

Attendance Sheets

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

Date: 5/12/14

Regular Meeting
of the
Dutchess County Legislature

Monday, May 12, 2014

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

Roll Call by the Clerk of the Legislature

PRESENT: 25 Amparo, Bolner, Borchert, Farley, Flesland, Horton,
Hutchings, Incoronato, Jeter-Jackson, Johnson, Kelsey,
MacAvery, Miccio, Nesbitt, Perkins, Pulver, Rolison,
Roman, Sagliano, Serino, Strawinski, Surman, Thomes,
Tyner, Weiss

ABSENT: 0

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Pastor Howard Lawler of Fishkill Baptist Church in Fishkill, followed by a moment of silent meditation.

Commendations and Proclamations

Proclamation: Lyme Disease Awareness Month May 2014
Commendation: Red Hook Varsity Boys Basketball Team –
The Raiders
Commendation: Charles Albertson
Commendation: Ken Davidson
Commendation: National Police Week

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

Ken Stickle, 118 Catherine Street, Poughkeepsie, spoke regarding the county finding a place in the budget to give to the city of Poughkeepsie because they are losing tax money. He stressed the need for a youth/senior center in the city.

Mae Parker Harris, City of Poughkeepsie, spoke in opposition to a new jail. She added that inmates were coming out of the jail worse than when they went in. She asked the Legislators to cast their vote with a conscience for all citizens, not just some.

Pat Lomana, City of Poughkeepsie, licensed social worker, spoke in support of preventative services and in opposition to expanding the jail. She added it was the proper way to take care of the citizens.

Gerry Wilmont, 22 Mansion Drive, Hyde Park, spoke regarding expanding the transitional housing facility.

Bill Rubin, 18 Eagle Lane, Poughkeepsie, spoke regarding the CJC Needs Analysis Report. He stated it would bury a generation in taxes. He added that the majority of inmates were mentally ill or addicted to drugs needing programs and placing them in jail was not helping them and frustrating to the correction officers.

Darrett Roberts, Poughkeepsie, spoke regarding how devastated the taxpayers will be if the jail expansion moved forward. He urged the Legislature to offer job experience so they can be a productive part of the county.

Jeffrey Schneider, 80 North Water Street, Poughkeepsie, spoke regarding programs for inmates that will be returning to the area to be housed and hoped for more innovative solutions.

Vincent Sanderson, 329 Mansion Street, Poughkeepsie, stated Dutchess County was losing its youth. He added that youth was a priority and the most valuable resource.

Sheila Newman, Former Mayor of the City of Poughkeepsie, 49 Loockerman Avenue, Poughkeepsie, stated that the property that the jail wanted to expand on was contaminated. Urged the Legislature to table the resolution until environmental information could be gathered regarding the impacts on the City of Poughkeepsie and tourism.

Eli Castera, Stormville, spoke in opposition to new jail construction or expansion. He stressed the importance of creating jobs and opportunities for people to learn skills.

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, spoke regarding the jail and stated that the pods were a solution. He urged that the YMCA be brought back so the youth had somewhere to go.

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

Chairman Rolison entertained a motion to approve the April 2014 minutes.

The April 2014 minutes were adopted.

COMMUNICATIONS RECEIVED FOR THE MAY 2014 BOARD MEETING

Received from Budget Director, contingency account status as of May 8, 2014.

Received the following from Poughkeepsie Deputy Town Clerk:

Notices of Public Hearing for June 4 to amend the zoning map to change the zoning designation of Tax Parcel Numbers 6262-03-162080 from neighborhood business district to heavy industrial district,

Notice of Public Hearing for June 4 to amend Zoning Map to change the zoning designation of Tax Parcel Numbers 6262-03-162080 from neighborhood business district to heavy industrial district, specifically S210-74 Home Occupants,

Notice of Public Hearing for June 4 to amend Town Code S210 entitled, signs permitted in B-SC district,

Notice of Public Hearing for May 7 to amend Chapter 210 of the Town Code entitles Zoning, specifically Article III S210-11,

Notice of Public Hearing for May 7, to amend Chapter 210 of the Town Code, specifically Article III S210-27 (H)(1) entitled MacDonnell Heights Center District, and

Notice of Public Hearing for May 7 to amend Chapter 210 of Town Code entitled Zoning, specifically S210-20.

Received from Commissioner of Finance and Budget Director, Dutchess County 2013 Annual Financial Report, along with memo regarding update on County's fiscal position.

Received from County Executive, memo regarding update on County's fiscal position.

Received emails from the following in opposition to the energy tax:

Jay Corbo, and
mltjal@optonline.net

Received from Mental Hygiene Commissioner, 2013 Annual Report.

Received the following from County Clerk:

Summary of Mortgage Tax collected for March 2014, and

Summary of Mortgage Tax collected for April 2014,

Semi Annual Mortgage Tax Report for October 1, 2013, to March 31, 2014.

Received from Fulton County Board of Supervisors, Resolution 127, Urging New York State to Establish a Residency Waiting Period to Quality for Welfare Benefits

Received from Orleans County Legislature, Resolution 134-414, Support of Statewide Indigent Defense Legal System and Settlement of Hurrell-Harring et al v. State of New York

Received the following resolutions from Schuyler County Legislature:

Intro No. 3, Resolution in Support of a Statewide Indigent Defense Legal System and Settlement of Hurrell-Harring et al v. Sate of New York,

Intro No 8, Resolution Advocating New York State to Increase Funding for Public Transportation and Allow for Local Distribution of Department of Health Transportation Funds

Intro No. 9, Resolution Supporting the Wilmot Casino in the Town of Tyre, Seneca County, and

Intro No. 27, Resolution Offering an Alternative to the Property Tax Freeze that will Lead to Permanent and Historic Property Tax Reductions by Eliminating the Cost of State Mandated Spending Imposed on County Property Taxpayers.

Received from Ira Weiss, email in opposition to item pricing.

Received from Town of LaGrange Clerk, proposed local law entitled, A Local Law of the Town of LaGrange, Dutchess County, new York, Conditionally Amending the Zoning Map Designation of Certain Property Currently Zoned R-40/60/80 at or Near Titusville Road and David Road to the North, Noxon Road to the East, Colleen Court to the South, and Daley Road to the West to allow for the Establishment of a Planned Development District to be Named "PDD-Daley Farms" for a Mix of Residential Uses and Open Space in Accordance with an Overall Concept Plan of Development, Prepared by Morris Associates P.S., L.L.C. Bearing the Date of October 18, 2013 in Place of Concept Plans of Development Bearing Dates of May 2, 2012, and October 18, 2012, and Repealing Town of LaGrange Local Law No. 1 of 2013.

DISCUSSION ONLY 5-8-14
PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2014122

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,050,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF RECONSTRUCTION OF BRIDGES, IN AND FOR SAID COUNTY

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

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

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

Section 1. The cost of the reconstruction of bridges, in and for the County of Dutchess, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$5,050,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of \$5,050,000 serial bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 40 years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section 11. This resolution, which takes effect immediately, shall be published in summary form in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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 June 9, 2014, 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 25 ayes and 0 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 June 19, 2014, 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

June 6, 2014

Poughkeepsie Journal

June 6, 2014

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

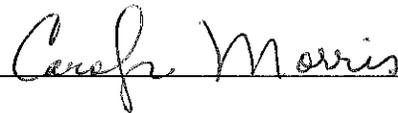
Date of Posting

County Office Building, 6th Floor, County Office Building

June 6, 2014

Poughkeepsie, NY 12601

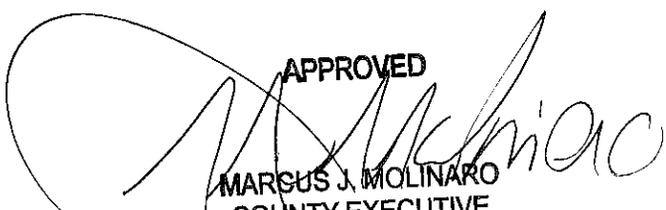
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 9 day of June 2014.



Clerk, County Legislature



APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date

6/19/2014

LEGAL NOTICE OF ESTOPPEL

The following entitled bond resolution, a summary of which is published herewith, has been adopted on June 9, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Dutchess, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is each available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Poughkeepsie, New York,

June 9, 2014.


Clerk, County Legislature

RESOLUTION NO. 2014122

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,050,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF RECONSTRUCTION OF BRIDGES, IN AND FOR SAID COUNTY.

Class of objects or purposes:	Reconstruction of bridges
Period of probable usefulness:	40 years
Maximum estimated cost:	\$5,050,000
Maximum amount of bonds to be issued:	\$5,050,000 bonds
SEQRA status:	Type II Action without a significant environmental effect

Reconstruction of Bridges

5,050,000 40 years at 4.40%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	5,050,000	126,250	222,200	348,450
2	4,923,750	126,250	216,645	342,895
3	4,797,500	126,250	211,090	337,340
4	4,671,250	126,250	205,535	331,785
5	4,545,000	126,250	199,980	326,230
6	4,418,750	126,250	194,425	320,675
7	4,292,500	126,250	188,870	315,120
8	4,166,250	126,250	183,315	309,565
9	4,040,000	126,250	177,760	304,010
10	3,913,750	126,250	172,205	298,455
11	3,787,500	126,250	166,650	292,900
12	3,661,250	126,250	161,095	287,345
13	3,535,000	126,250	155,540	281,790
14	3,408,750	126,250	149,985	276,235
15	3,282,500	126,250	144,430	270,680
16	3,156,250	126,250	138,875	265,125
17	3,030,000	126,250	133,320	259,570
18	2,903,750	126,250	127,765	254,015
19	2,777,500	126,250	122,210	248,460
20	2,651,250	126,250	116,655	242,905
21	2,525,000	126,250	111,100	237,350
22	2,398,750	126,250	105,545	231,795
23	2,272,500	126,250	99,990	226,240
24	2,146,250	126,250	94,435	220,685
25	2,020,000	126,250	88,880	215,130
26	1,893,750	126,250	83,325	209,575
27	1,767,500	126,250	77,770	204,020
28	1,641,250	126,250	72,215	198,465
29	1,515,000	126,250	66,660	192,910
30	1,388,750	126,250	61,105	187,355
31	1,262,500	126,250	55,550	181,800
32	1,136,250	126,250	49,995	176,245
33	1,010,000	126,250	44,440	170,690
34	883,750	126,250	38,885	165,135
35	757,500	126,250	33,330	159,580
36	631,250	126,250	27,775	154,025
37	505,000	126,250	22,220	148,470
38	378,750	126,250	16,665	142,915
39	252,500	126,250	11,110	137,360
40	126,250	<u>126,250</u>	<u>5,555</u>	<u>131,805</u>
TOTAL		5,050,000	4,555,100	9,605,100
AVG. PER YEAR		126,250	113,878	240,128

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL	5,050,000	
ANTICIPATED INTEREST RATE		4.40%
TERM	40 YEARS.	TOTAL ANTICIPATED FEES: 50,000
ANTICIPATED ANNUAL COST (PRIN + INT):		240,128
TOTAL PAYBACK (ANNUAL COST x TERMS):		9,605,100

PREPARED BY PAMELA BARRACK

H0469 - 2014 Economic Development Bridge Projects

APPROPRIATIONS

Increase

H0469.5120.3450	Bridges-Reconstruction	\$5,000,000
H0469.5120.3900	Bond Issuing Costs	\$50,000
		<u>\$5,050,000</u>

REVENUES

Increase

H0469.5120.57100	Serial Bonds	\$5,050,000
		<u>\$5,050,000</u>

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

From: Robert H. Balkind, P.E., Deputy Commissioner (RB)
Department of Public Works

Date: April 18, 2014

*Re: Engineering Resolution Request for
2014 Supplemental Bridge Improvement Projects*

Attached please find a resolution request for additional bridge replacement/repair projects that DPW is seeking to commence in 2014. If approved, these projects will be started in 2014 and will be constructed in either 2014 or 2015 based on design and permitting schedules. The request is for \$5.0M for two bridges ; Bridge S-37 (Bulls Head Road over Wappingers Creek, Town of Stanford) and Bridge PO-15X (New Hamburg Road over Wappingers Creek, Town of Poughkeepsie.)

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

2014 Supplemental Bridge Improvement Projects

In addition to the projects identified within the 2014 Highway and Bridge Improvement Program Resolution, there are two additional projects that have been identified as being economically or strategically advantageous to retain and promote economic development within Dutchess County. These projects are described below.

Replacement of County Bridge S- 37, Bulls Head Road (CR 19) over Wappingers Creek, town of Stanford. The bridge is currently posted at 18 tons and is a restriction for gravel trucks and other heavy truck traffic travelling between the northwestern and eastern parts of Dutchess County. This project includes replacement of the existing bridge and realignment of a non-standard curve in the immediate vicinity of the bridge. The bridge was built in 1929, and is rated at 4.12. The bridge carries approximately 1200 vehicles per day. The estimated cost of this project is \$2.0M, including design, studies, permits, right-of-way acquisition, construction and construction management.

Rehabilitation of County Bridge PO-15X, New Hamburg Road (CR 28) over the Fishkill Creek, Town of Poughkeepsie. The bridge is currently posted at 12 tons due to structural issues. This bridge serves as the main connector between Dutchess County and the Metro-North New Hamburg train station. This project will require significant repairs to the bridge, or a superstructure replacement. DPW is currently seeking a consultant to perform a detailed evaluation of the bridge's condition so that a rehabilitation project scope can be identified. The bridge was built in 1966 and is rated at 4.78. The bridge carries over 5000 vehicles per day, including Metro-North maintenance vehicles, Bottini Fuel trucks accessing their fuel farm, and other commercial traffic to service the hamlet of New Hamburg. Although detailed investigations are not complete at this time the estimated cost of this project is \$3.0M, including design, studies, permits, right-of-way acquisition, construction and construction management.

Based on estimated project costs the net 2014 request for these two bridge projects is \$5,000,000.

Note: Estimates for individual projects are approximate based on current information. Some projects may actually come in lower or higher than estimated; however, the cost for all projects combined will be within the total \$5.0 million.

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*	<i>absent</i>	
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: <u>11</u>	Resolution: <u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u> </u>		Yes	No
Vacant: <u>0</u>		Abstentions:	<u>0</u>	

2014122 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,050,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF RECONSTRUCTION OF BRIDGES IN AND FOR SAID COUNTY

Date: June 3, 2014

Roll Call Sheets

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

Present: 25
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

2014122 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,050,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF RECONSTRUCTION OF BRIDGES IN AND FOR SAID COUNTY

Date: June 9, 2014

Resolution No. 2014122 was offered for discussion only at the May 8, 2014, Public Works and Capital Projects Committee meeting and adopted at the June 9, 2014, Board Meeting.

Roll call at that time resulted as follows:

AYES: 24

NAYS: 1 Perkins

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2014123

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING ASBESTOS ABATEMENT AT THE COUNTY MENTAL HYGIENE FACILITY, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$404,000, AND AUTHORIZING THE ISSUANCE OF \$404,000 BONDS TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

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

Section 1. Asbestos abatement at the Mental Hygiene Facility at 230 North Road in Poughkeepsie, New York, in and for the County of Dutchess, New York, including related work and incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$404,000.

Section 2. It is hereby determined that the plan for the financing of the specific object or purpose is by the issuance of the \$404,000 serial bonds hereby authorized to be issued pursuant to 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. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner

of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section 11. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

* * * * *

CERTIFICATION FORM

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

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

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on June 9, 2014, 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 25 ayes and 0 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 June 19, 2014, 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

June 6, 2014

Poughkeepsie Journal

June 6, 2014

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

County Office Building, 6th Floor, County Office Building

June 6, 2014

Poughkeepsie, NY 12601

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 9 day of June 2014.

Carolyn Morris

Clerk, County Legislature



APPROVED

M. J. Molinaro
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 6/19/2014

LEGAL NOTICE OF ESTOPPEL

The following entitled bond resolution, a summary of which is published herewith, has been adopted on June 9, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Dutchess, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is each available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Poughkeepsie, New York,
June 9, 2014.



Clerk, County Legislature

RESOLUTION NO. 2014123 2014

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING ASBESTOS ABATEMENT AT THE COUNTY MENTAL HYGIENE FACILITY, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$404,000, AND AUTHORIZING THE ISSUANCE OF \$404,000 BONDS TO PAY THE COST THEREOF.

Specific object or purpose:	Asbestos abatement at the Co. Mental Hygiene Facility at 230 North Road in Poughkeepsie, New York
Period of probable usefulness:	25 years
Maximum estimated cost:	\$404,000
Amount of bonds to be issued:	\$404,000 bonds
SEQRA status:	Type II Action

ASBESTOS ABATEMENT AT COUNTY MENTAL HYGIENE FACILITY

\$404,000 at 4.40%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$404,000.00	\$16,160.00	\$17,776.00	\$33,936.00
2	387,840.00	16,160.00	17,064.96	33,224.96
3	371,680.00	16,160.00	16,353.92	32,513.92
4	355,520.00	16,160.00	15,642.88	31,802.88
5	339,360.00	16,160.00	14,931.84	31,091.84
6	323,200.00	16,160.00	14,220.80	30,380.80
7	307,040.00	16,160.00	13,509.76	29,669.76
8	290,880.00	16,160.00	12,798.72	28,958.72
9	274,720.00	16,160.00	12,087.68	28,247.68
10	258,560.00	16,160.00	11,376.64	27,536.64
11	242,400.00	16,160.00	10,665.60	26,825.60
12	226,240.00	16,160.00	9,954.56	26,114.56
13	210,080.00	16,160.00	9,243.52	25,403.52
14	193,920.00	16,160.00	8,532.48	24,692.48
15	177,760.00	16,160.00	7,821.44	23,981.44
16	161,600.00	16,160.00	7,110.40	23,270.40
17	145,440.00	16,160.00	6,399.36	22,559.36
18	129,280.00	16,160.00	5,688.32	21,848.32
19	113,120.00	16,160.00	4,977.28	21,137.28
20	96,960.00	16,160.00	4,266.24	20,426.24
21	80,800.00	16,160.00	3,555.20	19,715.20
22	64,640.00	16,160.00	2,844.16	19,004.16
23	48,480.00	16,160.00	2,133.12	18,293.12
24	32,320.00	16,160.00	1,422.08	17,582.08
25	16,160.00	<u>16,160.00</u>	<u>711.04</u>	<u>16,871.04</u>
TOTAL		<u>\$404,000.00</u>	<u>\$231,088.00</u>	<u>\$635,088.00</u>
AVG. PER YEAR		\$16,160.00	\$9,243.52	\$25,403.52

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL	\$404,000.00
ANTICIPATED INTEREST RATE	4.40%
TERM 25 YEARS. TOTAL ANTICIPATED FEES INCLUI	\$4,000.00
ANTICIPATED ANNUAL COST (PRIN + INT):	\$25,403.52
TOTAL PAYBACK (ANNUAL COST x TERMS):	\$635,088.00

PREPARED BY PAMELA BARRACK

✓3/13/14

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

From: Noel H.S. Knille, AIA, ASLA, Commissioner 

Date: March 13, 2014

*Re: DPW Buildings 2014 Capital Project Resolution Request
Asbestos Abatement and Reconstruction, Multipurpose Room
Department of Mental Hygiene 230 North Road*

In the October of 2013 an emergency abatement was required in the Multipurpose Room at 230 North Road (Department of Mental Hygiene) when it was discovered that there was friable (loose and fragmenting) asbestos from some of the asbestos containing soffits within the two areas that make up the Multipurpose Room (the Cafeteria and the Activity Rooms). At the time of the asbestos testing it was also determined that some of the pipe insulation above the asbestos containing soffits contained asbestos. Due to the emergency nature of the abatement, only minimal (the friable) asbestos was abated from the soffits, no pipe insulation was abated at the time. Also due to the emergency nature of the work (and the restrictions of reconstruction work in asbestos containing materials), the only "reconstruction" at the abated soffit locations was taping of rigid insulation with duct tape over the abated holes.

It is necessary to perform complete abatement of all the ACBM (asbestos containing building materials) within this two area Multipurpose Room; this would entail an asbestos project design (as required by law) of all the ACBM- including all the ceiling soffits and all the pipe insulation - and the actual abatement of these materials. The work would also include re-insulation of all the pipe that was abated and installation of new gypsum board soffit material.

(It is presumed that there is significant additional asbestos within 230 North Road. The extent of asbestos and lead will be determined when a detailed HazMat Survey is completed later in 2014. At this point in time no additional asbestos is known to be friable and therefore there is no need for additional abatement at this time (additional, full-scale abatement will likely be required in the future).

The estimated cost for this work, including the abatement design is approximately \$400,000.

H0463 - 2014 Asbestos Abatement Project

APPROPRIATIONS

Increase

H0463.1620.3160	Asbestos Removal	\$400,000
H0463.1620.3900	Bond Issuing Costs	\$4,000
		<u>\$404,000</u>

REVENUES

Increase

H0463.1620.57100	Serial Bonds	\$404,000
		<u>\$404,000</u>

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*	<i>absent</i>	
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: <u>11</u>	Resolution: <u>✓</u>	Total: <u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014123 A RESOLUTION AUTHORIZING ASBESTOS ABATEMENT AT THE COUNTY MENTAL HYGIENE FACILITY, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$404,000, AND AUTHORIZING THE ISSUANCE OF \$404,000 BONDS TO PAY THE COST THEREOF

Date: June 3, 2014

Roll Call Sheets

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

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

2014123 A RESOLUTION AUTHORIZING ASBESTOS ABATEMENT AT THE COUNTY MENTAL HYGIENE FACILITY, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$404,000, AND AUTHORIZING THE ISSUANCE OF \$404,000 BONDS TO PAY THE COST THEREOF

Date: June 9, 2014

Resolution No. 2014123 was offered for discussion only at the May 8, 2014, Public Works and Capital Projects Committee meeting and adopted at the June 9, 2014, Board Meeting.

Roll call at that time resulted as follows:

AYES: 25

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2014124

RE: AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS (D5142)

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

WHEREAS, the Deputy Commissioner of Public Works advises that the Highway Construction and Maintenance Division is in need of additional funds to cover the anticipated costs of plowing and ice control materials that will be needed through the end of this year due to the severe weather experienced during the 2013-2014 season, and

WHEREAS, the appropriation of these funds are critical for the upcoming winter season, and

WHEREAS, it is necessary to amend the 2014 Adopted County Budget to provide additional funds to meet the County's needs, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2014 Adopted County Budget as follows:

APPROPRIATIONS

Increase

D.5142.4137 Ice Control Materials \$ 350,000

REVENUES

Increase

D.5142.50310 Interfund Transfers \$ 350,000

APPROPRIATIONS

Decrease

A.1990.4007 General Contingency (\$ 350,000)

Increase

A.9901.65.9000 Interfund Transfer \$ 350,000

CA-91-14

ca/G-0188

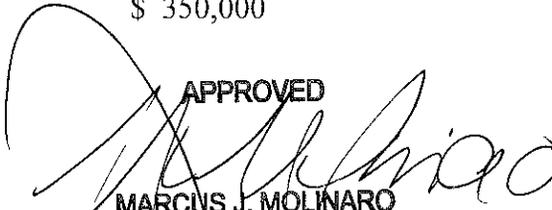
4/21/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

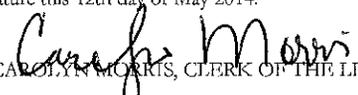
ss:

COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 350,000

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

5142.4137 Inc.
A.1990.4007 dec.

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: \$ 0

Net County Cost (this year): \$350,000
Over Five Years: _____

Additional Comments/Explanation:

DPW needs to purchase ice control materials (salt and sand) to replenish depleted stocks as a result of severe 2013-2014 winter. The additional materials are required to provide for Oct-Dec 2014.

Prepared by: R. Balkind, P.E.



MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

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

Date: April 18, 2014

*Re: DPW Highway Resolution Request for Amending the 2014
County Budget As it Pertains to DPW – D5142.4137 Line*

The Department of Public Works' Highway Construction and Maintenance Division requests \$350,000 in additional funds that are needed to cover the anticipated costs of plowing and ice control material that will be needed through the end of this year due to the severe weather experienced during the 2013 – 2014 season.

Hanlon, Lauren (Laurie)

Subject: FW: Salt & Sand for FY 2014

From: Balkind, Robert
Sent: Monday, March 31, 2014 9:27 AM
To: O'Neil, William
Cc: Knille, Noel; Cooper, Gary
Subject: Salt & Sand for FY 2014

Bill,
DPW Highway Division has used its entire 2014 adopted budget of \$515,000 for salt and sand (D.5142.4137). In addition to the original budgeted amount, the Division transferred \$60,000 from the Snow Removal overtime line (D.5142.1050) to purchase additional materials. As the 2013-2014 winter seasons is ending, the salts/sand sheds are not well stocked for the start of the 2014-2015 winter season.

We have evaluated the current supply of salt/sand on hand and our anticipated material needs to finish FY 2014. Based on our assessment we will require \$350,000 to meet the County's material demand. This includes both materials that we will apply and the materials that will be applied by the Towns that contract with us for snow and ice control. We have the material on-hand and needed per shed if you would like to see that detail.

DPW Highway Division does not have any budget line that could provide this funding for ice control materials. If the additional \$350,000 were added to the D5142.4137 line, this would bring the 2014 total to \$925,000. This amount is consistent with the 9-year trend for this budget line except for FY2012 and FY2013, which were unusually mild winters. See table below for the most recent 5-yr trend.

D.5142.4137 9-Yr. Trend:

	2006	2007	2008	2009
Adopted	\$810,000.00	\$740,000.00	\$744,000.00	\$965,000.00
Amended	\$796,110.00	\$745,500.00	\$758,000.00	\$1,125,000.00
Actual	\$711,786.59	\$744,804.54	\$757,229.92	\$1,121,650.53

	2010	2011	2012	2013	2014
Adopted	\$1,132,364.00	\$1,000,000.00	\$1,000,000.00	\$400,000.00	\$515,000.00
Amended	\$1,102,364.00	\$964,948.00	\$1,013,556.36	\$398,203.00	\$575,000.00
Actual	\$1,095,955.15	\$941,110.58	\$448,912.28	\$397,682.37	\$456,665.99

Due to the on-going budget squeeze, the Division decided to "roll the dice" and submit a low budget request for salt and sand, in the hopes of getting the benefit of another mild winter. This obviously did not occur, and our salt/sand usage this year has been commensurate with a typical winter. Looking forward, I suggest that we budget for the "typical winter" when we prepare future annual budget requests. This would provide for \$900,000-\$1,000,000 annually, based on the fluctuating cost of materials. Please contact me with any questions.
-bob

Robert H. Balkind, P.E.
Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: 10 **Resolution:** **Total :** 10 0
Absent: 2 **Motion:** **Yes** **No**
Vacant: 0 **Abstentions:** 0

2014124 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS

Date: May 8, 2014

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery		
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
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District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
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District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 20 - Town of Red Hook	Strawinski		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present:	<u>25</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>25</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014124 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS

Date: May 12, 2014

RESOLUTION NO. 2014125

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 8702.00)

Legislator HUTCHINGS, ROLISON, FLESLAND, SERINO, SAGLIANO, JOHNSON, and PERKINS offer the following and move its adoption:

WHEREAS, a project for the **Emergency Repair Work caused by Hurricane Irene at various locations in Dutchess County, PIN 8702.00** (the Project) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs for such project to be borne at the ratio of 100% Federal funds and 0% 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, now, therefore be it

RESOLVED, that Dutchess County hereby approves 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 of construction work for the project or portions thereof, and it is further

RESOLVED, that the sum of \$190,063 is hereby appropriated and made available (D5110.45890.17 and E5130.45890.17) to cover the cost of participation in the above 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, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess 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 in addition to the County Executive, the following municipal title: Deputy County Executive is also hereby authorized to execute any necessary Agreements or certificates on behalf of Dutchess County with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; 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-76-14
CAB/ca/G-0188
04/14/14
Fiscal Impact: See attached statement.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 190,063

Total Current Year Revenue \$ 190,063
and Source

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

Identify Line Items(s):

D5110.45890.17 - \$149,513
E5130.45890.17 - \$40,550

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: \$ 190,063

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

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Master Agreement for and funds for PIN 8702.00 Emergency Repair Work caused by Hurricane Irene in August 2011 at various locations within Dutchess County

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: Noel Knille, AIA, ASLA, Commissioner of Public Works
From: Robert H. Balkind, PE, Deputy Commissioner
Date: April 9, 2014
RE: **PIN 8702.00 Emergency Repair Work caused by Hurricane Irene in August 2011 at various locations within Dutchess County**

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 Master Agreement which will allow reimbursement for the Labor & Equipment used for the above project. D5110.45890.17 & E5130.45890.17.

All funds expended under this Master Agreement will be eligible for 100% Federal reimbursement.

This project was repair several roads damaged by Hurricane Irene August 2011.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION EIGHT
4 BURNETT BOULEVARD
POUGHKEEPSIE, NEW YORK 12603
www.nysdot.gov

2014 MAR 20 11:10 AM

WILLIAM J. GORTON, P.E.
REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

March 18, 2014

Mr. Robert Balkind, P.E.
Director of Engineering
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

RE: EMERGENCY RELIEF PROGRAM, PIN 8702.00
AUGUST 26, 2011 HURRICANE IRENE
FHWA DISASTER # NY11-02

Dear Mr. Balkind:

We have been advised by the Federal Highway Administration that the Detailed Damage Inspection Reports (DDIR) for the above-referenced FHWA Disaster have been approved.

Specifically for the following DDIR's:

- DDIR #2 - CR 49 (Titusville Rd) @ Old Manchester Rd, Town LaGrange - \$6,822
- DDIR #3 - CR 100 (Creek Rd) near Cream Street, Town Poughkeepsie - \$11,788
- DDIR #4 - CR 72 (North Ave) near CR 72 (Sherow Rd), Town Pleasant Valley - \$5,280
- DDIR #5 - CR 28 (Old Hopewell Rd) @ Spook Hill Rd, Town Wappingers - \$6,429
- DDIR #6 - CR 37 (N Cross Rd) @ Box 6 Culvert, Town Hyde Park - \$27,184
- DDIR #7 - CR 47 (Freedom Plains Rd): Ryan Rd - Plass Rd, Town Pleasant Valley - \$30,760
- DDIR #8 - CR 19 (Slate Quarry Rd): White Schoolhouse Rd - Eighmyville Rd, Town Rhinebeck - \$82,824
- DDIR #9 - CR 93 (Meyers Corners Rd), Culvert Repair, Town of Wappingers - \$6,542
- DDIR #10 - CR 16 (North Quaker Lane), Culvert Repair, Town of Hyde Park - \$12,434

Enclosed are eight (8) Federal Emergency Relief Project Agreements. Seven (7) executed copy of the Agreement, EACH with original signatures, notarizations, and certified seal-stamped resolutions, should be returned to this office. A sample resolution is attached for your convenience. The cost shown in the Schedule A of the Agreement represents total costs of all DDIR's submitted. Emergency Repair work, is designated by a .321PIN extension, and is 100% federally reimbursable.

When executing the agreement, please be sure to:

- fill in the Resolution number, date of the meeting at which the resolution was passed, and the title of the person authorized to sign the agreement on behalf of the local agency in eighth paragraph beginning with "Whereas".

Mr. Robert Balkind
March 18, 2014
Page 2

- make sure the agreement is signed by the person authorized to sign the agreement on behalf of the local agency, by the agency's legal counsel, and by a notary public.

To expedite State execution of the agreement, the language in the agreement and sample resolution should be used without addition or modification. If any additions or modifications to either the agreement or resolution language are desired, please contact me prior to making any changes to the documents.

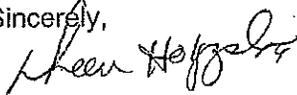
Reimbursement cannot be made until the Agreement is fully executed. It should be noted that reimbursement will be made based on actual costs incurred. You can locate the Sponsor's Reimbursement Request forms at www.nysdot.gov, Chapter 5, Accounting and Reimbursement Procedures within the 'Procedures for Locally Administered Federal Aid Projects'.

To expedite the payment of the project, please submit a reimbursement request at the time of returning the agreement. No additional background documentation is necessary. The documents provided with the DDIR are sufficient.

Your assistance in having the resolution passed and the Agreement signed by the duly authorized official is appreciated.

If you have any questions about the Agreement or reimbursement, please contact me at (845) 431-5977 or by e-mail at doreen.holsopple@dot.ny.gov.

Sincerely,



Doreen Holsopple
Administrative & Financial Advisor
Region 8 Local Projects Unit

Enclosures

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		<i>absent</i>
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		<i>absent</i>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: 10
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total : 10 0
 Yes No
 Abstentions: 0

2014125 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 8702.00)

Date: May 8, 2014

Roll Call Sheets

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

Present: 25
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

2014125 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 8702.00)

Date: May 12, 2014

RESOLUTION NO. 2014126

RE: APPROVE AND AUTHORIZE DEMOLITION OF ONE WOODEN
OUT-BUILDING AT WILCOX PARK

Legislators HUTCHINGS, PULVER, and SAGLIANO offer the following
and move its adoption:

WHEREAS, the Commissioner of Public Works has advised that the
Parks Division is in the planning stages for the construction of two new metal storage
buildings at Wilcox Park, and

WHEREAS, these new metal buildings will replace several old, wooden
out-buildings which have deteriorated and collapsed on the property, and

WHEREAS, one remaining wooden out-building is in deteriorated
condition after having previously been stabilized and it has portions falling off creating a
serious potential hazard; this building is located directly adjacent to the location of the
installation of the new metal buildings (see attached photographs), and

WHEREAS, it is proposed that this one remaining wood out-building be
demolished by dismantling and the salvaging the building materials by a reclamation
company, and

WHEREAS, this Legislature must approve the demolition of a building or
other structure pursuant to the Dutchess County Administrative Code, Section 32.01 (b),
and

WHEREAS, it is intended that an Request For Proposals be released
asking for proposals from reclamation/salvage companies for dismantling the building
with no cost to the County due to the salvage value of the wood or possibly even a fee
being paid to the County for the salvaged wood, now therefore, be it

RESOLVED, that this Legislature hereby approves and authorizes the
demolition of one remaining wooden out-building located adjacent to the location of the
installation of the new metal storage buildings at Wilcox Park by dismantling it and
salvaging the building materials, if possible.

CA-75-14 CAB/ca/G-0188
4/14/14 Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

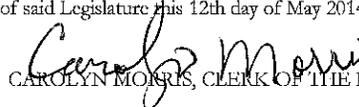
ss:

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
5/23/2014

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
May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

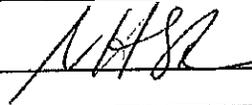
Anticipated Savings to County: \$0 _____

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

Additional Comments/Explanation:

Dismantling of one Wilcox Out-Building due to significantly deteriorated condition and potential safety hazard for salvage of materials anticipates no cost to the County (with the slight possibility of revenue from a salvage company upon the issuance of an RFP for dismantling and salvage).

Prepared by: Noel Knille, Commissioner of Public Works



MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

*From: Noel H.S. Knille, AIA, ASLA, Commissioner
Department of Public Works*

Date: April 10, 2014

*Re: DPW Buildings 2014 Capital Project Resolution Rqst.
Dismantling of Wilcox Out-Building for Salvage*

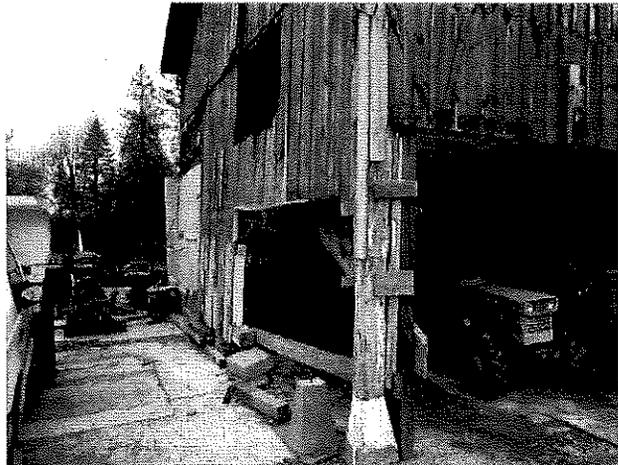
DC DPW Parks is currently in the planning stages for the construction of two new metal storage buildings at Wilcox Park. These buildings are replacement buildings for several old, wood out-buildings which deteriorated and collapsed over the past few years. It is anticipated that these new buildings will be constructed by early fall. (Funds for these new storage buildings have already been allocated by a bond passed in 2011 - Account H0434.)

In confirming the location of the new buildings, the condition of one remaining wood out-building has been visually assessed by DPW and the architect for the new storage buildings, since the intent is to install the new storage buildings directly adjacent to this existing wood structure. Due to the deteriorated condition of this one wood out-building and based on previous attempts to stabilize this building, as well as recent portions of the building falling off (creating a serious, potential hazard), it is proposed that the building be dismantled and the building materials salvaged by a reclamation company. It would be intended that an RFP would be released asking for proposals from reclamation/salvage companies for dismantling of the building with no charge to the County (due to the value of the salvaged wood) or possibly even a fee being paid to the County for the salvaged wood.

This resolution request would be for approval to dismantle and salvage this deteriorated, potentially hazardous wood out-building at Wilcox Park.

*Dutchess County - Department of Public Works
Proposed Wilcox Building Dismantle and Salvage*

PHOTOS OF EXISTING CONDITION OF BARN BUILDING



Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: <u>10</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014126 APPROVE AND AUTHORIZE DEMOLITION OF ONE WOODEN OUT-BUILDING AT WILCOX PARK

Date: May 8, 2014

Roll Call Sheets

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

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

2014126 APPROVE AND AUTHORIZE DEMOLITION OF ONE WOODEN OUT-BUILDING AT WILCOX PARK

Date: May 12, 2014

RESOLUTION NO. 2014127

RE: AUTHORIZING INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF DUTCHESS AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO DEPARTMENT OF PUBLIC WORKS (H0468)

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

WHEREAS, the County Department of Public Works (DPW) and New York City Department of Environmental Protection (NYC DEP) have been working since 2011 to facilitate the traffic planning on County Route 92 (Chelsea Road) in the Town of Wappinger related to the NYC DEP construction of the Roundout-West Branch Bypass Tunnel (for water supply to NYC) under the Hudson River, and

WHEREAS, the project will necessitate the use of approximately a 1.5 mile long portion of CR 92 by various construction vehicles through 2022, and

WHEREAS, in consideration of the extensive use of CR 92 for this NYC DEP project over a period of approximately nine years and the increased need for annual repairs as well as the post-construction complete reconstruction of this portion of CR 92, and in consideration of the issuance of the Highway Permit by the Dutchess County DPW approving the related work zone traffic plan, the NYC DEP has agreed to pay the County a total of \$800,000 (\$700,000 to be paid within 90 days of registration of the agreement addressing this project by the Comptroller of the City of New York and \$100,000 to be paid on or about November 30, 2021), and

WHEREAS, the Commissioner of Public Works has advised that the NYC DEP and the County desire to enter into an Intermunicipal Agreement for the Monitoring and Repair of CR 92, and

WHEREAS, pursuant to New York General Municipal Law Section 119-o(2)(f) legislative approval is required to enter into the Intermunicipal Agreement with the New York City Department of Environmental Protection, and

WHEREAS, annexed to this resolution is a proposed Intermunicipal Agreement that outlines the rights and obligations of the County of Dutchess and NYC DEP, and

WHEREAS, it is necessary to amend the 2014 Adopted County Budget to provide for the receipts and expenditure of funds, now therefore, be it

RESOLVED, that this Legislature authorizes the County Executive to enter into an Intermunicipal Agreement with New York City Department of Environmental Protection in substantially the same form as annexed hereto, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2014 Adopted County Budget as follows:

APPROPRIATIONS

Increase

H0468.5110.3250	Roads – Reconstruction	<u>\$800,000</u>
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REVENUES

Increase

H0468.5110.23970	Capital Projects Other Governments	<u>\$800,000</u>
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CA-82-14

CAB/ca/G-1541

4/15/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

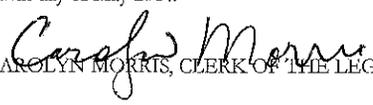
STATE OF NEW YORK

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ 700,000
and Source _____

NYC DEP

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

Identify Line Items(s):
Revenue - DPW Road Reconstruction

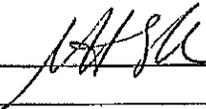
Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: \$0 _____

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

Additional Comments/Explanation:

Payment from NYC DEC for maintenance and reconstruction of CR 92 related to use of CR 92 by construction vehicles between 2013 and 2022 during construction of the Roundout-West Branch Bypass Tunnel (for water supply to NYC) under the Hudson River. \$700,000 to be paid on or about May 1, 2014 with the balance of \$100,000 to be paid on or about November 30, 2021.

