: **Proposal to Form Local Development Corporation**

Dear Chairman Rolison and County Legislators:

I understand that the Dutchess County Legislature is considering a proposal to create a Local Development Corporation to provide tax exempt bond financing to Not-For-Profit corporations in Dutchess County. As the President of Saint Francis Hospital please note our wholehearted support for this proposal. The Not-For-Profit sector is a major employers and economic engine in this county. By providing us with access to less expensive investment capital, you are helping promote the economic welfare of Dutchess County and the prosperity of our community while preventing unemployment and economic deterioration.

As you are aware, this type of bond financing was previously provided by the Dutchess County IDA to many Not-For-Profit corporations in Dutchess County, including ours. Since the state authorizing legislation expired in January, 2008 this vital financing alternative has not been available to us. The tax exempt bonds are "conduit" financing, meaning none of the assets of the County, the Local Development Corporation or the taxpayers is pledged to the repayment of the bonds. It merely provides a less expensive way for us to borrow.

In these tough financial times, we are pleased to see you are taking the initiative to help us create new employment opportunities in Dutchess County for us and the local construction industry. As one of the largest employers in Dutchess County, I strongly urge you to support this proposal.

Respectfully,

Robert L. Savage
President

Discussion on the foregoing Resolution No. 201094 resulted as follows:

Legislator Tyner moved to amend the foregoing resolution to add prevailing wage standards wherever possible duly seconded by Legislator Goldberg.

Roll call vote on the foregoing amendment resulted as follows:

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

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

ABSENT: 0

Amendment defeated.

Roll call vote on the foregoing Resolution No. 2010094 resulted as follows:

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

NAYS: 1 Tyner.

ABSENT: 0

Resolution adopted.

Budget, Finance, & Personnel

RESOLUTION NO. 2010095

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL
APPLICANT: Bernard J. Barreiro
5 Chase Ct.
Wappingers Falls NY 12590
ACCOUNT NO.: 132800-6459-04-649234-0000

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

WHEREAS, there is an assessment on the assessment roll for the Town of East Fishkill for 2009 under the name of Bernard J. Barreiro, Account No. 132800-6459-04-649234-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Assessor for the Town of East Fishkill has made a clerical error in said assessment, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received February 18, 2010, relating to Account No. 132800-6459-04-649234-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	265,000		265,000	750.91
Town of East Fishkill	265,000		265,000	584.46
East Fishkill Fire	265,000		265,000	177.49
East Fishkill Public Library	265,000		265,000	43.86
			TOTAL:	$1,556.72

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncollectible Taxes		$ 223.85
A430 Town of East Fishkill		174.24
A430 East Fishkill Fire (EF006)		52.92
A430 East Fishkill Public Library		13.08
	Total	$ 464.09

CA-40-10
MB/ca G-194
3/2/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **132800-6459-04-649234-0000**

Owner's Name **Bernard J. Barreiro**

Mailing Address **5 Chase Ct. Wappingers Falls NY 12590**

Property Location **5 Chase Ct.**

School District **Wappingers Central School Dist.** Special District _____

Total Assessed Value now on roll **344,000** Corrected to **265,000**

Taxable Assessed Value now on roll **344,000** Corrected to **265,000**

Exempt codes and amounts if applicable

Amount Levied **$2,020.81** Should be **$1,556.72**

Tax Bill Paid? ___ yes **X** no Verified with School Tax Collector? **X** yes ___ no

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

X Subdivision 2, Paragraph **A** (clerical error)
__ Subdivision 3, Paragraph __ (error in essential fact)
___ Subdivision 7, Paragraph ____ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Exemption amount incorrectly granted to park owner __

Assessed value on roll does not match assessor's final work product **X**

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: __

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application to correct the 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 09

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

BERNARD BARREIRO
1a. Name of Owner

Day (914) 438-5305 Evening ( )
2. Telephone Number

5 CHASE COURT
WAPPINGERS FALLS, N.Y. 12590
1b. Mailing Address

3. Parcel Location (if different than 1b)

6459.04.649234
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. 0564923 4

6. Amount of taxes currently billed $2020.81

7. I hereby request a correction of tax levied by _____
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): MATHEMATICAL ERROR

x 2/12/10
Date

x Bernard Barreiro
Signature of Applicant

2010 FEB 18 PM 12:55
RECEIVED
TAX SERVICES

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 2/18/10

Period of warrant for collection of taxes: 1/1/10

Last day for collection of taxes without interest: 2/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

2/24/10
Date

Kathleen Myers
Signature of County Director

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

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

____**APPLICATION APPROVED**

Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $_____

Order transmitted to collecting officer on (enter date): _____

____**APPLICATION DENIED** Reason: _____

Seal of Office

_____
Date

_____
Signature of Chief Executive Officer
or Official Designated by Resolution

Assessor Affidavit for Correction of Error

This affidavit or a letter signed by the assessor must be submitted for every requested Correction of Error.

I, Kathleen Martin assessor for the Town/City of East Fishkill,

Dutchess County, do hereby affirm that the assessment or taxable assessment on

Grid # 6459-04-649234

owned by Bernard J Barreiro

as shown on the 2009 (yr) Assessment/Tax roll of the

Town/City of East Fishkill

School district of WCSD

is **incorrect** and may be corrected per RPTL 550.

An explanation of the error and how it occurred is as follows: (Please be specific)

Agreed upon Stipulation was not entered in the computer

Assessment was: 344,000 Should be: 265,000

Exemption was: _____ Should be: _____

Other: _____

I request that the County Director investigate and make a recommendation to the tax levying body to correct such error and issue a new bill or refund.

Date 10/15/2009 Signature of Assessor or Designee [signature]

Whenever possible, proof of error MUST accompany this affidavit as applicable:

e.g.

Exemption application indicating approval/denial
Copy of property record card, work book or other final work product
Copy of paid tax bill
Verified statement of BAR (for grievance changes not appearing on final roll)
Any other documentation requested by the Director to complete the investigation

Rev. 9/5/2008 by Dutchess County Real Property Tax Service Agency

Received Time Feb. 24. 2010 12:40PM No. 1119

STIPULATION

Part Six: Stipulation of Complaint on Real Property Assessment

Grid# 6459.04.649234

Property Address 5 Chase Court

The complainant (Or complainant's representative) and assessor (or assessor designated by a majority of the board of assessors) whose signatures appear below stipulate that the following assessed value is to be applied to the above described property 2009 (year) assessment roll: Land $ 971600 Total $ 965,000

_____ Check here if stipulation approved exemption indicated in Part Three, section B.2 or C.1

Bernard Bonneiro _____ 5/19/09

Complainant or representative Assessor Date

Received Time Feb. 22. 2010 12:04PM No. 1084

Roll call vote on the foregoing Resolution No. 2010095 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010096

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL
APPLICANT: Jay R. Livermore and Beth A. Livermore
1318 Route 82
Hopewell Jct. NY 12533
ACCOUNT NO.: 132800-6458-02-973652-0000

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

WHEREAS, there is an assessment on the assessment roll for the Town of East Fishkill for 2009 under the name of Jay R. Livermore and Beth A. Livermore, Account No. 132800-6458-02-973652-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Assessor for the Town of East Fishkill has made a clerical error in said assessment, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received February 22, 2010, relating to Account No. 132800-6458-02-973652-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	392,500	45,000	347,500	984.68
Town of East Fishkill	392,500	40,000	352,500	777.44
East Fishkill Fire	392,500		392,500	262.89
East Fishkill Public Library	392,500		392,500	64.97
			TOTAL:	$2,089.98

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncollectible Taxes		$ 93.51
A430 Town of East Fishkill		74.99
	Total	$ 168.50

CA-39-10
MB/ca G-194
3/2/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **132800-6458-02-973652-0000**

Owner's Name **Jay R. and Beth A. Livermore**

Mailing Address **1318 Route 82 Hopewell Jct. NY 12533**

Property Location **1318 Route 82**

School District **Arlington Central School Dist.** Special District _____

Total Assessed Value now on roll **392,500** Corrected to **Same**

Taxable Assessed Value now on roll **380,500 Cnty/386,500 Town** Corrected to **347,500 Cnty/352,500Town**

Exempt codes and amounts if applicable
Alt Vet Combat 45,000 Cnty / 40,000 Town

Amount Levied **$2,258.48** Should be **$2,089.98**

Tax Bill Paid? ___ yes **X** no Verified with Assessor? **X** yes ___ no

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

X Subdivision 2, Paragraph **C** (clerical error)
__ Subdivision 3, Paragraph __ (error in essential fact)
___ Subdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll **X**

Exemption amount incorrectly granted to park owner __

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

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: __

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application to correct the 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 10

Part I: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

Jay Livermore + Beth A. Livermore
1a. Name of Owner

Day 845 592-1067 Evening Cell 928-7422
2. Telephone Number

1318 Route 82
Hopewell Jct NY 12533
1b. Mailing Address

3. Parcel Location (if different than 1b.)

6458-02-973652
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. _____ 6. Amount of taxes currently billed _____

7. I hereby request a correction of tax levied by East Fishkill
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): Veteran's exemption entered incorrectly on computer

2/19/2010
Date

Beth A. Livermore
Signature of Applicant

2010 FEB 22 PM 3:36
REAL PROPERTY TAX SERVICES

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 2/22/10 Period of warrant for collection of taxes: 1/1/10

Last day for collection of taxes without interest: 2/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

3/1/2010
Date

Kathleen Myers
Signature of County Director

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

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

____ **APPLICATION APPROVED** Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____ Corrected tax: $ _____

Order transmitted to collecting officer on (enter date): _____

____ **APPLICATION DENIED** Reason: _____

Seal of Office

Date

Signature of Chief Executive Officer
or Official Designated by Resolution

Received Time Feb. 22. 2010 1:35PM No. 1093

Assessor Affidavit for Correction of Error

This affidavit or a letter signed by the assessor must be submitted for every requested Correction of Error.

I, Kathleen Martin, assessor for the Town/City of East Fishkill,

Dutchess County, do hereby affirm that the assessment or taxable assessment on

Grid # 6458-02-973652

owned by Jay + Beth Livermore

as shown on the 2010 (yr) Assessment/Tax roll of the

Town/City of East Fishkill

School district of ~~Wa~~ Arlington

is **incorrect** and may be corrected per RPTL 550.

2010 FEB 22 PM 12:53 REAL PROPERTY TAX SERVICES

An explanation of the error and how it occurred is as follows: (Please be specific)

Entered in computer wrong. Clerical Error. Entered as Cold War should have been Alt. Vet Plus Vet. Disability/ Combat.

Assessment was: _____ Should be: _____

Exemption was: Cold War Should be: Alt. Vet + Vet. Disability

Other: _____

I request that the County Director investigate and make a recommendation to the tax levying body to correct such error and issue a new bill or refund.

Date 2/22/2010 Signature of Assessor or Designee [signature]

Whenever possible, proof of error MUST accompany this affidavit as applicable:

e.g.

Exemption application indicating approval/denial
Copy of property record card, work book or other final work product
Copy of paid tax bill
Verified statement of BAR (for grievance changes not appearing on final roll)
Any other documentation requested by the Director to complete the investigation

Alternative

RECEIVED JUL 16 2008 By

RP-458-a (1/03 rev. 8/06)

2/13/09

NYS BOARD OF REAL PROPERTY SERVICES

APPLICATION FOR ALTERNATIVE VETERANS EXEMPTION FROM REAL PROPERTY TAXATION

(General information and instructions for completing this form are contained in Form RP-458-a-Ins)

1. Name and telephone no. of owner(s)
Jay R. Livermore
Beth A. Livermore
Day No. ( ) 928-246-7422 cell
Evening No. ( ) 845-592-1067 Home

2. Mailing address of owner(s)
1318 Route 82
Hopewell Junction
N.Y. 12533

2010 FEB 24 PM 12:53 REAL PROPERTY TAX SERVICES

3. Location of property (see instructions)
1318 Route 82
Street address
Hopewell Junction
City/Town
Village (if any)

Property identification (see tax bill or assessment roll)

Tax map number or section/block/lot 6458-02-973652

4. Is the owner a veteran who served in the active military, naval or air service of the United States? ✓ Yes ___ No
If No, indicate the relationship of the owner to veteran who rendered such service: ___
If Yes, is the veteran also the unremarried surviving spouse of a veteran? ___ Yes ✓ No

5. Indicate branch of veterans service and dates of active service: Marine Corps 6/98-12/04
(Attach written evidence)

6. Was the veteran discharged or released from the active service under honorable conditions? ✓ Yes ___ No
(Attach written evidence)

7. Did the veteran serve in a combat zone or combat theater? ✓ Yes ___ No
If Yes, where did the veteran serve and when was such service performed? Enduring Operation Iraqi Freedom
(Attach written evidence)

8. Has the veteran received, or did the veteran receive prior to his/her death, a compensation rating from the United States Veteran's Administration or from the United States Department of Defense as a result of a service connected disability? ✓ Yes ___ No
If Yes, what is (was) the veteran's compensation rating? 100%
(Attach written evidence showing the date such rate was established)

☐ check if rating is permanent?

If No, did the veteran die in service of a service connected disability or in the line of duty while serving during wartime? ___ Yes ✓ No (Attach written evidence)

9. Is the property the primary residence of the veteran, unremarried surviving spouse of the veteran or Gold Star parent? ✓ Yes ___ No
If No, is the veteran, unremarried surviving spouse of the veteran or Gold Star parent the owner of the property and absent from the property due to medical reasons or institutionalization? ___ Yes ___ No
Explain: ___

10. Is the property used exclusively for residential purposes? ✓ Yes ___ No
If No, describe the non-residential use of this property and state what portion is so used. ___

11. Date title to this property was acquired: July 9, 2008 (attach copy of deed)

12. Has the owner(s) ever received or is the owner(s) now receiving a veterans exemption based on eligible funds on property in New York State? ____Yes ✓ No

If yes, the amount of eligible funds used in the purchase was $_____

The location of the property was or is: 1318 Route 82 (same as in question 3) or

Street address: 1318 Route 82

Village of_____ City/Town of Hopewell Junction School District Arlington

I (we) hereby certify that all statements made on this application are true and correct to the best of my (our) knowledge and belief and I (we) understand that any willful false statement made herein will subject me (us) to the penalties prescribed therefore in the Penal Law.

ALL OWNERS MUST SIGN APPLICATION

Signature of owner(s) Date 7/16/08

Signature of owner(s) Date 7/16/08

SPACE BELOW FOR ASSESSOR'S USE ONLY

Alternative veterans exemption (RP-458-a)	Assessment	Period of war active service or expeditionary medal recipient (15% or ceiling Max.) approved ___Yes ___No	Combat zone service (including expeditionary medal) (10% or ceiling Max.) approved ___Yes ___No	Service connected disability rating ____(x 50% or ceiling Max.) approved ___Yes ___No	Total
Village of					
Town/City of					
County of					

Assessor's signature Date

Roll call vote on the foregoing Resolution No. 2010096 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010097

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL
APPLICANT: John H. Labick and Patricia Labick
6 Mountain Pass
Hopewell Jct. NY 12533
ACCOUNT NO.: 132800-6558-01-249765-0000

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

WHEREAS, there is a re-levied water bill on the tax roll for the Town of East Fishkill for 2009 under the name of John H. Labick and Patricia Labick , Account No. 132800-6558-01-249765-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Collector for the Town of East Fishkill has made a clerical error in said re-levy, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received March 3, 2010, relating to Account No. 132800-6558-01-249765-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	292,500		292,500	828.83
Town of East Fishkill	292,500		292,500	645.11
East Fishkill Fire	292,500		292,500	195.91
East Fishkill Public Library	292,500		292,500	48.42
Little Swiss Water	292,500		292,500	699.85
			TOTAL:	$2,418.12

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A430 Unpaid Water Town of East Fishkill		244.00
	Total	$244.00

CA-42-10
MB/ca G-194
3/3/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **132800-6558-01-249765-0000**

Owner's Name **John H. and Patricia Labick**

Mailing Address **6 Mountain Pass Hopewell Jct. NY 12533**

Property Location **6 Mountain Pass**

School District **Arlington Central School Dist.** Special District _____

Total Assessed Value now on roll **292,500** Corrected to **Same**

Taxable Assessed Value now on roll **292,500** Corrected to **292,500**

Exempt codes and amounts if applicable

Amount Levied **$2,662.12** Should be **$2,418.12**

Tax Bill Paid? ___ yes **X** no Verified with Assessor? **X** yes ___ no

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

X Subdivision 2, Paragraph **H** (clerical error)
__ Subdivision 3, Paragraph __ (error in essential fact)
___ Subdivision 7, Paragraph ____ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Exemption amount incorrectly granted to park owner __

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

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: **X** Previously paid water bill incorrectly re-levied

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application to correct the 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 09

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

John + Patricia Labick
1a. Name of Owner

Day 845 2216-4911 Evening ( )
2. Telephone Number

6 Mountain Pass
Hopewell Jct NY 12533
1b. Mailing Address

3. Parcel Location (if different than 1b.)

6558-01-249765

4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. 05249765

6. Amount of taxes currently billed $ 2462.12

7. I hereby request a correction of tax levied by TOWN OF EAST FISHKILL
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): ERROR IN BILL – $244. refund Water Charge Owed by resident at different address.

2-1-10
Date

Signature of Applicant

2010 MAR -3 AM 11:37
REAL PROPERTY TAX SERVICES

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 3/3/10

Period of warrant for collection of taxes: 1/1/10

Last day for collection of taxes without interest: 2/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

3/3/2010
Date

Kathleen Myers
Signature of County Director

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

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

____**APPLICATION APPROVED**

Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $ _____

Order transmitted to collecting officer on (enter date): _____

____**APPLICATION DENIED** Reason: _____

Seal of Office

Date

Signature of Chief Executive Officer
or Official Designated by Resolution

Assessor Affidavit for Correction of Error

This affidavit or a letter signed by the assessor must be submitted for every requested Correction of Error.

I, Kathleen A. Martin, assessor for the Town/City of East Fishkill,

Dutchess County, do hereby affirm that the assessment or taxable assessment on

Grid # 6558-01-249765

owned by John + Patricia Labick

as shown on the 2009 (yr) Assessment/Tax roll of the

Town/City of East Fishkill

School district of Arlington

is **incorrect** and may be corrected per RPTL 550.

2010 MAR -3 AM 11:38
REAL PROPERTY TAX SERVICES

An explanation of the error and how it occurred is as follows: (Please be specific)

water charge was put on wrong bill.
244.00 Charge.

Assessment was: _____ Should be: _____

Exemption was: _____ Should be: _____

Other: _____

I request that the County Director investigate and make a recommendation to the tax levying body to correct such error and issue a new bill or refund.

Date 3/1/10 Signature of Assessor or Designee [signature]

Whenever possible, proof of error MUST accompany this affidavit as applicable:

e.g.

Exemption application indicating approval/denial
Copy of property record card, work book or other final work product
Copy of paid tax bill
Verified statement of BAR (for grievance changes not appearing on final roll)
Any other documentation requested by the Director to complete the investigation

Roll call vote on the foregoing Resolution No. 2010097 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010098

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL
APPLICANT: Stanley R. Andersen and Mary P. Andersen
8 Woodcrest Dr.
Hopewell Jct NY 12533
ACCOUNT NO.: 132800-6557-02-504584-0000

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

WHEREAS, there is a re-levied water bill amount on the tax roll for the Town of East Fishkill for 2009 under the name of Stanley R. Andersen and Mary P. Andersen, Account No. 132800-6557-02-504584-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Collector for the Town of East Fishkill has made a clerical error in said re-levy amount, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received February 10, 2010, relating to Account No. 132800-6557-02-504584-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	415,000		415,000	1,175.95
Town of East Fishkill	415,000		415,000	915.29
East Fishkill Fire	415,000		415,000	277.96
E. Fishkill Public Lib.	415,000		415,000	68.69
Taconic Estates Water	100 units		100 units	501.13
			TOTAL:	$2,939.02

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A430 Unpaid Water Town of East Fishkill		112.00
	Total	$112.00

CA-37-10
MB/ca G-194
3/2/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **132800-6557-02-504584-0000**

Owner's Name **Stanley R. and Mary P. Andersen**

Mailing Address **8 Woodcrest Dr. Hopewell Jct. NY 12533**

Property Location **8 Woodcrest Dr.**

School District **Wappingers Central School Dist.** Special District _____

Total Assessed Value now on roll **415,000** Corrected to **Same**

Taxable Assessed Value now on roll **415,000** Corrected to **Same**

Exempt codes and amounts if applicable

Amount Levied **$3,051.02** Should be **$2,939.02**

Tax Bill Paid? ___ yes **X** no Verified with assessor? **X** yes ___ no

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

X Subdivision 2, Paragraph **H** (clerical error)
___ Subdivision 3, Paragraph ___ (error in essential fact)
___ Subdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll ___

Exemption amount incorrectly calculated ___

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

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated ___

Other: **X** Previously paid water bill was incorrectly re-levied

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application for a corrected 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

2010 FEB 10 PM 2:43 REAL PROPERTY TAX SERVICES

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 10

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

Stanley + Mary Andersen
1a. Name of Owner

Day 914 456-4807 Evening ( )
2. Telephone Number

8 Woodcrest Dr.
Hopewell Jct., NY 12533
1b. Mailing Address

3. Parcel Location (if different than 1b.)

6557-02-504584
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. 055504584

6. Amount of taxes currently billed 3051.02

7. I hereby request a correction of tax levied by TOWN OF EAST FISHKILL
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): Unpaid water bill in the amount of $112.00 added in error.

X JAN. 26, 2010
Date

X Stanley R. Andersen
X Mary P. Andersen
Signature of Applicant

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 2/10/10

Period of warrant for collection of taxes: 12/18/09

Last day for collection of taxes without interest: 2/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

2/17/10
Date

Kathleen Myers
Signature of County Director

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

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

_____**APPLICATION APPROVED**

Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $_____

Order transmitted to collecting officer on (enter date): _____

_____**APPLICATION DENIED** Reason: _____

Seal of Office

_____
Date

_____
Signature of Chief Executive Officer
or Official Designated by Resolution

Assessor Affidavit for Correction of Error

This affidavit or a letter signed by the assessor must be submitted for every requested Correction of Error.

I, Kathleen A. Martin, assessor for the Town/City of East Fishkill,

Dutchess County, do hereby affirm that the assessment or taxable assessment on

Grid # 6557-02-504584

owned by Stanley + Mary Anderson

as shown on the 2009 (yr) Assessment/Tax roll of the

Town/City of East Fishkill

School district of Wappinger C.S.

is **incorrect** and may be corrected per RPTL 550.

An explanation of the error and how it occurred is as follows: (Please be specific)

Unpaid water bill in the amount of $112.00 added in error.

Assessment was: _____ Should be: _____

Exemption was: _____ Should be: _____

Other: _____

I request that the County Director investigate and make a recommendation to the tax levying body to correct such error and issue a new bill or refund.

Date 2/4/10 Signature of Assessor or Designee [signature]

Whenever possible, proof of error MUST accompany this affidavit as applicable:

e.g.

Exemption application indicating approval/denial
Copy of property record card, work book or other final work product
Copy of paid tax bill
Verified statement of BAR (for grievance changes not appearing on final roll)
Any other documentation requested by the Director to complete the investigation

2010 FEB 10 PM 2:43
REAL PROPERTY TAX SERVICES

Rev. 9/5/2008 by Dutchess County Real Property Tax Service Agency

Roll call vote on the foregoing Resolution No. 2010098 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010099

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL
AND TO ORDER THE LOCAL TAX COLLECTOR TO
ISSUE A CORRECTED TAX BILL
APPLICANT: Naomi F. Storms
111 E. Dorsey Lane
Poughkeepsie NY 12601
ACCOUNT NO.: 133200-6263-01-040620-0000

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

WHEREAS, there is an assessment on the assessment roll for the Town of Hyde Park for 2009 under the name of Naomi F. Storms, Account No. 133200-6263-01-040620-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Assessor for the Town of Hyde Park has made a clerical error in said assessment, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received February 9, 2010, relating to Account No. 133200-6263-01-040620-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	108,000	54,000	54,000	332.64
Town of Hyde Park	108,000	54,000	54,000	259.32
Fairview Fire	108,000		108,000	1,173.81
Hyde Park Library	108,000		108,000	51.08
			TOTAL:	$1,816.85

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncollectible Taxes		$332.64
A430 Town of Hyde Park		259.32
	Total	$591.96

CA-38-10
MB/ca G-194
3/2/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **133200-6263-01-040620-0000**

Owner's Name **Naomi F. Storms**

Mailing Address **111 E. Dorsey Lane Poughkeepsie NY 12601**

Property Location **111 E. Dorsey Lane**

School District **Hyde Park Central School Dist.** Special District _____

Total Assessed Value now on roll **108,000** Corrected to **Same**

Taxable Assessed Value now on roll **108,000** Corrected to **54,000**

Exempt codes and amounts if applicable
Senior Exemption C/T 54,000

Amount Levied **$2,408.81** Should be **$1,816.85**

Tax Bill Paid? ___ yes **X** no Verified with assessor? **X** yes ___ no

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

X Subdivision 2, Paragraph **C** (clerical error)
__ Subdivision 3, Paragraph ___ (error in essential fact)
_____ Subdivision 7, Paragraph ____ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll **X**

Exemption amount incorrectly calculated __

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

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: ___

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application for a corrected 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 2010

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

Naomi Storms
1a. Name of Owner

Day (845) 430-5956 Evening ( )
2. Telephone Number

111 E. Dorsey Lane
Poughkeepsie, NY 12601
1b. Mailing Address

3. Parcel Location (if different than 1b.)

2010 FEB -9 AM 11:36 REAL PROPERTY TAX SERVICES

133200-6263-01-040620
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. _____

6. Amount of taxes currently billed _____

7. I hereby request a correction of tax levied by Town + County
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): see attached

2/1/2010
Date

Naomi Storms
Signature of Applicant

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 2/9/10 Period of warrant for collection of taxes: 12/18/09

Last day for collection of taxes without interest: 2/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

2/17/10
Date

Kathleen Myers
Signature of County Director

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

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

_____**APPLICATION APPROVED**

Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $ _____

Order transmitted to collecting officer on (enter date): _____

_____**APPLICATION DENIED** Reason: _____

Seal of Office

Date

Signature of Chief Executive Officer
or Official Designated by Resolution

HISTORIC TOWN OF HYDE PARK

4383 Albany Post Road, Hyde Park, N.Y. 12538

(845) 229-7103- Ext. 123 Fax (845) 229-1901

Tim McGowan
Assessor

February 2, 2010

To Whom It May Concern:

The Assessor's Office is requesting a correction on tax parcel # 6263-01-040620, located on 111 E. Dorsey Lane. Her Senior Citizen exemption should be 50% for Town, County and School. I printed this off real property when I first entered it, but now looking into RPSV4, part of the exemption is now missing.

Attached is a copy of their Town and County Tax bill and a copy of their senior exemption application and the printout showing that I had but the correct exemption amounts into the system.

If there are any other questions or concerns, please feel free to contact our office.

Sincerely,

Tim McGowan
Town Of Hyde Park Assessor

2010 FEB -9 AM 11:36
REAL PROPERTY
TAX SERVICES

Roll call vote on the foregoing Resolution No. 2010099 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010100

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL
AND TO ORDER THE LOCAL TAX COLLECTOR TO
ISSUE A CORRECTED TAX BILL
APPLICANT: Joseph Smith
59 Indian Wells Rd.
Brewster NY 10509
ACCOUNT NO.: 135400-6662-00-337269-0009

Legislators BORCHERT and SURMANoffer the following and move its adoption:

WHEREAS, there should have been a re-levied school tax on the County/Town tax roll for the Town of Union Vale for 2009 under the name of Joseph Smith, Account No. 135400-6662-00-337269-0009, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Collector for the Millbrook Central School Dist. has made a clerical error in said re-levy, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received March 3, 2010, relating to Account No. 135400-6662-00-337269-0009 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	32,550		32,550	92.23
Town of Union Vale	32,550		32,550	53.92
Union Vale Fire	32,500		32,500	31.79
Returned School	32,500		32,500	342.62
			TOTAL:	$520.56

and be it further

RESOLVED, that the Tax Collector be instructed to increase the warrant as follows:

County	$ 22.41
Millbrook CSD	$320.21
Total	$342.62

And be it further

RESOLVED, that the Commissioner of Finance make the appropriate adjustments as follows:

Increase:

A250	Due from Union Vale	$342.62
A440	Due to Millbrook CSD	$320.21
A980	County Share	$ 22.41

CA-46-10
MB/ca G-194
3/4/10
Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) 135400-6662-00-337269-0009

Owner's Name Joseph Smith

Mailing Address Sky Acres Enterprises Inc. C/O Joseph Smith 59 Indian Wells Rd. Brewster NY 10509

Property Location Styles Way

School District Millbrook Central School Dist. Special District _____

Total Assessed Value now on roll 32,550 Corrected to Same

Taxable Assessed Value now on roll 32,550 Corrected to Same

Exempt codes and amounts if applicable

Amount Levied $177.94 Should be $520.56

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

X Subdivision 2, Paragraph I (clerical error)
__Subdivision 3, Paragraph __ (error in essential fact)
__Subdivision 7, Paragraph __ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Exemption amount incorrectly granted to park owner __

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

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

Assessment based on incorrect acreage __

Parcel should be Wholly Exempt __

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: X A mistake was made in the transcription of the re-levied school tax.

Recommendation X **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: It is recommended that the application to correct the 2009/10 Cnty/town tax bill be approved.

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP-554 (9/04)

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 10

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

Joseph Smith
Sky Acres Enterprises Inc.
1a. Name of Owner

Day (845) 278-0026 Evening ( )
2. Telephone Number

59 Indian Wells Rd
Brewster, NY 10509
1b. Mailing Address

Styles Way
3. Parcel Location (if different than 1b.)

135400 66062-00-337269-0009
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. _____

6. Amount of taxes currently billed Ø

7. I hereby request a correction of tax levied by Town of Union Vale
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): 2009/2010 School Tax Collector applied payment erroneously from other homeowner to this property.

* 3-3-2010
Date

* _____
Signature of Applicant

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 3/3/10 Period of warrant for collection of taxes: 12/28/10

Last day for collection of taxes without interest: 12/28/10

Recommendation: ☑ Approve application* ☐ Deny Application

3/4/10
Date

Kathleen Myers
Signature of County Director

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

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

_____ **APPLICATION APPROVED**

Amount of taxes currently billed: $_____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $ _____

Order transmitted to collecting officer on (enter date): _____

_____ **APPLICATION DENIED** Reason: _____

Seal of Office

_____
Date

_____
Signature of Chief Executive Officer
or Official Designated by Resolution

Millbrook CENTRAL SCHOOL DISTRICT

P.O. BOX AA · MILLBROOK, NEW YORK 12545

SUPERINTENDENT OF SCHOOLS 845-677-4200
BUSINESS ADMINISTRATOR 845-677-4201
PUPIL PERSONNEL SERVICES 845-677-4215
DISTRICT CLERK 845-677-4200

ELM DRIVE ELEMENTARY 845-677-4225
ALDEN PLACE ELEMENTARY 845-677-4220
MILLBROOK MIDDLE SCHOOL 845-677-4210
MILLBROOK HIGH SCHOOL 845-677-2510

Date: March 3, 2010

To: Maggie Burns

From: Cheryl Sprague

Re: Tax Correction 6662-00-337269-0009

On September 28, 2009 I erroneously posted a payment (Mr. Englert grid 6662-00-337269-0010) to the above mentioned grid. Mr. Smith sent in a payment after the mis-post which was returned to him as a duplicate payment.