Prepared by: Noel Knille, Commissioner of Public Works 

AGREEMENT BETWEEN THE
NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
THE COUNTY OF DUTCHESS, NEW YORK
FOR
COUNTY ROAD MONITORING AND REPAIR

THIS AGREEMENT ("Agreement"), dated this _____ day of _____, 2014, is hereby agreed to, and executed by and between the following parties (collectively, the "Parties"):

The City of New York, a municipal corporation (the "City"), acting by and through the New York City Department of Environmental Protection ("DEP"), having its principal office at 59-17 Junction Boulevard, Flushing, New York and an office at 71 Smith Avenue, Kingston, New York 12401; and

The County of Dutchess, New York (the "County"), acting by and through its County Executive, having its principal office at 22 Market Street, Poughkeepsie, New York 12601.

WHEREAS, DEP has identified leaks in sections of the Delaware Aqueduct and has commenced a capital project to address such leaks to ensure the long-term sustainability of its ability to supply water through the Delaware Aqueduct as part of a project known as "Water for the Future" (the "Project"); and

WHEREAS, in connection with the Project, DEP plans to construct a new tunnel segment to bypass a leaking section of the existing Delaware Aqueduct tunnel; and

WHEREAS, as the Project will take part in two phases and in Phase I DEP will construct two new shafts, one on each side of the Hudson River to allow for tunnel construction and to provide future tunnel access and in Phase II, DEP will connect the bypass tunnel to the two shafts; and

WHEREAS, Phase I is expected to be completed in approximately 2021 and Phase II is expected to be completed in approximately 2023; and

WHEREAS, one of the shafts to be constructed as part of Phase I of the Project, Shaft 6B, will be constructed on the eastern side of the Hudson River on City property located in the County; and

WHEREAS, in connection with the Project, DEP conducted an environmental review under City Executive Order 91 of 1977 and its amendments, establishing the City Environmental Quality Review procedure ("CEQR") and under Article 8 of the Environmental Conservation Law, establishing the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, in connection with CEQR and SEQRA, DEP issued a Final Environmental Impact Statement ("FEIS") on May 18, 2012 and its Statement of Findings on June 28, 2012; and

WHEREAS, the FEIS identified certain permits from the County that DEP will need in connection with the Project, and the County intends to issue any and all permits that may be or become necessary in connection with the Project in accordance with applicable law; and

WHEREAS, the FEIS analyzed potential impacts from increased truck traffic in connection with the Project (anticipated to occur mostly during Phase I of the Project in connection with constructing Shaft 6B), and incorporated into the Project roadway pavement monitoring on local roads (pages 2.19-3; 2.19-17), including an approximately 1.5 mile portion of the County owned and maintained Chelsea Road (CR 92); and

WHEREAS, DEP has a Traffic Management Plan (which is incorporated into DEP's Site Plan Approval from the Town of Wappinger) which also addresses the monitoring of Chelsea Road and commits to making repairs as necessary and attributable to the truck traffic generated from the Project; and

WHEREAS, the County has agreed to perform and/or coordinate the performance of road monitoring and any resulting maintenance and repair activities on Chelsea Road, related to the use of the road described herein; and

WHEREAS, DEP has estimated the amount that it would cost for DEP to complete such work, and is agreeable to paying the County such amount to perform and/or coordinate the performance of such road monitoring and any resulting maintenance and repair activities on Chelsea Road in order for the City to fulfill its obligations described in the FEIS and the Traffic Management Plan, as described herein;

NOW, THEREFORE, in consideration of the promises, respective representations and agreements contained herein, the Parties agree as follows:

1. The County shall perform and/or coordinate the performance of road monitoring activities on the portion of Chelsea Road impacted by the Project, which is an approximately 1.5 mile segment of County road between the intersections of New York State maintained Route 9D and Town of Wappinger maintained River Road for the duration of the Project, no less frequently than every six months for the duration of the Project. In addition, the County shall perform any necessary repair work, maintenance, rehabilitation or other construction work the County or DEP deems necessary in order to (i) ensure that, during the Project, the road is maintained adequately for necessary normal daily usage including DEP related vehicle usage and (ii) ensure that upon completion of the Project, any post construction restoration that may be necessary is completed (which post construction restoration may include but is not limited to, milling and repaving the 1.5 mile length of Chelsea Road). The County will coordinate with local, regional, and state agencies as necessary to implement such repairs.

2. The County acknowledges that it has issued Dutchess County Highway Work Permit No. P13-151 (Highway Work Permit) to DEP which authorizes DEP to erect temporary construction signs on Chelsea Road and that such Highway Work Permit will remain in effect for the duration of the Project. The County further acknowledges that DEP will require a Special Hauling Permit(s) as applicable in the later stages of the Project in connection with oversize and overweight truck traffic. The County agrees to take all necessary action to provide such permit(s), in substantially the form provided in Exhibit A, provided that there are no substantial changes to the Project. The County further agrees to take all necessary action and to work in good faith with DEP to expeditiously provide additional permits, if any, which may be associated with Project related traffic on Chelsea Road or work conducted by DEP on state or local roads at the terminal intersections of Chelsea Road. The County represents that as of the execution of this Agreement it is not aware of the need for such additional permits and that if such additional permits are identified, the terms and conditions of such permits shall be consistent with those typically and customarily required of other applicants for such permits.

3. Maintenance and repair activities shall be subject to inspection by the DEP Project Manager and other designated DEP staff, which inspection shall be done at DEP's convenience. The County shall coordinate with DEP to ensure that the maintenance and repair activities do not interfere with DEP's ability to use Chelsea Road in connection with the Project.

In addition, in the event that DEP believes that any repair work, maintenance, rehabilitation or other construction work is necessary in order for the County to comply with the County's obligations under Section 1 hereto, DEP shall advise the County in writing, including a direction to complete such necessary work. The County shall undertake such work within thirty days, or, if the County disagrees that such work is necessary, the County shall provide written notice to DEP within ten days of receipt of notice by DEP. The County's notice shall provide an explanation of the basis of its disagreement and confirm that the County believes Chelsea Road is being maintained in accordance with the County's reasonable and customary standards.

4. In consideration of the County's performance of the work described herein, the City will pay the County a total of \$800,000.00 (eight hundred thousand dollars), provided that the conditions set forth in Section 4b have been met. In no event shall the County seek, nor shall the City be obligated to pay, any additional funds for the work described herein from the City in connection with the maintenance, repair or rehabilitation of Chelsea Road in connection with the Project. Such payment shall be made to the County by electronic funds transfer, which information must be provided by the County to the City prior to making such payment, as follows:

a. The City shall pay \$700,000.00 (seven hundred thousand dollars) within 90 (ninety) days of registration of this Agreement by the Comptroller of the City of New York.

b. The City shall pay \$100,000.00 (one hundred thousand dollars) to the County on or about November 30, 2021 (when Phase II of the Project is anticipated to begin), provided that (i) the Project has received any necessary required County permits with terms that are consistent with those typically and customarily required of other applicants for such permits identified as of that date or (ii) the Project is no longer proceeding and DEP does not require any additional permits, and, in each case, the County is in compliance with its obligation to issue permits as outlined in paragraph 2 and repair, maintain and rehabilitate Chelsea Road.

c. The parties agree that this Agreement is not intended to serve as an agreement for the County to indemnify the City for any claims, suits, losses, judgments or costs brought by third parties against the City in connection with the City's work on the Project. Notwithstanding the foregoing, indemnification for work performed (or failure to perform work) hereunder is governed by Section 7 hereto.

5. Documentation detailing the cost of maintenance and repair activities shall be maintained and retained by the County for a period of seven years from the date of such work. Such documentation shall be subject to audit by DEP and the Comptroller of the City of New York pursuant to Section 93.g of the New York City Charter. The County shall maintain records which details the types of equipment used, types, and amounts of materials used and costs of labor. The County shall keep daily records that shall be available for inspection upon request by representatives of the City and the Comptroller.

6. Nothing contained herein shall be deemed to relieve the County of any liability accruing to any Party in connection with the performance of any activities pursuant to this Agreement.

7. To the fullest extent permitted by law, the County shall indemnify, defend and hold the City and its employees and agents (the "Indemnitees") harmless against any and all claims (including, but not limited to, claims asserted by any employee of the County or any of its contractors, consultants and/or subcontractors) and costs and expenses of whatever kind (including, but not limited to, payment or reimbursement of attorneys' fees and disbursements) allegedly arising out of or in any way related to the County and its contractors, consultants and/or subcontractors in the performance of this Agreement or the County's and/or its contractors', consultants' and/or subcontractors' failure to comply with any of the provisions of this Agreement or of the law. Such costs and expenses shall include all those incurred in defending the underlying claim and those incurred in connection with the enforcement of this Section by way of cross-claim, third-party claim, declaratory judgment action or otherwise. The Parties expressly agree that the indemnification obligation hereunder contemplates (i) full indemnity in the event of liability imposed against the Indemnitees without negligence and solely by reason of statute, operation of law or otherwise; and (ii) partial indemnity in the event of any actual negligence on the part of the Indemnitees to the extent causing or contributing to the underlying claim (in which case, indemnification will be limited to any liability imposed over and above that percentage attributable to actual

fault whether by statute, by operation of law, or otherwise). Where partial indemnity is required hereunder, all costs and expenses shall be indemnified on a pro rata basis.

8. This Agreement shall be effective after execution by both Parties and registration by the Comptroller of the City of New York and shall extend for the term of the Project, which is anticipated to conclude in 2023.

9. The City shall not be responsible for the work, direction, compensation, and personal conduct of the County's servants, employees, agents, contractors, and/or subcontractors while engaged or performing work under this Agreement.

10. Nothing in this Agreement shall impose any liability or duty on the City for the acts, omissions, liabilities or obligations of the County, or any person, firm, company, agency, association, expert, consultant, independent contractor, specialist, trainee, employee, servant, or agent of the County or for the payment of taxes of any nature including but not limited to sales tax, unemployment insurance, workers' compensation, disability benefits and social security, except as specifically stated in this Agreement, to any person, firm or corporation.

11. The City shall not be responsible for any physical injuries or death to the County's agents, servants, employees, contractors or subcontractors or their employees, or to any other person or damage to any property sustained during the County's operations and work under this Agreement resulting from any act, omission, or error in judgment of any of the County's officers, employees, agents, servants, or contractors or subcontractors or their respective employees. The City shall not be responsible for the safety and protection of the County's employees, servants, agents, contractors or subcontractors or their employees.

12. Notwithstanding any other rights of the City under other Sections of this Agreement, if the County, for any cause, fails to issue permits or repair, maintain or rehabilitate Chelsea Road, or violates any of the terms, covenants or provisions of this Agreement or if the conduct of the County is such that the interests of the City have been or are likely to be impaired or prejudiced, the City shall thereupon have the right to:

(a) suspend this Agreement upon 30 (thirty) calendar days written notice to the County. Any such suspension shall not give rise to any cause of action for damages or injunctive relief against the City;

(b) withhold payments due under the Agreement which are equal to the damages the City has suffered due to a breach by the County. Any such withholding shall not give rise to any cause of action for damages or injunctive relief against the City;

(c) terminate this Agreement by giving notice of at least 30 (thirty) calendar days in writing specifying the date of such termination to the County. Upon such date, this Agreement shall terminate. Any such termination shall not give rise to any cause of action for damages or injunctive relief against the City.

In addition, the City shall have the right to complete performance that was incomplete as of the termination date and/or pursue any remedies available at law or in equity against the County.

13. The County agrees that it has not engaged and will not engage in any unlawful discrimination based upon race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment.

14. The County agrees to cooperate fully and faithfully with any investigation, audit or inquiry conducted by a New York State or New York City governmental agency or authority that is empowered, directly or by designation, to compel the attendance of witnesses and to examine witnesses under oath, or conducted by the Inspector General of a governmental agency that is a party in interest to the transaction, submitted bid, submitted proposal, contract, lease, permit or license that is the subject of the investigation, audit or inquiry.

15. The Parties agree that they shall comply, and require their agents, contractors and/or subcontractors to comply, with all State, federal and local laws, rules, ordinances and/or regulations applicable to the work to be performed under this Agreement.

16. This Agreement shall be governed by, and construed in accordance with, the laws of the State of New York.

17. This Agreement may not be assigned, in whole or in part, except pursuant to a written agreement signed by both Parties.

18. This Agreement constitutes the entire understanding between the Parties with respect to the subject matter hereof and supersedes all prior agreements with respect to such subject matter, whether written or oral.

19. This Agreement may be amended only upon the written agreement of the Parties.

20. The Parties agree that each and every provision of federal, State or local law, rule, ordinance, regulation or order, required to be inserted in this Agreement, shall be and is inserted herein. Furthermore, it is hereby stipulated that every such provision is to be deemed to be inserted herein, and if, through mistake or otherwise, any such provision is not inserted, or is not inserted in correct form, then this Agreement shall forthwith, upon the application of either Party, be amended by such insertion and signature by both Parties so as to comply strictly with such law, rule, regulation or order and without prejudice to the rights of either Party.

21. All written notifications required or permitted hereunder shall be delivered as follows:

If to the City, to:

New York City Department of Environmental Protection
59-17 Junction Boulevard, 19th floor
Flushing, NY 11373
Attention: General Counsel
Fax: 718 595-7418

with a copy to:

DEP Project Manager
Dan Michaud
71 Smith Avenue
Kingston, NY 12401
Phone: 845-340-7883

Email: dmichaud@dep.nyc.gov

If to Dutchess County, to:

Noel Knille, AIA, ASLA, Commissioner of Public Works
Phone: 845 486-2085
Fax: 845-486-2099
Email: nknille@dutchessny.gov

IN WITNESS WHEREOF, the Commissioner of the New York City Department of Environmental Protection on behalf of the City and the [County Executive _____], on behalf of the County have executed this Agreement, in quadruplicate, one part to be filed with the Comptroller of the City of New York, one part to be retained by the Department of Environmental Protection and two parts to be delivered to the County.

THE CITY OF NEW YORK

DUTCHESS COUNTY, NEW YORK

By: _____
Commissioner, Department of
Environmental Protection

By: _____

Dated: _____

Dated: _____

Approved as to Form and Certified as to Legal Authority:

ACTING CORPORATION COUNSEL
OF THE CITY OF NEW YORK

Dated: _____

acknowledgments appear on next page

ACKNOWLEDGMENTS:

STATE OF NEW YORK)
)ss:
COUNTY OF QUEENS)

On this _____ day of _____, 2014, before me personally came _____, known to me, who being by me duly sworn, did depose and say, that he is the Commissioner of the New York City Department of Environmental Protection and is the person named herein and who executed the foregoing Agreement and acknowledged to me that he executed the same as authorized by the City of New York.

NOTARY PUBLIC

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

On this _____ day of _____, 2014, before me personally came Stephen Schuman, known to me, who being by me duly sworn did depose and says, that he is the [_____] of the County of Dutchess, New York, and is the person named herein and who executed the foregoing Agreement and acknowledged to me that he signed his name to said Agreement as authorized by said County.

NOTARY PUBLIC

EXHIBIT A

Model Permit: Dutchess County Highway Work Permit No. P13-151

**COUNTY OF DUTCHESS - DEPARTMENT OF PUBLIC WORKS
HIGHWAY WORK PERMIT - SECTION 136 HIGHWAY LAW**

Permittee: NYC Dep. of Environmental Protection
203 River Road North
Wappingers Falls, NY 12590
Tel: 845-632-3410

PERMIT NO.: P 13-151
Expiration Date: 12/31/2013
County Route No.: 92

Description of Permitted Work:

Type of Permit: ANNUAL RENTAL

Annual erection of temporary construction signs on DC CR 92 (for trucking and removal of excavated material from Shaft B)

Permit Fee: \$300.00
Security Deposit: \$0.00
Additional Security: \$0.00
Special Rental Fee: \$0.00
Sign Fee: \$0.00

Tax Parcel Number: 6056-01-288977

Work Location:
Dutchess County CR 92.

Insurance Required: Yes

Approved Plan:

Rondout West Branch Bypass Tunnel Contract BT-1 - Civil, Shaft 6B - Work Zone Traffic Control Plan - Sheet 1 (6C-210.01)

Policy #

RECEIVED

SEP 12 2013

Plan Dated: 6/2013

DPW ENGINEERING

(I, We), the undersigned, acknowledge that:

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I, the permittee described above, am (an, the) owner of the property listed herein and I have read and understand the terms, conditions, and limitations of this permit, including any special conditions on the reverse side of this permit.

I, _____, am a duly authorized agent for the permittee described above, who is (an, the) owner of the property listed herein and I have read and understand the terms, conditions, and limitations of this permit, including any special conditions on the reverse side of this permit.

Attach authorization letter to this permit.

_____ 9/12/13
Permittee or Agent's Signature Date

(I, We), the undersigned, accept the terms and conditions of the "Dutchess County Policy and Standards for Access and Utility Work on County Highways," (Highway Work Permit Policy Manual) and all additional conditions and limitations of this permit established by Dutchess County DPW, and will perform all work to the satisfaction of the County of Dutchess Commissioner of Public Works or his designee. All authorized work including restoration shall be completed before the permit expiration date. If work cannot be completed by the expiration date specified herein, applicant may apply for renewal of the permit. Dutchess County Department of Public Works reserves the right to grant or deny any permit renewal request. The permitted work shall be available for inspection during DCDPW normal business hours. The work shall be made available for inspection at any time with twenty-four (24) hour notice.

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_____ 9/12/13
Permittee or Agent's Signature Date

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Permit location and/or plans reviewed by: _____

Permit fee received by: _____

Permit security deposit received by: NA

Permit approved by: Stephen C. Hill Date: 10-24-13
Title: TRAFFIC ENGR.

P13-151

General Conditions and Limitations of Highway Work Permits

1. No permit work can take place within the County right of way between November 15 and March 15.
2. All workers within the County right of way are required to wear safety equipment and shall, at a minimum, wear hard hats and ANSI Class II or III safety vests. Flaggers must wear ANSI Class II or III orange vests.
3. Work authorized by this permit shall begin within thirty (30) days of the date of issue of the permit and shall continue in a timely manner.
4. Forty-eight (48) hour notice must be provided prior to the start of work authorized by the permit. Forty-eight (48) hour notice must be given prior to installation of asphalt pavement in order to conduct a subbase and grading inspection. Failure to provide said notices may result in core sampling of the driveway at the expense of the permittee.
5. All work and materials used within the County right of way shall meet DCDPW's current specifications and NYSDOT's 'Standard Specifications for Construction and Materials.
6. Regulations of Code Rule 53 (Part 753) apply to this work. It is the excavator's responsibility to call 'Dig Safely New York' at 1 (800) 962-7962 prior to excavation or demolition work.
7. The cost of the permit work and traffic control shall be borne by the permittee. Any damage to the County highway or County facilities shall be repaired or replaced to the satisfaction of DCDPW. Costs for such repair or replacement shall be borne entirely by the permittee.
8. The permit and/or security deposit cannot be transferred or assigned to another person, firm, corporation, or municipality under any circumstance.
9. The permit poster shall be located such that it remains clearly visible from the County highway as close to the work as possible. The poster shall remain in readable condition throughout the duration of the work. Upon acceptance of the work, the poster shall be returned to DCDPW. Failure to return the permit poster may result in forfeiture of a portion of the security deposit.
10. DCDPW reserves the right to halt the work, revoke or cancel a permit at any time should the permittee fail to comply with the terms, conditions, and restrictions of the permit. If a permit is revoked, no lawful access to the County right of way is granted.
11. The permittee agrees to defend and indemnify the County of Dutchess for negligence arising out of any claim for damages or injuries to others, that the work and construction was defective, improperly protected or completed, and to pay any judgment recovered of said claim. The County shall have the right to select legal counsel to represent it for the defense of any claim, suit, or action arising directly or indirectly from the work authorized by the permit; all fees and disbursements for the same shall be paid by the permittee.
12. The permittee certifies that all persons employed to perform the work are covered by Worker's Compensation insurance as required by New York State law.
13. The work shall be available for inspection during DCDPW normal business hours. The work shall be made available for inspection at any time with twenty-four (24) hour notice.
14. The parcel must be improved such that required sight distances can be verified. The applicant's engineer may be required to submit 'Sight Distance Certification' form.
15. The permittee agrees to pay any cost for testing or inspection of the permitted work as required by DCDPW. Payment for such testing or inspections shall be made within thirty (30) days of billing.
16. The permit fee includes up to three inspections of the work; initial site visit, pre-paving inspection, and final inspection. If additional site inspections are required by DCDPW, a fee of \$75.00 per inspection may be assessed and charged against the permittee's security deposit at the discretion of DCDPW. Inspection fees shall be deducted from the security deposit prior to permit close-out and return of securities.
17. If the permittee fails to comply with the terms of or complete the work authorized by the permit, DCDPW may order the applicant (or its contractor) to stop work until corrections have been made. If corrective actions are not made as ordered by DCDPW, the County may perform the corrections and use the applicant's security deposit to pay for the necessary work.
18. Traffic on the County highway shall be protected and maintained in accordance with standard industry practice and in strict compliance with Title 17NYCRR Part 200 (NYS Manual of Traffic Control Devices).
19. Equipment and materials are not to be stored overnight within the County right of way.
20. Open trenches must be backfilled to the adjacent grade at the end of each workday. Road plates are not permitted unless specifically approved by DCDPW.
21. The County highway must be kept free from debris, including tools, equipment, earth, storm water, vehicles, and construction materials at all times when work is not actively being performed. The highway must be kept clean and passable to traffic at all times.
22. DCDPW reserves the right to restrict hours that work can take place within the County right of way due to traffic, weather, safety or other conditions.
23. If County forces clean or repair the right of way due to problems with the permitted work, the permittee will be billed for the County's workers and equipment. The permit security deposit will be charged for any outstanding billing prior to being returned.
24. Upon acceptance of the permitted work, responsibility of permanent maintenance of all aspects of the entrance to the County highway shall be borne by the property owner. This includes maintenance of the driveway surface, drainage pipe, warning signs, guide rail, and sight line cleared areas. When ownership of property changes, the responsibility of maintenance shall transfer to the new property owner(s).

Special Conditions:

Sight distances:

SLSD-R =

SLSD-L =

SSD =

TSD =

Driveway Pipe:

Diameter =

Length =

Miscellaneous:

SPECIAL CONDITIONS RELATIVE TO THIS PERMIT:

- 1] Permittee shall submit: 1) Proof of liability naming Dutchess County as additionally insured with endorsement. 2) Proof of workers' compensation insurance. Upon expiration of referenced insurance, Permittee shall provide DC with a renewed/updated Insurance Certificate.
- 2] Permittee and contractors shall utilize applicable temporary traffic control schemes per National MUTCD and NYS Supplement, also, portable FLAGGER and BE PREPARED TO STOP signs when required.
- 3] There shall be an annual rental fee of \$200.00 per year due on or before 1/1 of each year made payable to "Dutchess County Comm. Of Finance" until final closure of permit. It is the Permittee's responsibility to remit rental fee.
- 4] Permittee shall be responsible for the maintenance of temporary signs for the duration of the permit.

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

*From: Noel H.S. Knille, AIA, ASLA, Commissioner
Department of Public Works*

A handwritten signature in black ink, appearing to read "N.H.S. Knille".

Date: April 10, 2014

*Re: DPW Buildings 2014 Capital Project Resolution Rqst
Acceptance and Receipt of Payment from NYC DEP*

Dutchess County DPW has been working with the New York City Department of Environmental Protection (NYC DEP) since 2011 to facilitate the traffic planning on County Route 92 (Chelsea Road) in the Town of Wappinger related to the NYCDEP construction of the Roundout-West Branch Bypass Tunnel (for water supply to NYC) under the Hudson River. The NYC DEP project will necessitate the use of an approximately 1.5 mile long portion CR 92 by various construction vehicles through 2022.

In consideration of the extensive use of CR 92 for this NYC DEP project over a period of approximately 9 (nine) years (from Fall 2013 through Fall 2022) and the increased need for annual repairs as well as the post-construction complete reconstruction of this portion of CR 92, and in consideration of the issuance of the Highway Permit by Dutchess County DPW in November approving the related work zone traffic plan, the NYC DEP has agreed to pay the County a total of \$800,000; \$700,000 will be paid within 90 days of registration of the agreement addressing this project by the Comptroller of the City of New York (registration anticipated to be on or about May 1, 2014); \$100,000 will be paid on or about November 30, 2021.

This resolution is for acceptance by the Legislature of the total \$800,000 from NYC DEP to be used for maintenance of 1.5 miles of CR 92 between 2013 and 2022, and reconstruction of this 1.5 mile section of CR 92 in 2022 and for the Legislature to authorize the County Executive execute the Agreement Between the New York City Department of Environmental Protection and the County.

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		
Present: <u>10</u>	Resolution: <input checked="" type="checkbox"/>	Total : <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014127 AUTHORIZING INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF DUTCHESS AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO DEPARTMENT OF PUBLIC WORKS (H0468)

Date: May 8, 2014

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery		
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert	<i>abstain</i>	
District 4 - Town of Hyde Park	Serino		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio	<i>abstain</i>	
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 20 - Town of Red Hook	Strawinski		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 25
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total: 23 0
 Yes No
 Abstentions: 2

2014127 AUTHORIZING INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF DUTCHESS AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO DEPARTMENT OF PUBLIC WORKS (H0468)

Date: May 12, 2014

Discussion on Resolution 2014127 proceeded as follows:

Legislator Borchert requested to abstain as an employee of New York City Department of Environmental Protection.

Chairman Rolison granted permission.

Legislator Miccio requested to abstain as an employee of New York City Department of Environmental Protection.

Chairman Rolison granted permission.

Roll call on the foregoing resolution resulted as follows:

AYES: 23

NAYS: 0

ABSTAIN: 2 Miccio and Borchert

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2014128

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD FROM NYS RT. 55 TO CR 49, TOWN OF LA GRANGE FROM ERIC HEITMAN AND PATRICIA HEITMAN (PIN 8755.41)

Legislators HUTCHINGS, BORCHERT, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN #8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a short environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (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, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property and a permanent easement of a portion of property presently owned by Eric Heitman and Patricia Heitman, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6360-01-110906-0000, described as 73.15± square meters (787.39± square feet) more or less as shown on Map No. 29, Parcel No. 52, copy is annexed hereto, and

WHEREAS, the acquisition of a permanent easement is a portion of parcel number 133400-6360-01-110906-0000, described as 542.01± square meters (5,834.15± square feet) more or less as shown on Map No. 29, Parcel No. 53, copy is annexed hereto, and

WHEREAS, the Agreements to Purchase Real Property (Fee Acquisition) and (Permanent Easement) for the necessary real property are attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$1,920.00 plus up to \$500.00 for related expenses, and that the subject property, Permanent Easement, be purchased for the sum of \$12,780.00, and that the terms and conditions of the Agreements be carried forth, now, therefore, be it

RESOLVED, that the County Executive is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition and Permanent Easement) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deeds to the aforementioned land, which shall include the terms and conditions of the Agreements to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$1,920.00 for Fee Acquisition and \$12,780.00 for Permanent Easement, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

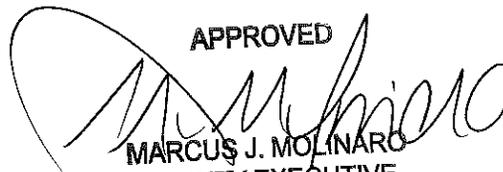
RESOLVED, that the terms and conditions of the aforementioned Agreements to Purchase Real Property (Fee Acquisition and Permanent Easement) be carried out by the Dutchess County Department of Public Works.

CA-87-14

CAB/ca/R-0907-DD

4/16/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/14/2014

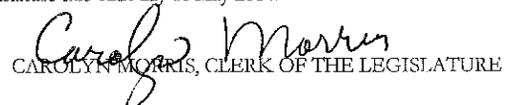
STATE OF NEW YORK

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 15,200

Total Current Year Revenue \$ 14,440
and Source

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

Identify Line Items(s):
H0290 5110 300(8)(9)

Related Expenses: Amount \$ 500

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$14,440

Net County Cost (this year): \$760
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee, a 73.15 +/- square meter (787.39 +/- square foot) parcel and a permanent easement to a 542.01 +/- square meter (5,834.15 +/- square foot) parcel for a consideration of \$14,700.00 from Eric Heitman and Patrica Heitman, identified on Map 29 Parcels 52 and 53 in connection to the project identified as PIN 8755.41.

Related expenses in the amount of \$500 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis EX. 2929

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

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works

From: Matthew W. Davis, Assistant Civil Engineer I

MDW
by *R. Asher Udden*

Date: April 15, 2014

**Re: RESOLUTION REQUEST
FEE ACQUISITION, MAP 29, PARCEL 52
PERMANENT EASEMENT, MAP 29, PARCEL 53
PIN 8755.41 REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO CR 49
(TITUSVILLE ROAD), TOWN OF LAGRANGE**

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire in fee a 73.15+/- square meter (787.39+/- square foot) parcel for a consideration of \$1,920.00 and a permanent easement to a 542.01+/- square meter (5,834.15+/- square foot) parcel for a consideration of \$12,780.00. These parcels are a portion of property owned by Eric Heitman and Patricia Heitman, located on County Route 21, (Noxon Road), in the Town of LaGrange, identified as parcel identification number 133400-6360-01-110906-0000. The purchase of these parcels is required to facilitate the rehabilitation of County Route 21 under the subject Federal Aid Project. The amount of this resolution request is for \$15,200.00, which includes related expenses as shown on the accompanying Fiscal Impact Statement.

The subject project has been reviewed under SEQRA and is classified as an Unlisted Action. A Negative Declaration was approved and adopted by the Legislature on December 8, 2008, under Resolution No. 208403.

Attached for your review, is the documentation required for the Resolution Request submittal. Please contact me if you have any questions or require any additional information.

AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755.41 Map: 29 Parcel: 52

This Agreement by and between ERIC HEITMAN AND PATRICIA HEITMAN, husband and wife, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

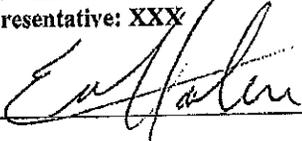
1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 73.15± Square Meter (787.39± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated August 8, 2008, and recorded on August 15, 2008 as Document #0220085103 in the Office of the County Clerk for Dutchess County, New York with the address 32 Robert Road (Re. Tax map No. 133400-6360-01-110906-0000), and being the same lands designated as Map 29, Parcel 52 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is ONE THOUSAND NINE HUNDRED TEWENTY Dollars (\$1,920.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 4/11/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: Including, but not limited to the following: the shoulder of Noxon Road will be widened, a grass lined swale and closed drainage will be installed and the adjacent side slope will be graded to meet with the existing ground and seeded to re-establish a grass surface.

IN WITNESS WHEREOF, on this 21st day of March, 2014, the parties have entered into this Agreement.

Seller: Eric Heitman and Patricia Heitman
Representative: XXX

By: 

ERIC HEITMAN
 Printed Name

 Title

Witness: 

By: 

Patricia Heitman
 Printed Name

 Title

Witness: 

County of Dutchess

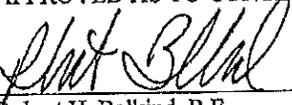
Witness: _____

Buyer: _____
 Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

 Carol A. Bogle
 Chief Asst. County Attorney

APPROVED AS TO CONTENT:


 Robert H. Balkind, P.E.
 Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 29
 PARCEL NO. 52, 53
 SHEET 1 OF 2

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 and 2)
 are on file at the offices of the Dutchess
 County Department of Public Works

ERIC HEITMAN AND PATRICIA HEITMAN
 (REPUTED OWNERS)
 L.22008 P.05103

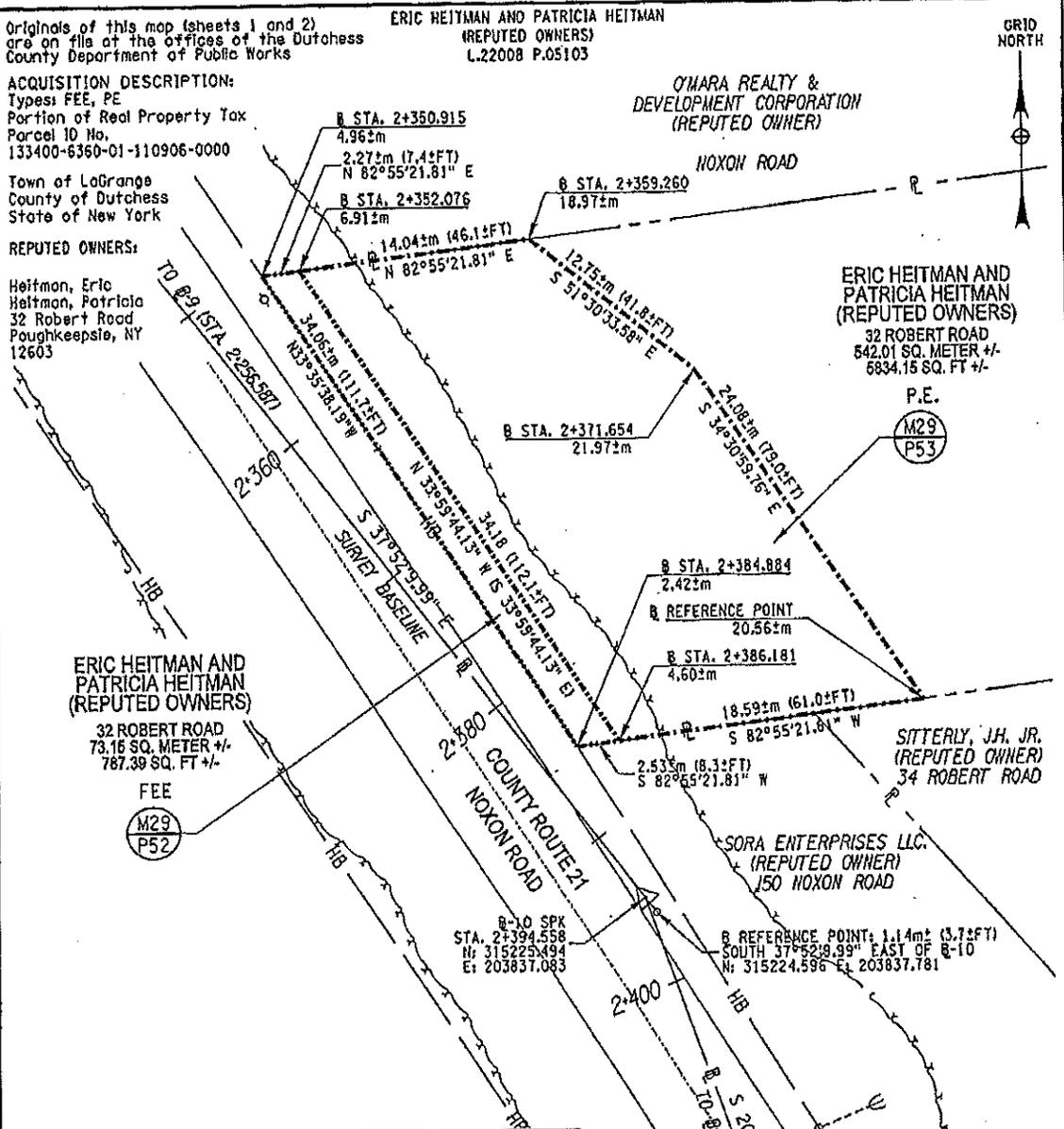
GRID
 NORTH

ACQUISITION DESCRIPTION:
 Types: FEE, PE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-110906-0000
 Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNERS:
 Heitman, Eric
 Heitman, Patricia
 32 Robert Road
 Poughkeepsie, NY
 12603

**OMARA REALTY &
 DEVELOPMENT CORPORATION**
 (REPUTED OWNER)

ERIC HEITMAN AND
 PATRICIA HEITMAN
 (REPUTED OWNERS)
 32 ROBERT ROAD
 642.01 SQ. METER +/-
 6834.15 SQ. FT +/-



ERIC HEITMAN AND
 PATRICIA HEITMAN
 (REPUTED OWNERS)
 32 ROBERT ROAD
 73.16 SQ. METER +/-
 787.39 SQ. FT +/-

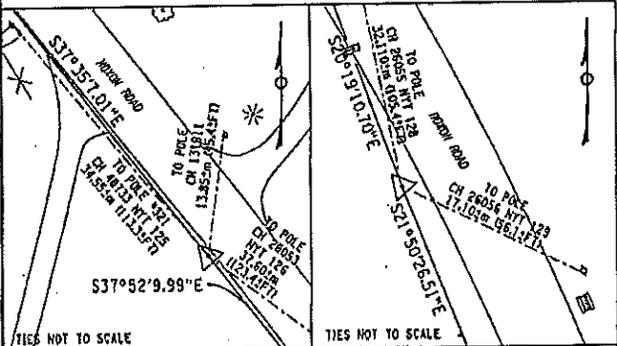
FEE
 M29
 P52

SITTERLY, J.H. JR.
 (REPUTED OWNER)
 34 ROBERT ROAD

SORA ENTERPRISES LLC.
 (REPUTED OWNER)
 150 NOXON ROAD

B-10 SPK
 STA. 2+394.558
 N: 315225.494
 E: 203837.083

B REFERENCE POINT: 1.14m (3.72 FT)
 SOUTH 37°52'9.99" EAST OF B-10
 N: 315224.596 E: 203837.781



SCALE 1:250
 ONE METER EQUALS 3.2808333333 FEET.
 ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

MAP NUMBER 29
 REVISED DATE 7/12/12 11/12/12
 DATE PREPARED 5/3/11

B STA. 2+256.587 B-09 SPK N: 315334.410m E: 203752.387m	B STA. 2+442.879 B-11 SPK N: 315180.180m E: 203853.863m
--	--



REHABILITATION OF NOXON ROAD
NY ROUTE 55 TO TITUSVILLE ROAD

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

PIN 8755.41

MAP NO. 29
PARCEL NO. 52, 53
SHEET 2 OF 2

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and permanent easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL 52, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE WIDENED, A GRASS LINED SWALE AND CLOSED DRAINAGE WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF O'MARA REALTY & DEVELOPMENT CORPORATION (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 4.95±m MEASURED AT RIGHT ANGLES FROM STATION 2+350.915± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 82°55'22.81" EAST A DISTANCE OF 2.27±m (7.43±FT) TO A POINT, SAID POINT BEING DISTANT 6.91±m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 33°59'44.13" EAST A DISTANCE OF 34.18±m (112.1±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF SORA ENTERPRISES LLC. (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 4.60±m MEASURED AT RIGHT ANGLES FROM STATION 2+386.181± OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 2.53±m (8.3±FT) TO A POINT ON THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 2.42±m MEASURED AT RIGHT ANGLES FROM STATION 2+384.804± OF SAID BASELINE; THENCE ALONG SAID EASTERLY BOUNDARY NORTH 33°35'38.19" WEST A DISTANCE OF 34.06±m (111.7±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 73.15± SQUARE METERS (787.39± SQUARE FEET) MORE OR LESS.