Mr. Smith has filled out the Application for Corrected Tax Roll.

Sincerely,

Cheryl Sprague
Millbrook CSD
Tax Collector

Received Time Mar. 3. 2010 2:55PM No. 1217

Roll call vote on the foregoing Resolution No. 2010100 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel

RESOLUTION NO. 2010101

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL
AND TO ORDER THE LOCAL TAX COLLECTOR TO
ISSUE A CORRECTED TAX BILL
APPLICANT: Town of Wappinger
20 Middlebush Rd.
Wappinger Falls NY 12590
ACCOUNT NO.: 135689-6158-04-805120-0000

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

WHEREAS, there is an assessment on the assessment roll for the Town of Wappinger for 2009 under the name of Town of Wappinger, Account No. 135689-6158-04-805120-0000, and

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

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the local Tax Assessor for the Town of Wappinger has made a clerical error in said assessment, and

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

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received March 1, 2010, relating to Account No. 135689-6158-04-805120-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	839,600	839,600	0	0.00
Town of Wappinger	839,600	839,600	0	0.00
Grinell Library	839,600	839,600	0	0.00
Ambulance Townwide	839,600	839,600	0	0.00
Wapp S Trans/Treat #1	100 units		100 units	300.48
Wapp S Trans/Treat #2	100 units		100 units	61.83
New Hackensack Fire	839,600	839,600	0	0.00
Wapp. Cons Water	100 units		100 units	139.75
Cntr Wapp Sewer Imp	100 units		100 units	30.28

			TOTAL:	$532.34

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A430 Wapp S Trans/Treat #1(999W2)		$2,938.70
A430 Wapp S Trans/Treat #2(999W3)		604.65
	Total	$3,543.35

CA-41-10
MB/ca G-194
3/3/10

Fiscal Impact: None

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) **135689-6158-04-805120-0000**

Owner's Name **Town of Wappinger**

Mailing Address **20 Middlebush Rd. Wappinger Falls NY 12590**

Property Location **Myers Corners Rd.**

School District **Wappingers Central School Dist.** Special District **Wapp S Trans/Treat #1 and #2**

Total Assessed Value now on roll **839,600** Corrected to **Same**

Taxable Unit Value now on roll **1,078 units** Corrected to **100 units**

Exempt codes and amounts if applicable
Town owned within 839,600

Amount Levied **$4,075.69** Should be **$532.34**

Tax Bill Paid? ___ yes **X** no Verified with Assessor? **X** yes ___ no

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

X Subdivision 2, Paragraph **E** (clerical error)
__ Subdivision 3, Paragraph __ (error in essential fact)
___ Subdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Benefit units incorrectly calculated **X**

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

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

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead, non-homestead or portions misallocated __

Other: __

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application to correct the 2009/10 Cnty/town tax bill be approved.**

Investigator Margaret Burns Director Kathleen Myers

NYS BOARD OF REAL PROPERTY SERVICES

RP[redacted]

APPLICATION FOR CORRECTED TAX ROLL

FOR THE YEAR 20 10

Part I: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

1a. Name of Owner: Town of Wappinger

1b. Mailing Address: 20 Middlebush Rd, Wappingers Falls NY

2. Telephone Number: Day 845 297-2764 Evening

3. Parcel Location (if different than 1b.)

4. Description of real property as shown on tax roll or tax bill (Include tax map designation): 6158-04-805120

5. Account No. 805120

6. Amount of taxes currently billed

7. I hereby request a correction of tax levied by Dutchess County / Town of Wappinger (county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): Benefit unit should be 1 not 2

2/26/2010
Date

Signature of Applicant

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 3/1/10

Period of warrant for collection of taxes: 12/28/09

Last day for collection of taxes without interest: 2/28/09

Recommendation: ☑ Approve application* ☐ Deny Application

3/2/2010
Date

Kathleen Myers
Signature of County Director

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

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

____ **APPLICATION APPROVED**

Amount of taxes currently billed: $ _____

Notice of approval mailed to applicant on (enter date): _____

Corrected tax: $ _____

Order transmitted to collecting officer on (enter date): _____

____ **APPLICATION DENIED** Reason: _____

Seal of Office

Date

Signature of Chief Executive Officer or Official Designated by Resolution

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Sheridan Harkins, Assessor of the Town of Wappinger

Dutchess County do hereby certify that the real property owned by

Town of Wappinger GRID # 6158-04-805120

shown on the 2009 (year) Tax Roll of the Town/School District of Wappinger

and assessed in the amount of 839600 is correct/incorrect due to clerical error/

unlawful entry/ error in essential fact resulting from Benefit units SB 100. Benefit units not 1078.00 on 99SW2 99SW3 according to Resolution

THEREFORE, I hereby do/do not support a recommendation of the Director of Real Property Tax Service that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of this report.

3/2/2010
DATE

ASSESSOR

Wappinger
TOWN/CITY

DOCUMENTATION REQUESTED

( ) exemption application
( ) property record card
( ) tax bill
( ) other

( ) assessor work book
( ) verified statement from BAR
( ) paid tax bill

Roll call vote on the foregoing Resolution No. 2010101 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Public Safety

RESOLUTION NO. 2010102

RE: AUTHORIZING PAYMENT OF 2009 UNENCUMBERED VOUCHERS FROM 2010 FUNDS – PROBATION & COMMUNITY CORRECTIONS (A.3140)

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

WHEREAS, the submission of vouchers following the close of the 2009 budget year has shown that there are outstanding payment invoices in the Office of Probation & Community Corrections in the sum of $555 for mandated training to said department for which appropriations were made but for which funds were not encumbered before the close out date for voucher submission due to late billing from the vendor, and

WHEREAS, said charges were proper except that appropriations that were made were left unencumbered at the end of the close out date for submission for 2009, and

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

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

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

Line Item No.		Amount
A.3140.4620.72	Employee Travel and Expense	$555

CA-49-10
ca/G-0182-A
3/15/10

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

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

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 555

Total Current Year Revenue $ 89
and Source

NYSODOP

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

Identify Line Items(s):
A.3140.4620.72

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $466
Over Five Years: _____

Additional Comments/Explanation:
A September 2009 invoice was not received by Probation until February 2010 so the Department was unaware of the necessity to encumber funds. As a result, this 2009 bill needs to be paid out of 2010 budget appropriations.

Prepared by: Mary Ellen Still / Peggy Milone Probation 486-2600

Dutchess

Dutchess County Office of Probation and Community Corrections

William R. Steinhaus
County Executive

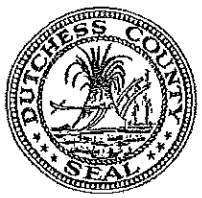
Mary Ellen Still
Director

William A Fluck
Deputy Director

Catherine A. Lane
Deputy Director

50 Market Street
Poughkeepsie
New York
12601
(845)486-2600
Fax (845)486-2676
Adm.Fax (845)486-6479

223 Main Street
Beacon
New York
12508
(845)838-4840
Fax:(845)838-4852



TO: County Executive Office and County Attorney's Office

FROM: Office of Probation & Community Corrections

DATE: March 10, 2010

RE: Resolution Request

Two of our new officers traveled to Albany, NY for a mandated training called "Officer Safety and Survival Training for Peace Officers". They stayed at the Marriott Courtyard in Albany during the week long training. The cost for the stay was $555 for 5 nights. The hotel did not send an invoice for payment until February of 2010. We had considered all 2009 bills to be paid in full at the end of the 2009 fiscal year, so no money was encumbered for the A.3140.4620.72 GL line for Employee Travel & Expense Travel.

Roll call vote on the foregoing Resolution No. 2010102 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Public Safety

RESOLUTION NO. 2010103

RE: REAPPOINTMENT TO THE E-911 MAINTENANCE BOARD

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

WHEREAS, the E-911 Maintenance Board was created pursuant to Resolution No. 990379, and, be it

RESOLVED, that Legislator Kenneth Roman has expressed a desire to be reappointed as the Majority appointment and that he be appointed to a term ending March 31, 2013.

REAPPOINTMENT	*TERM*
Kenneth Roman 79 Delavergne Avenue Wappingers Falls, NY 12590 (Majority Appointment)	April 1, 2010 – March 31, 2013

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010103 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Public Safety
TABLED IN BUDGET, FINANCE, AND PERSONNEL 4/8/10

RESOLUTION NO. 2010104

RE: REQUESTING FEDERAL AND STATE GOVERNMENT TO HELP IMPLEMENT THE FIGHT CRIME: INVEST IN KIDS PROGRAM

Legislators TYNER, Jeter-Jackson, Kelsey, MacAvery, Horton, Traudt, and White offer the following and move its adoption:

WHEREAS, Fight Crime: Invest in Kids NY is a bipartisan, nonprofit organization led by more than 250 New York sheriffs, police chiefs, prosecutors and crime survivors including Dutchess County Sheriff Adrian "Butch" Anderson and Dutchess County District Attorney William Grady, and

WHEREAS, nationally there are more than 4,000 members of the Fight Crime: Invest in Kids coalition: The International Association of Chiefs of Police, the National Sheriffs' Association, the National District Attorneys Association, the National Association of Attorneys General, the Fraternal Order of Police, the National Organization for Victim Assistance, along with the National Academy of Science, and

WHEREAS, the average value of preventing a baby from growing up to become a youth who drops out of school, uses drugs and goes on to become a criminal is at least $2.5 million per individual, and

WHEREAS, at-risk children left out of quality pre-kindergarten are five times more likely to grow up to become criminals by age 27 than children in pre-kindergarten; quality pre-kindergarten also saves $17 for every $1 invested, and

WHEREAS, long term studies show that high quality pre-kindergarten increases graduation rates by as much as 44 percent and in turn dramatically cuts crime; just increasing graduation rates by 10 percentage points, 180 murders and 9,100 aggravated assaults would be prevented across our state annually, and

WHEREAS, nearly 70% of all inmates in our nation's prisons failed to earn a high school diploma; research shows that high school dropouts are three-and-a-half times more likely than graduates to be arrested and eight times more likely to be incarcerated, and

WHEREAS, the RAND Corporation concluded that the Nurse Family Partnership program saves more than it costs especially for the highest risk population where it saved the government $5.70 for every dollar invested, and

WHEREAS, nearly seven school-age New York children in every ten live in a household with a single parent who is working or two parents who are both working; on a regular basis, more than 800,000 New York children and teens are left unsupervised by adults, and

WHEREAS, analysis shows that research-based approaches for cutting juvenile aggression and substance abuse problems Functional Family Therapy, Multisystemic Therapy and Multi-Dimensional Treatment Foster Care reduce current custody costs and future crime so much they can save an average of $15,000 to $75,000 per delinquent, and therefore be it

RESOLVED, that the Dutchess County Legislature calls on our federal and state government to help implement the Fight Crime: Invest in Kids four-part plan to cut crime and violence-- to increase access to high-quality early care and education for kids from birth to age five; to offer voluntary parent coaching to at-risk parents of young children through home visiting or other options proven to prevent child abuse and neglect; to increase access to afterschool programs; to identify troubled and delinquent kids and provide them and their parents effective interventions so these children will avoid a life of crime, and be it further

RESOLVED, that a copy of this resolution be sent to Governor David Paterson, State Senators Vincent Leibell and Stephen Saland, and Assemblymembers Greg Ball, Kevin Cahill, Joel Miller, Marcus Molinaro, and Frank Skartados, and President Barack Obama, Senators Kirsten Gillibrand and Charles Schumer, and Representatives John Hall, Maurice Hinchey, and Scott Murphy.

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010104 entitled, "Requesting Federal and State Government to Help Implement the Fight Crime: Invest in Kids Program" was tabled in Budget, Finance, and Personnel Committee on April 8, 2010.

ENVIRONMENT
REVISED 4-8-10

RESOLUTION NO. 2010105

RE: AUTHORIZING AMENDMENT TO GRANT AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE PURCHASE OF A CONSERVATION EASEMENT FOR BOS HAVEN FARM

LEGISLATORS MICCIO, ROLISON, BOLNER, HORTON, COOPER, HUTCHINGS, KELSEY, TRAUDT, WEISS, and SURMAN offer the following and move its adoption:

WHEREAS, by Resolution No. 208221, this Legislature authorized the execution of a grant agreement with the New York State Department of Agriculture and Markets for the purchase of an agricultural conservation easement on the Bos Haven Farm located in the Towns of Washington and Union Vale with a termination date of March 31, 2009, and

WHEREAS, by Resolution No. 209187 this Legislature authorized an extension to the Grant Agreement through December 31, 2009, and

WHEREAS, a contract extension is necessary to provide sufficient time to complete the State review process prior to presentation to the Legislature; and

WHEREAS, the New York State Department of Agriculture and Markets has forwarded an amendment extending the grant agreement through April 30, 2011, and

WHEREAS, a copy of the amendment extending that agreement is attached, now therefore, be it

RESOLVED, that the County Executive is hereby authorized and empowered to execute the amendment to the grant agreement (NYS Contract Number C800632) between the County of Dutchess and the New York State Department of Agriculture and Markets in substantially the same form as attached hereto.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

CA-53-10
ADR:kvh
R-0837
4/8/2010
Fiscal Impact: See attached statement.

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ _____

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:

NYSDAM Agriculture and Farmland Protection Implementation Grant (FPIG) Contract C800632 previously approved by Dutchess County Legislature Resolution No. 208221, authorizing execution of grant agreement for the purchase of an agricultural conservation easement on the Bos Haven Farm with a term expiring March 31, 2009. Dutchess County Legislature Resolution No. 209187 approved extension of FPIG Contract C800632 to December 31, 2009. Requested amendment extends contract to April 30, 2011. The FPIG contract awards the County up to $1,221,250 toward the acquisition.

Prepared by: Noela Hooper, Department of Planning and Development

AGREEMENT

New York State **Department of Agriculture and Markets** **10B Airline Drive** **Albany, NY 12235-0001** **Agency Code 06000** **AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT** **STATUTORY AUTHORITY: Agriculture and Markets Law Article 25-AAA**	Contract Number: **C800632** Amount of Agreement: **$1,221,250** Contract Period: **10/20/06** to **4/30/11** Municipal Code: **1301-0000-0000**

Contractor Name/Project Sponsor: **County of Dutchess**

Street: **22 Market Street** City: **Poughkeepsie** State: **NY** Zip: **12601**

Billing Address (if different from above): **c/o Noela Hooper, Dutchess Co. Dept. of Planning & Development**
Street: **27 High Street** City: **Poughkeepsie** State: **NY** Zip:**12601**

Title/Description of Project: **Agricultural & Farmland Protection Implementation Grant**

THIS AGREEMENT INCLUDES THE FOLLOWING:	FOR AMENDMENTS CHECK THOSE THAT APPLY:	
☒ This Coversheet ☐ Appendix A (Standard Clauses for all New York State Contracts) ☐ Appendix B (Project Budget) ☐ Appendix C (Award letter(s) & a portion of Applicant's proposal) ☐ Appendix D (The Department's General Conditions) ☐ Appendix E (Final Report Documentation Checklist) ☐ Appendix F (other)	☐ Additional Work ☒ Extension of Time From **4/1/09** to **4/30/11** ☐ Increase Amount ☐ Decrease Amount ☐ Revised Budget ☐ Revised Scope of Work ☐ Other	If Increase/Decrease in Amount: Previous Amount: **$** Increase/decrease _____ New Total: **$**

The Contractor and the Department agree to be bound by the terms and conditions contained in this Agreement

CONTRACTOR	NYS DEPARTMENT OF AGRICULTURE & MARKETS
Signature of Contractor's Authorized Representative: _____	Signature of Authorized Official: _____
Date: _____	Date: _____
Typed or Printed Name of Above Representative: _____	Typed or Printed Name of Above Official: _____
Title of Authorized Representative: _____	Title of Authorized Official _____
Notary Public: On this ___day of _____, 20___ before me personally appeared _____, to me known, and known to me to be the same person who executed the above instrument and duly acknowledged the execution of the same.	State Agency Certification: In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract.
Attorney General:	Approved: Thomas P. DiNapoli, State Comptroller By: Date:

Roll call vote on the foregoing Resolution No. 2010105 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment

RESOLUTION NO. 2010106

RE: RECONFIRMING THE 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 MICCIO and TRAUDT 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, this Legislature by Resolution No. 2010029 made a finding of negative declaration on February 11, 2010, and

WHEREAS, the WWA requested that this Legislature reinitiate the Legislative process involved in establishing the Part County Sewer District No. 6 in the Village and Town of Red Hook, and

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

RESOLVED, that this Legislature adopts and reconfirms 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-55-10 CAB/ca/G-1332-F 3/15/10

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date April 16, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010106 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

REPEALED BY RESOLUTION NO. 2010182

Environment

RESOLUTION NO. 2010107

RE: REAFFIRMING RESOLUTION NO. 2010030 THAT ESTABLISHED PART COUNTY SEWER DISTRICT NO. 6 IN THE VILLAGE AND TOWN OF RED HOOK

LEGISLATORS MICCIO and TRAUDT 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

WHEREAS, the original public hearing was scheduled for February 10,2010 but was postponed to February 11, 2010 due to inclement weather on February 10, 2010, and

WHERESAS, this Legislature conducted a public hearing on February 11, 2010, however, there was no notice in the official County newspapers advising the public of the new public hearing date, and

WHEREAS, the WWA requested that another public hearing date be scheduled and the public be notified by notices in the official County newspapers, and

WHEREAS, this Legislature conducted a public hearing on this proposal on April 12, 2010 and heard all persons interested, and

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

RESOLVED, that this Legislature reaffirms the following:

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.

APPROVED

CA-54-10
CAB/ca/G-1332-F
3/15/10
Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

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: March 10, 2010
RE: Resolution Request: Creation of Part-County Sewer District No. 6 (Red Hook Sewer District)

The Authority previously requested a resolution to create Part-County Sewer District No. 6 (Red Hook.) The resolution was adopted by the Legislature at its February 11th meeting, after holding the required public hearing. The meeting date had been postponed from February 10th to February 11th due to inclement weather. Subsequently, the question was raised of whether the public hearing was legitimate, given that there was no public notice provided for the rescheduled hearing.

While we understand that the Legislature acted properly and in accordance with its rules to postpone the board meeting and to notify the public of the postponed meeting, we asked our legal counsel and bond counsel to review the specific issue of required notice for a rescheduled public hearing. They provide to us an Opinion of the State Comptroller which states that, "Where a public hearing on a proposed local law is postponed, a new hearing must be scheduled and a new legal notice published in the same manner as was done for the original hearing." While the issue at hand involves creation of a Part-County Sewer District as opposed to adoption of a local law, NYS County Law governing each of these processes requires that a public hearing be held and be properly noticed.

Accordingly, we have requested that a new public hearing be scheduled and held by the County Legislature. A resolution to do so was approved by the Legislature at its March 8th meeting (Resolution No. 2010039.) We are now requesting that the Legislature re-consider, at its April meeting, a resolution to create Part-County Sewer District No. 6. A Negative Declaration in connection with the creation of Part-County Sewer District No. 6 was adopted by the Legislature at its February meeting (Resolution No. 2010029.)

Background information on the proposed 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.

Please find attached the original resolution to schedule the public hearing.

Please direct any questions to Bridget Barclay at Ext. 3623

Thank you.

Roll call vote on the foregoing Resolution No. 2010107 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

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

ENVIRONMENT

RESOLUTION NO. 2010108

RE: REAPPOINTMENT TO THE DUTCHESS COUNTY SOIL AND WATER CONSERVATION BOARD

Legislator MICCIO, BOLNER and SURMAN offer the following and move its adoption:

WHEREAS, the term of Jeffery Viola as a member of the Dutchess County Soil and Water Conservation Board expired on December 31, 2009, and

WHEREAS, Jeffery Viola, has expressed an interest to be reappointed to such board, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby reappoint Jeffery Viola, as a member of the Dutchess County Soil and Water Conservation Board for a term of three years, said term commencing on January 1, 2010, and expiring on December 31, 2012.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010108 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

ENVIRONMENT

RESOLUTION NO. 2010109

RE: REAPPOINTMENTS TO THE REGION 3 FOREST PRACTICE BOARD

Legislators MICCIO, HORN, BOLNER, and SURMAN offer the following and move its adoption:

WHEREAS, there exist vacancies on the Region 3 Forest Practice Board by reason of the expiration of the terms of Edward Feldweg, Timothy Bontecou, Arnold Goran, Douglas Ramey, and Jeffery Viola, and

WHEREAS, all have expressed an interest to be reappointed to such board, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby confirm the reappointments of Edward Feldweg, Timothy Bontecou, Arnold Goran, Douglas Ramey, and Jeffery Viola as members of the Region 3 Forest Practice Board for a term of three years expiring on December 31, 2012.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2010109 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment
DEFEATED IN ENVIRONMENT 4/8/10

RESOLUTION NO. 2010110

RESOLUTION IN SUPPORT OF THE U.S. DEPT OF JUSTICE'S INVESTIGATION OF THE IMPACT OF THE CONSOLIDATION OF FARM ECONOMY ON THE FARMERS AND COMMUNITY

Legislators TYNER, Goldberg, Jeter-Jackson, and MacAvery offer the following and move its adoption:

WHEREAS, USA Today reported last December on how "confidential contracts detailing Monsanto's business practices have revealed how the world's biggest seed developer is squeezing competitors, controlling smaller seed companies and protecting its dominance over the multibillion-dollar market for genetically altered crops," and

WHEREAS, Monsanto's patented genes are already being inserted into roughly 95% of all soybeans and 80% of all corn grown in the U.S., and

WHEREAS, without competition, Monsanto can raise its seed prices at will, which in turn could raise the cost of everything from animal feed to wheat bread and cookies; prices for Monsanto-developed seeds have doubled over the past decade, outpacing the growth in crop yields, and

WHEREAS, Monsanto increased some corn seed prices last year 25%, with an additional 7% hike planned for corn seeds in 2010; Monsanto brand soybean seeds climbed 28% last year, and

WHEREAS, USA Today uncovered a series of confidential commercial licensing agreements that give around 200 smaller companies the right to insert Monsanto's genes (resistant to Monsanto's Roundup herbicide) into their corn and soybean plans, and

WHEREAS, these confidential commercial licensing agreements outline the various practices that Monsanto employs to block out competition in the seed industry, compromising

any choice that small farmers might have in the decision not to grow GMO plants, and

WHEREAS, the current monopoly in our food system is threatening our food security, the livelihood of our small farmers, and our choices as consumers; corporations like Cargill and Monsanto have monopolized huge swaths of our country's food and farms, resulting in tremendous negative consequences on our food security, on the ability of small farmers to compete and survive, and ultimately on consumer choice, and therefore be it

RESOLVED, that the Dutchess County Legislature supports the U.S.
Department of Justice's decision to investigate the impact of the consolidation of our farm economy on our farmers and community, and urges the Department of Justice to act to free our farmers by restoring meaningful competition to the farm economy instead of the current situation where a few corporations in the grain, seed, dairy and livestock sectors hold dominant control, and be it further

RESOLVED, that a copy of this resolution be sent to President Barack Obama, Senators Kirsten Gillibrand and Charles Schumer, and Representatives John Hall, Maurice Hinchey, and Scott Murphy.

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010110 entitled, "Resolution in Support of the U.S. Dept. of Justice's Investigation of the impact of the Consolidation of Farm Economy on the Farmers and Community" was defeated in Environment Committee on April 8, 2010.

GOVERNMENT SERVICES
Amended

RESOLUTION NO. 2010111

RE: AMENDMENT OF RESOLUTION NO. 61 OF 1993, CREATING A DUTCHESS COUNTY CRIMINAL JUSTICE COUNCIL

LEGISLATORS ROLISON, ROMAN, KELSEY, and HORTON offer the following and move its adoption:

WHEREAS, the Dutchess County Criminal Justice Council (CJC) was created by Resolution No. 61 of 1993, which resolution established the membership of the committee, as well as the procedures and duties of the committee; and

WHEREAS, this Legislature amended the membership of the CJC in Resolution No. 29 of 1998 by adding two legislators as voting members to the CJC, and

WHEREAS, the Dutchess County Legislature is desirous of further amending said Resolution No. 61 of 1993; now, therefore, be it

RESOLVED, that the "Ex Officio Members" shall be amended by:

Changing "Director, Dutchess County Youth Bureau" to "Executive Director, Dutchess County Youth Bureau";

Adding "Director, Health and Human Services Cabinet";

Removing "President, Dutchess County Magistrates Association"; and, be it further

RESOLVED, that "Other Voting Members" shall be amended by:

Changing "One Family Court Judge appointed jointly by Chair of Legislature and the County Executive, 2 year term," to "One Family Court Judge appointed by the Chairman of the County Legislature, 2 year term";

Changing "One County Court Judge appointed jointly by Chair of Legislature and the County Executive, 2 year term," to "One County Court Judge appointed by the County Executive, 2 year term";

Changing "A member of the City of Poughkeepsie Council appointed by the Chair of the Legislature" to "A member of the City of Poughkeepsie Common Council appointed by the Mayor of the City of Poughkeepsie"; and, be it further

RESOLVED, that "Procedures" shall be amended by adding the follows:

The Chairperson may establish subcommittees of the Criminal Justice Council and appoint the Chairperson or Co-Chairpersons of a subcommittee which appointment(s) shall be, coterminous with that of the Chairperson of the Criminal Justice Council but shall terminate earlier upon the appointment of a new Chairperson of the Criminal Justice Council; The Chairpersons and Co-

Chairpersons will be voting members of both the Executive Committee and the full CJC and, be it further

RESOLVED, the "Procedures" shall be further amended by establishing an Executive Committee of the CJC which shall set strategic direction to ensure the Council's work to address its mission, analyze criminal justice system's policies, assign tasks to sub-committees, and makes recommendations to the County Executive and Legislature. The Executive Committee shall recommend the budget; approve hiring of any staff, consultants or independent contractors; review and approve grant applications to fulfill CJC goals; and make on-going operational decisions. The Executive Committee shall approve sub-committee work plans, assign tasks to them and determine if the sub-committee's recommendations should be brought forward to the full council; and, be it further

RESOLVED, that the composition of the Executive Committee of the CJC will consist of the following, all of whom shall have one vote each:

- Chairperson, appointed by the County Executive in accordance with Resolution No. 61 of 1993 and Vice Chairperson, who is appointed by the Chairperson from the current Executive Committee members,
- Commissioner of Planning and Development or designee.
- County Executive or designee.
- District Attorney or designee.
- Director of Probation and Community Corrections or designee.
- Jail Administrator or designee.
- Sheriff or designee.
- Executive Director of the Youth Bureau or designee.
- Public Defender or designee.
- Commissioner of Mental Hygiene or designee.
- Commissioner of Social Services or designee.
- Director of the Health and Human Services Cabinet
- Chairs/Co-Chairs of the standing CJC Sub-committees

RESOLVED, that Resolution Nos. 61 of 1993 and 29 of 1998 shall otherwise remain in full force and effect.

APPROVED

Amended in Government Services & Administration 4/8/10 lw

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

P.5,

DRAFT DRAFT DRAFT DRAFT

PROPOSED CHANGES TO CJC RESOLUTION CONCERNING CJC MEMBERSHIP AND OPERATIONAL REVISIONS (Resolution # 61 of 1993)

The *Criminal Justice Council* was formed by a county resolution at the request of the County Executive in 1993 with specific membership categories and duties. This resolution also assigned the Criminal Justice Council the responsibilities of the *Alternatives to Incarceration Board* which requires specific representation. Through a 1999 grant from the National Institute of Correction, the Council went through a formal strategic planning process and reorganization of operational practices by developing a mission statement, purpose description, and organizational goals with an executive steering committee and sub-committee structure to better fulfill the duties assigned in the resolution. This model has worked well with the Council membership who have revisited and revised its mission and goals over the years to meet the changing criminal justice needs of the community. In starting a new decade, the Council has taken the time to review our current structure and ask to have the resolution revised to reflect the "best practices" that have evolved during the past ten years:

1, Full Council Membership revisions:

Current member	Proposed Change	Justification
Ex OFFICAL MEMBERS:		Proposed additions consistent with current practice
County Executive or designee	No Change	
District Attorney	No Change	It is important to have Elected Officials directly involved in Council's work although they may occasionally have a representative present.
Public Defender	No Change	It is important to have Department Heads directly involved in Council's work although they may occasionally have a representative present.
County Sheriff	No Change	It is important to have Elected Officials directly involved in Council's work although they may occasionally have a representative present.
Director of Probation and Community Corrections	No Change	It is important to have Department Heads directly involved in Council's work although they may occasionally have a representative present.
Commissioner of Social Services	No Change	It is important to have Department Heads directly involved in Council's work although they may occasionally have a representative present.
Commissioner of Mental	No Change	It is important to have Department Heads directly involved in Council's

Hygiene		work although they may occasionally have a representative present.
Director, DC Youth Bureau	**Add** "Executive" Director	It is important to have Department Heads directly involved in Council's work although they may occasionally have a representative present.
Commissioner of Planning & Development	No change	It is important to have Department Heads directly involved in Council's work although they may occasionally have a representative present.
Health & Human Services Cabinet Director	**Add**	Added as a member by full council vote in 7/05.
Local Area Supervisor Of NYS Division Of Parole or Designee	No Change	
DC Bar Association or Designee	No Change	
President, DC Association of Police Chiefs or designee	No Change	
President, DC Magistrates Association	**Remove**	Judges from various courts are already represented through other appointments (see below)
OTHER VOTING MEMBERS		
Two members from each caucus of the DC Legislature	No Change	2 Year Term concurrent with legislative term appointed by the Chair (Resolution #29 of 1998 amended resolution #61 of 1993 to increase to two members of each caucus)
One Family Court Judge	No Change	Appointed jointly by Chair of Legislature and the County Executive, 2 year term
One County Court Judge	No Change	Appointed jointly by Chair of Legislature and the County Executive, 2 year term
One City Court Judge	No Change	Appointed jointly by Chair of Legislature and the County Executive, 2 year term
One local Judge from either the village or town courts	No Change	This member was appointed by the President of DC Magistrates Association
A member of the City of Poughkeepsie Common Council or designee	**Revise**	Original appointment made by Chair of Legislature now will be made by the Mayor of the City of Poughkeepsie.