PARCEL 53, A PERMANENT EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING AND GRADING OF A SIDE SLOPE TO MEET EXISTING GROUND AND SEEDING TO RE-ESTABLISH A GRASS SURFACE AND/OR PLACEMENT OF SLOPE STABILIZATION MEASURES, AND CONTINUED MAINTENANCE IN CONNECTION WITH THE SLOPE INCLUDING FUTURE GRADING, LANDSCAPING, EQUIPMENT AND MACHINERY ACCESS AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NEAR THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF O'MARA REALTY & DEVELOPMENT CORPORATION (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 6.91±m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 82°55'21.81" EAST A DISTANCE OF 14.04±m (46.1±FT) TO A POINT, SAID POINT BEING DISTANT 18.97±m MEASURED AT RIGHT ANGLES FROM STATION 2+359.260± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 51°30'33.58" EAST A DISTANCE OF 12.75±m (41.8±FT) TO A POINT, SAID POINT BEING DISTANT 21.97±m MEASURED AT RIGHT ANGLES FROM STATION 2+371.664± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 34°30'59.76" EAST A DISTANCE OF 24.08±m (79.0±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF JOHN HENRY SITTERLY, JR. (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 20.56±m (67.5±FT) MEASURED AT RIGHT ANGLES FROM A REFERENCE POINT BEING SOUTH 37°52'9.99" EAST A DISTANCE OF 1.14m± (3.7±FT) FROM BASELINE POINT B-10; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 18.59±m (61.0±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF SORA ENTERPRISES LLC. (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 4.60±m MEASURED AT RIGHT ANGLES FROM STATION 2+386.181± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) NORTH 33°59'44.13" WEST A DISTANCE OF 34.18m (112.1±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 542.01± SQUARE METERS (5834.15± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 53, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
BEGINNING AT STATION 2+256.587 THENCE SOUTH 37°52'9.99" EAST TO STATION 2+394.558 THENCE SOUTH 20°19'10.70" EAST TO STATION 2+442.819; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

MAP NUMBER 29
REVISED DATE 7/12/12 11/12/12
DATE PREPARED 5/3/11

I hereby certify that the property mopped above is necessary for this project, and the acquisition thereof is recommended.

Date Dec 16 2012

Robert H. Bolkind

Robert H. Bolkind, P.E.
Acting Commissioner of Public Works

Recommended by:

Date DECEMBER 13 2012

Gregory V. Bentley

Gregory V. Bentley, P.E.
Director of Engineering

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.



12/4 2012

Edward T. Gannon
Edward T. Gannon (Land Surveyor)
N.Y.S. License No. 49907

WSP- SELLS
555 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, NY 10510

AGREEMENT TO PURCHASE REAL PROPERTY
(PERMANENT EASEMENT)

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755.41 Map: 29 Parcel: 53

This Agreement by and between ERIC HEITMAN AND PATRICIA HEITMAN, husband and wife, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a permanent easement to a 542.01± Square Meter (5834.15± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated August 8, 2008, and recorded on August 15, 2008 as Document #0220085103 in the Office of the County Clerk for Dutchess County, New York with the address 32 Robert Road (Re. Tax map No. 133400-6360-01-110906-0000), and being the same lands designated as Map 29, Parcel 53 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is TWELVE THOUSAND SEVEN HUNDRED EIGHTY Dollars (\$12,780.00). This price includes the acquisition of the above real property in permanent easement as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 4/11/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the permanent easement on the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this permanent easement as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: This permanent easement is being taken for the purpose of work area in connection with the clearing and grading of a side slope to meet existing ground and seeding to re-establish a grass surface and/or placement of slope stabilization measures, and continued maintenance in connection with the slope including future grading, landscaping, equipment and machinery access and the placement of temporary erosion and sediment control measures for the duration of this project.

IN WITNESS WHEREOF, on this 21ST day of MARCH, 2014, the parties have entered into this Agreement.

Seller: Eric Heitman and Patricia Heitman
 Representative: XXX

By: [Signature]
ERIC HEITMAN
 Printed Name

By: [Signature]
Patricia Heitman
 Printed Name

Title _____
 Witness: [Signature]

Title _____
 Witness: [Signature]

County of Dutchess

Witness: _____

Buyer: [Signature]
 Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

 Carol A. Bogle
 Chief Asst. County Attorney

APPROVED AS TO CONTENT:

[Signature]
 Robert H. Balkind, P.E.
 Deputy Commissioner



REHABILITATION OF NOXON ROAD
NY ROUTE 55 TO TITUSVILLE ROAD

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

PIN 8755.41

MAP NO. 29
PARCEL NO. 52.53
SHEET 2 OF 2

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and permanent easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL 52, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE WIDENED, A GRASS LINED SWALE AND CLOSED DRAINAGE WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF O'MARA REALTY & DEVELOPMENT CORPORATION (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 4.95±m MEASURED AT RIGHT ANGLES FROM STATION 2+350.815± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 82°55'22.81" EAST A DISTANCE OF 2.27±m (7.4±FT) TO A POINT, SAID POINT BEING DISTANT 6.91±m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 33°59'44.13" EAST A DISTANCE OF 34.18±m (112.1±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF SORA ENTERPRISES LLC, (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 4.60±m MEASURED AT RIGHT ANGLES FROM STATION 2+386.181± OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 2.53±m (8.3±FT) TO A POINT ON THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 2.42±m MEASURED AT RIGHT ANGLES FROM STATION 2+384.884± OF SAID BASELINE; THENCE ALONG SAID EASTERLY BOUNDARY NORTH 33°36'38.19" WEST A DISTANCE OF 34.06±m (111.7±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 73.15± SQUARE METERS (787.39± SQUARE FEET) MORE OR LESS.

PARCEL 53, A PERMANENT EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING AND GRADING OF A SIDE SLOPE TO MEET EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE AND/OR PLACEMENT OF SLOPE STABILIZATION MEASURES, AND CONTINUED MAINTENANCE IN CONNECTION WITH THE SLOPE INCLUDING FUTURE GRADING, LANDSCAPING, EQUIPMENT AND MACHINERY ACCESS AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NEAR THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF O'MARA REALTY & DEVELOPMENT CORPORATION (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 6.91±m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 82°55'21.81" EAST A DISTANCE OF 14.04±m (46.1±FT) TO A POINT, SAID POINT BEING DISTANT 18.97±m MEASURED AT RIGHT ANGLES FROM STATION 2+359.260± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 51°30'33.58" EAST A DISTANCE OF 12.75±m (41.8±FT) TO A POINT, SAID POINT BEING DISTANT 21.97±m MEASURED AT RIGHT ANGLES FROM STATION 2+371.654± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) SOUTH 34°30'59.76" EAST A DISTANCE OF 24.08±m (79.0±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF JOHN HENRY SITTERLY, JR. (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 20.56±m (67.5±FT) MEASURED AT RIGHT ANGLES FROM A REFERENCE POINT BEING SOUTH 37°52'9.99" EAST A DISTANCE OF 1.14±m (3.7±FT) FROM BASELINE POINT B-10; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 18.59±m (61.0±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE NORTH AND LANDS OF SORA ENTERPRISES LLC, (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 4.60±m MEASURED AT RIGHT ANGLES FROM STATION 2+386.181± OF SAID BASELINE; THENCE THROUGH LANDS OF ERIC HEITMAN AND PATRICIA HEITMAN (REPUTED OWNERS) NORTH 33°59'44.13" WEST A DISTANCE OF 34.18±m (112.1±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 542.01± SQUARE METERS (5834.15± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 53, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
BEGINNING AT STATION 2+256.587 THENCE SOUTH 37°52'9.99" EAST TO STATION 2+394.558 THENCE SOUTH 20°19'10.70" EAST TO STATION 2+442.879; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

MAP NUMBER 29
REVISED DATE 7/12/12 11/12/12
DATE PREPARED 5/3/11

I hereby certify that the property mopped above is necessary for this project, and the acquisition thereof is recommended.

Date Dec 16 2012

Robert H. Bolkind, P.E.
Acting Commissioner of Public Works

Recommended by:

Date December 13 2012

Gregory V. Bentley, P.E.
Director of Engineering

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.



Date 12/4 2012

EDWARD T. GANNON, Land Surveyor
N.Y.S. License No. 49901

WSP- SELLS
555 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, NY 10510



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 29
 PARCEL NO. 52, 53
 SHEET 1 OF 2

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 and 2)
 are on file at the offices of the Dutchess
 County Department of Public Works

ERIC HEITMAN AND PATRICIA HEITMAN
 (REPUTED OWNERS)
 L.22008 P.05103

GRID
 NORTH

ACQUISITION DESCRIPTION:

Types: FEE, PE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6350-01-110906-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNERS:

Heitman, Eric
 Heitman, Patricia
 32 Robert Road
 Poughkeepsie, NY
 12603

O'MARA REALTY &
 DEVELOPMENT CORPORATION
 (REPUTED OWNER)

NOXON ROAD

ERIC HEITMAN AND
 PATRICIA HEITMAN
 (REPUTED OWNERS)

32 ROBERT ROAD
 542.01 SQ. METER +/-
 5834.15 SQ. FT +/-

P.E.

M29
 P53

ERIC HEITMAN AND
 PATRICIA HEITMAN
 (REPUTED OWNERS)

32 ROBERT ROAD
 73.16 SQ. METER +/-
 787.39 SQ. FT +/-

FEE

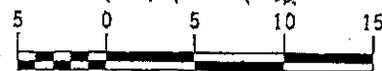
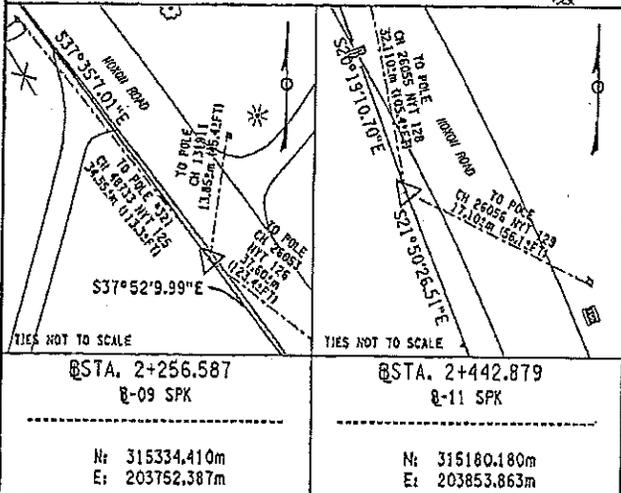
M29
 P52

SITTERLY, J.H. JR.
 (REPUTED OWNER)
 34 ROBERT ROAD

SORA ENTERPRISES LLC.
 (REPUTED OWNER)
 150 NOXON ROAD

B-10 SPK
 STA. 2+394.558
 N: 315225.494
 E: 203837.083

B REFERENCE POINT: 1.14m± (3.7±FT)
 SOUTH 37°52'19.99" EAST OF B-10
 N: 315224.596 E: 203837.781



SCALE 1:250
 ONE METER EQUALS 3.280833333 FEET.
 ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

MAP NUMBER 29
 REVISED DATE 7/12/12 11/12/12
 DATE PREPARED 5/3/11

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: <u>10</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014128 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD FROM NYS RT. 55 TO CR 49, TOWN OF LA GRANGE FROM ERIC HEITMAN AND PATRICIA HEITMAN (PIN 8755.41)

Date: May 8, 2014

Roll Call Sheets

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

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

2014128 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD FROM NYS RT. 55 TO CR 49, TOWN OF LA GRANGE FROM ERIC HEITMAN AND PATRICIA HEITMAN (PIN 8755.41)

Date: May 12, 2014

RESOLUTION NO. 2014129

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM MICHAEL R. NALBONE AND YENY C. MC INTYRE

Legislators HUTCHINGS, BOLNER, BORCHERT, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN #8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a full environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (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, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by Michael R. Nalbone and Yeny C. McIntyre, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6261-04-953057-0000, described as 30.20± square meters (325.10± square feet) more or less as shown on Map No. 16, Parcel No. 25, copy is annexed hereto, and

WHEREAS, the Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$800.00 plus up to \$500 for related expenses and that the terms and conditions of the Agreements be carried forth, now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$800.00 for

Fee Acquisition in accordance with the agreement to purchase, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property (Fee Acquisition) be carried out by the Dutchess County Department of Public Works.

CA-78-14
CAB/ca/R-0907-T
4/14/14
Fiscal Impact: See attached statement

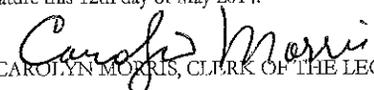

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/14/2014

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 12th day of May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 1,300

Total Current Year Revenue \$ 1,235
and Source

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

Identify Line Items(s):
H0290 5110 3009

Related Expenses: Amount \$ 500

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$1,235

Net County Cost (this year): \$65
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee, a 30.20 +/- square meter (325.10 +/- square foot) parcel for a consideration of \$800.00, from Michael R. Naibone and Yeny C. McIntyre identified on Map 16 Parcel 25, in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of \$500 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

EX. 2929

**AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8753.41 Map: 16 Parcel: 25

This Agreement by and between MICHAEL R. NALBONE AND YENY C. MCINTRYE, with right of survivorship, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 30.20± Square Meter (325.10± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated July 21, 2006, and recorded on July 21, 2006 in Liber 22006 at Page 5888 (as Document 0220065888) in the Office of the County Clerk for Dutchess County, New York with the address 100 Noxon Road (Re. Tax map No. 133400-6261-04-953057-0000), and being the same lands designated as Map 16, Parcel 25 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is EIGHT HUNDREDDOLLARS (\$800.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 5/16/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41; Including, but not limited to the following: The shoulder of Noxon Road will be widened and the adjacent side slope will be graded to meet with the existing ground and seeded to re-establish a grass surface.

IN WITNESS WHEREOF, on this 29th day of March 2014, the parties have entered into this Agreement.

Seller: Michael R. Nalbone and Yony C. McIntyre
Representative: XXX

By: [Signature]

MICHAEL NALBONE
Printed Name

owner
Title

Witness: [Signature]

By: [Signature]

Yony C. McIntyre
Printed Name

owner
Title

Witness: [Signature]

County of Dutchess

Witness: _____

Buyer: _____

Marcus J. Molinaro
County Executive

APPROVED AS TO FORM:

Carol A. Bogle
Chief Asst. County Attorney

APPROVED AS TO CONTENT:

[Signature]
Robert H. Balkind, P.E.
Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 16
 PARCEL NO. 25, 26
 SHEET 1 OF 2

REHABILITATION OF NOXON ROAD
 BY ROUTE 65 TO TITUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 and 2)
 are on file at the offices of the Dutchess
 County Department of Public Works

MICHAEL R. NALBONE AND
 YENY C. MCINTYRE
 (REPUTED OWNERS)
 L22005 P.5888

ACQUISITION DESCRIPTION:
 Typo: FEE, TE
 Portion of Road Property Tax
 Parcel ID No.
 133400-6261-04-953057-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNERS:

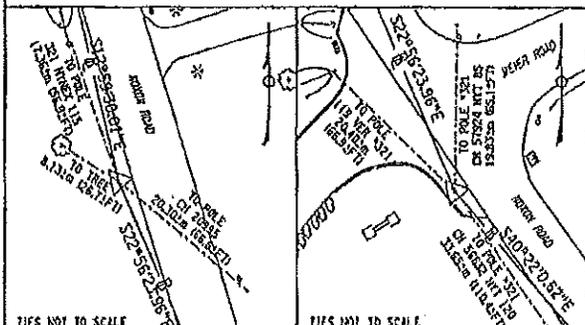
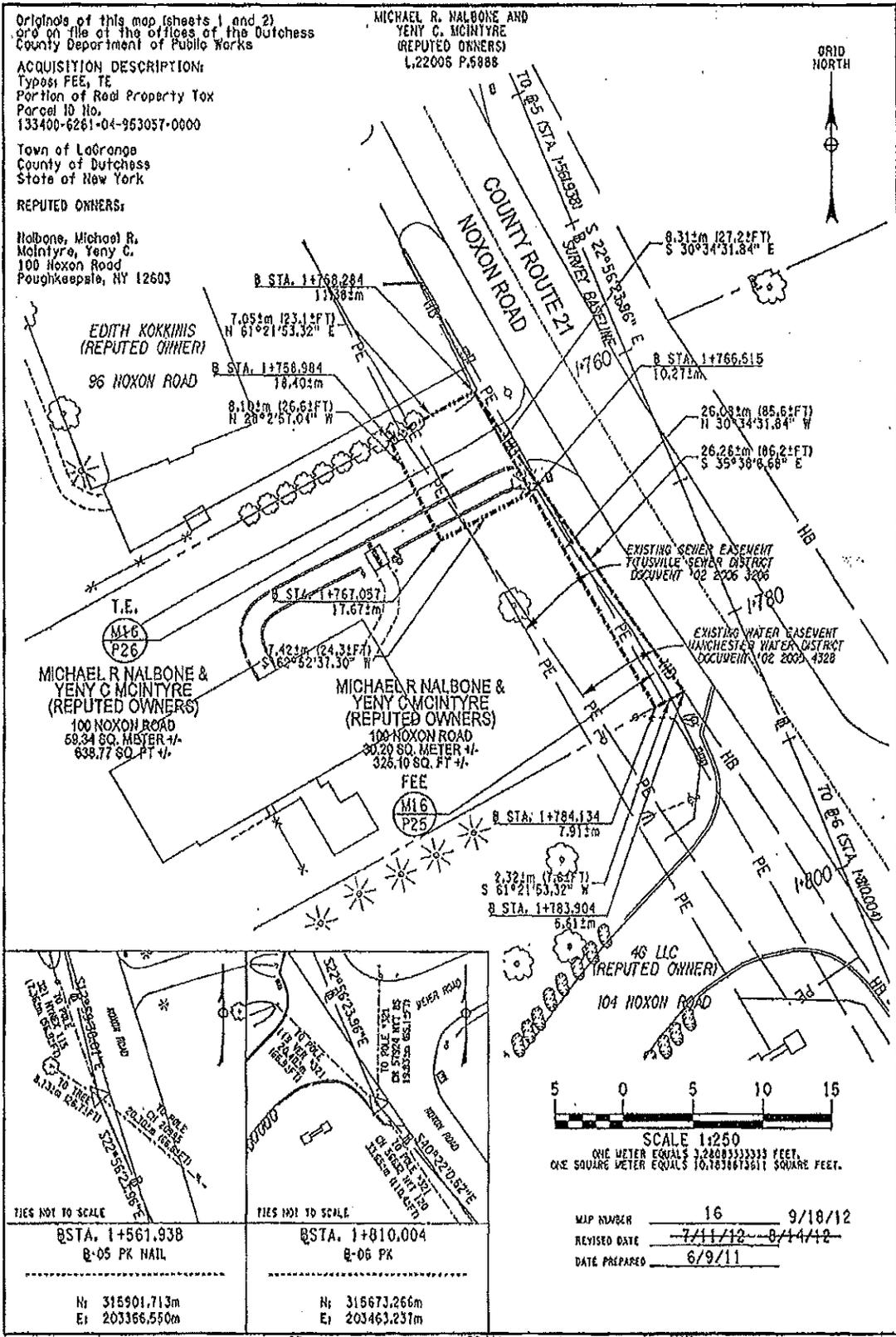
Nalbone, Michael R.
 McIntyre, Yeny C.
 100 Noxon Road
 Poughkeepsie, NY 12603

EDITH KOKKINIS
 (REPUTED OWNER)
 96 NOXON ROAD

MICHAEL R NALBONE &
 YENY C MCINTYRE
 (REPUTED OWNERS)
 100 NOXON ROAD
 69.34 SQ. METER +/-
 638.77 SQ. FT +/-

MICHAEL R NALBONE &
 YENY C MCINTYRE
 (REPUTED OWNERS)
 100 NOXON ROAD
 30.20 SQ. METER +/-
 326.10 SQ. FT +/-

48 LLC
 (REPUTED OWNER)
 104 NOXON ROAD



TIES NOT TO SCALE B STA. 1+561.938 B-05 PK NAIL N: 315901.713m E: 203366.550m	TIES NOT TO SCALE B STA. 1+810.004 B-06 PK N: 315673.266m E: 203463.237m
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5 0 5 10 15
 SCALE 1:250
 ONE METER EQUALS 3.280833333 FEET.
 ONE SQUARE METER EQUALS 10.763910417 SQUARE FEET.

MAP NUMBER 16 9/18/12
 REVISED DATE 7/11/12 ~~8/14/12~~
 DATE PREPARED 6/9/11



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 16
 PARCEL NO. 25, 26
 SHEET 2 OF 2

REHABILITATION OF NOXON ROAD
 NY ROUTE 65 TO TILDUSVILLE ROAD

PH 8755.41

Map of property which the Commissioner of Public Works deems necessary to be acquired by appropriation in the name of the People of the County of Dutchess in fee acquisition and temporary easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 116 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL NO. 25, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE WIDENED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 11.381m MEASURED AT RIGHT ANGLES FROM STATION 1+758.284± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), THENCE ALONG SAID BOUNDARY SOUTH 35°38'6.68" EAST A DISTANCE OF 26.261m(86.21FT) TO A POINT, SAID POINT BEING AT THE DIVISION LINE OF LANDS OF 4G LLC (REPUTED OWNER) TO THE SOUTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE NORTH, SAID POINT ALSO BEING DISTANT 6.611m MEASURED AT RIGHT ANGLES FROM STATION 1+783.904± OF SAID BASELINE, THENCE CONTINUING ALONG SAID DIVISION LINE SOUTH 61°21'53.32" WEST A DISTANCE OF 2.321m(7.6FT) TO A POINT, SAID POINT BEING DISTANT 7.913m MEASURED AT RIGHT ANGLES FROM STATION 1+784.134± OF SAID BASELINE, THENCE THROUGH LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) NORTH 30°34'31.84" WEST A DISTANCE OF 26.081m(85.61FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 30.201 SQUARE METERS (325.101 SQUARE FEET) MORE OR LESS.

PARCEL NO. 26, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE RENABILITATION OF A DRIVEWAY TO MEET THE PROPOSED ROADWAY EDGE, AS WELL AS GRADING THE SIDE SLOPES OF THE DRIVEWAY TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISHING A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD RENABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 11.381m MEASURED AT RIGHT ANGLES FROM STATION 1+758.284± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), THENCE THROUGH LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) SOUTH 30°34'31.84" EAST A DISTANCE OF 8.311m(27.21FT) TO A POINT, SAID POINT BEING DISTANT 10.271m MEASURED AT RIGHT ANGLES FROM STATION 1+766.615± OF SAID BASELINE, THENCE THROUGH SAID LANDS SOUTH 62°52'37.30" WEST A DISTANCE OF 7.421m(24.3FT) TO A POINT, SAID POINT BEING DISTANT 17.671m MEASURED AT RIGHT ANGLES FROM STATION 1+767.057± OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS NORTH 28°2'67.04" WEST A DISTANCE OF 8.101m(26.61FT) TO A POINT ON THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT BEING DISTANT 18.401m MEASURED AT RIGHT ANGLES FROM STATION 1+768.984± OF SAID BASELINE, THENCE ALONG SAID DIVISION LINE NORTH 61°21'53.32" EAST A DISTANCE OF 7.051m(23.11FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 59.341 SQUARE METERS (636.771 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 26, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 1+561.959 THENCE SOUTH 22°56'23.96" EAST TO STATION 1+810.004; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST 2011.

MAP NUMBER 16 9/18/12
 REVISED DATE 7/11/12 8/14/12
 DATE PREPARED 6/9/11

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date 9/20 2012

Robert H. Bokind, P.E.
 Acting Commissioner of Public Works

Recommended by:

Date 9/20 2012

Gregory V. Bentley, P.E.
 Director of Engineering

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date SEPT. 18 2012



EDWARD T. GANNON, Licensed Land Surveyor
 License No. 49907

SELLS
 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

**AGREEMENT TO PURCHASE REAL PROPERTY
(TEMPORARY EASEMENT)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755,41 Map: 16 Parcel: 26

This Agreement by and between MICHAEL R. NALBONE AND YENY C. MCINTRYE, with right of survivorship, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a temporary easement to a 59.34± Square Meter (638.77± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated July 21, 2006, and recorded on July 21, 2006 in Liber 22006 at Page 5888 (as Document 0220065888) in the Office of the County Clerk for Dutchess County, New York with the address 100 Noxon Road (Re. Tax map No. 133400-6261-04-953057-0000), and being the same lands designated as Map 16, Parcel 26 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is FOUR HUNDRED EIGHTY Dollars (\$480.00). This price includes the acquisition of the above real property in temporary easement as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 5/16/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the temporary easement on the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this temporary easement as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: The rehabilitation of a driveway to meet the proposed roadway edge, as well as grading the side slopes of the driveway to meet the existing ground, seeding to re-establishing a grass surface, and placement of temporary erosion and sediment control measures for the duration of this project.

IN WITNESS WHEREOF, on this 29th day of March 2014, the parties have entered into this Agreement.

Seller: Michael R. Nalbore and Yeny C. McIntyre
 Representative: XXX

By: [Signature]

MICHAEL NALBORE
 Printed Name

owner
 Title

Witness: [Signature]

County of Dutchess

By: [Signature]

Yeny C. McIntyre Nalbore
 Printed Name

owner
 Title

Witness: [Signature]

Witness: _____

Buyer: _____
 Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

 Carol A. Bogle
 Chief Asst. County Attorney

APPROVED AS TO CONTENT:
[Signature]
 Robert H. Balkind, P.E.
 Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 16
 PARCEL NO. 25, 26
 SHEET 1 OF 2

REHABILITATION OF NOXON ROAD
 NY ROUTE 25 TO TITUSVILLE ROAD

PI# 8755.41

Originals of this map (sheets 1 and 2)
 are on file at the offices of the Dutchess
 County Department of Public Works

MICHAEL R. HALBONE AND
 YENY C. MCINTYRE
 (REPUTED OWNERS)
 L.22006 P.5888

ACQUISITION DESCRIPTION:
 Types: FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6261-04-953057-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNERS:

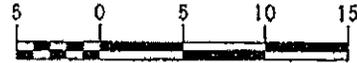
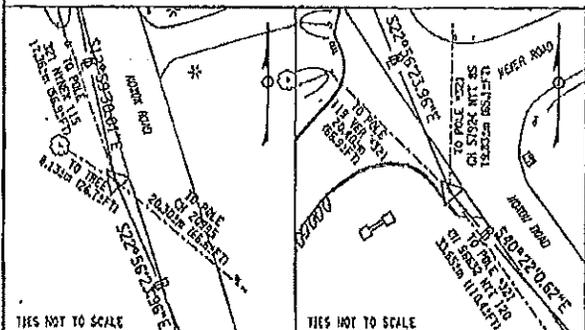
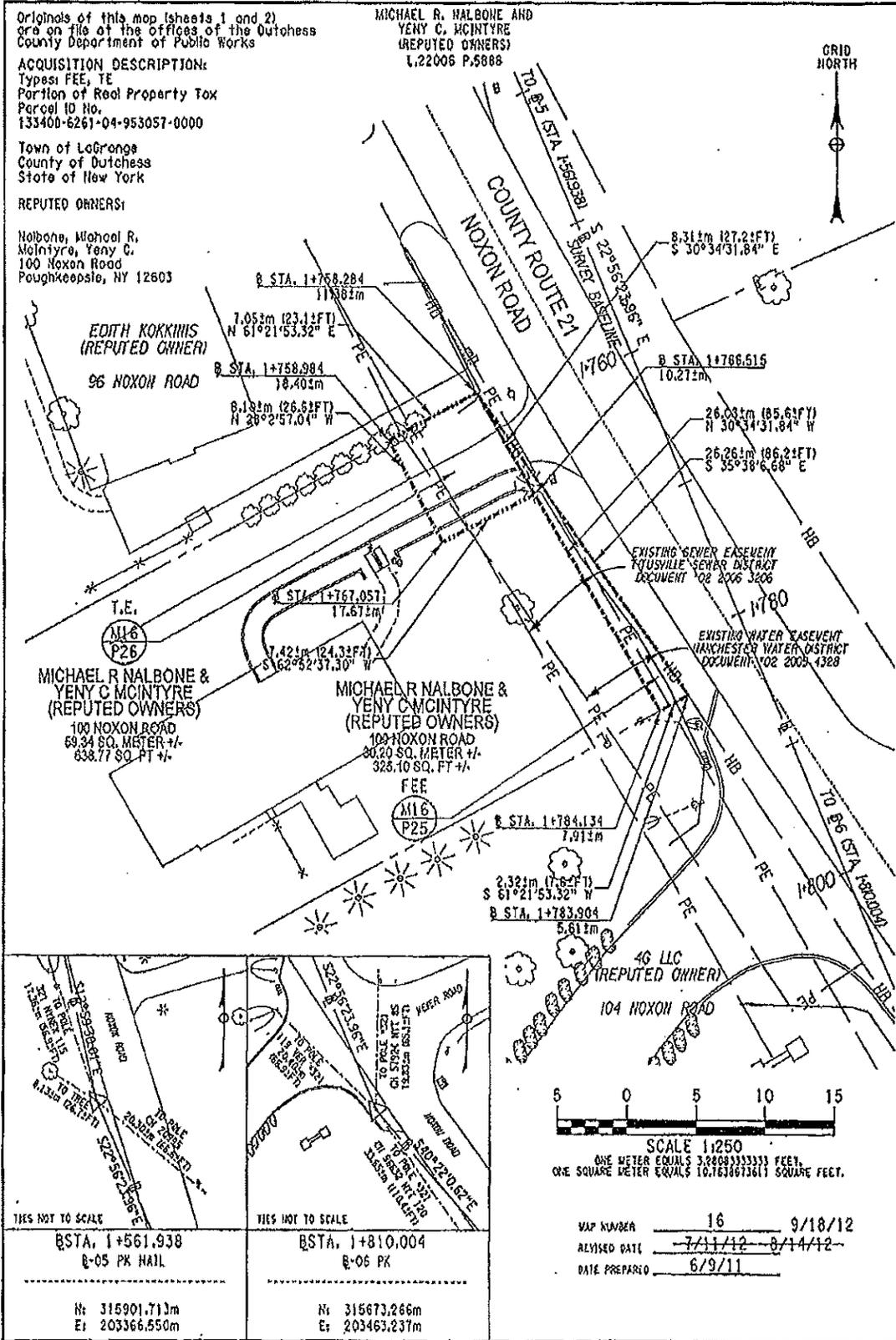
Halbone, Michael R.
 McIntyre, Yeny C.
 100 Noxon Road
 Poughkeepsie, NY 12603

EDITH KOKKINS
 (REPUTED OWNER)
 96 NOXON ROAD

MICHAEL R. HALBONE &
 YENY C. MCINTYRE
 (REPUTED OWNERS)
 100 NOXON ROAD
 69.34 SQ. METER +/-
 638.77 SQ. FT +/-

MICHAEL R. HALBONE &
 YENY C. MCINTYRE
 (REPUTED OWNERS)
 100 NOXON ROAD
 80.20 SQ. METER +/-
 328.10 SQ. FT +/-

46 LLC
 (REPUTED OWNER)
 104 NOXON ROAD



SCALE 1:250
 ONE METER EQUALS 3.280833333 FEET.
 ONE SQUARE METER EQUALS 10.76391041 SQUARE FEET.

TIES NOT TO SCALE B STA. 1+561.938 B-05 PK HAIL N: 315901.713m E: 203366.850m	TIES NOT TO SCALE B STA. 1+810.004 B-06 PK N: 315673.266m E: 203463.237m
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MAP NUMBER 16 9/18/12
 REVISED DATE 7/11/12 8/14/12
 DATE PREPARED 6/9/11



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 16
 PARCEL NO. 25, 26
 SHEET 2 OF 2

REHABILITATION OF HOXON ROAD
 AT ROUTE 21 TO TITUSVILLE ROAD

PIN 8755.41

Map of property which the Commissioner of Public Works deems necessary to be acquired by appropriation in the name of the People of the County of Dutchess in fee acquisition and temporary easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL NO. 26, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF HOXON ROAD WILL BE WIDENED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 11.381m MEASURED AT RIGHT ANGLES FROM STATION 1+758.2842 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD) THENCE ALONG SAID BOUNDARY SOUTH 35°38'6.68" EAST A DISTANCE OF 26.262m(86.22FT) TO A POINT, SAID POINT BEING AT THE DIVISION LINE OF LANDS OF 40 LLC (REPUTED OWNER) TO THE SOUTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE NORTH, SAID POINT ALSO BEING DISTANT 5.612m MEASURED AT RIGHT ANGLES FROM STATION 1+783.9043 OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE SOUTH 61°21'53.32" WEST A DISTANCE OF 2.322m(7.6FT) TO A POINT, SAID POINT BEING DISTANT 7.912m MEASURED AT RIGHT ANGLES FROM STATION 1+784.1342 OF SAID BASELINE; THENCE THROUGH LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) NORTH 30°34'31.84" WEST A DISTANCE OF 26.082m(85.52FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 30.202 SQUARE METERS (325.102 SQUARE FEET) MORE OR LESS.

PARCEL NO. 26, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE REHABILITATION OF A DRIVEWAY TO MEET THE PROPOSED ROADWAY EDGE, AS WELL AS GRADING THE SIDE SLOPES OF THE DRIVEWAY TO MEET THE EXISTING GROUND, SEEDED TO RE-ESTABLISHING A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 11.382m MEASURED AT RIGHT ANGLES FROM STATION 1+758.2842 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD) THENCE THROUGH LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) SOUTH 30°34'31.84" EAST A DISTANCE OF 8.312m(27.23FT) TO A POINT, SAID POINT BEING DISTANT 10.272m MEASURED AT RIGHT ANGLES FROM STATION 1+766.5162 OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 62°52'37.30" WEST A DISTANCE OF 7.422m(24.3FT) TO A POINT, SAID POINT BEING DISTANT 17.672m MEASURED AT RIGHT ANGLES FROM STATION 1+767.0572 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 28°25'04" WEST A DISTANCE OF 8.102m(26.61FT) TO A POINT ON THE DIVISION LINE OF LANDS OF EDITH KOKKINIS (REPUTED OWNER) TO THE NORTH AND OF LANDS OF MICHAEL R HALBONE AND YENY C MCINTYRE (REPUTED OWNERS) TO THE SOUTH, SAID POINT BEING DISTANT 18.402m MEASURED AT RIGHT ANGLES FROM STATION 1+768.8842 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE NORTH 61°21'53.32" EAST A DISTANCE OF 7.052m(23.12FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 59.342 SQUARE METERS (639.772 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 26, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 1+561.938 THENCE SOUTH 22°56'23.96" EAST TO STATION 1+810.004; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

MAP NUMBER 16 9/18/12
 REVISED DATE 7/11/12 6/14/12
 DATE PREPARED 6/9/11

"I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date 9/20 2012

Robert H. Bokind, P.E.
 Acting Commissioner of Public Works

Recommended by:

Date 9/20 2012

Gregory V. Bentley, P.E.
 Director of Engineering

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date SEPT. 18 2012



EDWARD T. GANNON, Land Surveyor
 P.L.S. License No. 49907

SELLS
 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

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

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works

From: Matthew W. Davis, Assistant Civil Engineer I *MWD*

Date: April 2, 2014

**Re: RESOLUTION REQUEST
FEE ACQUISITION, MAP 16, PARCEL 25
PIN 8755.41 REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO CR 49
(TITUSVILLE ROAD), TOWN OF LAGRANGE**

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire in fee, a 30.20+/- square meter (325.10+/- square foot) parcel for a consideration of \$800.00, from Michael R. Nalbome and Yeny C. McIntyre identified on Map 16 Parcel 25, in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange identified as parcel identification number 133400-6261-04-953057-0000. The purchase of this parcel is required to facilitate the rehabilitation of County Route 21 under the subject Federal Aid Project. The amount of this resolution request is for \$1,300.00, which includes related expenses as shown on the accompanying Fiscal Impact Statement.

The subject project has been reviewed under SEQRA and is classified as an Unlisted Action. A Negative Declaration was approved and adopted by the Legislature on December 8, 2008, under Resolution No. 208403.

Attached for your review, is the documentation required for the Resolution Request submittal. Please contact me if you have any questions or require any additional information.

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: 10
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total: 10 0
 Yes No
 Abstentions: 0

2014129 AUTHORIZING ACQUISITIONS IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM MICHAEL R. NALBONE AND YENY C. MC INTYRE

Date: May 8, 2014

Roll Call Sheets

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

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

2014129 AUTHORIZING ACQUISITIONS IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM MICHAEL R. NALBONE AND YENY C. MC INTYRE

Date: May 12, 2014

RESOLUTION NO. 2014130

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM GARY E. KILLMER AND CHRISTINE J. KILLMER

Legislators HUTCHINGS, BOLNER, BORCHERT, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN #8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a full environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (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, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by Gary E. Killmer and Christine J. Killmer, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6261-04-961131-0000, described as 282.13± square meters (3,036.79± square feet) more or less as shown on Map No. 7, Parcel No. 10, copy is annexed hereto, and

WHEREAS, the Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$8,340.00 plus up to \$1,000 for related expenses and that the terms and conditions of the Agreements be carried forth, now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$8,340.00 for

Fee Acquisition in accordance with the agreement to purchase, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property (Fee Acquisition) be carried out by the Dutchess County Department of Public Works.

CA-79-14
CAB/ca/R-0907-X
4/14/14
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/14/2014

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 12th day of May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 9,340

Total Current Year Revenue \$ 8,873
and Source

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

Identify Line Items(s):

H0290 5110 3009

Related Expenses: Amount \$ 1,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$ 8,873

Net County Cost (this year): \$ 467

Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to acquire in fee, a 282.13 +/- square meter (3,036.79 +/- square foot) parcel for a consideration of \$8,340.00, from Gary E. Killmer and Christine J. Killmer, identified on Map 7 Parcel 10, in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of \$1,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

EX. 2929

**AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755.41 Map: 7 Parcel: 10

This Agreement by and between GARY E. KILLMER and CHRISTINE J. KILLMER, husband and wife, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 282.13± Square Meter (3036.79± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated February 21, 1986 and recorded on February 24, 1986 in Liber 1698 at Page 888 in the Office of the County Clerk for Dutchess County, New York with the address 71 Noxon Road (Re. Tax map No. 133400-6261-04-961131-0000), and being the same lands designated as Map 7, Parcel 10 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: Removal of 2,910.38 sq. ft of lawn, 126.41 sq. ft of driveway material and (1) 21" diameter Tree. An existing large bush will be trimmed.
3. **PURCHASE PRICE.** The total purchase price is EIGHT THOUSAND THREE HUNDRED FORTY Dollars (\$8,340.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 4/25/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: Including, but not limited to the following: The shoulder of Noxon Road will be widened, a drainage ditch and portion of a closed drainage system will be installed, clearing and grubbing activities, and a side slope will be graded to meet existing ground with seeding to re-establish a grassed surface.

IN WITNESS WHEREOF, on this 28 day of MARCH, 2014, the parties have entered into this Agreement.

Seller: Gary E. Killmer and Christine J. Killmer
 Representative: XXX

By: *Gary E. Killmer*
Gary E. Killmer
 Printed Name
OWNER
 Title

By: *Christine J. Killmer*
CHRISTINE J. KILLMER
 Printed Name
OWNER
 Title

Witness: *Patricia Babcock*

Witness: *Patricia Babcock*

County of Dutchess

Witness: _____

Buyer: _____

Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

 Carol A. Bogle
 Chief Asst. County Attorney

APPROVED AS TO CONTENT:

Robert H. Balkind
 Robert H. Balkind P.E.
 Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 7
 PARCEL NO. 10
 SHEET 1 OF 2

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO YIUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 and 2)
 are on file at the offices of the Dutchess
 County Department of Public Works

GARY E. KILLMER & CHRISTINE J. KILLMER
 (REPUTED OWNERS)
 L.1698 P.0888

HENRY G PAGE JR
 (REPUTED OWNER)

GRID
 NORTH

ACQUISITION DESCRIPTION:
 Type: FEE
 Portion of Real Property Tax
 Parcel ID No.
 133460-6261-04-961131-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:

Killmer, Gary E.
 Killmer, Christine J.
 71 Noxon Road
 Poughkeepsie, NY 12603

GARY E. KILLMER
 CHRISTINE J. KILLMER
 (REPUTED OWNERS)
 71 NOXON ROAD
 282.13 SQ. METER +/-
 3038.79 SQ. FT +/-



8-05 PK MAIL
 STA. 1+561.938
 N: 315901.713m
 E: 203366.550m

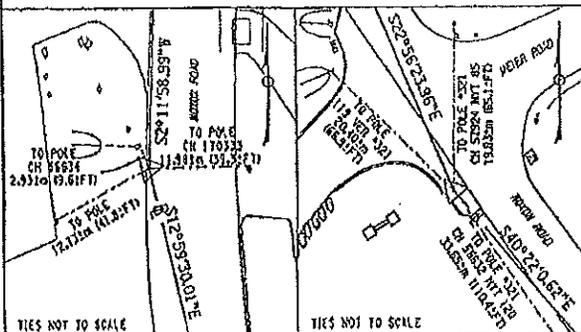
8 STA. 1+568.000
 10.231m

2.43m (8.0FT)
 S 78° 8' 0.62" W

8 STA. 1+568.465
 12.622m

MUSA & FATHIR ALJAJ
 (REPUTED OWNERS)

79 NOXON ROAD



TIES NOT TO SCALE

TIES NOT TO SCALE

B STA. 1+334.324
 8-04 PK

B STA. 1+810.004
 8-05 PK

N: 316123.501m
 E: 203315.380m

N: 315673.256m
 E: 203463.237m



SCALE 1:250
 ONE METER EQUALS 3.280833333 FEET.
 ONE SQUARE METER EQUALS 10.763910417 SQUARE FEET.

MAP NUMBER 7 9/19/12
 REVISED DATE 7/10/12 8/21/12
 DATE PREPARED 5/2/11



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 7
 PARCEL NO. 10
 SHEET 2 OF 2

REHABILITATION OF NOXON ROAD
 BY ROUTE 22 TO YITUSVILLE ROAD

PI# 8755.41

Map of property which the Commissioner of Public Works deems necessary to be acquired by appropriation in the name of the People of the County of Dutchess in fee acquisition, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL NO. 10 A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE WIDENED, A DRAINAGE DITCH AND PORTION OF A CLOSED DRAINAGE SYSTEM WILL BE INSTALLED, CLEARING AND GRUBBING ACTIVITIES, AND A SIDE SLOPE WILL BE GRADED TO MEET EXISTING GROUND WITH SEEDING TO RE-ESTABLISH A GRASSES SURFACE; ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING THE DIVISION LINE OF LANDS OF GARY E KILLMER AND CHRISTINE J KILLMER (REPUTED OWNERS) TO THE SOUTH AND OF LANDS OF HENRY G PAGE JR (REPUTED OWNER) TO THE NORTH, SAID POINT ALSO BEING DISTANT 3.89±m MEASURED AT RIGHT ANGLES FROM STATION 1+505.6123 OF THE HEREAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 78°15'0.62" EAST A DISTANCE OF 6.92±m (22.71±FT) TO A POINT, SAID POINT BEING DISTANT 10.80±m MEASURED AT RIGHT ANGLES FROM STATION 1+505.7621 OF SAID BASELINE; THENCE THROUGH LANDS OF GARY E KILLMER AND CHRISTINE J KILLMER (REPUTED OWNERS) SOUTH 15°35'51.17" EAST A DISTANCE OF 60.49±m (198.5±FT) TO A POINT ON THE DIVISION LINE OF LANDS OF GARY E KILLMER AND CHRISTINE J KILLMER (REPUTED OWNERS) TO THE NORTH AND OF LANDS OF MUSA ALIAJ AND FATMIR ALIAJ (REPUTED OWNERS) TO THE SOUTH, SAID POINT BEING DISTANT 12.62±m MEASURED AT RIGHT ANGLES FROM STATION 1+568.4651 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 78°6'0.62" WEST A DISTANCE OF 2.43±m (8.0±FT) TO A POINT ON THE EASTERLY BOUNDARY OF NOXON ROAD, SAID POINT BEING AT THE INTERSECTION OF SAID BOUNDARY LINE AND THE AFOREMENTIONED DIVISION LINE BETWEEN THE LANDS OF GARY E KILLMER AND CHRISTINE J KILLMER (REPUTED OWNERS) TO THE NORTH AND THE LANDS OF MUSA ALIAJ AND FATMIR ALIAJ (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 10.23±m MEASURED AT RIGHT ANGLES FROM STATION 1+568.0002 OF SAID BASELINE; THENCE ALONG SAID BOUNDARY NORTH 19°48'39.38" WEST A DISTANCE OF 60.96±m (200.0±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 282.13± SQUARE METERS (3036.79± SQUARE FEET) MORE OR LESS.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 1+334.324 THENCE SOUTH 12°59'30.01" EAST TO STATION 1+561.938, THENCE SOUTH 22°56'23.96" EAST TO STATION 1+610.004; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

MAP NUMBER 7 9/19/12
 REVISED DATE 7/10/12 8/21/12
 DATE PREPARED 5/2/11

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date 10/3 20 12

Robert H. Gokind

Robert H. Gokind, P.E.
 Acting Commissioner of Public Works

Recommended by:

Date October 3 20 12

Gregory V. Bentley

Gregory V. Bentley, P.E.
 Director of Engineering

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date Sept 21 20 12



EDWARD T. GANNON Land Surveyor
 L.S. License No. 49907

WSP - SELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

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

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works
From: Matthew W. Davis, Assistant Civil Engineer I *MD*
Date: April 4, 2014
Re: RESOLUTION REQUEST
FEE ACQUISITION, MAP 7, PARCEL 10
PIN 8755.41 REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO CR 49
(TITUSVILLE ROAD), TOWN OF LAGRANGE

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire in fee a 282.13+/- square meter (3,036.79+/- square foot) parcel for a consideration of \$8,340. This parcel is a portion of property owned by Gary E. Killmer and Christine J. Killmer, located on County Route 21, (Noxon Road), in the Town of LaGrange, identified as parcel identification number 133400-6261-04-961131-0000. The purchase of this parcel is required to facilitate the rehabilitation of County Route 21 under the subject Federal Aid Project. The amount of this resolution request is for \$9,340.00, which includes related expenses as shown on the accompanying Fiscal Impact Statement.

The subject project has been reviewed under SEQR and is classified as an Unlisted Action. A Negative Declaration was approved and adopted by the Legislature on December 8, 2008, under Resolution No. 208403.

Attached for your review, is the documentation required for the Resolution Request submittal. Please contact me if you have any questions or require any additional information.

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		<i>absent</i>
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		<i>absent</i>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: 10 **Resolution:** **Total :** 10 0
Absent: 2 **Motion:** **Yes** **No**
Vacant: 0 **Abstentions:** 0

2014130 AUTHORIZING ACQUISITIONS IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM GARY E. KILLMER AND CHRISTINE J. KILLMER

Date: May 8, 2014

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 6 - Town of Poughkeepsie	Flesland	<input type="checkbox"/>	<input type="checkbox"/>
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	<input type="checkbox"/>	<input type="checkbox"/>
District 10 - City of Poughkeepsie	Jeter-Jackson	<input type="checkbox"/>	<input type="checkbox"/>
District 16 - Town of Fishkill and City of Beacon	MacAvery	<input type="checkbox"/>	<input type="checkbox"/>
District 1 - Town of Poughkeepsie	Nesbitt	<input type="checkbox"/>	<input type="checkbox"/>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	<input type="checkbox"/>	<input type="checkbox"/>
District 3 - Town of LaGrange	Borchert	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - Town of Hyde Park	Serino	<input type="checkbox"/>	<input type="checkbox"/>
District 5 - Town of Poughkeepsie	Roman	<input type="checkbox"/>	<input type="checkbox"/>
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins	<input type="checkbox"/>	<input type="checkbox"/>
District 9 - City of Poughkeepsie	Johnson	<input type="checkbox"/>	<input type="checkbox"/>
District 11 - Towns of Rhinebeck and Clinton	Tyner	<input type="checkbox"/>	<input type="checkbox"/>
District 12 - Town of East Fishkill	Weiss	<input type="checkbox"/>	<input type="checkbox"/>
District 14 - Town of Wappinger	Amparo	<input type="checkbox"/>	<input type="checkbox"/>
District 15 - Town of Wappinger	Incoronato	<input type="checkbox"/>	<input type="checkbox"/>
District 17 - Town and Village of Fishkill	Miccio	<input type="checkbox"/>	<input type="checkbox"/>
District 18 - City of Beacon and Town of Fishkill	Farley	<input type="checkbox"/>	<input type="checkbox"/>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<input type="checkbox"/>	<input type="checkbox"/>
District 20 - Town of Red Hook	Strawinski	<input type="checkbox"/>	<input type="checkbox"/>
District 21 - Town of East Fishkill	Horton	<input type="checkbox"/>	<input type="checkbox"/>
District 22 - Towns of Beekman and Union Vale	Hutchings	<input type="checkbox"/>	<input type="checkbox"/>
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	<input type="checkbox"/>	<input type="checkbox"/>
District 24 - Towns of Dover and Union Vale	Surman	<input type="checkbox"/>	<input type="checkbox"/>
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey	<input type="checkbox"/>	<input type="checkbox"/>

Present: 25
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

2014130 AUTHORIZING ACQUISITIONS IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM GARY E. KILLMER AND CHRISTINE J. KILLMER

Date: May 12, 2014

RESOLUTION NO. 2014131

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM BADER SULTANA

Legislators HUTCHINGS, BOLNER, BORCHERT, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN #8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a short environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (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, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property and a permanent easement of a portion of property presently owned by Bader Sultana, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6360-01-093926-0000, described as 141.96± square meters (1,528.02± square feet) more or less as shown on Map No. 28, Parcel No. 50, copy is annexed hereto, and

WHEREAS, the acquisition of a permanent easement is a portion of parcel number 133400-6360-01-093926-0000, described as 938.04± square meters (10,096.97± square feet) more or less as shown on Map No. 28, Parcel No. 51, copy is annexed hereto, and

WHEREAS, the Agreements to Purchase Real Property (Fee Acquisition) and (Permanent Easement) for the necessary real property are attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$2,110.00 plus up to \$1,000.00 for related expenses, and that the subject property, Permanent Easement, be purchased for the sum of \$12,520.00, and that the terms and conditions of the Agreements be carried forth, now, therefore, be it

RESOLVED, that the County Executive is authorized to execute the Agreements to Purchase Real Property (Fee Acquisition and Permanent Easement) in substantially the form

annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deeds to the aforementioned land, which shall include the terms and conditions of the Agreements to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$2,110.00 for Fee Acquisition and \$12,520.00 for Permanent Easement, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

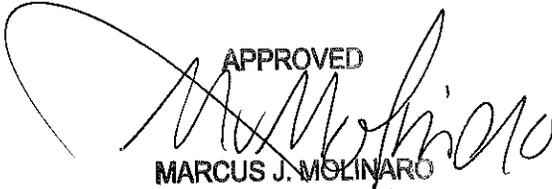
RESOLVED, that the terms and conditions of the aforementioned Agreements to Purchase Real Property (Fee Acquisition and Permanent Easement) be carried out by the Dutchess County Department of Public Works.

CA-72-14

CAB/ca/R-0907-DD

4/14/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/14/2014

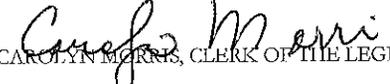
STATE OF NEW YORK

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 15,630

Total Current Year Revenue \$ 14,849
and Source

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

Identify Line Items(s):
H0290 5110 3008(3009)

Related Expenses: Amount \$ 1,000

Nature/Reason:
Anticipated expenses related to Mortgage Releases, Filing Fees, Property Taxes and other closing costs.

Anticipated Savings to County: \$ 14,849

Net County Cost (this year): \$ 781
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request form for the authorization to acquire additional right of way for a consideration of \$14,630.00, identified on Map 28, Parcels 50 and 51, for the project identified as PIN 8755.41 Rehabilitation of CR 21 (Noxon Road), NYS 55 to CR 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of \$1,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

2929

**AGREEMENT TO PURCHASE REAL PROPERTY
(PERMANENT EASEMENT)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8735.41 Map: 28 Parcel: 51

This Agreement by and between BADER SULTANA, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a permanent easement to a 938.04± Square Meter (10096.97± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated October 29, 2013 and recorded on November 25, 2013 as Document #0220136294 in the Office of the County Clerk for Dutchess County, New York with the address Noxon Road (Re. Tax map No. 133400-6360-01-093926-0000), and being the same lands designated as Map 28, Parcel 51 on exhibit "A" attached here to.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is TWELVE THOUSAND FIVE HUNDRED TWENTY Dollars (\$12,520.00). This price includes the acquisition of the above real property in permanent easement as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 6/6/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the permanent easement on the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this permanent easement as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: This permanent easement is being taken for the purpose of work area in connection with the clearing and grading of a side slope to meet existing ground and seeding to re-establish a grass surface and/or placement of slope stabilization measures, and continued maintenance in connection with the slope including future grading, landscaping, equipment and machinery access and the placement of temporary erosion and sediment control measures for the duration of this project.

IN WITNESS WHEREOF, on this 25th day of March, 2014, the parties have entered into this Agreement.

Seller: Bader Sultana
Representative: XXX

By: Bader Sultana

By: _____

Bader Sultana
Printed Name

Printed Name

owner
Title

Title

Witness: [Signature]

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____

Marcus J. Molinaro
County Executive

APPROVED AS TO FORM:

Carol A. Bogle
Chief Asst. County Attorney

APPROVED AS TO CONTENT:

[Signature]
Robert H. Balkind, P.E.
Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 28
 PARCEL NO. 50, 51
 SHEET 1 OF 3

REHABILITATION OF NOXON ROAD
 NY ROUTE 21 TO ILLUSTRIE ROAD

PI# 8755.11

BADER SULTANA
 (REPUTED OWNER)
 L.22013 P.6294

GRID
 NORTH

Originals of this map sheets 1 through 31
 are on file at the office of the Dutchess
 County Department of Public Works

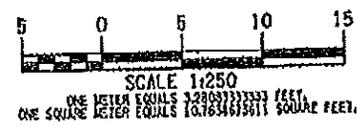
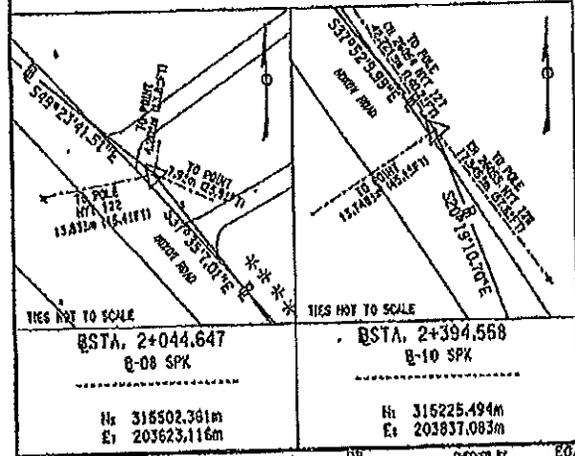
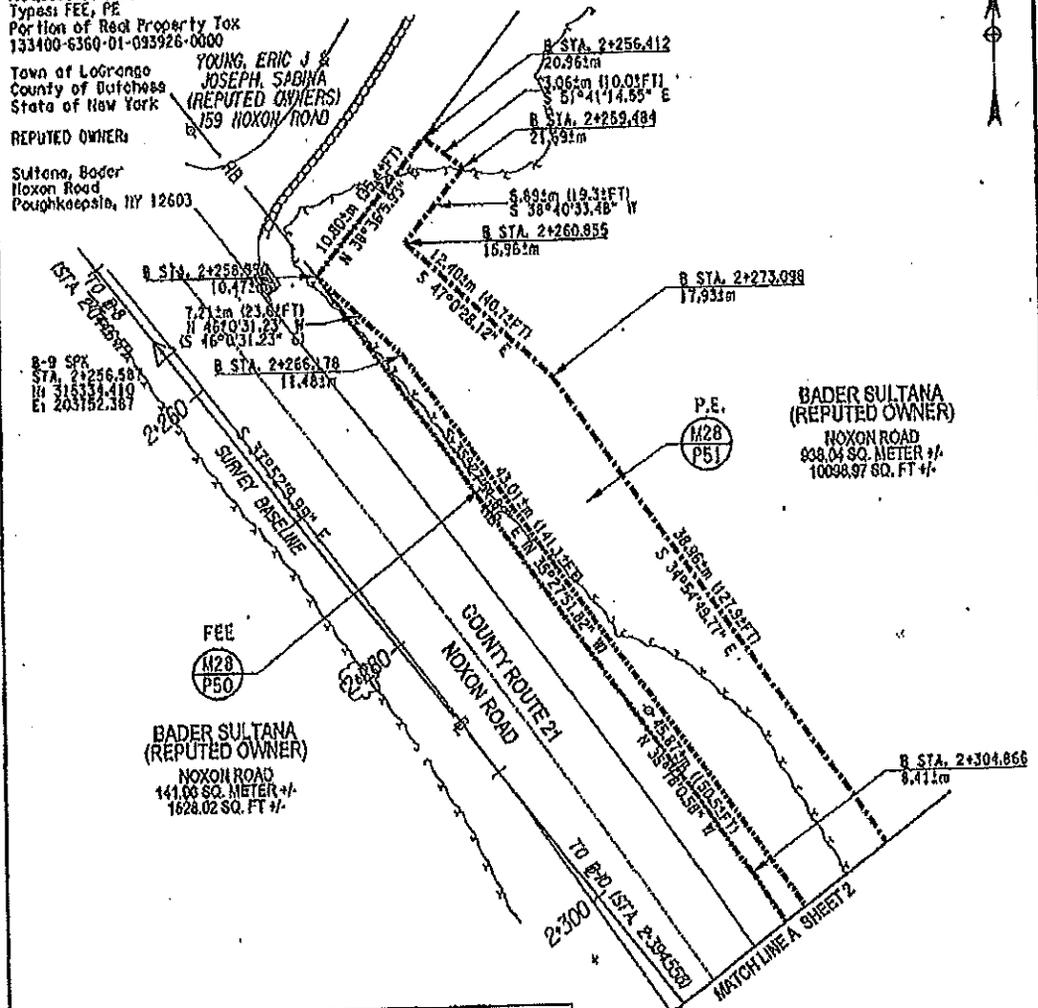
ACQUISITION DESCRIPTION:
 Types: FEE, PE
 Portion of Real Property Tax
 133400-6360-01-093926-0000

Town of LoGrango
 County of Dutchess
 State of New York

YOUNG, ERIC J &
 JOSEPH, SABINA
 (REPUTED OWNERS)
 159 NOXON ROAD

REPUTED OWNER:

Sultana, Bader
 Noxon Road
 Poughkeepsie, NY 12603



MAP NUMBER 28 1/22/14
 REVISED DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

TIES NOT TO SCALE B STA. 2+044.647 B-08 SPK Nt 318502.391m Et 203623.116m	TIES NOT TO SCALE B STA. 2+394.568 B-10 SPK Nt 315225.494m Et 203837.083m
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PREPARED BY: DR CHECKED BY: POZ/IA FINAL CHECK BY: MAU



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 28
 PARCEL NO. 50.51
 SHEET 2 OF 3

REHABILITATION OF NOXON ROAD
 NY ROUTE 21 TO YITUSVILLE ROAD

PI# 8785A1

Originals of this map (sheets 1 through 3)
 are on file at the offices of the Dutchess
 County Department of Public Works

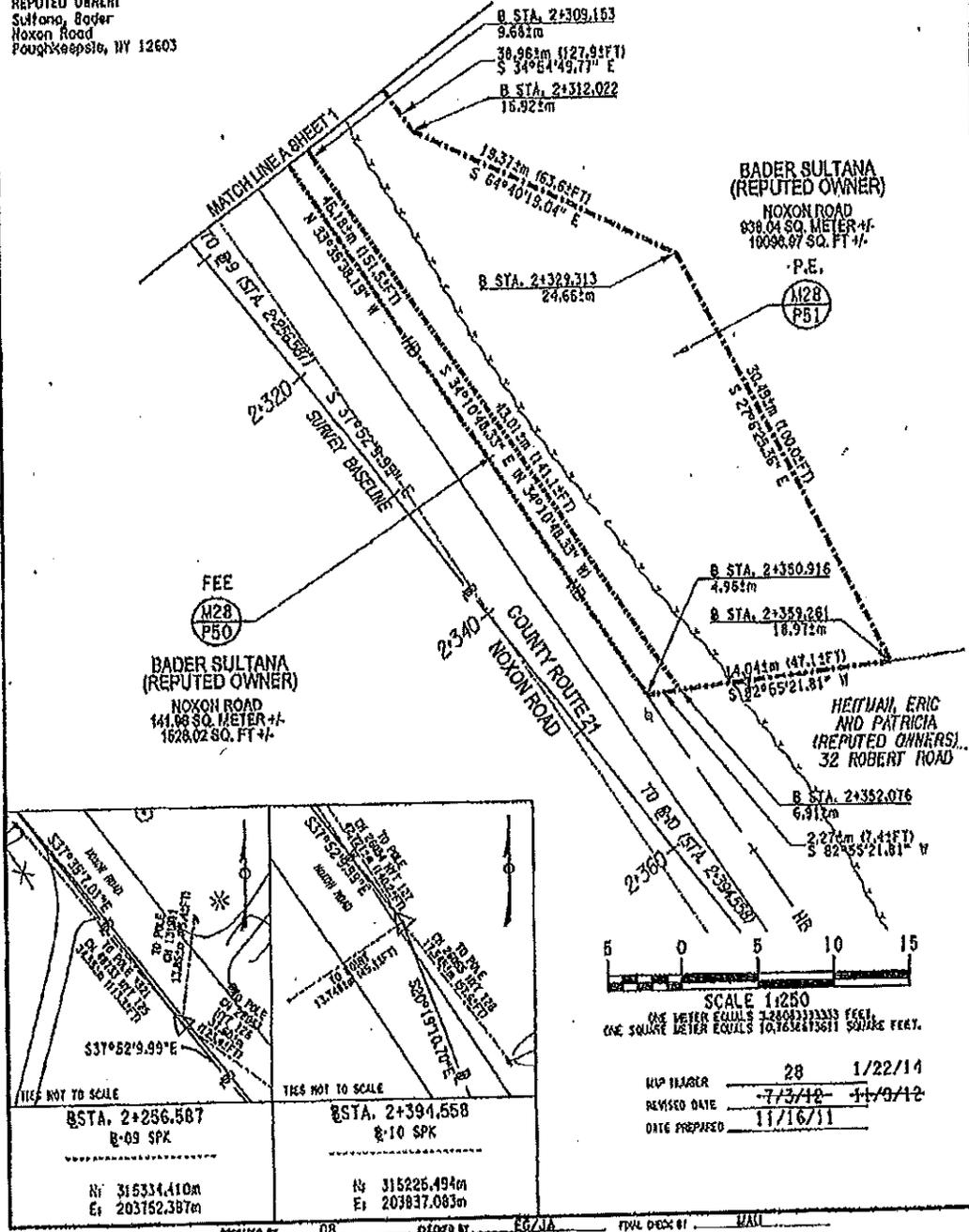
BADER SULTANA
 REPUTED OWNER
 L.22013 P.6294

GRID
 NORTH

ACQUISITION DESCRIPTION:
 Types: FEE, PE
 Portion of Real Property Tax
 133400-6360-01-093926-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Sultana, Bader
 Noxon Road
 Poughkeepsie, NY 12603



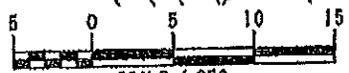
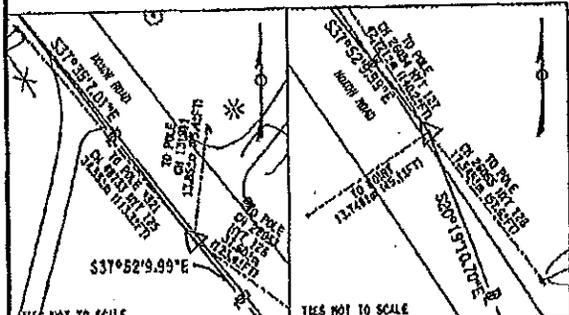
FEE
 M28
 P50

BADER SULTANA
 (REPUTED OWNER)
 NOXON ROAD
 141.06 SQ. METER +/-
 1628.02 SQ. FT +/-

BADER SULTANA
 (REPUTED OWNER)
 NOXON ROAD
 838.04 SQ. METER +/-
 10096.87 SQ. FT +/-

P.E.
 M28
 P51

HEITMAN, ERIC
 AND PATRICIA
 (REPUTED OWNERS)
 32 ROBERT ROAD



SCALE 1:250
 ONE METER EQUALS 3.280833333 FEET
 ONE SQUARE METER EQUALS 10.76391041 SQUARE FEET.

MAP NUMBER 28 1/22/14
 REVISED DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

THIS NOT TO SCALE B STA. 2+256.567 R-09 SPK N: 315334.410m E: 203752.387m	THIS NOT TO SCALE B STA. 2+394.558 R-10 SPK N: 315226.494m E: 203837.083m
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PREPARED BY: OR CHECKED BY: EGZJA FINAL DESIGNED BY: WAI



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 28
 PARCEL NO. 50, 51
 SHEET 3 OF 3

REHABILITATION OF HOXON ROAD
 BY ROUTE 21 TO TITUSVILLE ROAD
 PIN #755.41

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and permanent easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL 50, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF HOXON ROAD WILL BE WIDENED, A PORTION OF A CLOSED DRAINAGE SYSTEM WILL BE INSTALLED, A GRASS LINED SWALE WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEECED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC J. YOUNG & SABINA JOSEPH (REPUTED OWNERS) TO THE NORTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 10.472m MEASURED AT RIGHT ANGLES FROM STATION 2+258.9901 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) SOUTH 46°31'23" EAST A DISTANCE OF 7.211m (23.65FT) TO A POINT, SAID POINT BEING DISTANT 11.403m MEASURED AT RIGHT ANGLES FROM STATION 2+266.1781 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 35°27'51.82" EAST A DISTANCE OF 43.012m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 9.681m MEASURED AT RIGHT ANGLES FROM STATION 2+309.1531 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 34°10'48.33" EAST A DISTANCE OF 43.012m (141.11FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 6.912m MEASURED AT RIGHT ANGLES FROM STATION 2+352.0761 OF SAID BASELINE, THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 2.272m (7.47FT) TO A POINT ON THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 21 (HOXON ROAD), SAID POINT BEING DISTANT 4.962m MEASURED AT RIGHT ANGLES FROM STATION 2+350.9161 OF SAID BASELINE, THENCE ALONG SAID EASTERLY BOUNDARY NORTH 33°05'38.19" WEST A DISTANCE OF 46.182m (151.51FT) TO A POINT, SAID POINT BEING DISTANT 8.411m MEASURED AT RIGHT ANGLES FROM STATION 2+304.8661 OF SAID BASELINE, THENCE CONTINUING ALONG SAID BOUNDARY NORTH 35°18'0.58" WEST A DISTANCE OF 46.872m (153.51FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 141.961 SQUARE METERS (1528.021 SQUARE FEET) MORE OR LESS.

PARCEL 51, A PERMANENT EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING AND GRADING OF A SIDE SLOPE TO MEET EXISTING GROUND AND SEECED TO RE-ESTABLISH A GRASS SURFACE AND/OR PLACEMENT OF SLOPE STABILIZATION MEASURES, AND CONTINUED MAINTENANCE IN CONNECTION WITH THE SLOPE INCLUDING FUTURE GRADING, LANDSCAPING, EQUIPMENT AND MACHINERY ACCESS AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC J. YOUNG & SABINA JOSEPH (REPUTED OWNERS) TO THE NORTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 10.472m MEASURED AT RIGHT ANGLES FROM STATION 2+258.9901 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), THENCE ALONG SAID DIVISION LINE NORTH 38°36'5.93" EAST A DISTANCE OF 10.802m (35.43FT) TO A POINT, SAID POINT BEING DISTANT 20.361m MEASURED AT RIGHT ANGLES FROM STATION 2+266.1781 OF SAID BASELINE, THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) SOUTH 51°41'14.55" EAST A DISTANCE OF 3.062m (10.05FT) TO A POINT, SAID POINT BEING DISTANT 21.692m MEASURED AT RIGHT ANGLES FROM STATION 2+269.4841 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 38°40'33.48" WEST A DISTANCE OF 5.892m (19.32FT) TO A POINT, SAID POINT BEING DISTANT 15.962m MEASURED AT RIGHT ANGLES FROM STATION 2+260.8551 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 41°0'29.12" EAST A DISTANCE OF 12.401m (40.71FT) TO A POINT, SAID POINT BEING DISTANT 17.332m MEASURED AT RIGHT ANGLES FROM STATION 2+273.0981 OF SAID BASELINE, THENCE THROUGH SAID LANDS SOUTH 34°54'49.77" EAST A DISTANCE OF 38.96m (127.81FT) TO A POINT, SAID POINT BEING DISTANT 15.922m MEASURED AT RIGHT ANGLES FROM STATION 2+312.0221 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 64°40'19.04" EAST A DISTANCE OF 19.372m (63.61FT) TO A POINT, SAID POINT BEING DISTANT 24.662m MEASURED AT RIGHT ANGLES FROM STATION 2+328.3131 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS SOUTH 27°0'25.36" EAST A DISTANCE OF 30.492m (100.01FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC AND PATRICIA HEITMAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 18.972m MEASURED AT RIGHT ANGLES FROM STATION 2+359.2611 OF SAID BASELINE, THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 14.041m (45.91FT) TO A POINT ON SAID DIVISION LINE, SAID POINT BEING DISTANT 6.912m MEASURED AT RIGHT ANGLES FROM STATION 2+352.0761 OF SAID BASELINE, THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) NORTH 34°10'48.33" WEST A DISTANCE OF 43.012m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 9.682m MEASURED AT RIGHT ANGLES FROM STATION 2+309.1531 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS NORTH 35°27'51.82" EAST A DISTANCE OF 43.012m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 11.403m MEASURED AT RIGHT ANGLES FROM STATION 2+266.1781 OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS NORTH 46°31'23" WEST A DISTANCE OF 7.211m (23.65FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 938.041 SQUARE METERS (10,096.971 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 51, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 2+044.647 THENCE SOUTH 37°35'7.01" EAST TO STATION 2+266.587 THENCE SOUTH 37°52'9.99" EAST TO STATION 2+394.659; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date Jan 29 2014
AP Shille
 Noel H. Knize, AIA, ASLA
 Commissioner of Public Works

Recommended by:
 Date 1/27/14 2014
Robert H. Borling, PE
 Robert H. Borling, PE
 Deputy Commissioner of Public Works



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.
 Date 1/23 2014
Edward Y. Cannon
 EDWARD Y. CANNON Land Surveyor
 P.L.S. License No. 49907
 MSP-SELLS
 655 PLEASANTVILLE ROAD
 BIRIARCLIFF MANOR, NY 10510

MAP NUMBER 28 1/22/14
 REVISED DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

DESIGNED BY OB CHECKED BY EG/JA FINAL DRAWN BY WAL

**AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755.41 Map: 28 Parcel: 50

This Agreement by and between BADER SULTANA, hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 141.96± Square Meter (1528.02± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated October 29, 2013 and recorded on November 25, 2013 as Document #0220136294 in the Office of the County Clerk for Dutchess County, New York with the address Noxon Road (Re. Tax map No. 133400-6360-01-093926-0000), and being the same lands designated as Map 28, Parcel 50 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is TWO THOUSAND ONE HUNDRED TEN Dollars (\$2,110.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 6/6/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. Closing Documents. Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. Abstract, Bankruptcy and Tax Searches, and Acquisition Map. Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: Including, but not limited to the following: the shoulder of Noxon Road will be widened, a portion of a closed drainage system will be installed, a grass lined swale will be installed and the adjacent side slope will be graded to meet with the existing ground and seeded to re-establish a grass surface.

IN WITNESS WHEREOF, on this 25th day of March, 2014, the parties have entered into this Agreement.

Seller: Bader Sultana
Representative: XXX

By: Bader Sultana

By: _____

Bader Sultana
Printed Name

Printed Name

owner
Title

Title

Witness: [Signature]

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO FORM:

Carol A. Bogle
Chief Asst. County Attorney

APPROVED AS TO CONTENT:

[Signature]
Robert H. Balkind, P.E.
Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 28
 PARCEL NO. 50.53
 SHEET 1 OF 3

REHABILITATION OF NOXON ROAD
 BY ROUTE 24 TO TITUSVILLE ROAD

PIH 8755.41

BADER SULTANA
 (REPUTED OWNER)
 1,22013 P.6294

Originals of this map (sheets 1 through 3)
 are on file at the offices of the Dutchess
 County Department of Public Works

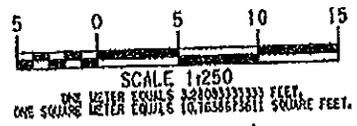
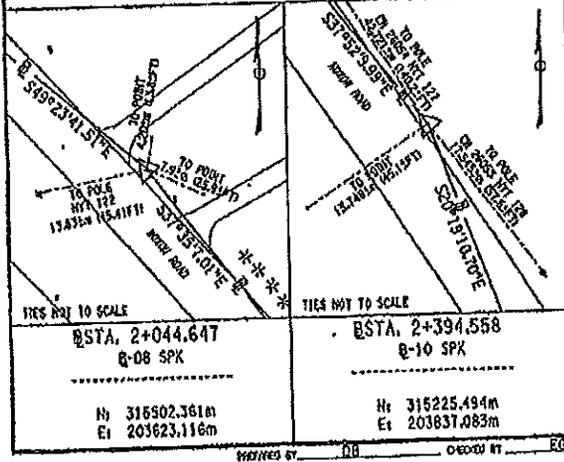
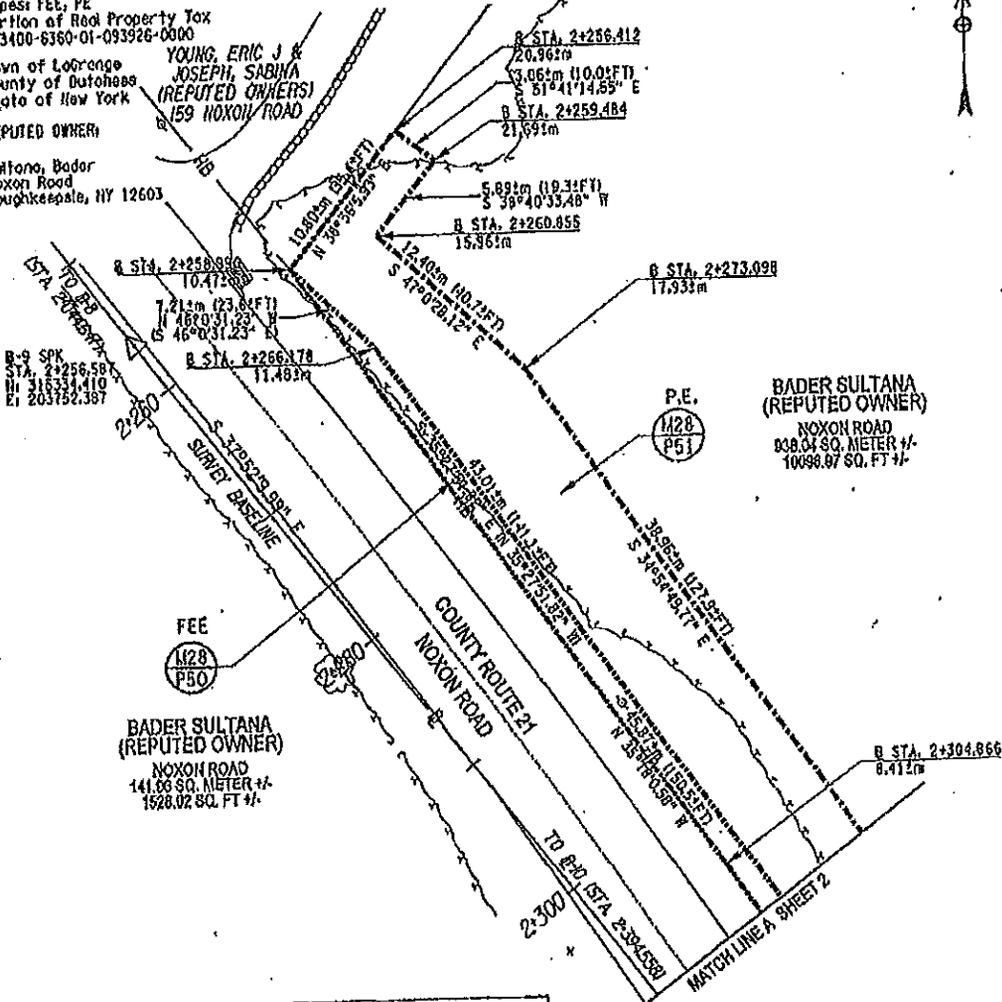
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 Types: FEE, PE
 Portion of Real Property Tax
 133400-6360-01-093926-0000

Town of LoGrange
 County of Dutchess
 State of New York

REPUTED OWNER:

Sultana, Bader
 Noxon Road
 Poughkeepsie, NY 12603

YOUNG, ERIC J &
 JOSEPH, SABINA
 (REPUTED OWNERS)
 159 NOXON ROAD



MAP NUMBER 28 1/22/14
 REVISION DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

B STA. 2+044.647
 B-08 SPK
 Nt 316502.361m
 Et 203623.116m

B STA. 2+394.558
 B-10 SPK
 Nt 315225.494m
 Et 203837.083m

DRAWN BY: DB CHECKED BY: EG/DA FINAL CHECK BY: DAU



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 28
 PARCEL NO. 50.51
 SHEET 2 OF 3

REHABILITATION OF NOXON ROAD
 NY ROUTE 21 TO YINUSVILLE ROAD

PI# 076541

Originals of this map (sheets 1 through 3)
 are on file at the offices of the Dutchess
 County Department of Public Works

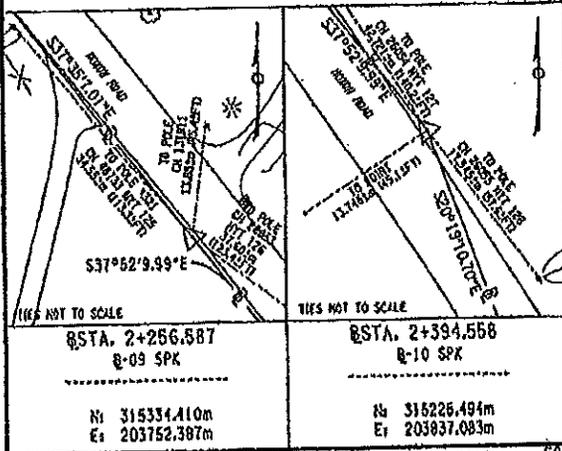
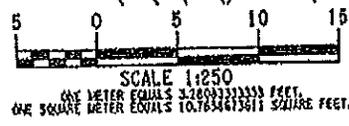
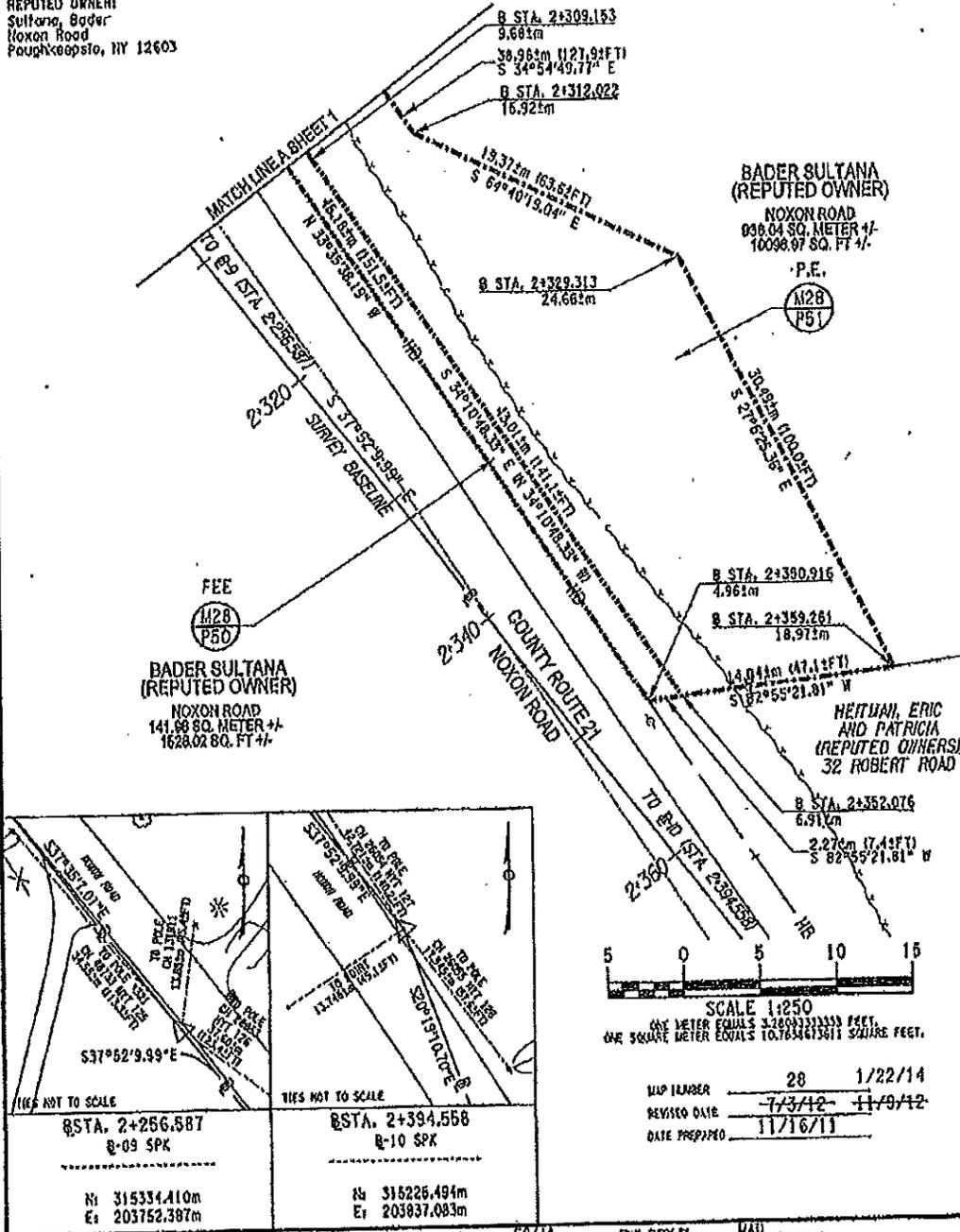
BADER SULTANA
 (REPUTED OWNER)
 L22013 P.6294

GRID
 NORTH

ACQUISITION DESCRIPTION:
 Typset FEE, PE
 Portion of Real Property Tax
 133400-6360-01-093926-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Sultana, Bader
 Noxon Road
 Poughkeepsie, NY 12603



MAP NUMBER 28 1/22/14
 REVISION DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

PREPARED BY DB CHECKED BY MAU

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 29
 PARCEL NO. 50, 51
 SHEET 3 OF 3



REHABILITATION OF NOXON ROAD
 NY ROUTE 21 TO VILLAGE ROAD

PN 8755.41

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and permanent easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL 50, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE RIDEKED, A PORTION OF A CLOSED DRAINAGE SYSTEM WILL BE INSTALLED, A GRASS LINED SWALE WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC J. YOUNG & SABINA JOSEPH (REPUTED OWNERS) TO THE NORTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 10.47m MEASURED AT RIGHT ANGLES FROM STATION 2+259.990 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) SOUTH 46°0'31.23" EAST A DISTANCE OF 7.21m (23.64FT) TO A POINT, SAID POINT BEING DISTANT 11.40m MEASURED AT RIGHT ANGLES FROM STATION 2+266.178 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 35°2'41.82" EAST A DISTANCE OF 43.01m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 9.68m MEASURED AT RIGHT ANGLES FROM STATION 2+309.163 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 34°10'48.33" EAST A DISTANCE OF 43.01m (141.11FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC AND PATRICIA HEITJAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 6.91m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 2.27m (7.44FT) TO A POINT ON THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 4.96m MEASURED AT RIGHT ANGLES FROM STATION 2+350.916 OF SAID BASELINE; THENCE ALONG SAID EASTERLY BOUNDARY NORTH 33°35'38.19" WEST A DISTANCE OF 46.18m (151.51FT) TO A POINT, SAID POINT BEING DISTANT 8.41m MEASURED AT RIGHT ANGLES FROM STATION 2+304.866 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 35°18'05.8" WEST A DISTANCE OF 45.87m (150.51FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 141.96± SQUARE METERS (1528.02± SQUARE FEET) MORE OR LESS.