DRAFT

CITIZEN'S APPIONTMENTS		SIX APPIONTMENTS ARE MADE IN TOTAL FOR TWO YEAR TERMS
3 Citizen appointments	No Change	Made by the County Executive expiring 12/31/93/94/95. One must be an ex-offender and one must be a victim.
3 Citizen appointments	No Change	Made by the Chair of the Legislature expiring 12/31/93/94/95
SUB-COMMITTEE CHAIRS	NEW ADDITIONS	STRUCTURAL CHANGE MADE IN REOGANIZATION SINCE 1999
CJC Chair is appointed by the County Executive from the full council membership for a two year term. Most recent term is 1/1/10 to 12/31/11 Chair or Co-chairs of CJC subcommittees are not mentioned in the resolution. Need to add with voting privileges on full Council and Executive Council	**Add: Chairs and/Co-chairs of Sub-committees as appointed by the CJC Chair. Term to end when CJC Chairperson term ends or a new committee chair is appointed by CJC Chair.**	Work of CJC is done in sub-committees structure as assigned by the executive committee with the need to formally report back to Full Council. Number of sub-committees can change and are identified in CJC Guidelines which are updated as needed. Council has successfully operated in with this representation and "committee voice at the table" since 2000 (many committee Chairs are not representatives of organizations listed in original legislation.) This committee structure and participation with Chairs has made the Council pro-active and able to finish many reports and tasks.

2. The Executive Committee function and members be identified in revised resolution?
The well functioning of the CJC is a direct result of setting up an executive committee steering committee which meets monthly. (The full council meets bi-monthly). The *CJC Executive Committee* sets strategic direction to ensure the Council's work to address its mission, analyses criminal justice system's policies, assigns tasks to sub-committees, and makes recommendations to the County Executive and Legislature. The Committee recommends the budget; approves hiring of any staff, consultants or independent contractors; reviews and approves grant applications to fulfill CJC goals; and makes on-going operational decisions. The Committee approves the sub-committees work plans, assigns tasks to them and determines if the committee's recommendations should be brought forward to full council. The Executive evaluates the Criminal Justice System's outcomes.

- Does the new resolution need to include language about the Executive Committee and its purpose? **Yes**, while not necessary it is recommended for clarity.
- As current practice the Executive Committee members include (**should be listed in the resolution**):

- Chair and Vice Chair (appointed by the Chair from the current Executive Committee members—Vice Chair role is to be acting only in the absence of the Chair; in no way is it to be perceived as a leadership succession role).
- Commissioner of Planning & Development or designee
- County Executive or designee
- District Attorney or designee
- Director of Probation and Community Corrections or designee
- Jail Administrator or designee
- Sheriff or designee
- Executive Director of the Youth Bureau or designee
- Public Defender or designee
- Commissioner of Mental Hygiene or designee
- Commissioner of Social Services or designee
- Director of the Health & Human Services Cabinet
- Chairs/Co-chairs of the standing CJC Sub-committees which are currently: Sanctions, Jail/ATI Census, Re-Entry, Community Involvement, Victims, and Women involved in the Criminal Justice System plus (new in 2010) Data/Evaluation and Juvenile Justice.

DRAFT

RESOLUTION NO. 61 1993

RE: CREATION OF DUTCHESS COUNTY CRIMINAL JUSTICE COUNCIL

Legislators KLOSE and Sheedy offer the following and move its adoption:

WHEREAS, this Legislature by Resolution Nos. 233 and 459 of 1976, and Resolution No. 143 of 1977 created a Dutchess County Justice Coordinating Council, and

WHEREAS, the Council was allowed to become inactive and has not functioned since the mid 1980s, and

WHEREAS, the County Executive, on October 1, 1992, presented to this Legislature a comprehensive criminal justice plan entitled "Approach to Community Corrections and Jail Overcrowding" and recommended to this Legislature the need for an active Criminal Justice Council, and

WHEREAS, this Legislature, on October 26, 1992, overwhelmingly adopted and endorsed the Criminal Justice Plan of the Executive Task Team, including the proposal for a Criminal Justice Council, and

WHEREAS, the County Executive has recommended the creation of a new Criminal Justice Council, and

WHEREAS, this Legislature has determined that a dynamic group such as a criminal justice council is necessary to support an efficient and effective criminal justice system, now, therefore, be it

RESOLVED, that the Dutchess County Criminal Justice Council is hereby created and its membership shall consist of the following, all of whom shall have one vote each:

<u>Ex Officio Members</u>:

County Executive or designee

District Attorney

Public Defender

County Sheriff

Director of Probation/Community Corrections

Commissioner of Social Services

Commissioner of Mental Hygiene

Director, Dutchess County Youth Bureau

Commissioner of Planning

Local Director of New York State Division of Parole or designee from New York State Division of Parole

President, Dutchess County Bar Association or designee from the Association

President, Dutchess County Association of Police Chiefs or designee from the Association of Police Chiefs who shall serve concurrent with the term of the President of the Association

President, Dutchess County Magistrates Association

Other Voting Members:

One member from each caucus of the Dutchess County Legislature, appointed by the Chair of the Legislature to a two year term with said terms to be concurrent with their legislative term

One Family Court Judge and one County Court Judge, each jointly appointed by the Chair of the Legislature and the County Executive to two year terms, with the initial term beginning with the enactment of this legislation, and expiring December 31, 1994

A City Court Judge from either of the two cities jointly appointed by the Chair of the Legislature and the County Executive to a two year term, with the initial term beginning with the enactment of this legislation, and expiring December 31, 1994

One local Judge from either the village courts or local town courts appointed by the President of the Dutchess County Magistrates Association, to a two year term, with the initial term beginning with the enactment of this legislation, and expiring December 31, 1994

A member of the City of Poughkeepsie Common Council appointed by the Chair of the Legislature

Three citizen representatives appointed by the County Executive to two year terms, with their initial term beginning with the enactment of this legislation, one term initially expiring on December 31, 1993, one initially expiring on December 31, 1994 and the third initially expiring on December 31, 1995

Three citizen representatives appointed by the Chair of the Legislature to two year terms, with their initial term beginning with the enactment of this

legislation, one term initially expiring on December 31, 1993, one initially expiring on December 31, 1994 and the third initially expiring on December 31, 1995

The six at large citizen members shall be a cross-section of the community to take into consideration the not-for-profit, minority, business, clergy and other community groups, as well as geographic balance, at least one of whom shall be an ex offender and one of whom shall be a former victim.

and be it further

RESOLVED, that the Council shall operate under the following procedures and duties:

Procedures. The County Executive shall appoint a chair to the Council from its membership and may direct a County department to provide administrative assistance to the Council. The chair shall serve as chair for a term of two years, with the initial chairperson's term expiring December 31, 1994. The Council may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business. State ATI requirements e.g. expanded membership or reporting requirements, shall be implemented by the Council.

Duties. The Criminal Justice Council shall advise the County Government of ways to relieve jail overcrowding, improve case processing and disposition, and encourage and monitor alternatives to incarceration. Specific duties shall include, but not be limited to, the following:

Advise and assist with the development and administration of the Management Information System;

Recommend priorities for resource allocation;

Promote cooperation among criminal justice system components;

Recommend policies, as appropriate, to achieve improved management of the criminal justice system;

Act as a planning group for relief of jail overcrowding;

Recommend new programs or initiatives;

Review and comment on program initiatives recommended through system components;

Monitor program activities and, when possible, measure system effectiveness;

Communicate findings, as appropriate, to involved agencies and the public;

Convene meetings and workshops to further the aims of the Council;

Establish subcommittees or special task groups to examine particular issues in more depth, including long-range concerns involving issues of community involvement, social justice and treatment programs; and

Identify funding and service opportunities among non-governmental entities;

Develop and monitor the County's ATI Service Plan annually.

and be it further

RESOLVED, that the Criminal Justice Council shall hereby assume all responsibilities of the Alternatives to Incarceration Board, and be it further

RESOLVED, that the Council shall issue annual reports to the County Executive and to the County Legislature by the last day of February for the prior calendar year. It shall, when directed by the County Executive or by resolution of the Legislature, provide annual budget review and prepare special reports, and be it further

RESOLVED, that the Council shall not oversee the internal operation of any criminal justice agency. Rather it shall review and advise on the interaction of agencies and the larger goals and directors of the criminal justice system, and be it further

RESOLVED, that this resolution shall supersede Resolution Nos. 233 and 459 of 1976 and Resolution No. 143 of 1977.

CA-32-93
IGM:ld
2/19/93
Amended in Government Services 3/4/93 lw
Fiscal Impact: None

APPROVED

EXEC.

Date March 19, 1993

STATE OF NEW YORK
COUNTY OF DUTCHESS ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of March 1993, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of March 1993

CLERK OF THE LEGISLATURE

BR-3

Discussion on the foregoing Resolution No. 2010111 resulted as follows:

Legislator Goldberg moved to "Table" the foregoing resolution duly seconded by Legislator Kuffner.

Roll call vote on the foregoing motion to "Table" the foregoing resolution resulted as follows:

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

NAYS: 18 Bolner, Borchert, Cooper, Flesland, Forman, Horn, Horton, Hutchings, Incoronato, Kelsey, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss.

ABSENT: 0

Motion Defeated.

Roll call vote on the foregoing Resolution No. 2010111 resulted as follows:

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

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

ABSENT: 0

Resolution adopted.

Government Services

TABLED IN GOVERNMENT SERVICES & ADMINSTRATION 4/8/10

RESOLUTION NO. 2010112

RE: JOINING THE LAWSUIT WITH OTHER COUNTIES TO DECLARE THE STATE'S ELECTION REFORM AND MODERNIZATION ACT OF 2005 UNCONSTITUTIONAL

Legislators TYNER, Goldberg, Jeter-Jackson, Kelsey, and MacAvery offer the following and move its adoption:

WHEREAS, the Dutchess County Legislature voted unanimously in December 2008 to send a strong message to our state's Board of Elections that voters here and across New York be allowed to continue to vote on lever machines; since then twenty other county legislatures across the state have passed similar resolutions, and

WHEREAS, the Columbia County Board of Elections has recently decided to join in a lawsuit with Nassau County and other New York counties, to declare ERMA, the state Election Reform and Modernization Act of 2005, unconstitutional; the Columbia County Attorney's Office has reviewed the lawsuit and is supportive of this effort, as there are no financial or legal implications from joining the suit, and

WHEREAS, last February the New York State Association of Towns passed a resolution stating that "the continued use of lever voting machines is in the best interest of the public and should be permitted to be used in future general elections ... the elimination of lever voting machines is costly to taxpayers, will result in another burden upon the local taxpayers, and will be confusing to the voting public without adequate time and education," and

WHEREAS, under the state's Election Reform and Modernization Act (ERMA), traditional lever voting machines would be prohibited from use, and municipalities would have to replace them with computerized voting machines, either touch-screen or optical scanners, but ERMA doesn't fund the replacement, meaning Dutchess and other New York counties need to foot the bill for this transition as a de facto unfunded mandate from the state, and

WHEREAS, the Federal Help America Vote Act of 2002, which inspired ERMA and requires municipalities to make voting accessible to everyone regardless of disability, does not require that lever machines be fully replaced, and

WHEREAS, New York's system of lever voting machines is still working, secure, affordable, and transparent, and when coupled with a ballot marking device in each

polling place, complies with the Help America Vote Act; New York's lever voting machines provide reliable, observable evidence of the count at the election; software voting machines do not, and

RESOLVED, that the Dutchess County Legislature requests that the Dutchess County Board of Elections join in the lawsuit with Columbia, Nassau, and other counties to declare the state's Election Reform and Modernization Act of 2005 unconstitutional, as long as this can be done at no cost whatsoever to Dutchess County taxpayers, and be it further

RESOLVED, that a copy of this resolution be sent to the Dutchess County Board of Elections, New York State Board of Elections, Governor David Paterson, State Senators Vincent Leibell and Stephen Saland, and Assemblymembers Greg Ball, Kevin Cahill, Joel Miller, Marcus Molinaro, and Frank Skartados.

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010112 entitled, "Joining the Lawsuit with Other Counties to Declare the State's Election Reform and Modernization Act of 2005 Unconstitutional" was tabled in Government Services and Administration Committee on April 8, 2010.

PUBLIC WORKS

RESOLUTION NO. 2010113

RE: AUTHORIZE A 0.394± ACRE PERMANENT EASEMENT TO DEER RUN HOLDING, LLC FOR CONSTRUCTION OF A GRADE SEPARATED CROSSING OVER THE DUTCHESS RAIL TRAIL IN THE TOWN OF EAST FISHKILL

Legislators ROLISON, WEISS, HORTON, HUTCHINGS, and KELSEY offer the following and move its adoption:

WHEREAS, the Commissioner of Public Works has advised that Deer Run Holding, LLC has requested a 0.394± acre Permanent Easement over a portion of the Dutchess Rail Trail (Trail) in the Town of East Fishkill for the construction of a grade separated crossing which serve as a crossing of the Trail for various water, sewer and other buried utilities, and

WHEREAS, when the property was originally purchased by the rail road, the deed provided for two crossings of the rail line which were to be constructed and maintained by the rail road or its successors, and

WHEREAS, Dutchess County is currently the successor in title to the rail road and this permanent easement is to define the exact location of one of the crossings and to relieve the County of any maintenance responsibilities as stated in the original deed, and

WHEREAS, SEQRA has been completed by the Town of East Fishkill with the County providing input as an Involved Agency, and

WHEREAS, a concurrent resolution is being submitted herewith in connection with the easement for the road over the Trail which will address the location and maintenance of the other deeded crossing, now, therefore, be it

RESOLVED, that a permanent easement of a 0.394± acre parcel in the Town of East Fishkill, Dutchess County, New York is approved, and be it further

RESOLVED, that the County Executive is authorized to execute the Roadway Easement, in substantially the same form as annexed hereto, to Deer Run Holding, LLC and authorizing Deer Run Holding, LLC, its officers, employees, agents, servants or contractors of ingress and egress to enter upon and along the easement area pursuant to the Easement Agreement.

APPROVED

CA-61-10 CAB/ca/R-0753

4/5/10 Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date April 16, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of April, 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 $ 0

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: D. Bartles, ROW Engr, DC DPW

ROADWAY EASEMENT

THIS INDENTURE made this day of , 2010 by and between **THE COUNTY OF DUTCHESS**, a municipal corporation of the State of New York located at 22 Market Street, Poughkeepsie, New York 12601, (the "Grantor") New York 12601, party of the first part, and **DEER RUN HOLDING, LLC**, a New York Limited Liability Company with offices located at 1136 Route 9, Suite U-1, Wappinger Falls, New York 12590 (the "Grantee")

WITNESSETH

That the Grantor, in consideration of One ($1.00) and other good and valuable consideration received, DOES HEREBY GRANT, BARGAIN, SELL, CONVEY, TRANSFER, DELIVER AND RELEASE to the Grantee, its successors and assigns, a permanent right of way and easement under through and along the premises described in Exhibit A attached hereto being a public right of way offered for dedication as Governors Boulevard for the purpose of building, constructing, and maintaining a public highway to be used by the public at large and for the purpose of installing, operating, repairing, constructing said highway and all improvements and appurtenances thereto, including a concrete box culvert, sewer and water mains and laterals, utility trenches and conduits, storm water drainage, erosion control grading and slope stabilization, sidewalks, guide rails, retaining walls and landscaping and to construct all other required improvements (hereinafter referred to as the Improvements), to make the required excavations therefor upon, over, under or across said premises as detailed on Sheet 52 of 97 of the "Final Subdivision Plat Hopewell Glen" dated March 31, 2006 and last revised on December 18, 2009 which plat is intended to be filed in the Dutchess County Clerk's Office simultaneously with the recording of this instrument, as File Map No. ; and further the right to inspect the same from time to time; together with the right of the Grantee, its officers, employees agents, servants or contractors and the general public of ingress and egress to enter upon and along the premises for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including, but not limited to upkeep, maintenance, repair of the improvements and, any of the purposes hereinbefore specified.