PARCEL 51, A PERMANENT EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING AND GRADING OF A SIDE SLOPE TO MEET EXISTING GROUND AND SEEDING TO RE-ESTABLISH A GRASS SURFACE AND/OR PLACEMENT OF SLOPE STABILIZATION MEASURES, AND CONTINUED MAINTENANCE IN CONNECTION WITH THE SLOPE INCLUDING FUTURE GRADING, LANDSCAPING, EQUIPMENT AND MACHINERY ACCESS AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

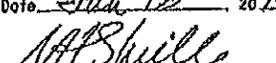
BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE OF LANDS OF ERIC J. YOUNG & SABINA JOSEPH (REPUTED OWNERS) TO THE NORTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 10.47m MEASURED AT RIGHT ANGLES FROM STATION 2+259.990 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE NORTH 38°38'5.93" EAST A DISTANCE OF 10.803m (35.45FT) TO A POINT, SAID POINT BEING DISTANT 20.861m MEASURED AT RIGHT ANGLES FROM STATION 2+256.422 OF SAID BASELINE; THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) SOUTH 61°41'14.55" EAST A DISTANCE OF 3.062m (10.01FT) TO A POINT, SAID POINT BEING DISTANT 21.692m MEASURED AT RIGHT ANGLES FROM STATION 2+269.484 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 38°40'33.48" WEST A DISTANCE OF 5.892m (19.31FT) TO A POINT, SAID POINT BEING DISTANT 15.962m MEASURED AT RIGHT ANGLES FROM STATION 2+260.855 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 47°0'28.12" EAST A DISTANCE OF 12.402m (40.71FT) TO A POINT, SAID POINT BEING DISTANT 17.932m MEASURED AT RIGHT ANGLES FROM STATION 2+273.088 OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 34°54'49.71" EAST A DISTANCE OF 38.96m (127.91FT) TO A POINT, SAID POINT BEING DISTANT 15.922m MEASURED AT RIGHT ANGLES FROM STATION 2+312.022 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 64°40'19.04" EAST A DISTANCE OF 19.372m (63.64FT) TO A POINT, SAID POINT BEING DISTANT 24.662m MEASURED AT RIGHT ANGLES FROM STATION 2+329.313 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 27°0'25.36" EAST A DISTANCE OF 30.492m (100.01FT) TO A POINT ON THE DIVISION LINE OF LANDS OF ERIC AND PATRICIA HEITJAN (REPUTED OWNERS) TO THE SOUTH AND LANDS OF BADER SULTANA (REPUTED OWNER) TO THE NORTH, SAID POINT BEING DISTANT 18.972m MEASURED AT RIGHT ANGLES FROM STATION 2+359.262 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 82°55'21.81" WEST A DISTANCE OF 14.042m (47.11FT) TO A POINT ON SAID DIVISION LINE, SAID POINT BEING DISTANT 6.91m MEASURED AT RIGHT ANGLES FROM STATION 2+352.076 OF SAID BASELINE; THENCE THROUGH LANDS OF BADER SULTANA (REPUTED OWNER) NORTH 34°10'48.33" WEST A DISTANCE OF 43.01m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 9.68m MEASURED AT RIGHT ANGLES FROM STATION 2+309.163 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 35°2'41.82" EAST A DISTANCE OF 43.01m (141.11FT) TO A POINT, SAID POINT BEING DISTANT 11.402m MEASURED AT RIGHT ANGLES FROM STATION 2+266.178 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 46°0'31.23" WEST A DISTANCE OF 7.21m (23.64FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 938.04± SQUARE METERS (10,096.91± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 51, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 2+044.647 THENCE SOUTH 37°35'7.01" EAST TO STATION 2+256.587 THENCE SOUTH 37°52'9.39" EAST TO STATION 2+394.559; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

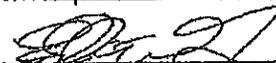
"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

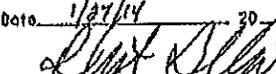
Date Jan 29 20 14


I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Neil H. Krize, III, ASLA
 Commissioner of Public Works



Date 1/23 20 14


Recommended by:
 Date 1/27/14 20 14


EDWARD T. GANNON Land Surveyor
 P.L.S. License No. 49907

Robert H. Bokrod, P.E.
 Deputy Commissioner of Public Works

MAP NUMBER 28 1/22/14
 REVISED DATE 7/3/12 11/9/12
 DATE PREPARED 11/16/11

NSP- SELLS
 555 PLEASANTVILLE ROAD
 BRITAINCLIFF MANOR, NY 10510

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: <u>10</u>	Resolution: <u>✓</u>	Total: <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014131 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM BADER SULTANA

Date: May 8, 2014

Roll Call Sheets

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

Present: 25
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

2014131 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY AND A PERMANENT EASEMENT FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM BADER SULTANA

Date: May 12, 2014

Budget, Finance, & Personnel

RESOLUTION NO. 2014132

RE: MORTGAGE TAX APPORTIONMENT
PERIOD OCTOBER 1, 2013 THROUGH MARCH 31, 2014

Legislators BORCHERT, ROLISON, FLESLAND, SAGLIANO, and PERKINS offer following and move its adoption:

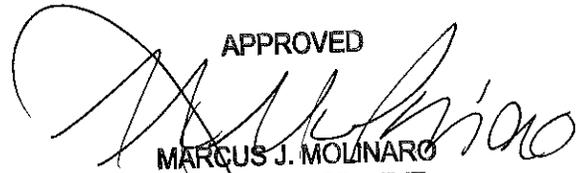
RESOLVED, that the report of the County Clerk and the Commissioner of Finance of mortgage tax receipts and disbursements, for the period October 1, 2013 through March 31, 2014, and the distribution thereof among the several tax districts, be accepted and placed on file, and be it further

RESOLVED, that the warrant in conformity with Section 261 of the Tax Law, be issued to the Commissioner of Finance to pay the respective cities and towns, and to the village treasurers the amounts due the respective villages of the County of Dutchess as set forth on the annexed sheet.

PB/HSB/djw
4/9/14

CA-71-14

Fiscal Impact: NONE

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

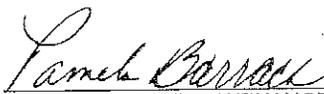
IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

OFFICE OF
COMMISSIONER OF FINANCE

MORTGAGE TAX DISTRIBUTION June 6, 2014

CITIES	AMOUNT
BEACON	\$131,226.85
POUGHKEEPSIE	145,204.64
TOWNS	
AMENIA	\$29,380.08
BEEKMAN	124,619.26
CLINTON	54,804.48
DOVER	48,687.88
EAST FISHKILL	411,160.18
FISHKILL	263,922.99
HYDE PARK	150,651.90
LAGRANGE	158,377.82
MILAN	48,206.47
NORTH EAST	30,604.64
PAWLING	78,048.80
PINE PLAINS	14,161.47
PLEASANT VLY	97,877.88
POUGHKEEPSIE	366,535.57
RED HOOK	72,970.49
RHINEBECK	90,334.94
STANFORD	47,260.49
UNIONVALE	36,262.28
WAPPINGER	239,950.53
WASHINGTON	65,309.11
VILLAGES	
FISHKILL	19,400.56
MILLBROOK	6,699.11
MILLERTON	2,683.32
PAWLING	6,550.00
RED HOOK	6,953.32
RHINEBECK	16,015.78
TIVOLI	4,418.96
WAPPINGER FALLS	20,180.04
TOTAL	<u>\$2,788,459.82</u>


COMMISSIONER OF FINANCE

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present: 12
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total : 12 0
 Yes No
 Abstentions: 0

2014132 MORTGAGE TAX APPORTIONMENT PERIOD OCTOBER 1, 2013 THROUGH MARCH 31, 2014

Date: May 8, 2014

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 6 - Town of Poughkeepsie	Flesland		
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District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

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

2014132 MORTGAGE TAX APPORTIONMENT PERIOD OCTOBER 1, 2013 THROUGH MARCH 31, 2014

Date: May 12, 2014

RESOLUTION NO. 2014133

RE: AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ASSISTANCE ACT, THE WORKFORCE INVESTMENT ACT AND THE NATIONAL EMERGENCY GRANT HURRICANE IRENE PHASE 2

Legislators KELSEY, BOLNER, SAGLIANO, and JOHNSON offer the following and move its adoption:

WHEREAS, the United States Congress enacted the Workforce Investment Act of 1998 (WIA) and the Trade Adjustment Assistance (TAA) Program to provide the framework for a unique workforce preparation and employment system designed to meet both the needs of businesses and the needs of job seekers and those who want to further their careers, and

WHEREAS, National Emergency Grants (NEGs) temporarily expand the service capacity of Workforce Investment Act Dislocated Worker training and employment programs at the state and local levels by providing funding assistance in response to large, unexpected economic events which cause significant job losses, and

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of FY 2012 TAA funding for the period 10/01/11 through 9/30/14, and

WHEREAS, the New York State Department of Labor has provided an allocation to Dutchess County to reduce PY 2011 National Emergency Grant funding for the period of 01/01/13-06/30/14, now, therefore be it

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

APPROPRIATIONS

CD6292.2011.4820	NEG-Hurricane Irene Phase 2	\$(19,441)
CD6292.2012.4813	TAA Participant Funding	<u>5,649</u>
		\$(13,792)

REVENUES

CD6292.2011.47910.36	NEG-Hurricane Irene Phase 2	\$(19,441)
CD6292.2012.47910.22	TAA Participant Funding	<u>5,649</u>
		\$(13,792)

CA-88-14
CRC/ca/G-1263
4/16/14
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ -13,792

Total Current Year Revenue \$ -13,792
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: Laraine Kautz, Executive Director - DCWIB



New York State Department of Labor
Andrew M. Cuomo, Governor
Peter M. Rivera, Commissioner

March 6, 2014

Mr. Marcus J. Molinaro
County Executive
Dutchess County
Dutchess County Office Building
22 Market Street, 6th Floor
Poughkeepsie, New York 12601

Dear Mr. Molinaro:

Attached is Notice of Obligational Authority (NOA) for Local Workforce Investment Area (LWIA) – Dutchess County deobligating the amount of \$19,440.35 awarded to your LWIA under the Department’s Hurricane Irene and tropical Storm Lee disaster National Emergency Grant (NEG) phase 2.

The grant funds can only be used towards the costs incurred to provide training and intensive services to individuals unemployed as a result of Hurricane Irene and/or tropical storm Lee. Up to 8% of your total expenditures may be charged to administration. All charges against this program must be reported monthly in PeopleSoft to program 188 as follows:

<i>NEG Hurricane ph 2 expense</i>	<i>Peoplesoft Account/Description</i>
LWIA Administration	516000 Administration
Intensive Services	513600 Core & Intensive Services
Training-ITA	513200 Training - ITA
Training-OJT	513500 Training - OJT

NEG funded participant services must be properly recorded and entered timely into our case management system. The Department created a Disaster NEG desk guide which is located on the internet at: <http://labor.ny.gov/workforcenypartners/osos-desk-guide-neg-disaster.pdf>.

LWIA: Dutchess County
 Grantee: Marcus J. Molinaro
 County Executive, Dutchess County

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

This NOA authorizes Program Year 2011 funding for the period (07/01/11 through 6/30/13), except Youth (04/01/11 through 6/30/13.)
 NEG-Disaster - Hurricane Irene/ Tropical Storm Lee 2011 (8/31/11 through 12/31/12).
 Dislocated Worker Supplemental Funds (03/01/12 through 10/31/12).
 NEG-Hurricane Irene/Lee Phase 2 (1/1/13 through 6/30/14).

NYS DOL Contact: Nancy Bell

TELEPHONE: (518) 457-0239

WIA GRANT	PRIOR LEVEL	CHANGE THIS NOA	NEW LEVEL
CFDA# 17.259 T-1B Youth	\$550,928.70	\$0.00	\$550,928.70
CFDA# 17.258,17.259,17.278 T-1B Admin	\$165,022.00	\$0.00	\$165,022.00
CFDA# 17.258 T-1B Adult	\$458,421.30	\$0.00	\$458,421.30
CFDA# 17.278 T-1B Dislocated Worker	\$455,848.00	\$0.00	\$455,848.00
CFDA# 17.277 T-1B NEG Disaster-Hurricane 2011	\$865,616.15	\$0.00	\$865,616.15
CFDA# 17.278 T-1B Dislocated Worker Supplemental Funds	\$22,540.07	\$0.00	\$22,540.07
CFDA# 17.278 T-1B Dislocated Worker Transferred Funds for Adult Activities	\$20,000.00	\$0.00	\$20,000.00
CFDA# 17.277 T-1B NEG-Hurricane Irene/Lee Phase 2	\$20,544.32	(\$19,440.35)	\$1,103.97

Approved by:


 Karen A. Coleman
 Deputy Commissioner for Workforce Development

03/06/14



New York State Department of Labor
Andrew M. Cuomo, Governor
Peter M. Rivera, Commissioner

March 14, 2014

Mr. Marcus J. Molinaro
County Executive
Dutchess County
Dutchess County Office Building
22 Market Street, 6th Floor
Poughkeepsie, New York 12601

Dear Mr. Molinaro:

This letter is to notify you that the New York State Department of Labor (NYSDOL) has approved the Local Workforce Investment Area's (LWIA's) requests for additional funds to support the provision of services under the Trade Adjustment Assistance Program (TAA) in accordance with New York State Workforce Development System Technical Advisory #04-6 (May 18, 2004).

Attached is a revised Notice of Obligational Authority to reflect approval of the additional funds. Also attached is a listing of individuals associated with the additional funding, and identification of changes and no changes to prior approvals.

As a reminder, the funds awarded to the LWIA under the TAA program may be expended only for costs identified in approved plans 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 must 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
Deputy Commissioner
for Workforce Development

Attachment(s)

cc: Ms. Heidi Seelbach-Budd
Ms. Susan Newhouse
Ms. Nancy Bell
Ms. Laraine Kautz
Mr. Alfonso Rubio-Aragon
Ms. Delores Caruso



NYS Department of Labor
Trade Adjustment Act Report

NOTICE OF OBLIGATIONAL AUTHORITY

LWIA# 60

GRANTEE: LWIA: Dutchess

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

This NOA authorizes:

Program Year 2011 funding for the period (10/01/10 through 09/30/13).

Program Year 2012 funding for the period (10/01/11 through 09/30/14).

CFDA# 17.245

<u>TAA GRANT</u>	<u>PRIOR LEVEL</u>	<u>CHANGE THIS NOA</u>	<u>NEW LEVEL</u>
FY11			
Training	\$ 62,999.42	\$ 0.00	\$ 62,999.42
Job Search	\$ 106.70	\$ 0.00	\$ 106.70
Relocation	\$ 0.00	\$ 0.00	\$ 0.00
FY12			
Training	\$ 151,289.91	\$ 4,554.33	\$ 155,844.24

Approved By:

Karen A. Coleman

Karen A. Coleman

Deputy Commissioner for Workforce Development

Dated: 3/14/2014



NYS Department of Labor
Trade Adjustment Act Report

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

As of: 3/10/2014
LWIA # 60

FY11

New Funding Requests Approved:

No New Funding Request

Changes to Previously Approved Funding Requests:

No Changes to Previous Funding

Total For This Fiscal Year

FY12

New Funding Requests Approved:

Training	
LU, SHWU-MING	\$ 4,554.33
Total by Account:	\$ 4,554.33

Changes to Previously Approved Funding Requests:

No Changes to Previous Funding

Total For This Fiscal Year

\$ 4,554.33



New York State Department of Labor
Andrew M. Cuomo, Governor
Peter M. Rivera, Commissioner

March 31, 2014

Mr. Marcus J. Molinaro
County Executive
Dutchess County
Dutchess County Office Building
22 Market Street, 6th Floor
Poughkeepsie, New York 12601

Dear Mr. Molinaro:

This letter is to notify you that the New York State Department of Labor (NYSDOL) has approved the Local Workforce Investment Area's (LWIA's) requests for additional funds to support the provision of services under the Trade Adjustment Assistance Program (TAA) in accordance with New York State Workforce Development System Technical Advisory #04-6 (May 18, 2004).

Attached is a revised Notice of Obligational Authority to reflect approval of the additional funds. Also attached is a listing of individuals associated with the additional funding, and identification of changes and no changes to prior approvals.

As a reminder, the funds awarded to the LWIA under the TAA program may be expended only for costs identified in approved plans 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 must 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
Deputy Commissioner
for Workforce Development

Attachment(s)

cc: Ms. Heidi Seelbach-Budd
Ms. Susan Newhouse
Ms. Nancy Bell
Ms. Laraine Kautz
Mr. Alfonso Rubio-Aragon
Ms. Delores Caruso

Phone: (518) 457-4317
W. Averell Harriman State Office Campus
Building 12, Room 590, Albany, NY 12240



NYS Department of Labor

Trade Adjustment Act Report

NOTICE OF OBLIGATIONAL AUTHORITY

LWIA# 60

GRANTEE: LWIA: Dutchess

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

This NOA authorizes:

Program Year 2011 funding for the period (10/01/10 through 09/30/13).

Program Year 2012 funding for the period (10/01/11 through 09/30/14).

CFDA# 17.245

<u>TAA GRANT</u>	<u>PRIOR LEVEL</u>	<u>CHANGE THIS NOA</u>	<u>NEW LEVEL</u>
FY11			
Training	\$ 62,999.42	\$ 0.00	\$ 62,999.42
Job Search	\$ 106.70	\$ 0.00	\$ 106.70
Relocation	\$ 0.00	\$ 0.00	\$ 0.00
FY12			
Training	\$ 155,844.24	\$ 1,094.00	\$ 156,938.24

Approved By:

Karen A. Coleman

Deputy Commissioner for Workforce Development

Dated: 3/31/2014



NYS Department of Labor

Trade Adjustment Act Report

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

As of: 3/24/2014

LWIA # 60

FY11

New Funding Requests Approved:

No New Funding Request

Changes to Previously Approved Funding Requests:

No Changes to Previous Funding

Total For This Fiscal Year

FY12

New Funding Requests Approved:

Training	
LU, SHWU-MING	\$ 1,094.00
Total by Account:	\$ 1,094.00

Changes to Previously Approved Funding Requests:

No Changes to Previous Funding

Total For This Fiscal Year

\$ 1,094.00

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present: 12
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total : 12 0
 Yes No
 Abstentions: 0

2014133 AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ASSISTANCE ACT, THE WORKFORCE INVESTMENT ACT AND THE NATIONAL EMERGENCY GRANT HURRICANE IRENE PHASE 2

Date: May 8, 2014

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery		
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagfiano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 20 - Town of Red Hook	Strawinski		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

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

2014133 AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ASSISTANCE ACT, THE WORKFORCE INVESTMENT ACT AND THE NATIONAL EMERGENCY GRANT HURRICANE IRENE PHASE 2

Date: May 12, 2014

RESOLUTION NO. 2014134

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING THE COST OF THE PREPARATION OF COUNTYWIDE HAZMAT ASSESSMENT SURVEYS (PHASE I), FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$454,500, AND AUTHORIZING THE ISSUANCE OF \$454,500 BONDS TO PAY THE COST THEREOF.

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

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

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

Section 1. Preparation of Countywide hazmat assessment surveys (Phase I), for the County of Dutchess, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$454,500.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$454,500 serial bonds hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 5 years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 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. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner

of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section 11. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

* * * * *

Newspaper and/or other news media

Date given

Southern Dutchess News

June 6, 2014

Poughkeepsie Journal

June 6, 2014

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

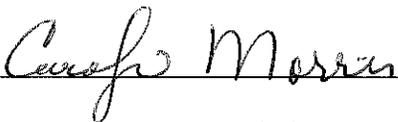
Date of Posting

County Office Building, 6th Floor, County Office Building

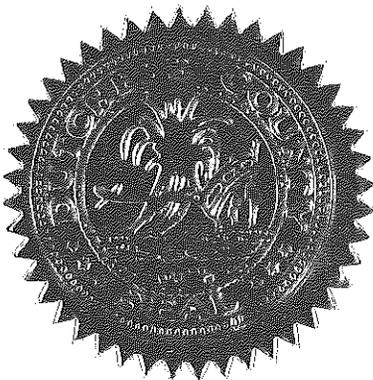
June 6, 2014

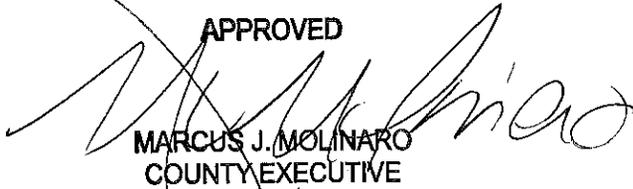
Poughkeepsie, NY 12601

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 9 day of June 2014.



Clerk, County Legislature




APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 6/9/2014

LEGAL NOTICE OF ESTOPPEL

The following entitled bond resolution, a summary of which is published herewith, has been adopted on June 9, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Dutchess, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is each available for public inspection during regular business hours at the Office of the Clerk of the Legislature for a period of twenty days from the date of publication of this Notice.

Dated: Poughkeepsie, New York,

June 9, 2014


Clerk, County Legislature

RESOLUTION NO. 2014134

BOND RESOLUTION DATED JUNE 9, 2014.

A RESOLUTION AUTHORIZING THE COST OF THE PREPARATION OF COUNTYWIDE HAZMAT ASSESSMENT SURVEYS (PHASE I), FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$454,500, AND AUTHORIZING THE ISSUANCE OF \$454,500 BONDS TO PAY THE COST THEREOF.

Specific object or purpose:	Countywide hazmat assessment surveys (Phase I)
Period of probable usefulness:	5 years
Maximum estimated cost:	\$454,500
Amount of bonds to be issued:	\$454,500 bonds
SEQRA status:	Type II Action

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

To: William O'Neil, Deputy County Executive

From: Noel H.S. Knille, AIA, ASLA, Commissioner 

Date: March 13, 2014

Re: Countywide HazMat Surveys/Phase I - Capital Request
Department of Public Works – Buildings Division

Dutchess County owns 32 buildings through the County which range in age from 183 years old to 1 year old. Many of the buildings constructed prior to the 1980's contain asbestos and lead, which were used in building materials for many years, and may also potentially contain other hazardous materials such as mold simply due to the age and condition of the building. For daily maintenance practices as well as for renovation projects, it is important for the County to have information as to exactly where asbestos, lead, mold, etc, might be located within each of the buildings as well as the condition of those substances.

Applicable asbestos regulations pertaining to asbestos include 29 CFR 1910.1001 (Occupational Exposure to Asbestos in General Industry), EPA's Asbestos Worker protection Regulation, 29 CFR 1926.1101 (Occupational Exposure to Asbestos in Construction), and NYS Code rule 56. EPA TSCA section 402 rule and EPA TSCA section 403 (Work Practice Standards and WPS amended) addresses lead hazard screening /risk assessment.

The County should commence the process of assessing all hazardous materials within its buildings and creating HazMat Surveys which will be used to determine any necessary precautions (abatement, encapsulation, or other) that need to be taken when engaging in maintenance or renovations in any of our buildings.

Performing these Hazmat Surveys will take time and will spread over several years. It is requested that \$450,000 be approved to start Hazmat Building Surveys - Phase 1.

Please contact me at ext. 2085 with any questions you may.

Countywide Hazmat Surveys

\$454,500 @

1.50%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$454,500	\$90,900	\$6,818	\$97,718
2	363,600	90,900	5,454	96,354
3	272,700	90,900	4,091	94,991
4	181,800	90,900	2,727	93,627
5	90,900	<u>90,900</u>	<u>1,364</u>	<u>92,264</u>
TOTAL		<u>\$454,500</u>	<u>\$20,453</u>	<u>\$474,953</u>
AVG. PER YEAR		\$90,900	\$4,091	\$94,991

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL \$454,500
ANTICIPATED INTEREST RATE 1.50%
TERM 5 YEARS. TOTAL ANTICIPATED FEES: \$4,500
ANTICIPATED ANNUAL COST (PRIN + INT): \$94,991
TOTAL PAYBACK (ANNUAL COST x TERMS): \$474,953

PREPARED BY PAMELA BARRACK

H0465 - 2014 HazMat Survey-Phase I

APPROPRIATIONS

Increase

H0465.1620.4401.105	Professional Services - Consultants	\$450,000
H0465.1620.3900	Bond Issuing Costs	\$4,500
		<u>\$454,500</u>

REVENUES

Increase

H0465.1620.57100	Serial Bonds	\$454,500
		<u>\$454,500</u>

Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)	absent	
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

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

2014134 A RESOLUTION AUTHORIZING THE COST OF THE PREPARATION OF COUNTYWIDE HAZMAT ASSESSMENT SURVEYS (PHASE I), FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$454,500, AND AUTHORIZING THE ISSUANCE OF \$454,500 BONDS TO PAY THE COST THEREOF

Date: June 3, 2014

Roll Call Sheets

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

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

2014134 A RESOLUTION AUTHORIZING THE COST OF THE PREPARATION OF COUNTYWIDE HAZMAT ASSESSMENT SURVEYS (PHASE I), FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$454,500, AND AUTHORIZING THE ISSUANCE OF \$454,500 BONDS TO PAY THE COST THEREOF

Date: June 9, 2014

Resolution No. 2014134 was offered for discussion only at the May 8, 2014, Public Works and Capital Projects Committee meeting and adopted at the June 9, 2014, Board Meeting.

Roll call at that time resulted as follows:

AYES: 25

NAYS: 0

ABSENT: 0

Resolution adopted.

RESOLUTION NO. 2014135

RE: DECLARING DUTCHESS COUNTY LEAD AGENCY (UNCOORDINATED REVIEW) FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE FOR THE TEMPORARY HOUSING UNITS FOR THE DUTCHESS COUNTY JAIL

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

WHEREAS, Dutchess County is considering acquiring, installing, and populating Temporary Housing Units for 200 inmates at the Dutchess County Jail which is located in the City of Poughkeepsie, County of Dutchess, and

WHEREAS, Dutchess County has identified the involved action as an Unlisted Action and the County has prepared a Full Environmental Assessment Form (copy attached hereto) for the project, and

WHEREAS, 6 NYCRR 617.b.4 requires the designation of a lead agency from among any involved agencies before a determination of significance can be made, and

WHEREAS, a determination of significance must be made before project review can commence, and

WHEREAS, it is the purpose of this resolution to formalize and establish Dutchess County as the lead agency for the uncoordinated review of the above-referenced project pursuant to the New York State Environmental Quality Review Act, now therefore, be it

RESOLVED, that Dutchess County hereby assumes lead agency status for the Temporary Housing Units for the Dutchess County Jail project.

CA-80-14
CRC/ca/G-0222
4/15/14
Fiscal Impact: See attached statement

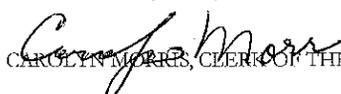
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/22/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

The subject resolution declares Dutchess County lead agency under SEQR for the subject capital project, but does not fund it.

Prepared by: Brad Barclay

Background
2014135-137

MARCUS J. MOLINARO
COUNTY EXECUTIVE



JAMES M. FEDORCHAK
COUNTY ATTORNEY

COUNTY OF DUTCHESS
DEPARTMENT OF LAW

To: Members of the Dutchess County Legislature
From: Carol A. Bogle, Chief Assistant County Attorney *CS*
Date: May 2, 2014
Re: Coordinated and Uncoordinated SEQR Review
Resolution Nos. 2014135-137

It is my understanding that a few members of the Dutchess County Legislature have inquired why the County has chosen to undertake the SEQR reviews for the design, installation and occupation of the temporary modular housing units for 200 inmates at the Dutchess County Jail and the demolition of the vacant former residence/farmhouse at the EDGC, as Uncoordinated Reviews. This memo is a result of a collaborative effort by Bradford Barclay, Senior Planner and me.

SEQRA regulations define all actions as either being Type I, Type II or Unlisted Actions. Type I actions are those that are considered more likely to have at least one significant impact on the environment and require a more in-depth SEQRA review. Reviews for Type I actions must be coordinated among all involved agencies (agencies that must fund or approve a permit for the involved action). Type II actions are those that the State has determined will not have a Significant Impact on the environment and are not subject to any further review under SEQRA. The SEQRA regulations include actual lists of types of projects which are classified as Type I or Type II actions. Unlisted actions are all of the remaining actions that are not included on either the Type I or Type II lists.

For Type I and Unlisted actions the SEQRA regulations spell out the procedures for proceeding with the required SEQRA reviews. Type I actions are required to undergo a coordinated review, which must include all of the involved agencies. This is where an agency receiving or sponsoring an action must circulate a request to all other involved agencies seeking to establish a Lead Agency for the review of the involved action. Once a Lead Agency is established among the involved agencies, it is their responsibility to lead the coordinated SEQR review.

For Unlisted Actions, SEQRA regulations allow for either a coordinated or an uncoordinated review, as outlined in the follow excerpts:

§617.6 Initial review of actions and establishing lead agency

(a) Initial review of actions.

(1) As early as possible in an agency's formulation of an action it proposes to undertake, or as soon as an agency receives an application for funding or for approval of an action, it must do the following:

(i) Determine whether the action is subject to SEQR. If the action is a Type II action, the agency has no further responsibilities under this Part.

(ii) Determine whether the action involves a federal agency. If the action involves a federal agency, the provisions of section 617.15 of this Part apply.

(iii) Determine whether the action may involve one or more other agencies.

(iv) Make a preliminary classification of an action as Type I or Unlisted, using the information available and comparing it with the thresholds set forth in section 617.4 of this Part. Such preliminary classification will assist in determining whether a full EAF and coordinated review is necessary...

... (3) For Unlisted actions, the short EAF (see section 617.20, Appendix C, of this Part) must be used to determine the significance of such actions. However, an agency may instead use the full EAF for Unlisted actions if the short EAF would not provide the lead agency with sufficient information on which to base its determination of significance. The lead agency may require other information necessary to determine significance.....

(b) Establishing lead agency....

(2) When more than one agency is involved:

(i) For all Type I actions and for coordinated review of Unlisted actions involving more than one agency, a lead agency must be established prior to a determination of significance. For Unlisted actions where there will be no coordinated review, the procedures in paragraph 617.6(b)(4) of this Part must be followed...

(4) Uncoordinated review for Unlisted actions involving more than one agency.

(i) An agency conducting an uncoordinated review may proceed as if it were the only involved agency pursuant to subdivision (a) of this section unless and until it determines that an action may have a significant adverse impact on the environment.

(ii) If an agency determines that the action may have a significant adverse impact on the environment, it must then coordinate with other involved agencies.

(iii) At any time prior to its final decision an agency may have its negative declaration superseded by a positive declaration by any other involved agency.

Since both of the projects are classified as Unlisted Actions, clearly SEQRA regulations allow the County to conduct uncoordinated reviews in these cases. The reasons why the County decided to conduct uncoordinated reviews for these projects are different.

The City of Poughkeepsie Water and Sewer Department and the New York State Commission on Corrections are "involved agencies" as that term is defined by the SEQRA regulation NYCRR 617.2 (s). An involved agency is an agency that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an "involved agency", notwithstanding that it has not received an application for funding or approval at the time the SEQRA process is commenced. The lead agency is also an involved agency.

For the design, installation and occupation of the temporary modular housing units for 200 inmates at the Dutchess County Jail, the decision to conduct an uncoordinated review was based on the fact that the County has not yet funded or hired consultants to design the water and sewer hookups for the temporary units and thus it was not ready to make application to the City Water and Sewer Department to obtain approval for these hookups. The County has had discussions with the City Engineer to determine that there was capacity available at the site to provide adequate water and sewer for the project and thus approval of the involved project would not create a significant negative impact on the environment. Thus, the County is able to proceed with funding and approval of the project, with the understanding that once it has the appropriate consultants on board to complete applications to the City Water and Sewer Department for connections to the involved systems, these permits would be subject to an uncoordinated SEQR review by that department. The same is true for the New York State Commission of Correction, which has already entered into a Memorandum of Agreement with Dutchess County to allow the process of designing the temporary modular units to proceed, but must approve the installation of the temporary modular units project in accordance with NYS Correction Law Section 45 (10) and 9 NYCRR Part 7001.

As to the demolition of the vacant former residence/farmhouse at the EDGC, this capital project includes the demolition of five other structures at the site, whose impact were all considered as part of a previous SEQR determination conducted in 2004 by this Legislature in Resolution No. 20421A. This SEQRA determination was challenged by some neighbors of the EDGC site but was upheld by the courts. The County has identified no other involved agencies for the demolition of the vacant former residence/farmhouse and the involved structure has already been abated for asbestos. However, in order to be as protective of the environment as possible, the County decided to undertake the involved unlisted action as an uncoordinated review in case, during the design of the demolition project, any needed permits are identified. The County can then make the required applications and the involved agency can conduct its own uncoordinated SEQRA review with no preconceived findings.

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

CRC

MEMORANDUM

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

*From: Noel H.S. Knille, AIA, ASLA, Commissioner
Department of Public Works*

Date: April 14, 2014

*Re: DPW Buildings' Resolution Request For
Uncoordinated SEQR Review of the Capital Project to
Acquire, Install, and Populate Temporary Housing Units
For 200 Inmates at the Dutchess County Jail*

In order to fund and approve the Capital Project to acquire, install and populate Temporary Housing Units for 200 inmates at the Dutchess County Jail, the County must first complete a SEQR review of the project. The first step is to state that the subject Capital Project is an unlisted action under SEQR and that Dutchess County is declaring itself the Lead Agency for an uncoordinated SEQR Review.