Pending acceptance of the Improvements by dedication to the Town of East Fishkill the Grantee herein, its successors and assigns, shall be responsible for the maintenance and repair of the following:

a. Box culvert, including the associated retaining walls (wing walls).

b. The storm sewer lines and drainage structures located in the County's right of way on Governors Boulevard.

c. Pavement, curbing, guide rail, sidewalk and any other features associated with Governors Boulevard located in the County's right of way.

d. Sanitary sewer and water lines located in the County's right of way.

e. Lighting facilities located in the box culvert.

f. Snow removal on the County's right of way located on Governors Boulevard.

Each party represents to the other party that it has the power and authority to execute, deliver and perform this Easement, that all actions necessary to authorize the execution, delivery and performance of this Easement have been duly taken, that it has duly executed and delivered this Easement and that this Easement is legal, valid and binding on it, and enforceable against it, in accordance with its terms.

The Grantee hereby grants, releases, quit claims, remises and extinguishes to the Grantor, the County of Dutchess, its successors and/or assigns, any rights that it may have acquired to cross the property now known as the Dutchess Rail Trail contained in the deed from Elizabeth B. Mulford to the Central New England Railway dated December 8, 1909 and recorded in the Dutchess County Clerk's Office in Liber 359 of deeds at Page 308. Furthermore, the Grantee hereby grants, releases, quit claims. remises and extinguishes to the Grantor, the County of Dutchess, its successors and/or assigns the right to have fences constructed and maintained as described in a deed from Elizabeth B. Mulford to the Central New England Railway dated May 21, 1909 recorded in the Dutchess County Clerks Office in Liber 360 of Deeds at Page 423 and any other crossing and fence rights over and under said Dutchess Rail Trail from other deeds in the Grantee's chain of title. Grantee executes this deed confirming such extinguishment of the rights described in the previous sentences in consideration of the

easements granted to it herein, and such other good and valuable consideration as recited herein.

Grantor acknowledges that upon completion of the Improvements set forth herein the Grantee may dedicate the Improvements to the Town of East Fishkill, and Grantor hereby agrees to such dedication and the assignment of the Easement herein.

To have and to hold the said easement and right of way unto the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal to be affixed hereto, on the day and year first above written.

THE COUNTY OF DUTCHESS

By:_____

William R. Steinhaus, County Executive

DEER RUN HOLDING, LLC

By:_____

Joseph Petinella, Managing Member

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

On the _____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM R. STEINHAUS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

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

On the _____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH PETINELLA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

ESE Land Planning Engineering Land Surveying

March 31, 2010

DESCRIPTION OF PROPERTY
EASEMENT #34
VARIABLE WIDTH MUNICIPAL UTILITY/CULVERT
THROUGH FORMERLY CENTRAL NEW ENGLAND RAILROAD COMPANY (ABANDONED)
LANDS NOW OR FORMERLY COUNTY OF DUTCHESS
HOPEWELL GLEN

All that certain lot or parcel of land situated in the Town of East Fishkill, County of Dutchess, and State of New York, as shown on a plan entitled, "Final Subdivision Plat, Hopewell Glen", sheets 2 thru 52 of 97, prepared by ESE Consultants, Inc., dated March 31, 2006, last revised December18, 2009, filed or about to be filed in the Dutchess County Clerk's Office, more particularly described as follows:

Beginning at a common corner of Parcel 297 and Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, an iron pin set, and running;

1. Along the title line, through the bed of Road 'A' and along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Open Space Parcel 299, South 88 degrees 16 minutes 00 seconds East, a distance of 131.62 feet (passing over a concrete monument to be set); thence
2. Passing through Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, South 01 degrees 44 minutes 00 seconds West, a distance of 66.00 feet to a common corner of Open Space Parcel 301 and Lot 25, a point on line of Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess; thence
3. Along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, Open Space Parcel 301, through the bed of Road 'A', and Open Space Parcel 304, North 88 degrees 16 minutes 00 seconds West, a distance of 233.00 feet (passing over a concrete monument to be set); thence
4. Passing through Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, North 01 degrees 44 minutes 00 seconds East, a distance of 85.48 feet to a point on line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Parcel 297; thence
5. Along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Parcel 297, the following two (2) courses and distances, passing along an arc of a circle curving to the left having a radius of 1860.08 feet, an arc distance of 101.37 feet, a chord bearing of South 86 degrees 51 minutes 50 seconds East, a chord distance of 101.36 feet to an iron pin set; thence

ESE Consultants, Inc.
250 Gibraltar Road, Suite 2E · Horsham, PA 19044
p: 215.914.2050 · f: 215.293.5489

6. South 01 degrees 34 minutes 29 seconds West, a distance of 17.00 feet to the first mentioned point and place of beginning.

Containing 17,180 square feet or 0.394 acres of land.
Subject to easements and restrictions of record, if any.
Description prepared by ESE Consultants, Inc., Horsham, Pa. 19044.

Dana J. Parrish, P.L.S. No. 050139
Professional Land Surveyor

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW *ENGINEERING*

Memo

To: **Charles Traver, Commissioner of Public Works**

CC: Gregory Bentley Director of Engineering

From: Don Bartles, Right of Way Engineer

Date: 3/31/10

Re: Resolution Request DC w/ Deer Run Holding, LLC, Grade Separated Crossing

---

Accompanying this memo is a Resolution Request with supporting documentation to authorize the granting of a 0.394 ± acre Permanent Easement to Deer Run Holding, LLC for the construction of a grade separated crossing of a proposed subdivision road over the former Maybrook Rail Corridor now known as the Dutchess Rail Trail. This Permanent Easement will also serve as a crossing of the Trail for various water, sewer and other buried utilities.

When the original property was purchased by the rail road, the deed provided for 2 crossing of the rail line which were to be constructed and maintained by the rail road or its successors. Dutchess County is currently the successor to the rail road. This Permanent easement is written to define the exact location of 1 of the crossing and to relieve Dutchess County of any maintenance responsibilities as stated in the original acquisition.

SEQRA has been completed by the Town of East Fishkill with Dutchess County providing input as an Involved Agency.

There is a concurrent Resolution Request to address the location and maintenance of the 2nd deeded crossing. In addition, a Resolution Request is being made to enter into a long term Municipal Agreement with the Town of East Fishkill to have in place when this proposed subdivision road is dedicated to the Town.

Please review this submission and if appropriate sign and forward to the County Executive for approval.

Roll call vote on the foregoing Resolution No. 2010113 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010114

RE: AUTHORIZING INTERMUNICIPAL AGREEMENT WITH THE TOWN OF EAST FISHKILL FOR MAINTENANCE AND REPAIR ISSUES ASSOCIATED WITH A GRADE SEPARATED CROSSING OVER THE DUTCHESS RAIL TRAIL

Legislators ROLISON, WEISS, HORTON, HUTCHINGS, and KELSEY offer the following and move its adoption:

WHEREAS, the County is the owner of an 11.8 mile parcel of land that traverses partially through the Town of East Fishkill (Town) being used as a multi-use linear park known as Dutchess Rail Trail (Trail), and

WHEREAS, Deer Run Holding, LLC owns property near the Dutchess Rail Trail and has requested an easement from the County to cross over the Trail so that a road can be constructed by its successors or assigns, and

WHEREAS, the proposed road over the Dutchess Rail Trail has been named Governors Boulevard as indicated on the final subdivision plans approved by the Town of East Fishkill Planning Board, and

WHEREAS, there is before this Legislature a proposed resolution granting an easement to Deer Run Holding, LLC in connection with the proposed road over the Trail,

WHEREAS, the Town of East Fishkill has agreed to undertake certain maintenance responsibilities, as outlined in the Intermunicipal Agreement, a copy of which is annexed hereto, in connection with Governors Blvd. in the event Governors Blvd. becomes a town road, and

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the County and the Town are authorized to enter into such agreement, and

WHEREAS, the proposed agreement will benefit both the Town and the County, now, therefore, be it

RESOLVED, that this Legislature hereby approves the proposed Intermunicipal Agreement and authorizes the County Executive to execute such Agreement with the Town of East Fishkill in substantially the same form attached hereto.

CA-58-10 CAB/ca/R-0753
4/5/10 Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16, 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 0

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: D. Bartles, ROW Engr, DC DPW

Dut.pdf

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, NY 12601 (hereinafter referred to as the "COUNTY") and the **TOWN OF EAST FISHKILL**, a municipal corporation with offices at 330 Route 376, Hopewell Junction, NY 12533 (hereinafter referred to as the "TOWN")

WITNESSETH:

WHEREAS, the County is the owner of an 11.8 mile parcel of land that traverses through the Towns of Poughkeepsie, LaGrange, Wappinger and East Fishkill, and

WHEREAS, the County has started construction on a multi-use linear park (Dutchess Rail Trail) on said 11.8 mile parcel of land, and

WHEREAS, Deer Run Holding, LLC owns property near the Dutchess Rail Trail, and

WHEREAS, Deer Run Holding, LLC will be conveying this property to another company that plans on constructing a housing development in close proximity to the Dutchess Rail Trail, and

WHEREAS, Deer Run Holding, LLC has requested an easement from the County to cross over the Dutchess Rail Trail so that various construction activities can be undertaken by its successors or assigns, and

WHEREAS, the County has agreed to grant an easement to Deer Run Holding LLC on the condition that the road that is constructed by its successors or assigns is done in accordance with County specifications, and

WHEREAS, the successors or assigns of Deer Run Holding, LLC has agreed to construct a box culvert at the County's request, and

WHEREAS, the crossing over the Dutchess Rail Trail has been named Governors Blvd on plans on the final subdivision plans approved by the Town of East Fishkill Planning Board, and

WHEREAS, the parties have agreed to provide certain maintenance and repair responsibilities concerning the crossing over the Dutchess Rail Trail as outlined below, now therefore, the County and the Town agree to the following terms and conditions:

1. DESCRIPTION OF PROPERTY THAT IS THE SUBJECT OF THIS AGREEMENT

See attached Exhibit A

2. TOWN RESPONSIBILITIES

Once Governors Blvd. has been dedicated to and accepted by the Town, the Town will provide maintenance and repair to the following:

a. Box culvert, including the associated retaining walls (wing walls).

b. The storm sewer lines and drainage structures located in the County's right of way on Governors Blvd.

c. Pavement, curbing, guide rail, sidewalk and any other features associated with Governors Blvd. located in the County's right of way.

d. Sanitary sewer and water lines located in the County's right of way.

e. Lighting facilities located in the box culvert.

f. Snow removal on the County's right of way located on Governors Blvd.

3. COUNTY RESPONSIBILITIES

The County will maintain the riding surface of Dutchess Rail Trail.

4. INDEMNIFICATION

The parties agree to indemnify each other for the negligent acts of their employees.

5. INSURANCE

The County must be listed as additional insured on the Town's general liability insurance policy for all of the Town's maintenance and repair responsibilities on the County's right of way. The Town will provide the County with a certificate of insurance indicating such insurance coverage, along with proof of the Town's Workmen's Compensation Insurance coverage. The Town will require that all contractors that it hires, who conduct work on the County's right of way, will list the County of Dutchess as additional insured on its general liability insurance policy.

6. ASSIGNMENT

The Town may assign its rights and obligations under this agreement, upon the prior written consent of the County, which will not be unreasonably withheld.

APPROVED AS TO FORM:

_____
County Attorney

APPROVED AS TO CONTENT:

_____
Department of Public Works

ACCEPTED : COUNTY OF DUTCHESS

By: _____
William R. Steinhaus
County Executive

TOWN OF EAST FISHKILL

By: _____

Print Name: John L. Hickman Jr.
Title: Town Supervisor

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

On this day of , 2010, before me, the undersigned, personally appeared WILLIAM R. STEINHAUS, County Executive of the County of Dutchess, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

On this 12 day of March 2010, before me, the undersigned, personally appeared John L. Hickman, Town Supervisor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Clare A. Moran
Notary Public

CLARE A. MORAN
Notary Public, State of New York
No. 01MO6188890
Qualified in Dutchess County
Commission Expires June 16, 2012

R-0753

Land Planning
Engineering
Land Surveying

March 31, 2010

DESCRIPTION OF PROPERTY
EASEMENT #34
VARIABLE WIDTH MUNICIPAL UTILITY/CULVERT
THROUGH FORMERLY CENTRAL NEW ENGLAND RAILROAD COMPANY (ABANDONED)
LANDS NOW OR FORMERLY COUNTY OF DUTCHESS
HOPEWELL GLEN

All that certain lot or parcel of land situated in the Town of East Fishkill, County of Dutchess, and State of New York, as shown on a plan entitled, "Final Subdivision Plat, Hopewell Glen", sheets 2 thru 52 of 97, prepared by ESE Consultants, Inc., dated March 31, 2006, last revised December18, 2009, filed or about to be filed in the Dutchess County Clerk's Office, more particularly described as follows:

Beginning at a common corner of Parcel 297 and Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, an iron pin set, and running;

1. Along the title line, through the bed of Road 'A' and along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Open Space Parcel 299, South 88 degrees 16 minutes 00 seconds East, a distance of 131.62 feet (passing over a concrete monument to be set); thence
2. Passing through Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, South 01 degrees 44 minutes 00 seconds West, a distance of 66.00 feet to a common corner of Open Space Parcel 301 and Lot 25, a point on line of Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess; thence
3. Along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, Open Space Parcel 301, through the bed of Road 'A', and Open Space Parcel 304, North 88 degrees 16 minutes 00 seconds West, a distance of 233.00 feet (passing over a concrete monument to be set); thence
4. Passing through Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, North 01 degrees 44 minutes 00 seconds East, a distance of 85.48 feet to a point on line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Parcel 297; thence
5. Along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Parcel 297, the following two (2) courses and distances, passing along an arc of a circle curving to the left having a radius of 1860.08 feet, an arc distance of 101.37 feet, a chord bearing of South 86 degrees 51 minutes 50 seconds East, a chord distance of 101.36 feet to an iron pin set; thence

ESE Consultants, Inc.
250 Gibraltar Road, Suite 2E • Horsham, PA 19044
p: 215.914.2050 • f: 215.293.5489

6. South 01 degrees 34 minutes 29 seconds West, a distance of 17.00 feet to the first mentioned point and place of beginning.

Containing 17,180 square feet or 0.394 acres of land.
Subject to easements and restrictions of record, if any.
Description prepared by ESE Consultants, Inc., Horsham, Pa. 19044.

Dana J. Parrish, P.L.S. No. 050139
Professional Land Surveyor

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW *ENGINEERING*

Memo

To: **Charles Traver, Commissioner of Public Works**

CC: Gregory Bentley Director of Engineering

From: Don Bartles, Right of Way Engineer

Date: 3/31/10

Re: Resolution Request DC w/ the Town of East Fishkill, Municipal Agreement in Regard to Deer Run Holdings, LLC

Accompanying this memo is a Resolution Request with supporting documentation to authorize the County Executive to enter into a Municipal Agreement with the Town of East Fishkill to provide for the certain maintenance and repair issues associated with the grade separated crossing of the Dutchess Rail Trail by the proposed subdivision road to be know as Governors Boulevard. This subdivision road and the grade separated crossing are to be built by Deer Run Holdings, LLC and upon completion will be dedicated to the Town of East Fishkill to become a part of the Town's Highway System.

SEQRA has been completed by the Town of East Fishkill with Dutchess County providing input as an Involved Agency.

Please review this submission and if appropriate sign and forward to the County Executive for approval.