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: <u>12</u>	Resolution: <u>✓</u>	Total: <u>12</u>
Absent: <u>0</u>	Motion: <u> </u>	Yes <u>1</u>
Vacant: <u>0</u>		No <u>0</u>
		Abstentions: <u>0</u>

2014135 DECLARING DUTCHESS COUNTY LEAD AGENCY (UNCOORDINATED REVIEW) FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE FOR THE TEMPORARY HOUSING UNITS FOR THE DUTCHESS COUNTY JAIL

Date: May 8, 2014

Roll Call Sheets

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

Present:	<u>25</u>	Resolution:	<u>✓</u>	Total:	<u>22</u>	<u>3</u>
Absent:	<u>0</u>	Motion:	<u>—</u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014135 DECLARING DUTCHESS COUNTY LEAD AGENCY (UNCOORDINATED REVIEW) FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE FOR THE TEMPORARY HOUSING UNITS FOR THE DUTCHESS COUNTY JAIL

Date: May 12, 2014

RESOLUTION NO. 2014136

RE: DECLARING LEAD AGENCY (UNCOORDINATED REVIEW) AND MAKING A DETERMINATION OF SIGNIFICANCE FOR THE DEMOLITION OF THE VACANT FORMER RESIDENCE/FARMHOUSE AT THE EASTERN DUTCHESS GOVERNMENT CENTER, IN THE TOWN OF WASHINGTON

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

WHEREAS, Dutchess County is considering a capital project to demolish six (6) vacant structures at the Eastern Dutchess Government Center (EDGC), in the Town of Washington, and

WHEREAS, this Legislature, in Resolution No. 204241A, declared the County lead agency and adopted a negative declaration in connection with the design and reconstruction of approximately 30,000 square feet of the former Dutchess County Infirmary, and

WHEREAS, demolition of five (5) of the six (6) structures was contemplated in the Short Environmental Assessment Form that was attached to Resolution No. 204241A, and

WHEREAS, back in 2004, the County contemplated that the former residence/farmhouse would be returned to residential use or relocated and thus not part of the SEQRA determination, and

WHEREAS, the condition of the vacant former residence/farmhouse has deteriorated to such an extent that it needs to be demolished, and

WHEREAS, Dutchess County has identified the demolition of the vacant former residence/ farmhouse on the EDGC site as an Unlisted Action and intends to declare itself lead agency for an uncoordinated review of the involved action, and

WHEREAS, the Legislature has reviewed the Short Environmental Assessment Form (SEAF) for the involved action, prepared by the Department of Public Works, a copy of which is attached, and agrees with its conclusion that the involved project will not have a significant negative impact on the environment, based on the criteria provided in 6 NYCRR 617.7(a)-(c), now therefore, be it

RESOLVED, Dutchess County hereby declares itself to be Lead Agency for the uncoordinated review of the above referenced project pursuant to SEQRA, 6 NYCRR 617.6 (b) (4), and be it further

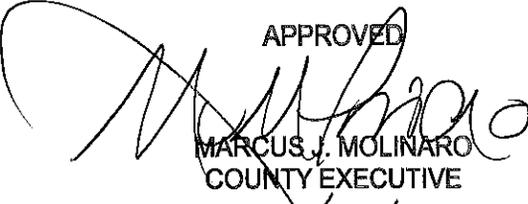
RESOLVED, that this Legislature hereby approves and adopts the attached Short Form Environmental Assessment Form for the involved action prepared by the Dutchess County Department of Public Works that the demolition of the vacant former residence/farmhouse at the Eastern Dutchess Government Center (EDGC) in the Town of Washington, will not result in any significant adverse environmental impacts in accordance with SEQRA, 6 NYCRR 617.7(b).

CA-77-14

CAB/ca/G-1530

4/14/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

The subject resolution adopts the SEAF and a Neg. Dec. under SEQR for the demolition of the former farmhouse at EDGC, but does not fund it.

Prepared by: Brad Barclay

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Demolition of Vacant Building at Eastern Dutchess Government Center			
Project Location (describe, and attach a location map): 126 County House Road (CR 95), Washington, Dutchess County, NY			
Brief Description of Proposed Action: Dutchess County intends to demolish a former farmhouse on the Eastern Dutchess Government Center (EDGC) Site. The building was previously used to house Department of Health staff, before they were moved into the renovated EDGC. The residence/farmhouse is a two-storied structure with a basement and attic that consists of @ 3,000 sq. ft. The old wood frame house was converted into offices without substantial alteration, so that the efficiency of the space is poor for commercial or office use and it was not ADA compatible. Safety concerns were also raised, because the type of construction was of very low grade of fire resistance (wood frame). Initially, the County had proposed either selling the structure and having it relocated (several nearby landowners had expressed an interest in this option) or subdividing the property the house sits on and selling the resulting parcel. (Continued on Attachment)			
Name of Applicant or Sponsor: County of Dutchess		Telephone: (845) 486-2085 E-Mail: dpwadmin@dutchessny.gov	
Address: 626 Dutchess Turnpike			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.07 acres	
b. Total acreage to be physically disturbed?		_____ 0.07 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 94.61 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Governmental</u> <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>County of Dutchess</u> Date: <u>4/11/14</u>		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project involves the demolition of an dilapidated vacant structure on the Eastern Dutchess Government Center. The structure is not on nor has it been nominated to the State or National Register of Historic Places. The County will consult with SHPO on what elements of the structure's decorative woodwork should be salvaged and/or documented, prior to demolition. The structure contains lead paint, but was previously abated for asbestos. The lead paint will be properly disposed of during demolition.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	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.
County of Dutchess	4/11/14
Name of Lead Agency	Date
Noel Knille, AIA, ASLA	Commissioner of Public Works
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>Noel Knille</i>	<i>Bradford A. Beach</i>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Attachment to SEAF for the Demolition of a Vacant Structure on the EDGC

Project Description (Continued)

As the EDGC renovation project advanced, testing for hazardous materials in the farmhouse was done. Lead paint and asbestos were found. Once the County had abated the asbestos in the structure, the County contacted the nearby landowners who had previously expressed an interest in acquiring the structure and they declined. The County also offered the structure to the local Historical Society, which also declined.

In order to determine an appropriate disposition for the structure the County retained LMV Architects, who designed the renovations for EDGC, to do a structural study of the farmhouse and a review of the structure's potential historical significance. The original portion of the farmhouse/residence was constructed in the early 1800's with additions and major alterations occurring in the mid to late 1800's and the early 1900's (according to the Dutchess County Windshield survey of Potentially Historic Properties). As part of this process, LMV Architects submitted a request to determine the eligibility of the structure for the National Register of Historic Places was submitted to the State Historical Preservation Office (SHPO). SHPO replied that the structure was eligible for listing; however the structure was never nominated to be placed on the State or National Registers.

In 2011, SEN Architects completed an assessment report for all the vacant structures remaining on the EDGC. Their report found that the structure is somewhat unique in construction and aesthetics. The Cellar foundation walls are built of rubble stone and the entire superstructure is a wood-framed construction. The roof is a slate roof. The exterior is faced with painted wood siding. The exterior details are typically residential, with traditional wood decorative elements: decorative eaves with expressed carved rafter ends; carved wood brackets supporting roof overhangs; double hung wood glass windows with black painted shutters; traditional porch with carved wood posts with decorative ends; arched entrance porch; north facing porch has an elaborate carved wood arch.

The condition of the structure, however, is in poor condition. Mildew, mold, damp have "taken over" the structure. Internally, mildew growth covers most horizontal surfaces, including ceiling. The wall, floor, and ceiling finishes have peeled, cracked, separated, and are not salvageable.

Old furniture and equipment has been abandoned in the premises. Plant growth has infiltrated the interior through the broken windows and other exterior wall cracks. At the interior, extensive bird and animal droppings/excrements are visible all over. The cellar, which housed the structure's heating equipment, is less affected by the water damage than the upper floors; however, the lally columns and other metal pipes are encrusted with rust and are corroded.

The attic shows damage at the edges; otherwise, the wood frame is in fair condition. Externally, the edges of the roof are in total disrepair, leading to extensive water damage and seepage to the interior, causing extensive mildew growth. The slate at the roof edges are missing at several locations due to rot of underlying sheathing/wood; the slate at other upper areas of the roof are intact. Continuous water

SEAF Attachments for Vacant Building Demolition at EDGC

damage has led to rot of several exterior wood members: porch posts; eaves and eaves support; missing rafter ends; roof edges; siding at various locations; window surrounds.

In conclusion, the 2011 Sen report found that this isolated structure has a lot of fine woodwork detailing in its façade and the roof structure visible at the attic is in fair condition; however, the exterior façade and the interior floor, wall and ceiling finishes are in very poor condition, and a repair of the façade and the interior would be prohibitive, together with a new heating, plumbing and electrical system. Unless an appropriated and viable use is proposed for this structure, it should be removed.

Having found no viable use for the structure, the County has taken no further action and the building has continued to deteriorate at an accelerated rate. This winter the roof over the front porch collapsed and the one over the rear porch is separating from the structure. Further deterioration of the roof has allowed an ever volume of water infiltration into the structure with a resulting decline in the condition of the interior. The only option left to the County is to demolish this structure.

The County's proposed course of action for this project is to consult with SHPO to determine what elements of the structure's decorative woodwork might be salvaged and what level of documentation of these elements is required to meet Historic Preservation Law, prior to demolition.

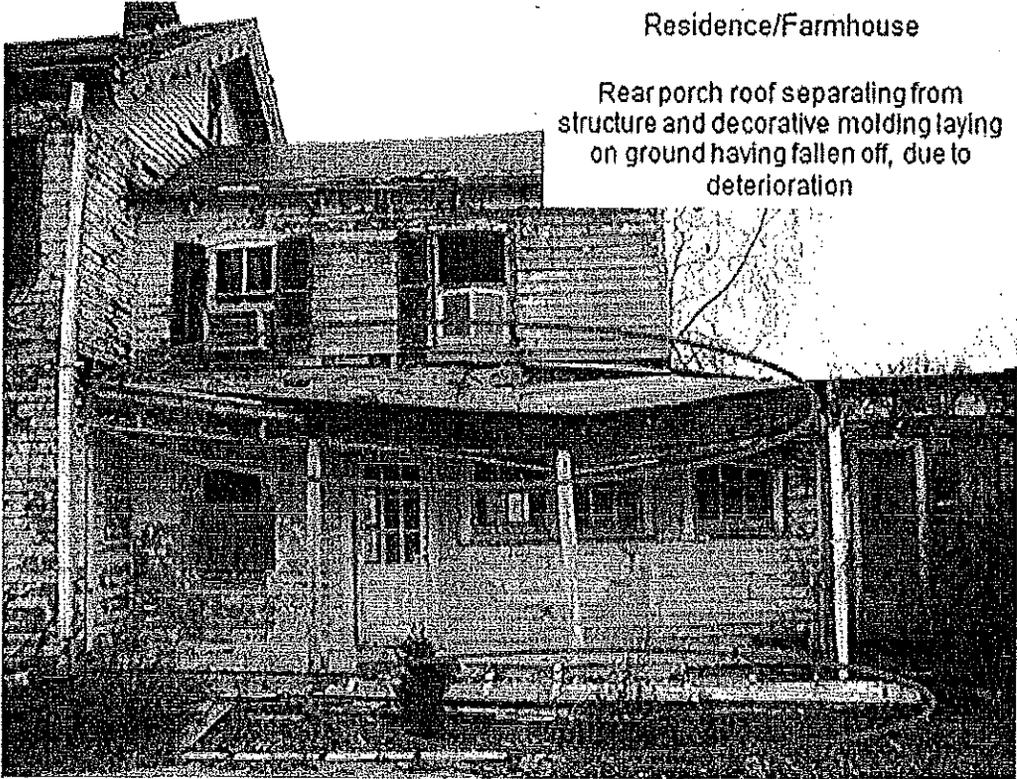
The following pictures show the condition of the former farmhouse on the EDGC during the winter of 2014:

Residence /Farmhouse



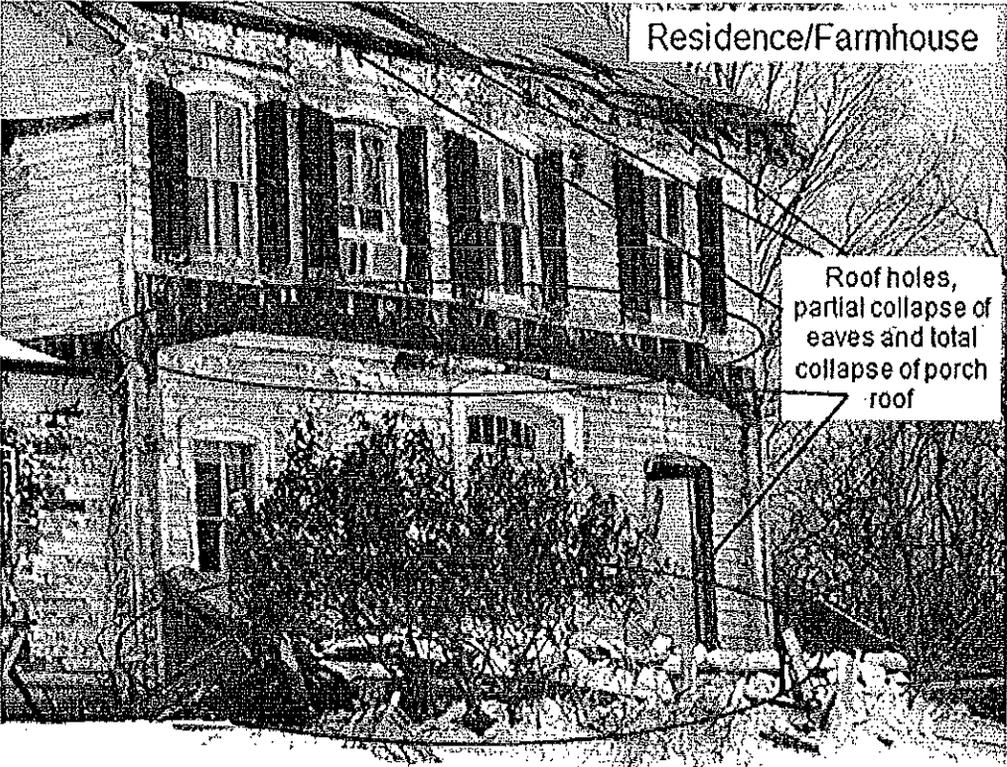
Residence/Farmhouse

Rear porch roof separating from structure and decorative molding laying on ground having fallen off, due to deterioration



Residence/Farmhouse

Roof holes, partial collapse of eaves and total collapse of porch roof





INTRANET

Parcel Grid Identification #:
135889-6764-00-330272-0000
Municipality: Washington

Parcel Location
126-136 County House Rd

Owner Name
County Of Dutchess , (P)

Primary (P) Owner Mail Address
22 Market St
Poughkeepsie NY 126010000



Parcel Details

Size (acres): 94.61 Ac Land Use Class: (652) Community Services: Government: Office Building
File Map: Agri. Dist.: (0)
File Lot #: School District: (135801)
Split Town

Assessment Information (Current)

*** 2014 assessments not yet established ***

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	0	0127	0539	()	0

Site Information:

Site Number: 1	Sewer Type:	Desirability:	Zoning Code:	Used As:
Water Supply: (3) Comm/public	(3) Comm/public	(3) Superior	RI.5	(E03) Profssnl off

Commercial/Industrial/Utility Building Information:

Site Number: 1
Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1993	2	6236	(0223) 2-4 sty office load sup	(0)

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	1756

Number Identical: 0
Condition Code:

Commercial Rental Information:

Site Number: 1
Use Number: 1
Used As: (E03) Profssnl off

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
()	3100	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Special District Information:

Special District: WF037		
Primary Units:	Advalorem Value	Spec. Dist. Name:
0	0	Washington Fire Prot

Exemption Information:

Exemption: 13100		
Name:	Amount:	Percent
County Owned	\$19103700	0

ABSOLUTELY NO ACCURACY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTENDED. ALL INFORMATION ON THIS MAP IS SUBJECT TO CHANGE BASED ON A COMPLETE TITLE SEARCH OR FIELD SURVEY.

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Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: <u>12</u>	Resolution: <u>✓</u>	Total :	<u>11</u>	<u>1</u>
Absent: <u>0</u>	Motion: <u> </u>		Yes	No
Vacant: <u>0</u>		Abstentions:	<u>0</u>	

2014136 DECLARING LEAD AGENCY (UNCOORDINATED REVIEW) AND MAKING A DETERMINATION OF SIGNIFICANCE FOR THE DEMOLITION OF THE VACANT FORMER RESIDENCE/FARMHOUSE AT THE EASTERN DUTCHESS GOVERNMENT CENTER, IN THE TOWN OF WASHINGTON

Date: May 8, 2014

Roll Call Sheets

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

Present: 25 **Resolution:** ✓ **Total:** 24 1
Absent: 0 **Motion:** — **Yes** **No**
Vacant: 0 **Abstentions:** 0

2014136 DECLARING LEAD AGENCY (UNCOORDINATED REVIEW) AND MAKING A DETERMINATION OF SIGNIFICANCE FOR THE DEMOLITION OF THE VACANT FORMER RESIDENCE/FARMHOUSE AT THE EASTERN DUTCHESS GOVERNMENT CENTER, IN THE TOWN OF WASHINGTON

Date: May 12, 2014

RESOLUTION NO. 2014137

RE: ADOPTION OF NEGATIVE DECLARATION FOR THE DUTCHESS COUNTY JAIL TEMPORARY HOUSING UNITS PROJECT ON THE BASIS OF THE FULL ENVIRONMENTAL ASSESSMENT FORM

Legislator MICCIO and ROLISON offer the following and move its adoption:

WHEREAS, Dutchess County is considering acquiring, installing, and populating Temporary Housing Units for 200 inmates at the Dutchess County Jail which is located in the City of Poughkeepsie, County of Dutchess, and

WHEREAS, Dutchess County has identified the involved action as an Unlisted Action and intends to declare itself Lead Agency for an uncoordinated review of the involved action, and

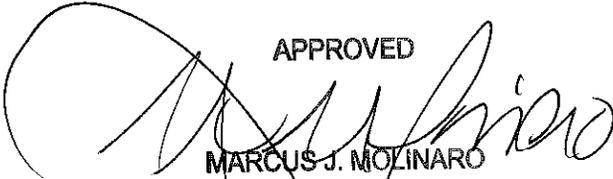
WHEREAS, the Legislature has reviewed the Full Environmental Assessment Form for the involved action, prepared by Dutchess County Department of Public Works and agrees with its conclusion that the involved project will not have a Significant Negative Impact on the Environment based on the criteria provide in 6 NYCRR 617.7(a)-(c), and

WHEREAS, the Legislature has reviewed Notice of Determination of Non-Significance prepared by Dutchess County Department of Public Works and agrees with the reasons supporting this determination provided in this Notice, now therefore, be it

RESOLVED, Dutchess County approves and adopts the attached Notice of Determination of Non-Significance (Negative Declaration) for the Temporary Housing Units Project at the Dutchess County Jail in accordance with SEQRA (6 NYCRR 617.7.b), and be it further

RESOLVED, that this negative declaration shall be filed as provided by law.

CA-81-14
CRC/ca/G-0222
4/15/14
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

The subject resolution adopts the FEAF and a Neg. Dec. under SEQR for the subject capital project, but does not fund it.

Prepared by: Brad Barclay

FEAF for Temporary Housing Units for 200 Inmates At the Dutchess County Jail

Project Narrative

Introduction

The County of Dutchess intends to install, populate and operate temporary, modular housing units to facilitate the return of 200 inmates to the Dutchess County Jail who are currently being housed out at other correctional facilities, under a Memorandum of Agreement with the State Commission of Corrections (SCOC). The project would add an additional 200 inmates to the County Jail's current capacity of 257, for a total of 457 inmates housed at the County's facility on Hamilton Street, in the City of Poughkeepsie, Dutchess County, NY.

Background

The existing Dutchess County jail consists of an original 1984 facility and a 1995 addition. The total design capacity of the jail is 292 beds, and with an operational margin of 6-10%, approximately 257 inmates are housed in the two facilities daily. The Average Daily Population (ADP) in Dutchess County has exceeded both the functional and design capacity of the existing facility for years, and currently over 200 inmates are housed out to surrounding counties' facilities on a given day. For over ten years, the SCOC has been requesting that the County add additional jail capacity to the existing facility. In 2007, the SCOC revoked a variance that allowed Dutchess County to exceed its jail capacity by housing an additional 75 inmates in its Jail gymnasium, which greatly exacerbated the need to house inmates out at other Counties' facilities. To address this problem, the Dutchess County Criminal Justice Council (CJC) was tasked with conducting a comprehensive needs assessment of the County's Criminal Justice System, aimed at identifying a holistic plan for addressing the extensive housing out of inmates and identified facility concerns.

On November 1, 2012, the Dutchess County CJC presented the Criminal Justice Needs Assessment Study which recommended the construction of a new 500-650 bed transitional jail facility on an identified new site. This envisioned facility would address the housing out of inmates problem, creating a "campus style jail setting" with various co-located transitional services supporting a strong continuum of inmate services. This is in-line with the County's embraced philosophy of least restrictive, evidence-based criminal justice practices.

While the CJC's Needs Assessment outlined a clear recommendation with regard to the projected number and types of needed inmate beds and two alternative jail sites, the report did not result in a consensus on the best solution to Dutchess County's Jail problem. To support the county in its decision making and in taking the next steps towards constructing needed additional jail capacity, the consulting firm of RicciGreene Associates was retained to examine the findings and recommendations presented in the CJC report. The consultant reviewed and evaluated the findings and recommendations of the CJC report with regards to: System-wide opportunities and changes, Alternatives to Incarceration (ATI), population projections or forecasting and the need to expand the County's jail facility or construct a new campus-style "transition center". This study provides a more extensive comparison of two site options

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

investigated at the time, setting the stage for a detailed definition of the proposed jail project in the next phase of developing a permanent solution to this problem. RicciGreene Associates produced a report entitled, "Validation Study of the Dutchess County Criminal Justice System Needs Assessment", dated May 28, 2013.

One of the important aspects for quantifying the future ADP of the County's Jail, and thus the size of the needed additional bed capacity to be constructed, is the Average Length Of Stay (ALOS) of inmates in the County Jail. This issue was examined in the RicciGreene Associates Validation Study. The study found that Dutchess County had a variance to exceed its jail's rated capacity, which allowed it to house an additional 75 inmates in the jail's gym, until 2007. After the variance was revoked by the State Commission of Corrections (SCOC), the jail witnessed a precipitous rise in ADP. At its low point in December of 2007, the ADP of the jail was 253 inmates. By October of 2012, the ADP had nearly doubled to 501 inmates. The rise in ADP has been driven primarily by the increase in the ALOS. The study found that while recent jail admissions had remained relatively flat, the ALOS has risen by 25% in five years. The Validation Study postulated that the increases in ALOS are a result of the logistical difficulties incurred as a result of housing out a large percentage of the inmate population and that the addition of adequate bed capacity at the jail, in conjunction with the robust system of ATI's already in place and expansion of pre-trial screening and risk evaluation may decrease the ALOS in future years.

In addition to the increase in ALOS related to the housing out of inmates cited in the Validation Study, the Dutchess County CJC's original report also deemed the housing out of inmates problematic not only because of the limiting effects that it has on family visitations, case processing and access to programming and services, but the annual cost of approximately \$8 million continues to escalate, severely impacting operational costs at the jail. The Validation Study concurred with the CJC's recommendation that housed out inmates are adding to cost and inefficiencies to jail operations (and systematic impacts) and that a temporary housing solution is warranted until permanent housing capacity can be provided.

Based on the recommendations of these studies and other preliminary planning studies undertaken on behalf of Dutchess County to investigate the creation of the required additional bed capacity for the County Jail either at the existing jail site or an alternative site, the County has determined that temporary arrangements for the housing of inmates must be made, secured, studied, evaluated and tested before completion of the design phase for the construction of a permanent jail capacity solution.

To this end, Dutchess County has entered into a Memorandum of Agreement (MOA) with the SCOC to proceed with planning for a permanent correctional facility with increased capacity and efficiency, the first stage of which is the acquisition and installation of a modular housing facility to be sited on the existing Dutchess County Jail property, for the purpose of returning the approximately two hundred (200) currently housed out inmates. The MOA clearly states that upon completion of the required new permanent County correctional space, which will accommodate the County's current and prospective populations of committed inmates, the SCOC shall revoke all previously granted variances that allow inmate population of the modular housing facility. Thus the modular inmate housing units involved in this SEQR review will be temporary in nature and designed, constructed, installed and operated under the regulation of the SCOC.

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

SEQR Process

In considering the extent and nature of the required SEQR review for the proposed installation and operation of the subject temporary modular housing units for 200 returning inmates to be located on the existing Dutchess County Jail facility, the County considered whether the subject action could be legally segmented from an overall review of the planning, financing, design and construction of new permanent correctional space, either freestanding or as an expansion of the existing facility, that will accommodate the County's current and prospective populations of committed inmates. In doing so, the County referred to the NYSDEC SEQR Handbook.

The handbook offers the following in Section D. *Segmentation*:

4. Is segmented review ever acceptable under SEQR?

There are some limited circumstances where a segmented review may be justified. For example, the following circumstances, when considered together, may warrant segmentation when a project has several phases:

- *Information on future project phase(s) is too speculative;*
- *Future phases may not occur;*
- *Future phase(s) are functionally independent of the current phase(s).*

All of the above cited questions can be answered affirmatively.

While the County intent is to construct additional permanent capacity to house inmates on the existing jail site, only a preliminary planning study to determine if adequate space to house the desired campus style transitional inmate housing facility on the existing jail site and preliminary studies to determine what the capacity of that facility should be have been conducted. In 2013, the County Legislature appropriated \$1.2 million dollars to fund planning, design and cost analysis studies in connection with the construction of additions to and reconstruction of the existing County Jail. These studies are scheduled to begin later this year, with the completion of the "Project Definition" study and report scheduled for April of 2015. The Project definition phase of the process to develop permanent additional jail capacity for Dutchess County will also include decisions on what inmate or transitional services should be included in the future facility, which will shape the desired "campus style" transitional facility. In addition, it would be difficult to project what the other involved agencies and associated approvals will be required for the permanent jail capacity project. Thus, it is clearly premature and too speculative to conduct an environmental review of the, as of yet, undefined future, permanent jail expansion.

As the future permanent jail expansion project has not yet been adequately defined or its cost estimated, none of the required legislative approvals to fund the detailed design and construct a permanent facility have been received or even sought. Given that the cost of such a project will certainly exceed \$500,000 and require bonding, the needed approvals from the County Legislature will require at a minimum two legislative meetings and a two-thirds majority vote, which at this point is

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

anything but certain. The MOA with the State Commission of Correction recognizes that once a project is defined and cost estimates developed, the County Legislature will have to vote to fund and approve that project. The MOA gives the SCOC the ability to order the County to remove the temporary units if it does not proceed with the development of additional permanent jail capacity, insuring that the subject housing units are temporary. Thus approval of the current temporary, modular inmate housing units does not commit the County to a future course of action.

As to the functional independence of any future phases, the proposed location of the temporary inmate modular housing units is behind the existing 1995 Jail addition on an existing paved parking lot. The preliminary space plan, included in the RicciGreene Associates Validation Study, shows that the proposed location of the temporary units would likely not interfere with any future phases of the development of a permanent solution. As the temporary inmate housing units must be located adjacent to the existing Jail to function efficiently, the installation of these units on the current site does not commit the County to where any new permanent jail capacity would be constructed.

In conclusion, the separation of the action to install and operate the temporary, modular inmate housing units and the larger, as of yet undefined, project to construct permanent additional jail capacity for Dutchess County will be no less protective of the environment for the following reasons:

1. The MOA between the Dutchess County and the SCOC will not allow the operation of the temporary units, once the permanent facility is complete; ensuring that there will be no cumulative impacts not addressed under separate SEQR reviews.
2. The installation of the temporary units does not commit the County to a future course of action for a permanent jail capacity solution. The modular units will be installed over the existing, paved back parking lot for the Jail and do not need foundations; so that once they are removed there will be no lasting impacts on the environment.
3. The permanent additional jail capacity project is as of yet undefined. The project definition phase of the permanent additional jail capacity project has been funded and is scheduled to begin once a decision is made on the temporary modular inmate housing units and be completed in mid-2015. The project definition phase of the permanent jail capacity project qualifies as a Type II Action under SEQR, as follows:

617.5(c) (21)

"conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;"

4. The installation of the temporary housing units at the existing jail will allow the County to return the currently housed out inmates to the site and allow them visitation with family and attorneys, access to special services, pre-classification, court dates and alternatives to incarceration, while reducing the state of flux caused by the logistics of housing out so many

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

Inmates. As this state of flux abates and inmates are able to access additional services and options, the long-term needs for a permanent solution to Dutchess County's jail capacity problem can be better understood and examined through the ongoing project definition phase. The County has included an increase in \$150,000 in inmate programming costs to ensure that inmates brought back to the County Jail site have access to these resources.

Project Description

Dutchess County intends to acquire, install and populate a temporary, modular housing facility, to be sited on the existing Dutchess County Jail property, for the purpose of housing up to two hundred (200) returning housed-out inmates, under a Memorandum of Agreement with the State Commission of Corrections. The Dutchess County Jail is located at 150 North Hamilton Street, in the City of Poughkeepsie, Dutchess County, New York (parcel #131300-6162-62-238330). The existing jail parcel is 7.84 acres and a copy of the property card from Dutchess County's Parcel Access system is attached.

Dutchess County has determined that this action constitutes an Unlisted Action under SEQRA and will undertake an Uncoordinated Review to determine the Significance of any potential impacts to the environment of the proposed action.

The County intends to lease the modular housing facility from Proteus On-Demand Facilities of Austell, Georgia, who will install them on-site. The modular housing facility will consist of two separate structures for inmate housing, which will be installed in the back parking area of the existing Dutchess County Jail. (See the attached Figure P540 for the proposed approximate location of the structures and P541 for the proposed layout, as included in Proteus' response to Dutchess County RFP-DCP-62-13).

The approximate dimensions of the structures will be 15m x 50m (50ft x 164ft) and 20m x 40m (66ft x 132ft). This will provide a total modular facility of approximately 16,700 total square feet. Each structure will be divided into two separate housing units for a total of four distinct housing areas.

Each structure will have an elevated/floating flooring system that will allow for no permanent foundations needing to be installed and which provides the ability to work with existing grades. This will reduce the scale of site work and will allow re-use of the existing parking lot areas upon future removal of the temporary structures. Thus, the installation of the temporary inmate housing units will not add additional impervious surfaces to the existing site, nor will it have any long-term impacts on the environment once removed.

The existing site is serviced by the City of Poughkeepsie public water and sanitary sewer systems and electricity and natural gas utilities. The capacity of these utilities to service the temporary modular housing units is discussed in the subject FEAF (Full Environmental Assessment Form). The design of these utility connections, permit applications and any further SEQRA review for municipal hookups will be undertaken by an architectural/engineering team selected by the County.

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

The main potential impacts to be discussed and given the requisite hard look under SEQR for the subject temporary, modular inmate housing project at the County Jail include:

1. Additional Traffic and Parking.
2. Impact on community character, new City of Poughkeepsie Walkway-Gateway zoning and nearby scenic resources.
3. Utilities capacity to handle increased use.
4. Increased use of adjacent brownfield site for overflow parking.
5. Temporary impacts on physical environment.

Additional Information for Answers to Questions from LEAF Part 1:

C.3. Zoning a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance?

The existing County Jail site was included in a recently enacted Walkway-Gateway Zoning District by the City of Poughkeepsie. The site was placed in the G-RM Subdistrict, which is a medium-density urban neighborhood consisting mostly of a mix of residences (including single-family, two-family, multi-family and rowhouses) as well as home occupations and a variety of small-scale non-residential uses. The existing jail site was the only property located on North Hamilton that was included in the W-G district, none of the adjacent residences or commercial properties were.

The existing Jail site predates the enactment of the G-W District and as a higher level of government the County is not subject to the application of the municipal zoning ordinance for governmental projects.

C.3. Zoning b. Is the use permitted or allowed by a special or conditional use permit?

Not applicable - As a higher level of government, the County is not subject to the application of the municipal ordinance for governmental projects.

D.1. Proposed and Potential Project Development b.b. Total acreage to be physically disturbed?

None of the existing site is to be physically disturbed. The proposed temporary, modular housing units are to be installed on an existing paved parking lot. Each structure will have an elevated/floating flooring system that will allow for no permanent foundations needing to be installed and which provides the ability to work with existing grades. This will reduce the scale of site work and will allow the re-use of the existing parking lot areas upon future removal of the temporary structures. Thus, the installation of the temporary inmate housing units will not add additional impervious surfaces to the existing site, nor will it have any long-term impacts on the environment once removed.

D.2. Project Operations c.ii. Will the proposed action obtain water from an existing water supply?

FEAF for Temporary Housing Units for 200 Inmates
At the Dutchess County Jail

The County contacted Richard L. DuPilka, P.E., Commissioner of Public Works & City Engineer to ask if sufficient water capacity was available within the City system for the project. After the County provided information on the current and projected count of persons at the Dutchess County Jail, Mr. DuPilka, P.E. responded that sufficient capacity exists to facilitate the project.

D.2. Project Operations d.iii. Will the proposed action use any existing public wastewater treatment facility?

The County contacted Richard L. DuPilka, P.E., Commissioner of Public Works & City Engineer to ask if sufficient wastewater treatment capacity was available within the City system for the project. After the County provided information on the current and projected count of persons at the Dutchess County Jail, Mr. DuPilka responded that sufficient capacity exists for the connection to the sanitary sewer and that Sewer Plant capacity also exists to facilitate the project.

Prior to the proposed connection, Mr. DuPilka requested that the County inspect the sanitary sewer in Hamilton Street from the proposed connection point to the crossover at High St. and transmit inspection reports to the City Engineering Division. In the event there is pipe that is structurally deficient, the County may be asked to complete repairs prior to connection. The County will conduct this study and transmit the findings to the City as requested.

D.2. Project Operations e. Will the proposed disturb more than one acre and create stormwater runoff...?

As discussed in the Project Description and D.1. Proposed and Potential Project Development b.b. (Total acreage to be physically disturbed?), there will be minimal disturbance to the project site. The proposed temporary, modular housing units are to be installed on an existing paved parking lot. Each structure will have an elevated/floating flooring system that will require no permanent foundations. This will reduce the scale of site work and will allow the re-use of the existing parking lot areas upon future removal of the temporary structures. The installation of the temporary inmate housing units will not add additional impervious surfaces to the existing site or change the current stormwater flow patterns or volume. There will be no long-term impacts on the environment once removed.

D.2. Project Operations j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?

Dutchess County reviewed the projected increase in traffic based on the proposed return of approximately additional 200 inmates to be housed on site on a daily basis, which would raise the jail's current inmate population from 257 to 457.

The existing level of traffic generated is based on 257 inmates daily. This results in 93 inmate visitors per day (65 civilian and 28 professional), 155 Jail staff and 20 vendors, 4 deliveries a day, refuse pickup 3 days a week, other police agencies delivering 4-7 inmates a day, Jail staff using 1-4 vehicles to deliver and return inmates to court, the DA's office or medical transport between 10-30 times a day (10-120

*Full Environmental Assessment Form
Part I - Project and Setting*

Instructions for Completing Part I

Part I is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part I is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Temporary Housing Units for 200 additional Inmates at Dutchess County Jail		
Project Location (describe, and attach a general location map): 150 North Hamilton Street, City of Poughkeepsie, Dutchess County, NY (Property card attached)		
Brief Description of Proposed Action (include purpose or need): The County of Dutchess intends to install, populate and operate temporary, modular housing units for 200 inmates at the Dutchess County Jail, under a Memorandum of Agreement with the State Commission of Corrections (SCCC). The project would add an additional 200 inmates to the County Jail's current capacity of 257, for a total of 457 inmates housed at the County's facility on Hamilton Street, in the City of Poughkeepsie, Dutchess County, NY. The project's purpose is to temporarily eliminate the need to house out approximately 200 inmates per day at other Counties' Jail facilities. Returning these inmates to the Dutchess County Jail will allow the inmates access to a variety of special services and programs and allow Dutchess County to better determine the overall capacity and type of beds needed for a permanent solution to the Jail capacity problem. In addition, having the housed out inmates at the existing jail site will also provide the opportunity plan for what transitional services for inmates should be included in the contemplated "campus style" jail facility to be constructed in the future by Dutchess County.		
Name of Applicant/Sponsor: County of Dutchess	Telephone: 845-486-2685	E-Mail: dpwadmin@dutchessny.gov
Address: 626 Dutchess Turnpike		
City/PO: Poughkeepsie,	State: NY	Zip Code: 12603
Project Contact (if not same as sponsor; give name and title/role): Noel Knille, AIA, ASLA/ Commissioner of DC Dept. of Public Works	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Poughkeepsie, Hookups to Municipal water and sewer systems	7/1/2014
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State Commission of Corrections, Variance to allow population of modular housing facility	8/1/2014
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance, Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
Not applicable - As a higher level of government, the County is not subject to the application of the municipal ordinance for governmental projects.

b. Is the use permitted or allowed by a special or conditional use permit? NA Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Not applicable

b. What police or other public protection forces serve the project site?
The County Sheriff's Office is responsible for police protection at the County Jail.

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?
Not applicable

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Governmental (temporary housing of inmates)

b. i. Total acreage of the site of the proposed action? 7.84 acres.
 b. Total acreage to be physically disturbed? 0.0 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.91 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 9 Units: 200 temp. inmate housing

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 4-6 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

* See Attachments for additional information

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	200 temp, inmate housing units
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite). Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

e. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: Existing 20,000, proposed 40,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: City of Poughkeepsie
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: Not applicable

vi. If water supply will be from wells (public or private), maximum pumping capacity: NA gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: Exist 20K, Prop 40K gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Poughkeepsie Wastewater Treatment Plant
- Name of district: City of Poughkeepsie
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

 See Attachments for additional information
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Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

Yes No

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
 Not applicable _____
 vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

Yes No

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources: _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

Yes No
 Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?
 Will stormwater runoff flow to adjacent properties?

Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 Prisoner Transport, vendor, visitor and staff vehicles
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 None
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 None

Yes No

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

* See Attachments for additional Information
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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Packing spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/4 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
 1.8 million kwh existing, 2.3 million kwh proposed

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 Via electric grid (CHGE)

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	7am - 5pm	• Monday - Friday:	24 hours a day
• Saturday:	7am - 5pm	• Saturday:	24 hours a day
• Sunday:	none	• Sunday:	24 hours a day
• Holidays:	none	• Holidays:	24 hours a day

* See Attachments for additional information

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
During construction only, lifting equipment, power and hand tools

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Existing lighting to be relocated during modular housing unit construction

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ week (unit of time)
- Operation: _____ tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Not Applicable
- Operation: Not Applicable

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Contractor will handle any disposal of waste needed during construction
- Operation: Existing Commercial refuse removal and disposal service via contract with County

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

Project will occur on site of existing County Jail. Neighborhood surrounding jail is typical urban mix of industrial, commercial and older residential uses.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	6.0	6.0	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)	1.0	1.0	0
• Other Describe: lawn and landscaped areas	0.8	0.8	0

c. Is the project site presently used by members of the community for public recreation? Yes No
 1. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities:
 Some of the inmates at the County Jail fall into these categories, the project does not change the mix of inmates housed.

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
 The adjacent 1.83 acre site was previously occupied by a printing facility. Site was declared a brownfield and cleaned up under NYSDEC supervision by the City of Poughkeepsie. Site contained VOCs. NYSDEC Environmental easement filed for site restricting future use.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): _____
 Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): E00020
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 Building has been removed and an environmental easement has been filed with NYSDEC, which contains a use restriction and/or prohibition on the use of land in a manner consistent with engineering controls intended to ensure the long-term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste. (Parcel's property card and Environmental Easement attached).

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

Involved brownfield parcel is adjacent to existing Jail site. County has purchased. Temporary housing units to be installed on other side of existing jail from brownfield site. Only use of brownfield site is for overflow parking displaced by temp. units installed on existing parking lot, behind jail.

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? +/-10 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? less than 5%

c. Predominant soil type(s) present on project site: poorly drained gravel/loam 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: +/-10 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
 Typical urban species: _____ squirrels _____
 racoon _____ pigeons _____
 skunk _____ local birds _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

* See Attachments for additional information.

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>Walkway over the Hudson</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park and Scenic resource</u>	
iii. Distance between project and resource: <u>less than 1 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program of NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No	



* See Attachments for additional information.