Roll call vote on the foregoing Resolution No. 2010114 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010115

RE: AUTHORIZE A 0.024± ACRE PERMANENT EASEMENT TO DEER RUN HOLDING, LLC FOR CONSTRUCTION AND MAINTENANCE OF A POTABLE WATER LINE CONNECTION WITHIN THE DUTCHESS RAIL TRAIL CORRIDOR IN THE TOWN OF EAST FISHKILL

Legislators ROLISON, WEISS, HORTON, HUTCHINGS, and KELSEY offer the following and move its adoption:

WHEREAS, the Commissioner of Public Works has advised that Deer Run Holding, LLC has requested a 0.024± acre Permanent Easement under a portion of the Dutchess Rail Trail in the Town of East Fishkill for the construction and maintenance of a potable water line connection to the existing Dutchess County Water and Wastewater water transmission line within the Dutchess Rail Trail Corridor, and

WHEREAS, the proposed connection is intended to provide potable water to the proposed subdivision now known as Hopewell Glen, and

WHEREAS, SEQRA has been completed by the Town of East Fishkill with the County providing input as an Involved Agency, and

WHEREAS, Deer Run Holding, LLC requires a permanent easement from the County in order to construct and maintain the potable water line connection, now, therefore, be it

RESOLVED, that a permanent easement of a 0.024± acre parcel in the Town of East Fishkill, Dutchess County, New York is approved, and be it further

RESOLVED, that the County Executive is authorized to execute the Water Line Easement, in substantially the same form as annexed hereto, to Deer Run Holding, LLC and authorizing Deer Run Holding, LLC, its officers, employees, agents, servants or contractors of ingress and egress to enter upon and along the easement area pursuant to the Easement Agreement.

APPROVED

CA-59-10
CAB/ca/R-0753
4/5/10
Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date April 16, 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 12th day of April, 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 12th day of April, 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 $ 0

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: D. Bartles, ROW Engr, DC DPW

WATER LINE EASEMENT

THIS INDENTURE made this __ day of _____, 2010 by **THE COUNTY OF DUTCHESS**, a municipal corporation of the State of New York, located at 22 Market Street, Poughkeepsie, NY 12601,("the Grantor") and **DEER RUN HOLDING, LLC,** 1136 Route 9,Suite U-1, Wappinger Falls, NY 12590 ("the Grantee")

WITNESSTH,

That the Grantor for and in consideration of the sum of One Dollar ($1.00), lawful money of the United States of America, and other good and valuable consideration paid by the, the receipt and sufficiency of which is acknowledged, does hereby grant, convey, and release unto the Grantee, its successors and/or assigns, an easement under and through the property of the Grantor ("the Property"), situate in the Town of East Fishkill, County of Dutchess and State of New York, as more particularly described in Exhibit "A" ("Easement Premises") annexed hereto.

The Grantor grants and conveys to the Grantee an easement under and through the Easement Premises for the purposes of installing and maintaining a certain water transmission line and related appurtenances (hereinafter referred to as the Improvements) as detailed on Sheet 52 of 97 of the "Final Subdivision Plat Hopewell Glen" dated March 31, 2006 and last revised on December 18, 2009 which plat is intended to be filed in the Dutchess County Clerk's Office simultaneously with the recording of this instrument, as File Map No. within the Easement Premises, together with the right to maintain, repair and replace said water transmission line and related appurtenances from time to time, as the Grantee may deem necessary. The said water transmission line and appurtenances shall at all times remain the property of the Grantee and under its exclusive control and supervision, and the Grantor shall not interfere with or cause injury or damage to said water transmission line and appurtenances.

The Grantee, its successors and assigns, does hereby agree to indemnify and hold harmless the Grantor from any claims arising out of any activities undertaken on the

Property by the Grantee or its agents in connection with the easement granted to the Grantee by the Grantor, including, but not limited to, the activities undertaken to install, repair, maintain and replace the water transmission line and related appurtenances.

The Grantee shall perform said installation, maintenance, repair and replacement without interfering with the use and enjoyment of the Grantor of the Property. In addition, the Grantee agrees to reasonably restore the Easement Premises and Property to the condition those premises were in prior to the Grantee installing any water transmission line or related appurtenances and any maintenance, repair or replacement of the water transmission main and appurtenances, (except the replacement of any trees removed during the original installation).

Nothing herein shall prevent the Grantor, its successors and/or assigns, from the full use and enjoyment of the Easement Premises, provided that such use does not interfere with the use of the Easement Premises by the Grantee for the purposes described above.

The Grantor, for itself, its successors and assigns, is hereby prohibited from blocking or obstructing the Easement Premises above or below grade or planting trees or substantial shrubs within the Easement Premises or constructing and/or maintaining any type of permanent or temporary structure including, but not limited to, underground pipes and conduits in, on, under or over the Easement Premises without written permission of the Grantee which shall not be unreasonably withheld or delayed if not in conflict with the Grantee's uses of the easement. Grantee acknowledges that the prohibition outlined in the previous sentence does not apply to the Dutchess Rail Trail and the waterline installed by the Dtuchess County Water and Wastewater Authority both of which are in existence in the Easement Premises.

This grant shall run with the land and shall be binding upon the Grantor and the Grantee and their respective successors, heirs and assigns.

Each party represents to the other party that it has the power and authority to execute, deliver and perform this Easement, that all actions necessary to authorize the execution, delivery and performance of this Easement have been duly taken, that it has duly executed and delivered this Easement and that this Easement is legal, valid and

binding on it, and enforceable against it, in accordance with its terms.

In the event the Grantor determines that its property is in danger of being damaged due to damage to the Grantee Improvements, the Grantor reserves the right to repair the Grantee Improvements should the grantee or its successors and assigns fail to do so in a timely manner. The Grantee or its successors and assigns agree to reimburse the Grantor for all costs associated with the repair of said Improvements.

Grantor acknowledges that upon completion of the Improvements set forth herein the Grantee may dedicate the Improvements to the Town of East Fishkill, and Grantor hereby agrees to such dedication and the assignment of the Easement herein.

IN WITNESS WHEREOF, each of the parties hereto has executed this indenture all as of the date and year first written above.

THE COUNTY OF DUTCHESS	DEER RUN HOLDING, LLC
By:_____	By:_____
William R. Steinhaus, County Executive	Joseph Petinella, Managing Member

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

On the day of , 2010, before me, the undersigned, personally appeared WILLIAM R. STEINHAUS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) (is) (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

ESE Land Planning Engineering Land Surveying

March 31, 2010

DESCRIPTION OF PROPERTY
EASEMENT #35
15' WIDE MUNICIPAL AND DCWWA WATER MAIN
THROUGH FORMERLY CENTRAL NEW ENGLAND RAILROAD COMPANY (ABANDONED)
LANDS NOW OR FORMERLY COUNTY OF DUTCHESS
HOPEWELL GLEN

All that certain lot or parcel of land situated in the Town of East Fishkill, County of Dutchess, and State of New York, as shown on a plan entitled, "Final Subdivision Plat, Hopewell Glen", sheets 2 thru 52 of 97, prepared by ESE Consultants, Inc., dated March 31, 2006, last revised December 18, 2009, filed or about to be filed in the Dutchess County Clerk's Office, more particularly described as follows:

Beginning at the most northeasterly corner of a 15' Wide Municipal and DCWWA Water Main Easement #35, said point located a total arc distance of 152.88 feet from a corner of Lot 297 and running;

1. Passing through Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess, the following three (3) courses and distances, South 10 degrees 23 minutes 57 seconds West, a distance of 70.15 feet; thence
2. North 79 degrees 36 minutes 03 seconds West, a distance of 15.00 feet; thence
3. North 10 degrees 23 minutes 57 seconds East, a distance of 69.13 feet to a point on line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Lot 297; thence
4. Along a common line between Formerly Central New England Railroad Company (Abandoned), Lands Now or Formerly County of Dutchess and Lot 297, passing along an arc of a circle curving to the left having a radius of 1860.08 feet, an arc distance of 15.03 feet, a chord bearing of South 83 degrees 29 minutes 04 seconds East, a chord distance of 15.03 feet to the first mentioned point and place of beginning.

Containing 1,044 square feet or 0.024 acres of land.
Subject to easements and restrictions of record, if any.
Description prepared by ESE Consultants, Inc., Horsham, Pa. 19044.

Dana J. Parrish, P.L.S. No. 050139
Professional Land Surveyor

Z:\LEGAL\1092\15WtrMainEsmt35.doc

ESE Consultants, Inc.
250 Gibraltar Road, Suite 2E • Horsham, PA 19044
p: 215.914.2050 • f: 215.293.5489

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW ENGINEERING

Memo

To: **Charles Traver, Commissioner of Public Works**

CC: Gregory Bentley Director of Engineering

From: Don Bartles, Right of Way Engineer

Date: 3/31/10

Re: Resolution Request DC w/ Deer Run Holding, LLC, Potable Water Connection

---

Accompanying this memo is a Resolution Request with supporting documentation to authorize the granting of a 0.024 ± acre Permanent Easement to Deer Run Holding, LLC for the construction and maintenance of a potable water line connection to the existing DC WWA water transmission line within the Dutchess Rail Trail Corridor. This connection is intended to provide potable water to the proposed subdivision now known as Hopewell Glen.

SEQRA has been completed by the Town of East Fishkill with Dutchess County providing input as an Involved Agency.

Please review this submission and if appropriate sign and forward to the County Executive for approval.

Roll call vote on the foregoing Resolution No. 2010115 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

PUBLIC WORKS

RESOLUTION NO. 2010116

RE: AUTHORIZE A 0.067± ACRE PERMANENT EASEMENT TO DEER RUN HOLDING, LLC FOR CONSTRUCTION AND MAINTENANCE OF A STORM WATER CULVERT UNDER THE DUTCHESS RAIL TRAIL IN THE TOWN OF EAST FISHKILL

Legislators ROLISON, WEISS, HORTON, HUTCHINGS, and KELSEY offer the following and move its adoption:

WHEREAS, the Commissioner of Public Works has advised that Deer Run Holding, LLC has requested a 0.067± acre Permanent Easement under a portion of the Dutchess Rail Trail (Trail) in the Town of East Fishkill for the construction and maintenance of a storm water culvert which will be used to carry storm water collected on lands of Deer Run Holding, LLC to the north of the Trail to lands to the south of the Trail, and

WHEREAS, the proposed culvert is to be installed within the old cattle pass constructed by the railroad to the benefit of the original owners, and

WHEREAS, when the property was originally purchased by the rail road, the deed provided for two crossings of the rail line which were to be constructed and maintained by the rail road or its successors, and

WHEREAS, Dutchess County is currently the successor in title to the rail road and this permanent easement is to define the exact location of one of the crossings and to relieve the County of any maintenance responsibilities as stated in the original deed, and

WHEREAS, SEQRA has been completed by the Town of East Fishkill with the County providing input as an Involved Agency, and

WHEREAS, a concurrent resolution is being submitted herewith in connection with the easement for the road over the Trail which will address the location and maintenance of the other deeded crossing, now, therefore, be it

RESOLVED, that a permanent easement of a 0.067± acre parcel in the Town of East Fishkill, Dutchess County, New York is approved, and be it further

RESOLVED, that the County Executive is authorized to execute the Storm Sewer Easement, in substantially the same form as annexed hereto, to Deer Run Holding, LLC and authorizing Deer Run Holding, LLC, its officers, employees, agents, servants or contractors of ingress and egress to enter upon and along the easement area pursuant to the Easement Agreement.

APPROVED

CA-60-10 CAB/ca/R-0753
4/5/10 Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

Date April 16 2010

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of April, 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 12th day of April, 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 $ 0

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: D. Bartles, ROW Engr, DC DPW

Dut.pdf

STORM SEWER EASEMENT

THIS INDENTURE made this ____ day of _____, 2010 by **THE COUNTY OF DUTCHESS**, a municipal corporation of the State of New York located at 22 Market Street, Poughkeepsie, New York 12601,(the "Grantor"), and **DEER RUN HOLDING, LLC**, a New York Limited Liability Company, with its office located at 1136 Route 9, Suite U-1, Wappinger Falls, New York 12590 (the "Grantee")

WITNESSETH

That the Grantor in consideration of One Dollar ($1.00), lawful money of the United States paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever, a perpetual storm sewer easement and right of way over all that property (the "Easement Area") located in the Town of East Fishkill, County of Dutchess and State of New York, which Easement Area are more particularly described in Schedule "A", attached hereto and made a part hereof.

The easement is for the purposes of the installation, maintenance, operation, management, repair and replacement of storm sewer facilities, including, all swales, pipes, structures, grading, slope stabilization, erosion control, landscaping, and other appurtenant facilities, (hereinafter referred to as the Grantee Improvements) as detailed on Sheet 22 of 97 of the "Final Subdivision Plat Hopewell Glen" dated March 31, 2006 and last revised December 18, 2009 which plat is intended to be filed in the Dutchess County Clerk's Office simultaneously with the recording of this instrument as Filed Map No. as well as the right to discharge stormwater, in accordance with the requirements of the Town of East Fishkill, the Dutchess County Department of Public Works and the New York State Department of Environmental Conservation and any other applicable laws, ordinances, regulations and court orders.

The Easement includes the right of the Grantee, its officers, employees, agents, servants or contractors of ingress and egress to enter upon and along the Easement Area for the full and complete use, occupation and enjoyment of the Easement hereby granted as described herein, and all rights and privileges directly related thereto.

The Grantor also hereby acknowledges and agrees that the Grantee shall retain all right, title, interest in and to the lines, pipes, appurtenances, materials and other

drainage system improvements (as described in the preceding paragraphs of this Storm Sewer Easement) installed or placed within the Easement Area by Grantee (the "Grantee Improvements").

The responsibility for and cost of constructing, installing, maintaining, repairing and improving the Grantee Improvements within the Easement Areas shall be borne solely by Grantee and/or its successors and/or assigns.

Grantee and each of its successors and assigns as applicable shall indemnify and hold harmless Grantor from and against any and all losses, claims, damages, liabilities, liens, costs and expenses arising directly or indirectly, in connection with any construction, installation, maintenance, operation, management, repair or utilization of the Grantee Improvements. Grantee shall restore the Easement Area as nearly as reasonably possible to their preexisting condition immediately upon completion of the installation, repair or maintenance of the Grantee Improvements to Grantor's satisfaction. This restoration shall include but not be limited to regrading, compacting, reseeding and mulching the Easement Areas in the applicable locations. If settlement of surface occurs after restoration, Grantee and/or its successors and/or assigns shall provide such additional restoration. The Grantor, for itself, its successors and assigns, is hereby prohibited from blocking or obstructing the Easement Area above or below grade or planting trees or substantial shrubs within the Easement Area or constructing and/or maintaining any type of permanent or temporary structure including, but not limited to, underground pipes and conduits in, on, under or over the Easement Areas without written permission of the Grantee which shall not be unreasonably withheld or delayed if not in conflict with the Grantee's use of the easement. Grantor acknowledges that the prohibition outlined in the previous sentence does not apply to the Dutchess Rail Trail and the waterline that was installed by the Dutchess County Water and Wastewater Authority, both of which are in existence in the Easement Area.

The terms, covenants and agreements herein contained shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, successors, assigns, distributees, legal representatives and all covenants herein shall run with the land affected hereby and shall be perpetual in duration and the Grantor shall execute and deliver any further documents reasonably necessary to assure the easements

granted herein to the Grantee.

Each party represents to the other party that it has the power and authority to execute, deliver and perform this Easement, that all actions necessary to authorize the execution, delivery and performance of this Easement have been duly taken, that it has duly executed and delivered this Easement and that this Easement is legal, valid and binding on it, and enforceable against it, in accordance with its terms.

In the event the Grantor determines that its property is in danger of being damaged due to damage to the Grantee Improvements, the Grantor reserves the right to repair the Grantee Improvements should the grantee or its successors and assigns fail to do so in a timely manner. The Grantee or its successors and assigns agree to reimburse the Grantor for all costs associated with the repair of said Improvements.

The Grantee hereby grants, releases, quit claims, remises and extinguishes to the Grantor, the County of Dutchess, its successors and/or assigns, any rights that it may have acquired to cross the property now known as the Dutchess Rail Trail contained in the deed from Elizabeth B. Mulford to the Central New England Railway dated December 8, 1909 and recorded in the Dutchess County Clerk's Office in Liber 359 of deeds at Page 308. Furthermore, the Grantee hereby grants, releases, quit claims. remises and extinguishes to the Grantor, the County of Dutchess, its successors and/or assigns the right to have fences constructed and maintained as described in a deed from Elizabeth B. Mulford to the Central New England Railway dated May 21, 1909 recorded in the Dutchess County Clerks Office in Liber 360 of Deeds at Page 423 and any other crossing and fence rights over and under said Dutchess Rail Trail from other deeds in the Grantee's chain of title. Grantee executes this deed confirming such extinguishment of the rights described in the previous sentences in consideration of the easements granted to it herein, and such other good and valuable consideration as recited herein.

Grantor acknowledges that upon completion of the Grantee Improvements set forth herein the Grantee may dedicate the Grantee Improvements to the Town of East Fishkill, and Grantor hereby agrees to such dedication and the assignment of the Easement herein.

This Storm Sewer Easement shall be interpreted and enforced in accordance

with the laws of the State of New York.

TO HAVE AND TO HOLD the said easements unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument as of the date first set forth above.

THE COUNTY OF DUTCHESS

By:_____

William R. Steinhaus, County Executive

DEER RUN HOLDING, LLC

By:_____

Joseph Petinella, Managing Member

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

On the _____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM R. STEINHAUS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

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

On the _____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH PETINELLA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

ESE Land Planning Engineering Land Surveying

March 31, 2010

DESCRIPTION OF PROPERTY
EASEMENT #86
30' WIDE MUNICIPAL STORM SEWER
THROUGH FORMERLY CENTRAL NEW ENGLAND RAILROAD COMPANY (ABANDONED)
THROUGH LANDS NOW OR FORMERLY COUNTY OF DUTCHESS
HOPEWELL GLEN

All that certain lot or parcel of land situated in the Town of East Fishkill, County of Dutchess, and State of New York, as shown on a plan entitled, "Final Subdivision Plat, Hopewell Glen", sheets 2 thru 52 of 97, prepared by ESE Consultants, Inc., dated March 31, 2006, last revised December 18, 2009, filed or about to be filed in the Dutchess County Clerk's Office, more particularly described as follows:

Beginning at a point on line between Lands Now or Formerly County of Dutchess and Open Space Parcel 296 and running;

1. Along a common line between Lands Now or Formerly County of Dutchess and Open Space Parcel 296, passing along an arc of a circle curving to the left having a radius of 1860.08 feet, an arc distance of 30.87 feet, a chord bearing of South 72 degrees 24 minutes 09 seconds East, a chord distance of 30.87 feet; thence
2. Passing into Lands Now or formerly County of Dutchess, South 03 degrees 55 minutes 41 seconds West, a distance of 95.45 feet to a point on line of Lands Now or Formerly County of Dutchess and Lands Now or Formerly Lake Walton Park, LLC; thence
3. Along a common line between Lands Now or Formerly County of Dutchess and Lands Now or Formerly Lake Walton Park, LLC, North 77 degrees 04 minutes 56 seconds West, a distance of 30.37 feet; thence
4. Passing into Lands Now or formerly County of Dutchess, North 03 degrees 55 minutes 41 seconds East, a distance of 98.00 feet to the first mentioned point and place of beginning.

Containing 2,902 square feet or 0.067 acres of land.
Subject to easements and restrictions of record, if any.
Description prepared by ESE Consultants, Inc., Horsham, Pa. 19044.

Dana J. Parrish, P.L.S. No. 050139
Professional Land Surveyor

Z:\LEGAL\1092\30StmSewEsmt86.doc

ESE Consultants, Inc.
250 Gibraltar Road, Suite 2E · Horsham, PA 19044
p: 215.914.2050 · f: 215.293.5489

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW *ENGINEERING*

Memo

To: **Charles Traver, Commissioner of Public Works**

CC: Gregory Bentley Director of Engineering

From: Don Bartles, Right of Way Engineer

Date: 3/31/10

Re: Resolution Request DC w/ Deer Run Holding, LLC, Culvert Crossing

---

Accompanying this memo is a Resolution Request with supporting documentation to authorize the granting of a 0.067 ± acre Permanent Easement to Deer Run Holding, LLC for the construction and maintenance of a storm water culvert which will be used to carry storm water collected on those lands of Deer Run Holding, LLC to the North of the Dutchess Rail Trail to their lands to the South of the Trail. This culvert is proposed to be installed within the old cattle pass constructed by the railroad to the benefit of the original owners.

When the original property was purchased by the rail road, the deed provided for 2 crossing of the rail line which were to be constructed and maintained by the rail road or its successors. Dutchess County is currently the successor to the rail road. This Permanent easement is written to define the exact location of 1 of the crossing and to relieve Dutchess County of any maintenance responsibilities as stated in the original acquisition.

SEQRA has been completed by the Town of East Fishkill with Dutchess County providing input as an Involved Agency.

There is a concurrent Resolution Request to address the location and maintenance of the other deeded crossing.

Please review this submission and if appropriate sign and forward to the County Executive for approval.

Roll call vote on the foregoing Resolution No. 2010116 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Commendation: Daniel W. Hitsman

Legislators BORCHERT, BOLNER, and DOXSEY offer the following and move its adoption:

Whereas, earning Eagle Scout status is the final step that a Boy Scout can take, it is the highest rank available in the organization, and only five percent of all Boy Scouts earn the Eagle Scout rank; to become an Eagle Scout a young man must be an active participant of a troop, hold a leadership position, carry out a leadership project reviewed before his 18th birthday, earn merit badges, perform community service and demonstrate outdoor skills, and be approved by district, local, and national review boards, and

Whereas, Daniel W. Hitsman is a Dutchess County resident living at 11 Upton Road, LaGrangeville, New York who belongs to Boy Scout Troop 82 LaGrangeville, and Daniel has been involved in many community activities such as the Barnyard Kids 4-H Group, where he has been a member for 5 years and has served as president, and

Whereas, Daniel is employed by the Gaia Institute where he manufactures artificial soil from recycled materials, and Daniel is a junior at Arlington High School, and has attained the honor roll at Dutchess County BOCES, and Daniel W. Hitsman received his Eagle Scout award on January 14, 2010, and

Whereas, for his Eagle Scout Project Daniel compiled over 224 hours of service time completing renovations for the Trinity United Methodist Church Nursery School, including the replacement of a fence around a play area, construction of a deck and construction of a covering over a sand box, now therefore, be it

Resolved, that the Dutchess County Legislature hereby commends Daniel W. Hitsman for being a great role model to his peers and for his commitment and service to our community, and be it further

Resolved, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby congratulate Daniel W. Hitsman for achieving his Eagle Scout award.

STATE OF NEW YORK

ss: RESOLUTION NO. 2010117

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010117 entitled, "Commendation: Daniel W. Hitsman" was unanimously adopted by voice vote.

Commendation: M. Philip Amodeo

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

Whereas, M. Philip Amodeo, has served as a member of the Dutchess County IDA since its inception in 1977. He is the longest serving member in Dutchess County IDA history. Phil retired from the IDA in 2009; and

Whereas, M. Philip Amodeo has been a longtime resident in Dutchess County; and

Whereas, Mr. Amodeo attended Siena College, graduating in 1961; he also served as Second Lieutenant in the United States Army; and

Whereas, Phil is a loving husband to his wife Dorothy and father to their four children; and

Whereas, during Phil's career he has been a member and director of numerous New York and National Accounting organizations including President of the New York State County Treasurers and Finance Office; and

Whereas, M. Philip Amodeo has worked diligently in the financial sector starting in 1965 with the New York State Office of the Comptroller; then from 1976 to 1997 Dutchess County Commissioner of Finance (also, known for being the longest serving Commissioner of Finance in Dutchess County's history); Board Member Dutchess County Industrial Development; and from 2007 to 2009 Chief Financial Officer of the DCIDA; now, therefore, be it

Resolved, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate, M. Philip Amodeo, and, be it further

Resolved, that the Dutchess County Legislature, does hereby extend to M. Philip Amodeo, its best wishes in all of his future endeavors.

STATE OF NEW YORK

ss: RESOLUTION NO. 2010118

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 12th day of April, 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 12th day of April, 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010118 entitled, "Commendation: M. Philip Amodeo" was unanimously adopted by voice vote.

COMMENDATION: STEVEN VELARDO, JR., AMERICAN LEGION STATE ORATORICAL CONTEST THIRD PLACE FINALIST

Legislators MacAvery and Horton offer the following and move its adoption:

WHEREAS, the American Legion Oratorical Contest is a 70-year old program that provides high school students with the opportunity to broaden their knowledge and understanding of the United States Constitution; gives participants an academic speaking challenge that teaches important leadership qualities, the history of our nation's laws, the ability to think and speak clearly, and an understanding of the duties, responsibilities, rights and privileges of American citizenship; and

WHEREAS, 17 year old Steven Velardo, Jr. of Hopewell Junction having won First Place in the American Legion Oratorical Contest having been sponsored by the Manny Bacon Post 1758, Hopewell Junction followed by First Place at the County-wide Competition here in Dutchess County, followed by First Place at District Level followed by First Place in Zone 1 Competition, he then competed at the state level where he successfully placed third in all of New York Sate; and

WHEREAS, Steven is a home-educated student who serves his local church and community, volunteering over 170 hours of service to the East Fishkill Library, active as a Civil Air Patrol Cadet, serves on the Cadet Advisory Council for the Southeast Group of CAP, competes in various debate and public speaking venues, has recently completed Advanced Debate Theory and Communications at Marist College, is a Revolutionary War Re-enactor, teaches public speaking to youth, and

WHEREAS, Steven who is the eldest child of proud parents Steven, Sr. and Debbie Velardo, joins his siblings Matthew Sarah, Christopher and Daniel. Steven indeed exemplifies those finest attributes of self-discipline self-reliance, good citizenship, and concern for his fellowman, and is especially deserving of this; now therefore, be it

RESOLVED that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate, Steven and be it further

RESOLVED, that the Dutchess County Legislature, does hereby extend to Steven Velardo, Jr., best wishes for continued success in all of his future endeavors.

STATE OF NEW YORK

ss: RESOLUTION NO. 2010119

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 12th day of April, 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 12th day of April, 2010.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010119 entitled, "Commendation: Steven Velardo, Jr., American Legion State Oratorical Contest Third Place Finalist" was unanimously adopted by voice vote.

PROCLAMATION NAMING THE HUDSON VALLEY 40TH ANNIVERSARY EARTH DAY CELEBRATION AT THE DUTCHESS COUNTY FAIRGROUNDS AS THE OFFICIAL EARTH DAY EVENT OF DUTCHESS COUNTY

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

WHEREAS, the week of April 22, 2010, marks the 40th Anniversary of the founding of Earth Day, which was begun by then - United States Senator, Gaylord Nelson in 1970 as a grassroots demonstration for the environment, and

WHEREAS, Earth Day has grown over the ensuing decades from 20 million participants in the United States to become the biggest "civic secular event" in the world, celebrated by over 1 billion people around the globe and the 40th Anniversary of Earth Day will be celebrated here in Dutchess County on April 24th and 25th, 2010, at the Dutchess County Fairgrounds' Hudson Valley 40th Anniversary Earth Day Celebration, and

WHEREAS, that event which will be the largest 40th Earth Day Event celebrated in Dutchess County, if not the largest 40th Earth Day celebration in the Hudson Valley, and

WHEREAS, the event which will be sponsored by local Dutchess County and Hudson Valley businesses, will be the first event designated as a Zero Landfill Event by the Dutchess County Recovery Agency – meaning no solid waste generated by the event will be placed into landfill, but will rather be recycled or turned to energy at the Dutchess County Waste-to-Energy, and

WHEREAS, the Hudson Valley 40th Anniversary Earth Day Celebration at the Dutchess County Fairgrounds will include electronic waste turn-in and document shredding opportunities for all Dutchess County residents, as well as numerous educational opportunities for Dutchess County residents and other residents of the Hudson Valley to learn about ways in which to improve the local environment and their own carbon footprint, and

WHEREAS, the Dutchess County Legislature supports environmental improvement throughout Dutchess County, now, therefore, be it

RESOLVED, we hereby designate the Hudson Valley 40th Anniversary Earth Day Celebration, to be held at the Dutchess County Fairgrounds by the Dutchess County Agricultural Society, in collaboration with Cornell Cooperative Extension, Dutchess County and supported by sponsorships from local businesses—Hudson Valley Clean Energy, Covanta Hudson Valley Renewable Energy and Royal Carting Service Company – as the official Earth Day Celebration Event of Dutchess County.

STATE OF NEW YORK

ss: RESOLUTION NO. 2010120

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 12th day of April, 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 12th day of April, 2010.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010120 entitled, "Proclamation naming the Hudson Valley 40th Anniversary Earth Day Celebration at the Dutchess County Fairgrounds as the Official Earth Day Event of Dutchess County" was unanimously adopted by voice vote.

Condolence: Madison P. "Matt" Sipperley

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 Madison P. "Matt" Sipperley on April 4, 2010, at the age of 83; and

WHEREAS, Madison P. "Matt" Sipperley was a long-time Red Hook resident, born on September 14, 1926, in Brooklyn, New York, to the late Madison and May (Krom) Sipperley; and

WHEREAS, Matt Sipperley was employed at IBM in Poughkeepsie and after 35 years, he retired in 1990. Thereafter, he and his wife moved to Bradenton, Florida to enjoy retirement; and

WHEREAS, Madison P. "Matt" Sipperley served in the U.S. Navy during WWII with the 7th Amphibious Fleet in the South Pacific during the occupation of Japan. He was later recalled to the Navy and served during the Korean War; and

WHEREAS, Madison P. "Matt" Sipperley was very active on behalf of the Veterans in the area being a life member of the Red Hook Post #7765 VFW, a member of Hendrick Hudson Lodge #875, F&AM in Red Hook, and a member of the Elks Lodge #2495 in S. Sarasota, Florida; and

WHEREAS, Madison P. "Matt" Sipperley, dedicated 21 years of his life working with the Dutchess County Legislature to improve the quality of life for all residents of Dutchess County. In 1976 Matt began his career in the Legislature in District 30, Town of Red Hook and during the next 8 years he dedicated his time to the following Committees: Environmental Control, Vice Chair; Transportation; Planning and Capital Projects Chairman, Public Works; Budget and Finance (Sub-Committee Vice Chair); Governmental Services; Community Services and Human Services; and

WHEREAS, Matt continued his service to Dutchess County representing District 31 from 1984 through 1988, on the following committees: Human Services, Public Works (Chairman); Environment; and Planning and Capital Projects; and

WHEREAS, Matt, lived a full and accomplished life with many achievements to be proud of, and 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 Madison P. "Matt" Sipperley, and, be it further

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Madison P. "Matt" Sipperley.

STATE OF NEW YORK

ss: RESOLUTION NO. 2010121

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 12th day of April, 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 12th day of April, 2010.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Resolution No. 2010121 entitled, "Co*ndolence Madison P. "Matt" Sipperley"* was unanimously adopted by voice vote.

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

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, New York, questioned the life of the vehicles being purchased in relation to the length of the foregoing bond Resolution No. 2010090 entitled, "A Resolution Authorizing the Issuance of $740,835 Serial Bonds of the County of Dutchess, New York, to Pay the Cost of the Purchase of Motor Vehicles nd Motorized Equipment for Various Departments in and for said County" and no one questioned how long the bond was and if it would be longer than what the equipment would last.

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

On motion by Legislator Cooper, duly seconded by Legislator Flesland and carried, the meeting was adjourned in memory of Madison Sipperley at 9:50 pm subject to call of the Chair.