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name County of Dutchess Date 4/10/14

Signature Barbara Barclay Title Senior Planner, DCDPW

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)	
Project:	Temp. Inmate Housing at DC Jail
Date:	4/10/14

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - f. If "No", move on to Section 2.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part I, E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark, Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part I, D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10-acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c.	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1, D.2.f., D.2.h., D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 3 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1, E.2. m.-q.) NO YES
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land. (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1, E.1.a, E.1.b, E.3.h.)
 NO YES
If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year-round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h, E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archeological resource. (Part 1, E.3.e, f. and g.)
 NO YES
If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1, C.2.c, E.1.c., E.2.q.). <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat,	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2e, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2e, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1, E.3.d). <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems.
 (See Part I, D.2.j)
 If "Yes", answer questions a - g. If "No", go to Section 14.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access;	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>The proposed action will increase traffic surrounding the existing jail site, but not significantly and it will not exceed the capacity of the existing road network.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy.
 (See Part I, D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: <u>The project would increase the use of electricity by 500 MWhrs</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting.
 (See Part I, D.2.m, n, and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d, f, g, and h.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1, C.1, C.2, and C.3.)

NO

YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1h E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d, D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: <u>As a governmental action of a higher level of government the project is exempt from local zoning control.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1, C.2, C.3, D.2, E.3)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
 To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Impact on Transportation

The proposed action will increase traffic surrounding the existing jail site, but not significantly and it will not exceed the capacity of the existing road network, nor decrease the level of service for the surrounding area.

Impact on Energy

The project would increase the use of electricity, but not significantly. The increase will not exceed the capacity of the surrounding utilities or the electric grid.

Impact on Human Health

The installation of the temporary, inmate housing units will displace some of the parking for the Jail Staff. These vehicles will be parked on the adjacent site, which was recently acquired by the County. The adjacent site was the subject of a brownfield remediation project by the City of Poughkeepsie. A NYSDEC Environmental Easement, which limits future use of the property and establishes engineering controls to prevent exposure to contaminants, is in effect for the brownfield site. The use of the adjacent site for parking is an allowed use and will not violate any established engineering controls for the site.

The proposed action will result in a small increase in the amount of solid waste generated by the project site. During construction the waste will be disposed of by the contractor. During operation of the temporary housing units, the waste will be disposed of via the County Jail's contract with its current waste disposal firm.

Consistency with Community Plans

The existing County Jail site was included in a recently enacted Walkway-Gateway Zoning District by the City of Poughkeepsie. The site was placed in the G-RM Subdistrict, which is a medium-density urban neighborhood consisting mostly of a mix of residences. The existing jail site was the only property located on North Hamilton that was included in the W-G district, none of the adjacent residences or commercial properties were included in this new zoning district. The existing Jail site predates the enactment of the G-W District and as a higher level of government the County is not subject to the application of the municipal zoning ordinance for governmental projects.

(Continued on Attachment to Part III of the subject LEAF)

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type I Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Memorandum of Agreement with State Commission of Corrections (signed by SCOC Chairman, March 18, 2014), Validation Study of the Dutchess County
Criminal Justice System Needs Assessment by Rice/Greene Asso. (dated May 28, 2013) and Proteus On-Demand Facilities response to RFP-DCP-62-13,
filled Temporary Inmate Housing Structures for the Dutchess County Jail (dated Oct. 3, 2013)

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
County of Dutchess _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact
statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or
substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative
declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

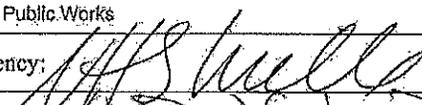
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact
statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those
impacts. Accordingly, this positive declaration is issued.

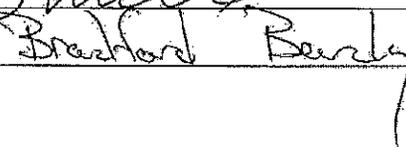
Name of Action: Temporary Housing Units for 200 Additional Inmates at Dutchess County Jail

Name of Lead Agency: County of Dutchess

Name of Responsible Officer in Lead Agency: Noel Knille, AIA, ASLA

Title of Responsible Officer: Commissioner of Public Works

Signature of Responsible Officer in Lead Agency:  Date: 4/18/14

Signature of Preparer (if different from Responsible Officer):  Date: 4/10/14

For Further Information:

Contact Person: Noel Knille, AIA, ASLA

Address: 626 Dutchess Turnpike, Poughkeepsie, NY 12603

Telephone Number: (845) 486-2085

E-mail: dpwadmin@dutchessny.gov

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Full Environmental Assessment Form for Temporary Housing Units for 200 Inmates at the Dutchess County Jail Part 3 Attachment

Reason Supporting this Determination (Continued)

Consistency with Community Character

The County does not consider this project to be inconsistent with the existing community character. This site has been the home of the County Jail, since the early 1900s. The proposed action will demand additional police services, but the County Sheriff's Office is on site and the inmates that would be returned to the Jail are the Sheriff's responsibility even when they are housed out of County.

The project site is located less than one mile from the Walkway over the Hudson State Park, which is considered a recreational and scenic asset to the area. The Park's parking lot is the closest portion of the park to the involved project site. Pictures were included in the Attachments to Part 1 of the subject FEAF, which show that the project site is not visible from the Park's parking lot or its entrance off Parker Avenue, even with no leaves on the trees.

Pictures were also included showing that the project site, which is to be located behind the existing Jail, was only partially visible from the southern end of the Jail site, along North Hamilton Street. Even this partial view of the project site is obscured by the perimeter security fence and an associated landscape hedge.

Segmentation

The project narrative attached to the involved FEAF discusses the separation of the SEQR review for the installation and operation of temporary housing units at the Dutchess County Jail to allow the County to return to its jail site inmates currently housed out in other Counties' Jails and the SEQR review for an as of yet undefined permanent solution to the need for Dutchess County to create additional jail capacity. The three questions presented in the NYSDEC SEQR Handbook for the limited circumstances where a segmented review is justified were answered in the affirmative in the Project Narrative.

FEAF Part 3 Attachment for Temp. Housing Units at Dutchess County Jail

To summarize

1. *Information on future project phase(s) is too speculative;*

The future permanent solution to Dutchess County's Jail Capacity needs is in the project definition stage, which is schedule to be completed in mid-2015. One issue that needs to be resolved is a final determination on what number and classification of beds is needed. This issue cannot be adequately resolved until the number of inmates housed out in other facilities is drastically reduced and those inmates are returned to the Dutchess County Jail site and provided the opportunity to access special services and alternatives to incarceration programs, which is expected to reduce the Average Daily Population numbers for the Jail and thus impact the needed additional capacity. At this time, it would be difficult to even determine what Type of action under SEQR the project would fall into and what other agencies would be required to issue permits and thus be involved agencies in the review of that action.

2. *Future phases may not occur;*

Once the permanent solution to the jail capacity problem is adequately defined, designed and a cost estimate for construction is determined, the County Legislature will have to approve the project and decide whether to fund it or not. This significant funding decision will require a two-thirds majority vote of the County Legislature to proceed, which may not occur.

3. *Future phase(s) are functionally independent of the current phase(s).*

The permanent solution and the installation of the temporary housing units are functionally independent as the County's MOA with the State Commission of Corrections states that if and when the permanent capacity solution is constructed the temporary units must be removed. Furthermore, if the County does not proceed with the permanent capacity solution in an expedited manner, the State has the right to demand that the County remove the temporary housing units. Thus, temporary housing units will have to be removed whether or not the permanent capacity solution comes to fruition and the

In conclusion, the separation of the action to install and operate the temporary, modular inmate housing units and the larger, as of yet undefined, project to construct permanent additional jail capacity for Dutchess County will be no less protective of the environment for the following reasons:

1. The MOA between the Dutchess County and the SCOC will not allow the operation of the temporary units, once the permanent facility is complete ensuring that there will be no cumulative impacts not addressed under separate SEQR reviews.
2. The installation of the temporary units does not commit the County to a future course of action for a permanent jail capacity solution. The modular units will be installed over the existing, paved back parking lot for the Jail and do not need foundations, so that once they are removed there will be no lasting impacts on the environment.
3. The permanent additional jail capacity project is as of yet undefined. The project definition phase of the permanent additional jail capacity project has been funded and is scheduled to

FEAF Part 3 Attachment for Temp. Housing Units at Dutchess County Jail

begin once a decision is made on the temporary modular inmate housing units and be completed in mid-2015. The current, project definition phase of the permanent jail capacity project qualifies as a Type II Action under SEQRA.

4. The installation of the temporary housing units at the existing jail will allow the County to return the currently housed out inmates to the site and allow them visitation with family and attorneys, access to special services, pre-classification, court dates and alternatives to incarceration, while reducing the state of flux caused by the logistics of housing out so many inmates. As this state of flux abates and inmates are able to access additional services and options, the long-term needs for a permanent solution to Dutchess County's jail capacity problem can be better understood and examined through the ongoing project definition phase. The County has included an increase in \$150,000 in inmate programming costs to ensure that inmates brought back to the County Jail site have access to these resources.

Attachments to the FEAF
for Temporary, Modular Housing Units
to Accommodate 200 Additional Inmates
at the Dutchess County Jail

Property Card for
the Existing Dutchess County Jail Site
at 150 North Hamilton Street,
in the City of Poughkeepsie,
Dutchess County, NY



INTRANET

Parcel Grid Identification #:
131300-6162-62-238330-0000
Municipality: City Poughkeepsie

Parcel Location
N 150 Hamilton St

Owner Name
Dutchess County, (P)

Primary (P) Owner Mail Address
22 Market St
Poughkeepsie NY 126010000

Parcel Details

Size (acres):	7.84 Ac(s)	Land Use Class:	(670) Community Services; Correctional
File Map:	UNFL	Agri. Dist.:	(0)
File Lot #:	SRVY	School District:	(131300) Poughkeepsie City School District
Split Town			

Assessment Information (Current)

*** 2014 assessments not yet established ***

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	0	1934	0494	()	0

Site Information:

Site Number: 1	Sewer Type:	Desirability:	Zoning Code:	Used As:
Water Supply: (3) Comm/public	(3) Comm/public	(3) Superior	I-1	(Z40) Correctn fac

Commercial/Industrial/Utility Building Information:

Site Number: 1
Bldg./Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1950	3	35586	(0679) 2-4 sty jail load sup	(1) Average-

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	0

Number Identical:	Condition Code:
0	3

Commercial Rental Information:

Site Number: 1
Use Number: 1
Used As: (Z40) Correctn fac

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
()	35586	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Exemption Information:

Exemption: 13100

Name:	Amount:	Percent
County Owned	\$11400000	0

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Proposed Project Location Overview and Layout Plan

for

Temporary Inmate Housing Structures

At the Dutchess County Jail



6727 OAK RIDGE COMMERCE WAY SW
AUSTELL, GA 30168 USA

PH 770 333 1886
TF 1 877 333 2637
FX 770 333 9892

proteusondemand.com
deboerwinings.com

TEMPORARY REAL ESTATE SOLUTIONS
ON-DEMAND FACILITIES
FOOD SERVICES

October 3, 2013

Monte Alsup

Email: malsup@proteusondemand.com

Cell: 678-988-8045

Office: 770-333-1886

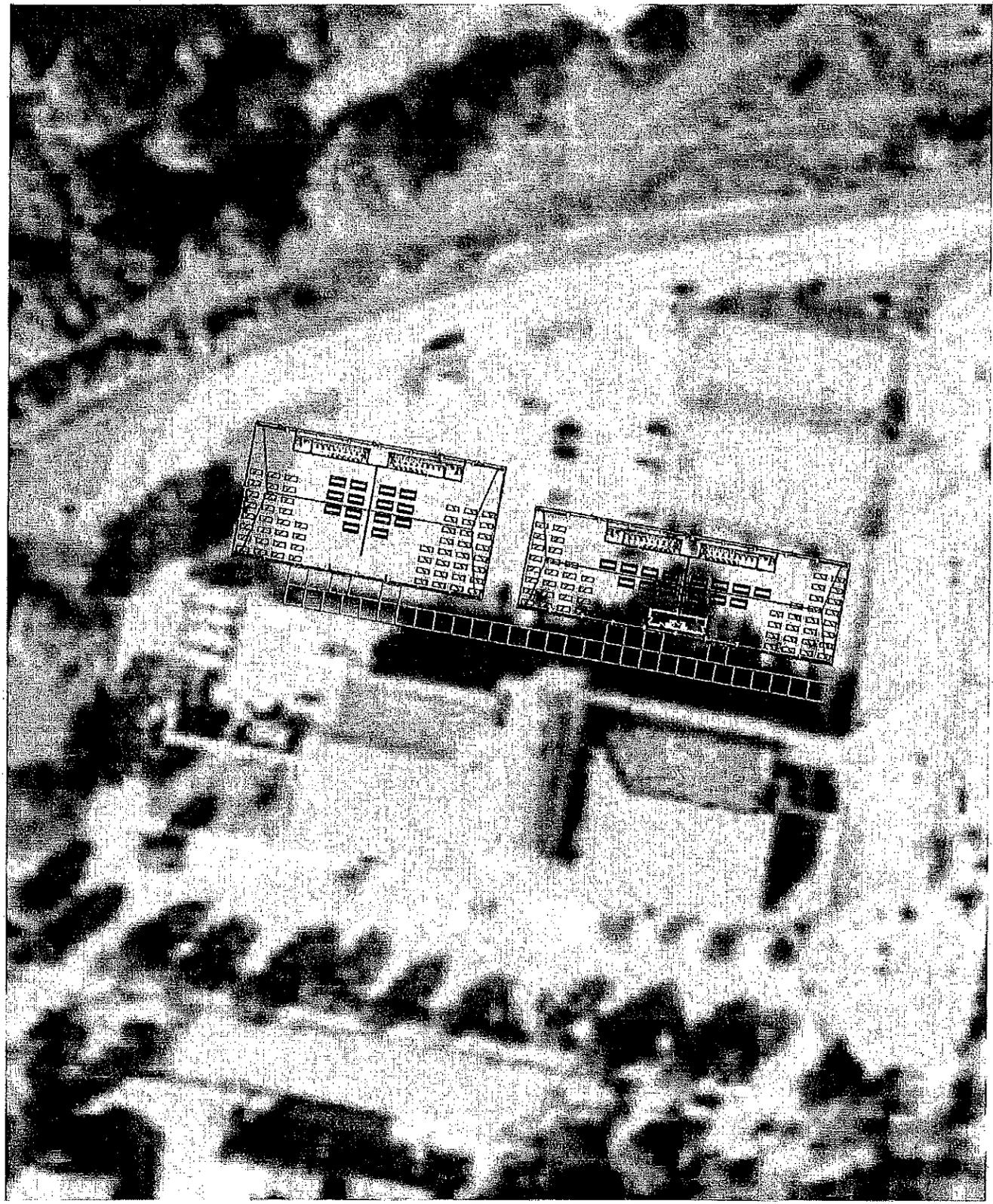
Fax: 770-333-9892

RFP-DCP-62-13

Temporary Inmate Housing Structure(s)
For The Dutchess County Jail

DO NOT SCALE - ALL DIMENSIONS IN'

MM UNLESS OTHERWISE STATED



DATE: 04-03-23
P540
 DRAWN BY: JMS

PROPOSED OVERVIEW
 DUTCHESS COUNTY JAIL

Project No. 2022-001
 2271 Oak Ridge
 Albany, NY 12204
 518.793.3100
 Fax: 518.793.3100

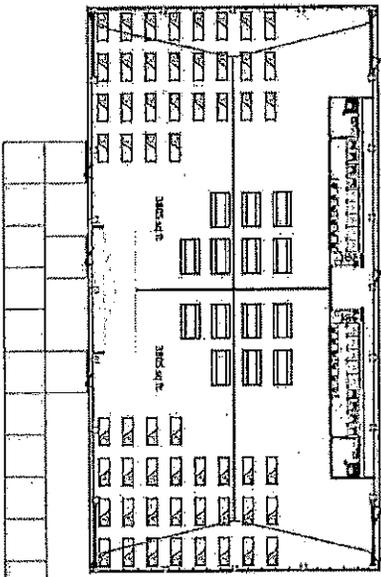
2271 Oak Ridge
 Albany, NY 12204
 518.793.3100
 Fax: 518.793.3100



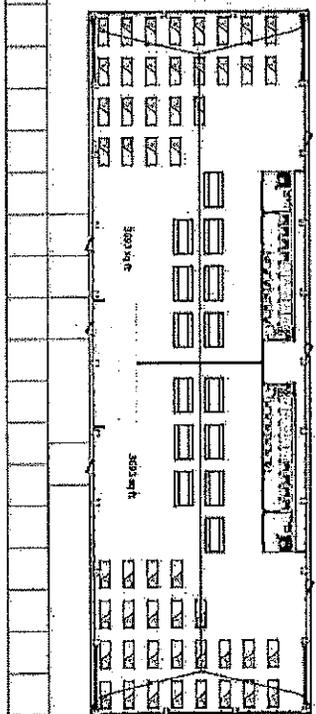
REVISION	
No.	Change
1	Issued for RFP

NOTES:
 2 X 49 INMATE POD
 2 X 56 INMATE POD
 350 FT WALKWAY

P20/625 / 5 X 40

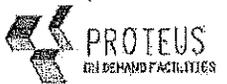


P15/625 / 5 X 50



DO NOT SCALE - ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE STATED

REVISIONS



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Project: 0216
 Project: 0216
 Project: 0216

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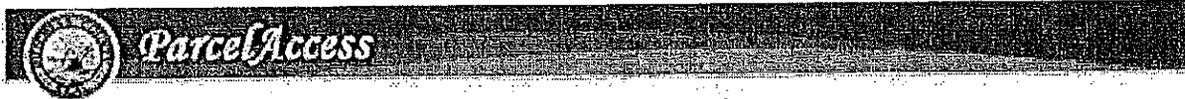
PROPOSED PLAN

DUTCHESS COUNTY JAIL

DATE: 08-22
P541

DATE: 08-22
 DATE: 08-22

Property Card for the Brownfield Site,
Located at 182 North Hamilton Street,
Adjacent to the Existing Dutchess County Jail Site
in the City of Poughkeepsie,
Dutchess County, NY



INTRANET

Parcel Grid Identification #:
131300-6162-54-240389-0000
Municipality: City Poughkeepsie

Parcel Location
N 182 Hamilton St

Owner Name
Parker Hamilton Corporation, (P)

Primary (P) Owner Mail Address
108 Parker Ave
Poughkeepsie, NY 12601-0000

Parcel Details

Size (acres): 1.83 Ac (C) Land Use Class: (330) Vacant Land Located in Commercial Areas
File Map: Agri. Dist.: (0)
File Lot #: School District: (131300) Poughkeepsie City School District
Split Town:

Assessment Information (Current)

*** 2014, assessments not yet established ***

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	4/12/2011 3:47:23 PM	22011	1860	(B)	1

Site Information:

Site Number: 1	Sewer Type:	Drainability:	Zoning Code:	Used As:
Water Supply:	(3) Comm/public	(1) Inferior	I-1	(Z98) Non-contrib
(3) Comm/public				

Commercial Rental Information:

Site Number: 1				
Use Number: 1				
Used As: (Z98) Non-contrib				
Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts:	Area 3 Bdrms Apts:
()	0	0	0	0
Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts	
0	0	0	0	

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NYSDEC Environmental Easement for the Brownfield Site,
Located at 182 North Hamilton Street,
in the City of Poughkeepsie,
Dutchess County, NY

County: Dutchess

Site No: B00020

11/13/08
ECL
71
80

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 22 day of December, 2008, between Owner City of Poughkeepsie having an office at 62 Civic Center Plaza, Poughkeepsie, New York 12601 (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 / Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and of ensuring the potential restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 166-186 North Hamilton Street, in the City of Poughkeepsie, Dutchess County, New York known and designated on the map of Dutchess County as section 6162, block 54, lot 240389, comprised of approximately 1.96 acres (the "Controlled Property"); and

WHEREAS, the Commissioner does hereby acknowledge that the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established at this Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the covenants and mutual promises contained herein and the terms and conditions of State Assistance Contract Number B00020, Grantor grants, conveys and releases to Grantee a permanent Environmental Easement pursuant to Article 71, Title 36 of the ECL in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. **Purposes.** Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. **Institutional and Engineering Controls.** The following controls apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees, and any person using the Controlled Property:

A. The Controlled Property may be used for restricted commercial/industrial use as long as the following long-term engineering controls are employed:

(i) the use of the groundwater underlying the Controlled Property for any purpose, including but not limited to, potable, process or irrigation water, is prohibited without the prior approval of the New York State Departments of Health and Environmental Conservation; and

(ii) soils on the Controlled Property must be managed, characterized, and properly disposed of in accordance with the NYSDEC laws and Regulations;

(iii) the potential for vapor intrusion into any buildings developed on the site must be evaluated, including provisions for mitigation of any impacts identified;

(iv) any subslab soil vapor mitigation system installed under any building structure must be inspected, certified, and maintained as required by the NYSDEC; and

(v) the owner must provide annual certification as required by NYSDEC that the institutional controls and engineering controls are unchanged.

B. The Controlled Property may not be used for a higher level of use such as unrestricted or restricted residential use and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

D. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

E. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury that the controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls employed at the Controlled Property were approved by the NYSDEC, and that nothing has occurred that would impair the ability of such control to protect the public health and environment or constitute a violation or failure to comply with any Site Management Plan for such controls and giving access to such Controlled Property to evaluate continued maintenance of such controls.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Controlled Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer the underlying fee interest to the Controlled Property by operation of law, by deed, or by indenture, subject and subordinate to this Environmental Easement;

5. Enforcement.

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person intentionally violates this Environmental Easement, the Grantee may revoke the Certificate of Completion provided under ECL Article 27, Title 14, or Article 56, Title 5 with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach. Grantor shall then have a reasonable amount of time from receipt of such notice to cure. At the expiration of said second period, Grantee may commence any proceedings and take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement in accordance with applicable law to require compliance with the terms of this Environmental Easement.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar its enforcement rights in the event of a subsequent breach of or noncompliance with any of the terms of this Environmental Easement.

6. Notice. Whenever notice to the State (other than the annual certification) or approval from the State is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information: County, NYSDEC Site Number, NYSDEC Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Environmental Easement Attorney
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-1500

Such correspondence shall be delivered by hand, or by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. This Environmental Easement may be amended only by an amendment executed by the Commissioner of the New York State Department of Environmental Conservation and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation and filed

County: Dutchess

Site No: B00020

with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Grantor's Name

By:

JOHN C. TKAZYIK

Title: MAYOR

Date: 5/20/08

Grantor's Acknowledgment

STATE OF NEW YORK

COUNTY OF DUTCHESS

} ss:

On the 20th day of MAY, in the year 2008, before me, the undersigned, personally appeared JOHN C. TKAZYIK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as MAYOR, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public - State of New York

KRISTEN GUTHRIE
Notary Public, State of New York
No. 01608040553
Qualified in Dutchess County
Comm. Expires April 24, 2010

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation

by:

Alexander B. Grannis, Commissioner

County: Dutchess

Site No: B00020

Grantee's Acknowledgment

STATE OF NEW YORK }
COUNTY OF ALBANY } ss:

On the 22 day of Dec, in the year 2008, before me, the undersigned, personally appeared ALEXANDER B. GRANNIS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public - State of New York

CINDY LOU M. FRANKS-DIXON
Notary Public, State of New York
No. 4835685
Qualified in Albany County
Commission Expires August 24, 2009

EDMS # 295772

Notary Public
Cindy Lou M. Franks-Dixon
No. 4835685
Qualified in Albany County
Commission Expires August 24, 2009

PDCTC Traffic Count Report

For North Hamilton Street

October, 2012

STATION: 826066

Poughkeepsie-Dutchess County Transportation Council
Traffic Count Hourly Report

ROAD #: 1050 ROAD NAME: HAMILTON ST (NO SOUTHBOUND) FROM: MILL ST TO: MANSION ST EB
 DIRECTION: Southbound REG. SERIAL #: 0050
 STATE DIR CODE: 2 WK. OF YR: 42 PLACEMENT: 354 FT N OF MILL ST
 DATE OF COUNT: 10/15/2012 @ REF MARKER:
 NOTES: LANE 1: SB TRAVEL LANE ADDL DATA:
 COUNT TYPE: VEHICLES
 PROCESSED BY: ORG CODE: MPD INITIALS: ED
 COUNTY: Dutchess
 CITY: POUGHKEEPSIE
 LION#: 2262720
 BIN:
 RR CROSSING:
 HPM'S SAMPLE:
 CC Sht:
 BATCH ID: MPD-Tra-State files

COUNT TAKEN BY: ORG CODE: TST INITIALS: --

DATE	DAY	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL	DAILY HIGH	DAILY LOW		
		TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO												
1	M	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12					
2	T																													
3	W																													
4	T																													
5	F																													
6	S																													
7	S																													
8	M																													
9	T																													
10	W																													
11	T																													
12	F																													
13	S																													
14	S																													
15	M	44	18	8	14	8	30	81	203	361	515	513	539	395	298	347	374	347	341	221	175	137	111	83	58	43	5	5184	536	11
16	T	51	15	17	8	10	33	77	208	492	265	222	280	304	322	351	349	385	345	254	174	138	105	80	43	43	4528	492	8	
17	W	18	13	9	16	12	32	69	213	272	275	290	98	0	0	330	357	333	336	257	187	180	113	97	41	3533	357	15		
18	T	19	19	17	17	8	34	80	202	276	239	334	281	335	310	334	354	358	339	241	170	137	115	101	82	4417	358	16		
19	F																													
20	S																													
21	S																													
22	M																													
23	T																													
24	W																													
25	T																													
26	F																													
27	S																													
28	S																													
29	M																													
30	T																													
31	W																													

ADT 4046
 ESTIMATED (one way)
 AADT 4046

ROAD #: 1050 ROAD NAME: HAMILTON ST (NO SOUTHBOUND) FROM: MILL ST TO: MANSION ST EB
 STATION: 826066 STATE DIR CODE: 2 PLACEMENT: 354 FT N OF MILL ST
 COUNTY: Dutchess DATE OF COUNT: 10/15/2012

FEAF Part 1
for the Temporary Housing Units for 200
additional inmates
at the Dutchess County Jail

*Views of project site from scenic resources and
adjacent local streets*

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

April 8, 2014

Ms. Pamela Barrack, Commissioner of Finance
County of Dutchess
22 Market Street
Poughkeepsie, New York 12601

Ref: A-133 Audit Report
FEIN 146002566
For Period Ended December 31, 2012

Dear Ms. Barrack,

The New York State Department of Health (Department) has reviewed the report referenced above. The purpose of our review was to evaluate whether your agency complied with applicable standards, including Generally Accepted Accounting Principles, Government Auditing Standards, and Office of Management and Budget Circulars. Our review applies only to contracts with the Department, and does not apply to contracts with Health Research, Incorporated or any other State agency.

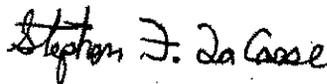
Based upon our review, a response and/or additional documents are required. Please see the reverse side of this page and submit the requested documents/clarification as instructed below. The Department may suspend payments and/or deem the agency ineligible for future awards for failing to respond within 30 days of the date of this letter.

Responses should be delivered as a PDF attachment emailed to our office using our fingau@health.state.ny.us email address. Please include the word "response" and your agency name in the subject line. Alternatively, but not preferred, you may deliver your response to our office address below.

NYS Department of Health, Audit Services - Clearinghouse
2560 Corning Tower, Empire State Plaza
Albany, NY 12237-0041

If you have questions, please call me (518) 473-3920 for clarification.

Sincerely,



Stephen F. La Casse
Associate Accountant

Agency: County of Dutchess

Finding

Review Decision

2012-1 The Audit Report states the Account Receivable balances and the Due From Other Government balances are not being reviewed and reconciled. This has led to overstating revenues and fund balances in prior years. Further, this error made it necessary to post a prior year adjustment of over \$6 million to correct the Account Receivable balance. Although the cause of this internal control weakness is the "reassignment" of federal funding from one program to another, the Report does not clarify whether the movement of these funds was permitted by the grantor organization and memorialized in a contract modification. The County states the department where the error occurred was developing a corrective action plan. This plan will include better communication, training and review.

The implementation of a review process performed by individuals independent of the particular department will be critical to correct this material weakness in internal controls. In addition, contract modifications generally require the consent of the grantor organization prior to implementation by the grantee. The Department will closely examine the audit report to be submitted for FYE 12/31/13 to ensure the County has eliminated this weakness.

2012-3 The Audit Report states the County claimed central service costs at the indirect cost rate calculated for 2011 instead of determining the updated cost rate for FYE 12/31/12. This resulted in questioned costs of \$167,447. The County states a supplemental claim was submitted in 2013 as a correction and will correct procedures to ensure future compliance.

Please provide a copy of the claim submitted and the analysis performed supporting the claim. Also, please explain the changes made to policies and procedures to prevent this from recurring.

COUNTY OF DUTCHESS, NEW YORK
Schedule of Findings and Questioned Costs
Year Ended December 31, 2012

Part II. Financial statement findings section

We consider the deficiency presented below to be a material weakness in internal control.

Finding 2012-1—Receivables Policies and Procedures

Criteria: The accounts receivable and due from other governments ledger should be reviewed and analyzed to reflect valid and collectible balances on a current basis. It is important to reconcile supporting schedules to the general ledger to ensure the accuracy of financial information and minimize the risk of misstatement or misappropriation.

Condition: During our current-year audit procedures we found that a material amount related to federal claiming was recorded twice in error by the County. We noted that the accounts receivable and due from other governments balances are not routinely reconciled and evaluated within the aging analysis. This practice serves as a check on the accuracy of the record-keeping process and maintains the receivables on a more timely and accurate basis. The detail listing of accounts receivable and due from other governments should be reconciled and analyzed for aging at the end of each month. Any differences should be investigated and resolved as soon as possible.

Effect: As a result of this error, the County's revenues and fund balance were overstated in prior years and require a prior period adjustment to beginning fund balance for the year ended December 31, 2012 to remove the net \$6,721,568 receivable amount.

Cause: The County's review and aging analysis of the accounts receivable and due from other government's balances is not performed on a regular basis or in adequate detail. A reassignment of federal funds to a different program that required a transfer of assets resulted in the double recording of such material amount due to lack of review.

Audit Recommendation: We suggest that formal procedures for review and aging analysis of receivable balances be established. All cash receipts should be matched to the accounts receivable aging and any discrepancy should be researched and resolved by either writing off the remaining receivable or reevaluating its collectability. We also recommend that appropriate management-level personnel review the receivable analysis for accuracy and document evidence of their review for audit purposes.

Management Response: The County department responsible for which the receivable was recorded twice is in the process of developing a corrective action plan. The department is working with New York State to receive additional claims training and also will implement policies and procedures to include the attributes recommended herein. The goal of such corrective action plan is to improve communication with the central finance department of the County to maintain the most current and accurate revenues and aging analysis on a continuous basis. It has been recommended that additional personnel be assigned the task of reviewing the receivable analysis for accuracy and document evidence of this review.

We consider the deficiency presented below to be a significant deficiency in internal control.

Finding 2012-2—Airport Operations

Criteria: Adequate controls and procedures should be in place regarding cash receipts and recordkeeping at the Airport.

Condition: During our testing of monthly rental billing, we noted that amounts billed did not agree to amounts stated in contracts. Also, amounts that were past due were not charged a late fee. There was not an updated copy of liability insurance for each customer as required by the County. Additionally, cash receipts and deposits are performed by the same employee and billing and recordkeeping processes are not formally documented.

Effect: Without updated contracts, it cannot be determined if a customer is being billed the appropriate amount. Since customers are able to make late payments and avoid penalties, it cannot be assured that payments will be received in a timely manner. Without the confirmation of current liability insurance, the Airport could potentially find itself liable for damage to a plane while on its premises. Inadequate segregation of duties increases the risk of misappropriation of assets and fraud, while the lack of formal procedures documentation creates the opportunity for the Airport to a delay in operations if the current Account Clerk leaves or is out for an extended period of time.

Cause: The Airport has not adopted formal controls and procedures regarding cash receipts and recordkeeping.

Audit Recommendation: We recommend that contracts are updated for the current billing amounts and signed memos are returned from customers indicating their agreement to the current billing amount. Also, we recommend that late fees are enforced and charged for customers that do not pay on time. We suggest that all customers furnish an updated copy of liability insurance to comply with the Airport policies. Lastly, we recommend that the cash process be segregated and overseen by more than one employee, with the current process for monthly billing and all recordkeeping procedures formally documented.

Management Response: The Airport intends on achieving the suggested recommendations. The Airport will send out memos to be signed and returned, stating each customer's current rates. Additionally, the Airport will evaluate and adjust its billing system to accommodate the use of late fees. Current insurance policies will be required and obtained directly from all customers. The current staffing situation has made certain segregation of duties very difficult to achieve; however, the Airport is in the process of training a new employee to perform other duties so as to allow for more adequate segregation. Lastly, the Airport is in the process of preparing a formal procedures document for backup purposes and reference in the future.

Part III. Federal award findings and questioned costs section

Finding 2012-3—Allowable Costs/Cost Principles

Child Support Enforcement CFDA#93.563, Foster Care – Title IV-E CFDA#93.658, Adoption Assistance CFDA#93.659, Medical Assistance Program CFDA#93.778

Criteria: When a County claims central service costs under Federal Awards, a Central Service Cost Plan ("CAP") should be developed. This CAP should include costs that will be claimed in accordance with the requirements of OMB Circular A-87. The rate determined by the CAP should be applied each month to claim central service costs of the federal program.

Condition: During our procedures it was discovered that the County claimed central service costs for 2012 using indirect cost rates from the CAP prepared for the 2011 fiscal year as opposed to the updated 2012 rates.

Effect: When the incorrect central service CAP is used for claiming, the County is not in compliance with the requirements of OMB A-133. As presented below, the use of the outdated CAP resulted in the following likely questioned costs attributed to the federal programs tested.

<u>Program Title</u>	<u>Federal CFDA Number</u>	<u>Likely Questioned Costs</u>
Child Support Enforcement	93.563	32,990
Foster Care - Title IV-E	93.658	93,084
Adoption Assistance	93.659	2,880
Medical Assistance Program	93.778	38,493
Total		\$ 167,447

Cause: The County does not have adequate procedures in place to ensure that the proper CAP is being used for federal claiming.

Audit Recommendation: We recommend that the County develop adequate controls to ensure that the most current CAP rates are used for claiming federal awards.

Management Response: In 2013, the County has submitted a supplemental claim to correct this error. Additionally, the County will review its policies and procedures to ensure future compliance.

Finding 2012-4—Reporting

Home Investment Partnership Program, CFDA# 14.239

Criteria: Performance required by U.S. Department of Housing and Urban Development (“HUD”) should be completed and submitted by the County for the HOME Investment Partnership Program.

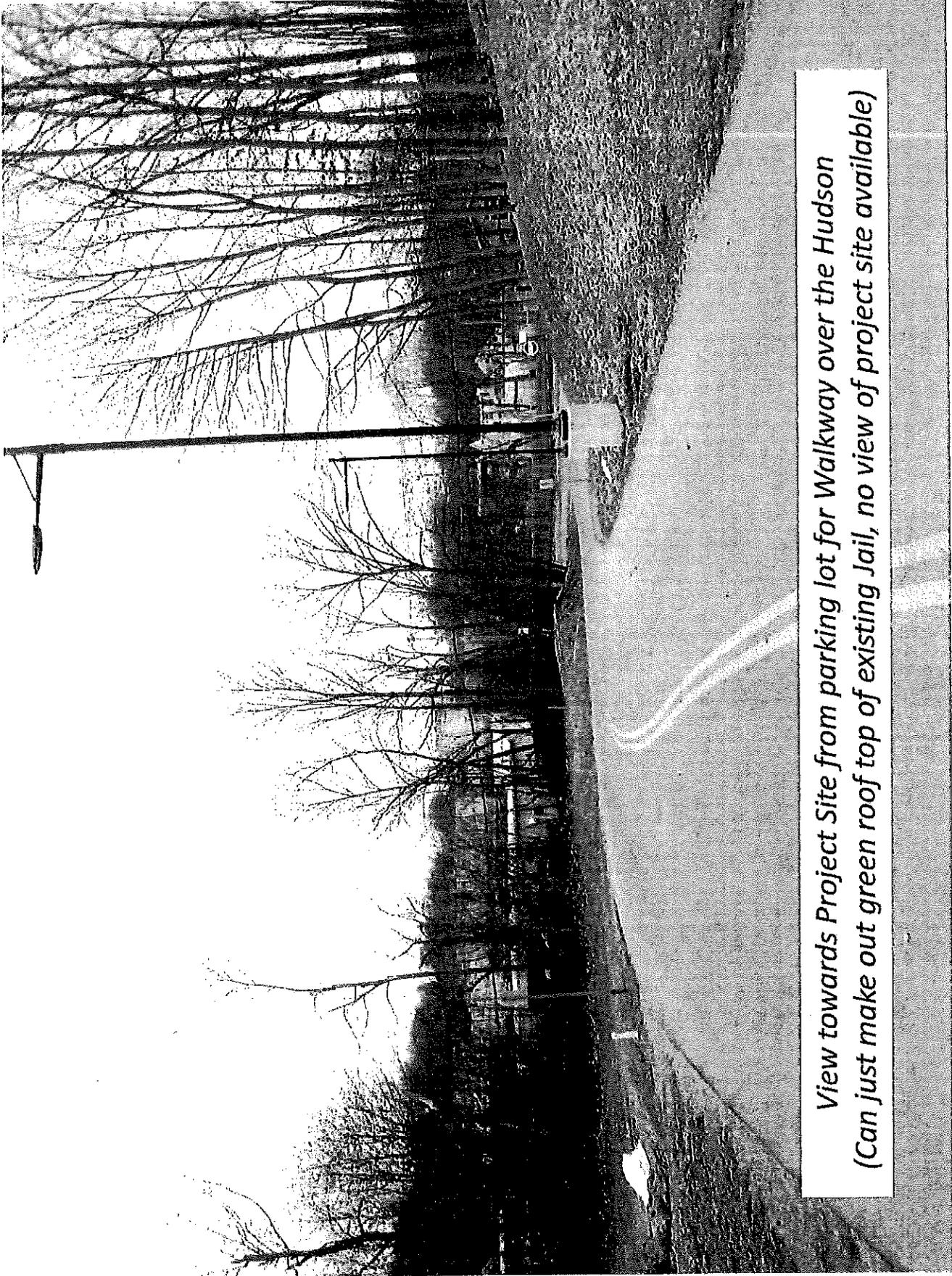
Condition: While testing reporting compliance for the HOME Investment Partnership program, it was noted that the County has not submitted HUD 60002, Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons.

Effect: Non-compliance with HUD reporting standard.

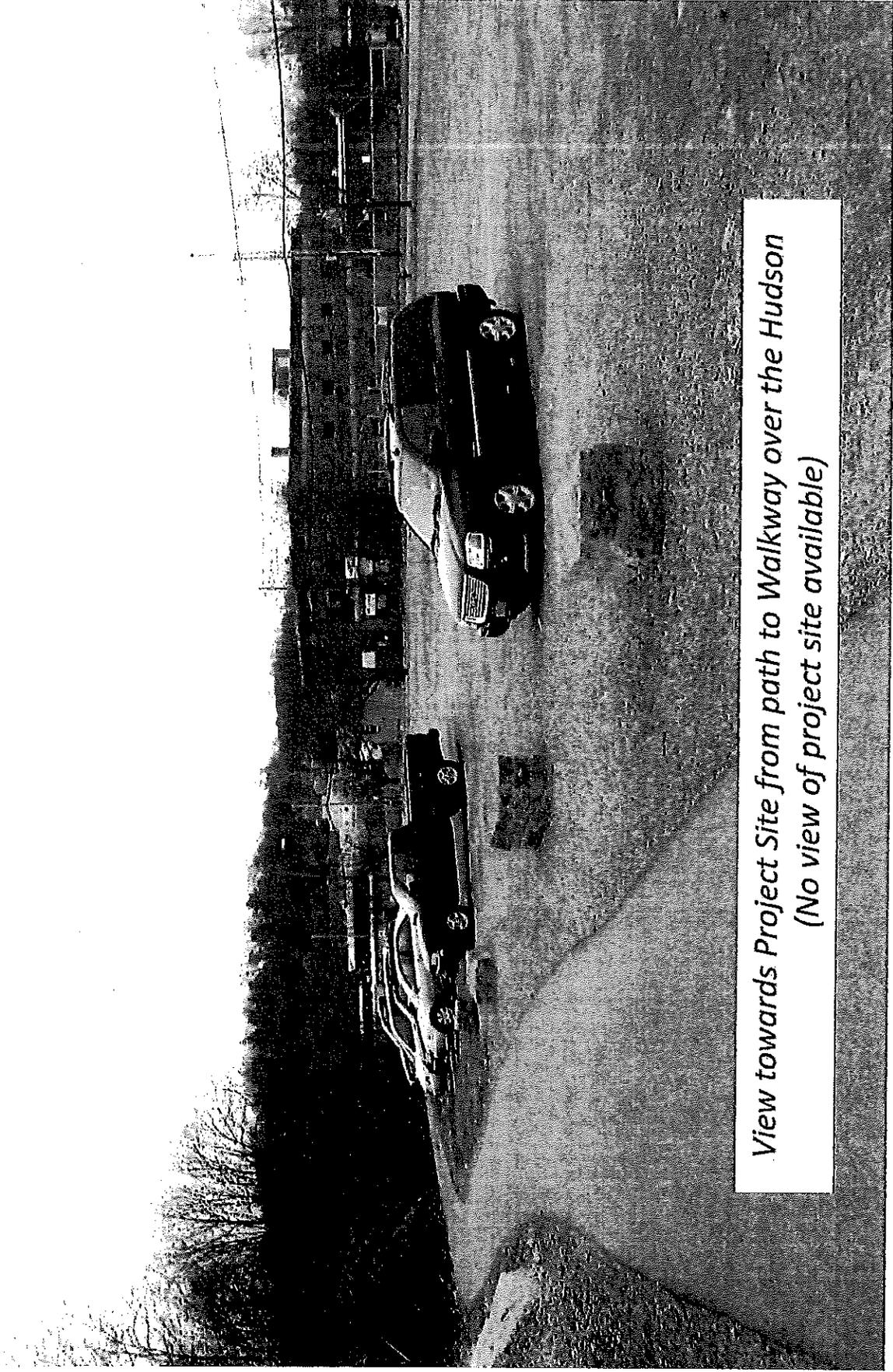
Cause: The County was not aware of all the required HUD performance reports for the HOME program.

Audit Recommendation: We recommend that all necessary performance reports are submitted to HUD in a complete and timely manner.

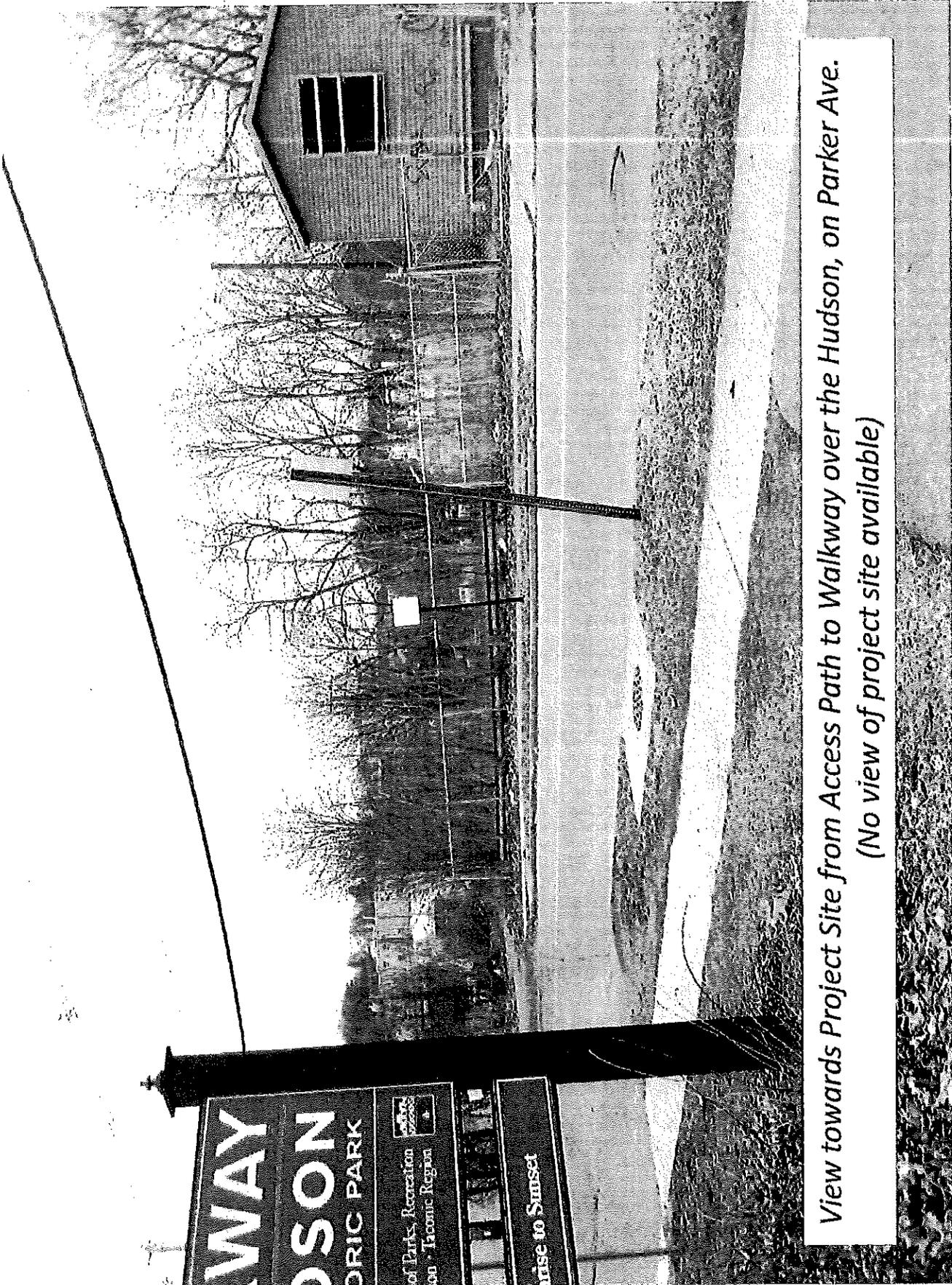
Management Response: This has been noted and the department responsible will ensure adequate completion and submission of the necessary reporting standards per the compliance requirements stated within OMB Circular A-133.



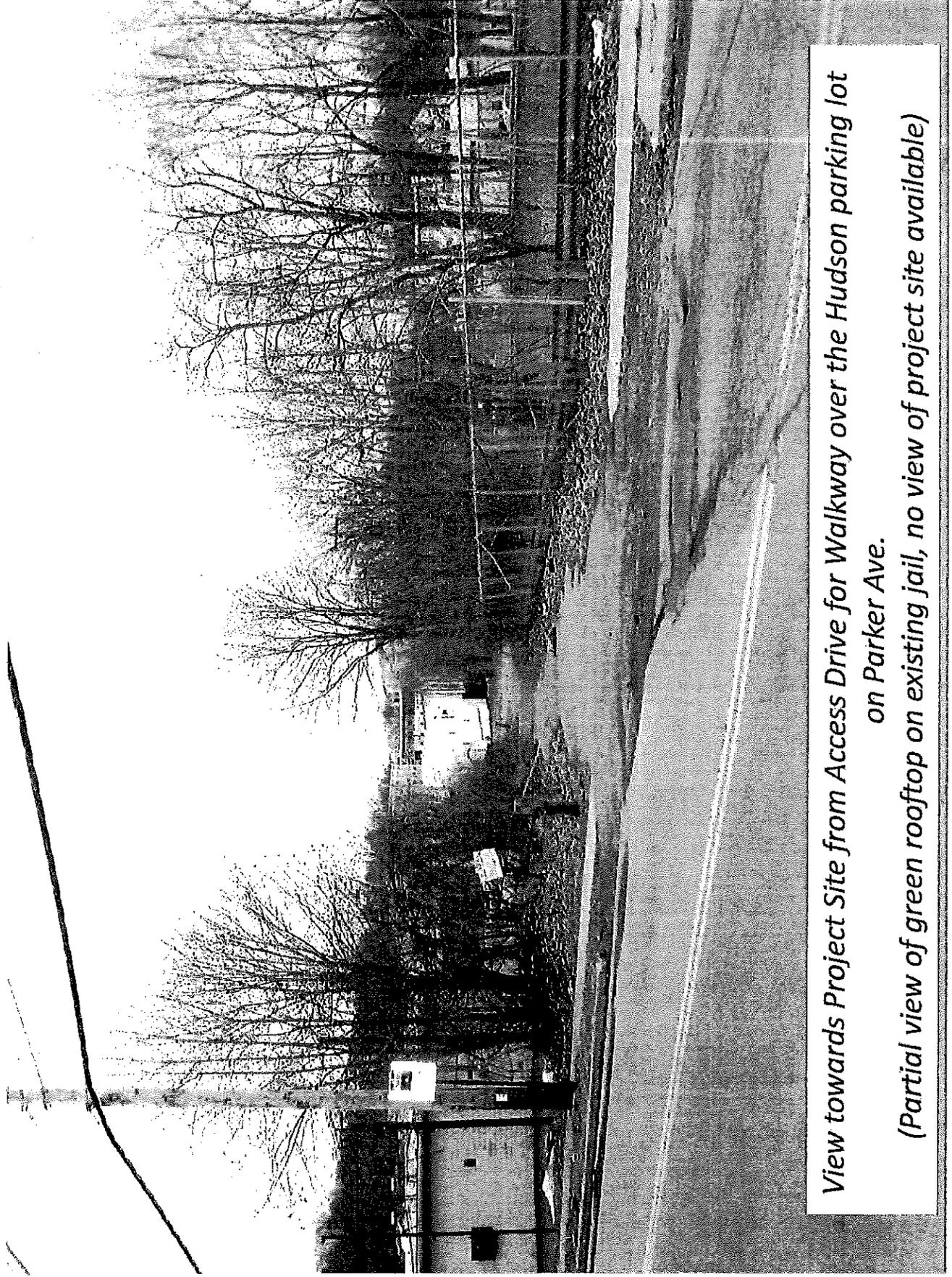
*View towards Project Site from parking lot for Walkway over the Hudson
(Can just make out green roof top of existing Jail, no view of project site available)*



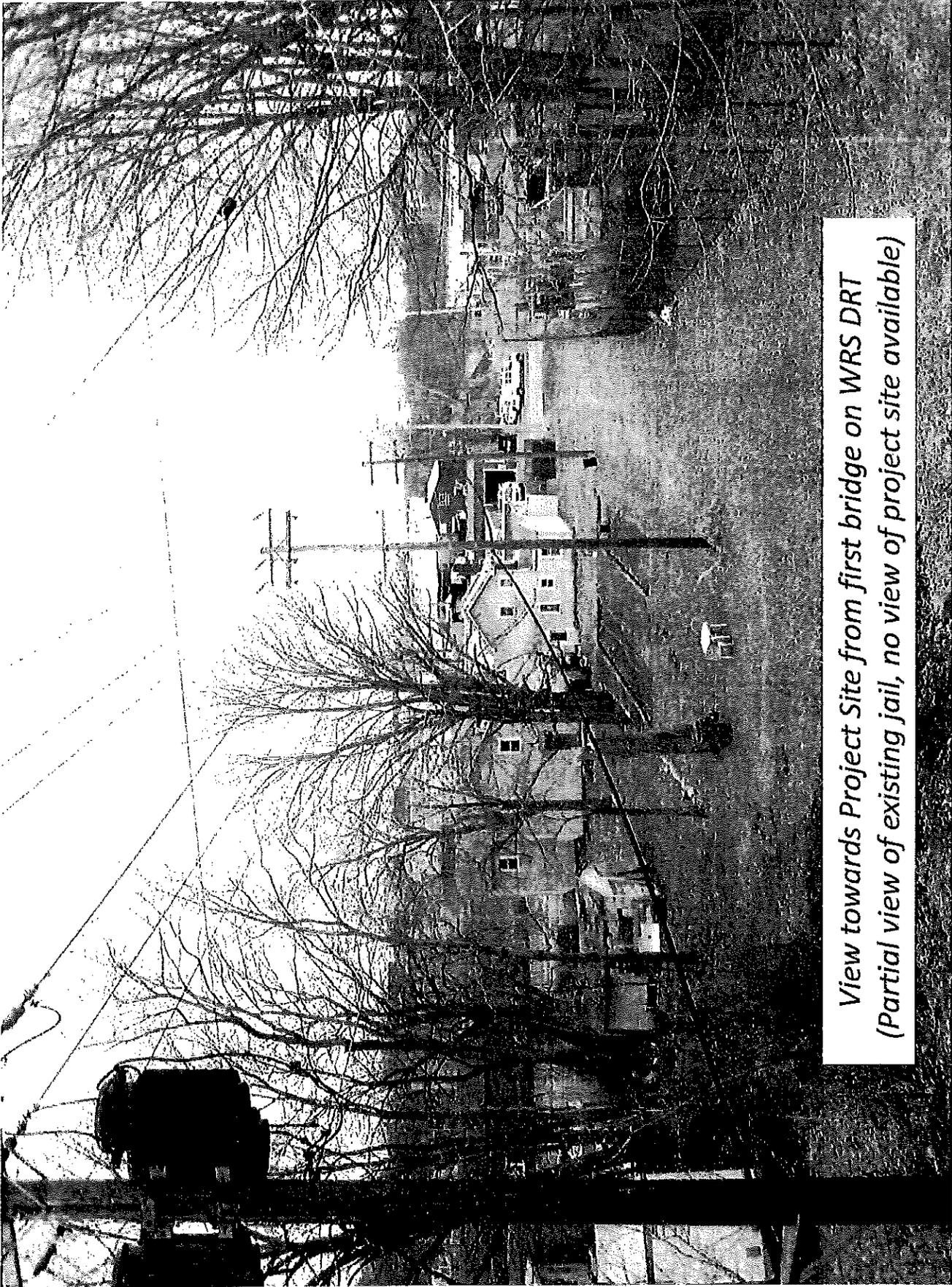
*View towards Project Site from path to Walkway over the Hudson
(No view of project site available)*



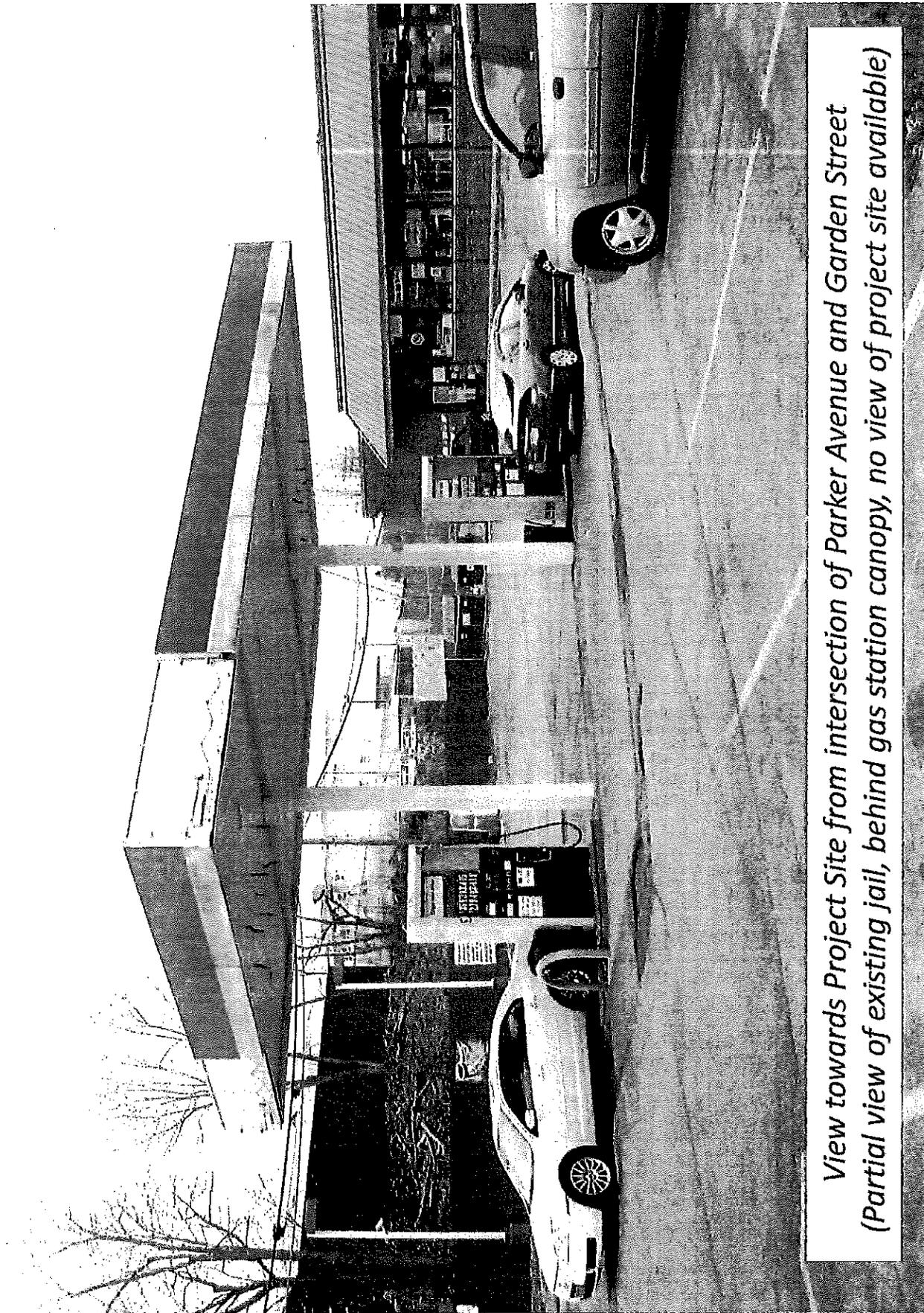
*View towards Project Site from Access Path to Walkway over the Hudson, on Parker Ave.
(No view of project site available)*



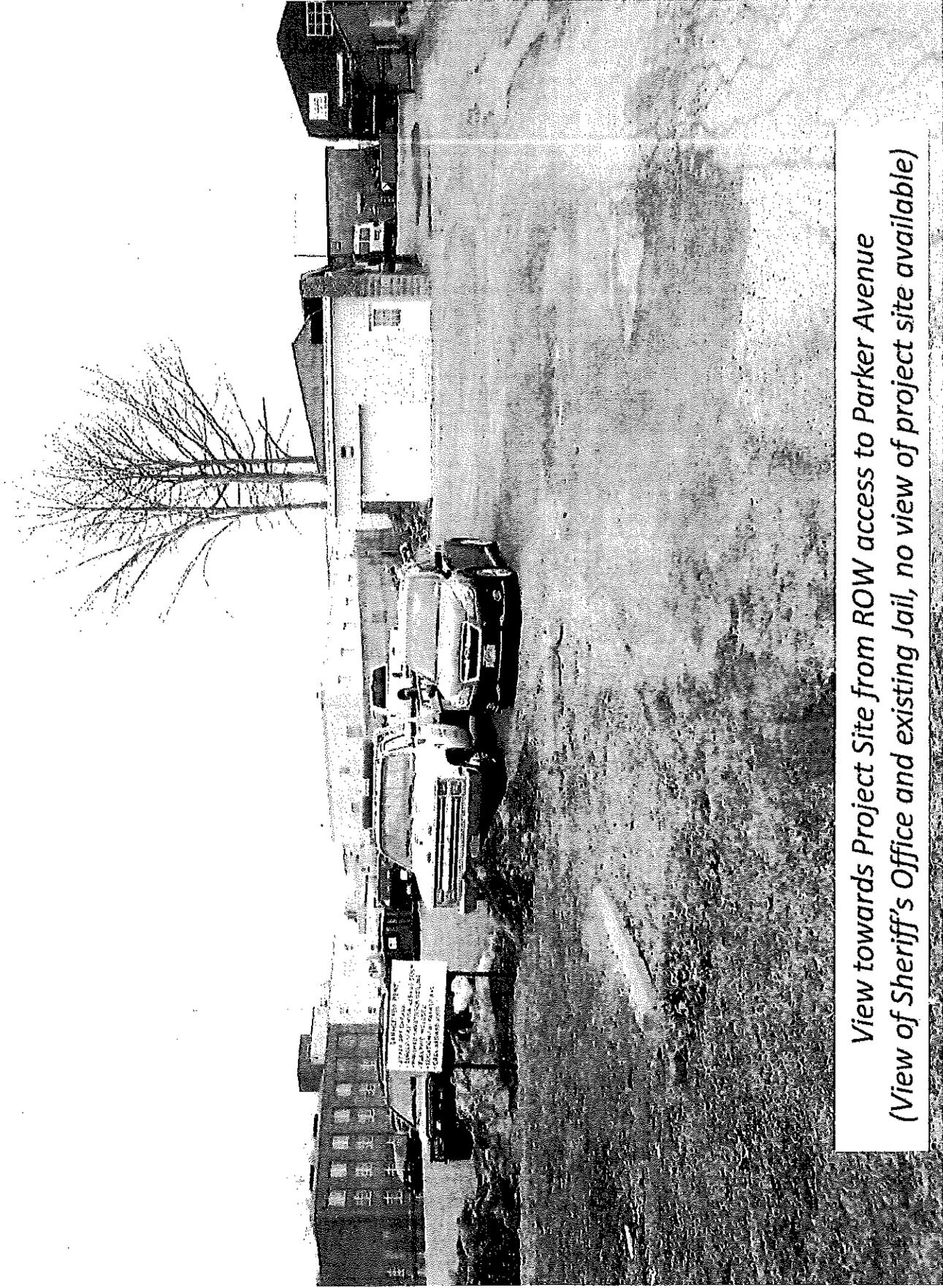
*View towards Project Site from Access Drive for Walkway over the Hudson parking lot
on Parker Ave.
(Partial view of green rooftop on existing jail, no view of project site available)*



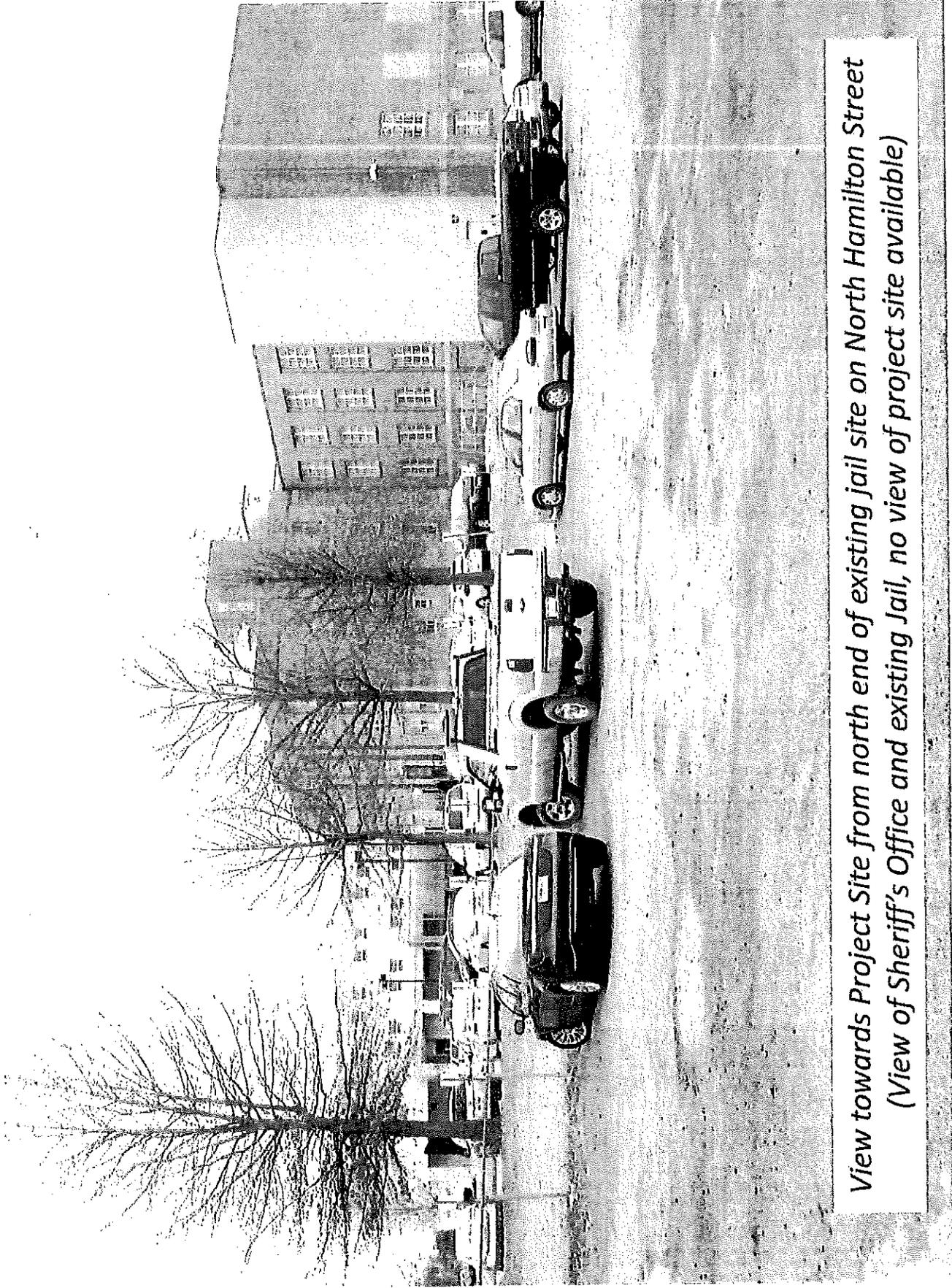
*View towards Project Site from first bridge on WRS DRT
(Partial view of existing jail, no view of project site available)*



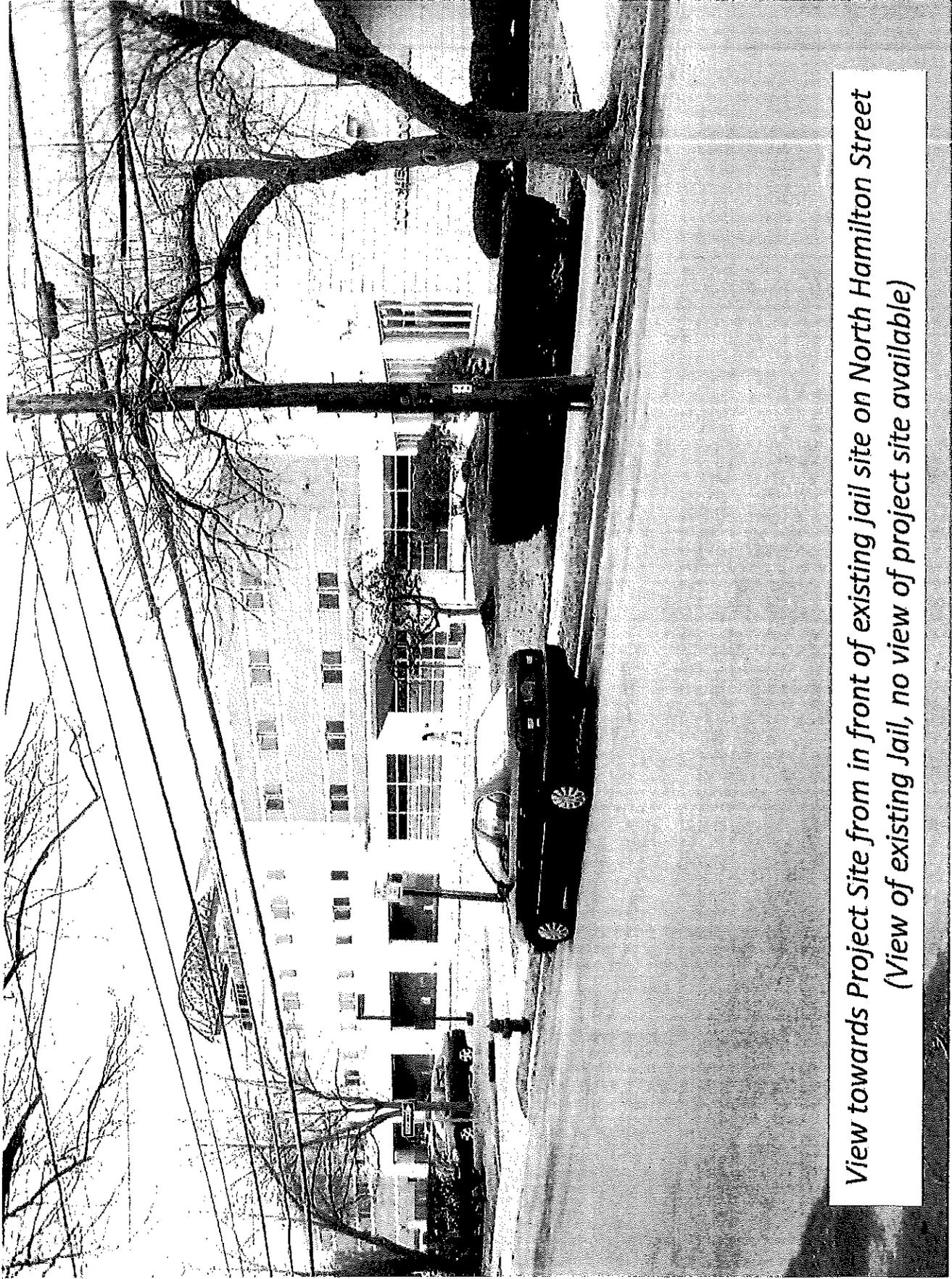
*View towards Project Site from intersection of Parker Avenue and Garden Street
(Partial view of existing jail, behind gas station canopy, no view of project site available)*



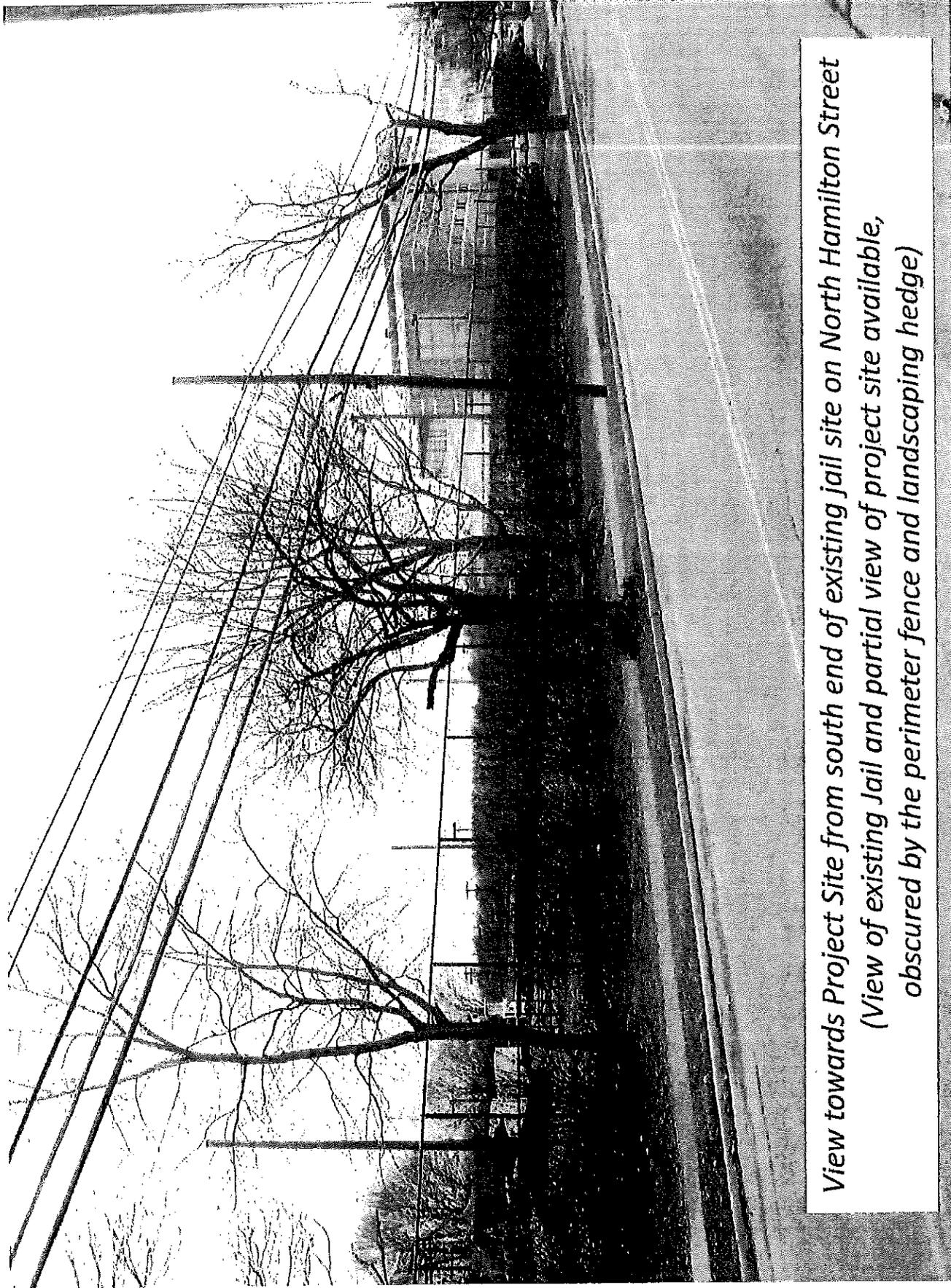
*View towards Project Site from ROW access to Parker Avenue
(View of Sheriff's Office and existing Jail, no view of project site available)*



*View towards Project Site from north end of existing jail site on North Hamilton Street
(View of Sheriff's Office and existing Jail, no view of project site available)*



*View towards Project Site from in front of existing jail site on North Hamilton Street
(View of existing Jail, no view of project site available)*



*View towards Project Site from south end of existing jail site on North Hamilton Street
(View of existing Jail and partial view of project site available,
obscured by the perimeter fence and landscaping hedge)*

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

2014 APR 14 AM 11:35

SEAL OF THE COUNTY OF DUTCHESS

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

From: Noel H.S. Knille, AIA, ASLA, Commissioner
Department of Public Works 

Date: April 14, 2014

Re: DPW Buildings' Resolution Request to Adopt the
FEAF for Temporary Housing Units for the D.C. Jail

DPW Buildings Division request for the adoption of the FEAF (Full Environmental Assessment Form) for to install and populate temporary housing units for 200 inmates at the Dutchess County Jail.

In order to fund and approve the Capital Project to, the County must first adopt the FEAF prepared by DPW and adopt a Negative Declaration of Significance for the project, under SEQR.

RESOLUTION REQUEST FORM

Date of Legislative Meeting: 5/12/14

Department:
Dept. of Public Works

Contact (Name & Phone No.):
Noel Knille, AIA ASLA, 486-2085

Purpose of Resolution: (check appropriate boxes:)

- Personnel (Involving Authorized Positions)
- Authorizing Grant Application
- Contract/Lease Authorization (using budgeted funds)
- Budget Amendment
 - Grant
 - Contingency
 - Other (specify below)
- Capital Project
- Other (specify below)

Resolution to adopt the FEAF prepared by DPW and make a Negative Declaration of Significance for Jail Pods

Brief Description of Request:

Requested Resolution would adopt the FEAF prepared by DPW for the capital project to acquire, install and populate temporary housing units for 200 inmates at the Dutchess County Jail and to adopt a Negative Declaration of Significance for the project, under SEQR.

Fiscal Impact (current year) of resolution: \$ 0
(Attach completed Fiscal Impact Statement)

Budget Amendment(s) & Capital Projects:

	<u>Line No.</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
Appropriations:			\$0	\$0
			\$0	\$0
Revenues:			\$0	\$0
			\$0	\$0

4/14/14
(Date)


(Department Head Signature)

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 14 - Town of Wappinger	Amparo		✓
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: <u>12</u>	Resolution: <u>✓</u>	Total: <u>10</u>	<u>2</u>
Absent: <u>0</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014137 ADOPTION OF NEGATIVE DECLARATION FOR THE DUTCHESS COUNTY JAIL TEMPORARY HOUSING UNITS PROJECT ON THE BASIS OF THE FULL ENVIRONMENTAL ASSESSMENT FORM

Date: May 8, 2014

Roll Call Sheets

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

Present: 25 Resolution: ✓ Total: 18 7
 Absent: 0 Motion: ✓ Yes No
 Vacant: 0 Abstentions: 0

JI/GH
 Call the Question

2014037
 5.12.14

Roll Call Sheets

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

Present:	<u>25</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>18</u>	<u>7</u>
Absent:	<u>0</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014137 ADOPTION OF NEGATIVE DECLARATION FOR THE DUTCHESS COUNTY JAIL TEMPORARY HOUSING UNITS PROJECT ON THE BASIS OF THE FULL ENVIRONMENTAL ASSESSMENT FORM

Date: May 12, 2014

Discussion on Resolution 2014137 proceeded as follows:

Legislator Inconato, duly seconded by Legislator Hutchings, made a motion to call the question.

Roll call on the foregoing motion resulted as follows:

AYES: 18

NAYS: 7 Jeter-Jackson, MacAvery, Perkins, Tyner, Amparo, Farley,
Strawinski

ABSENT: 0

The foregoing motion was adopted.

Roll call on the foregoing resolution resulted as follows:

AYES: 18

NAYS: 7 Jeter-Jackson, MacAvery, Perkins, Tyner, Amparo, Farley,
Strawinski

ABSENT: 0

The foregoing resolution was adopted.

RESOLUTION NO. 2014138

RE: AUTHORIZING FILING OF SECTION 5307 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2014 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

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

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

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs and the Commissioner of Planning and Development will be advised that the Federal Transit Administration will grant funds to Dutchess County under Section 5307, and

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

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

WHEREAS, grant applications will be filed with the Federal Transit Administration for capital assistance under Section 5307 will be up to \$1,638,710 to be used to assist in funding Dutchess County Mass Transit for Preventive Maintenance for the fleet and facilities, Program Administration, Operating Assistance, Training Assistance, and Bond costs and interest, and

WHEREAS, the State matching portion of the grants for capital assistance under Section 5307 will be up to a total of \$167,339 for Preventative Maintenance of fleet and facilities, Program Administration, Operating Assistance, Training Assistance, Bond costs and interest, and

WHEREAS, State Mass Transportation Capital Aid is available to fund projects approved by the Commissioner of Transportation, now, therefore, be it

RESOLVED, that the County Executive or his designee be and is hereby authorized to execute and file applications with the Federal Transit Administration for Sections 5307 Capital project funds under the Urban Mass Transportation Act of 1964, as amended and to furnish such additional information as the Federal Transit Administration may require in connection with the applications, and be it further

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

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

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

RESOLVED, that the County Executive be and he is hereby authorized to execute any necessary agreements arising from such applications on behalf of Dutchess County with the New York State Department of Transportation to aid in the financing of capital projects.

CA-63-14
CAB/kvb/G-0179
031714
Fiscal Impact: See attached statement

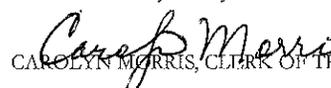
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/2014

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 2,273,388

Total Current Year Revenue \$ 1,806,049

and Source
1,081,031 federal 5307 300,000 federal 5307 operating assistance
127,254 state matching funds
320,679 federal 5307
40,085 state matching funds

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): \$467,339

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Cynthia Ruiz, Transit Administrator

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

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

2014138 AUTHORIZING FILING OF SECTION 5307 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2014 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Date: May 8, 2014

Roll Call Sheets

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

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

2014138 AUTHORIZING FILING OF SECTION 5307 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2014 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Date: May 12, 2014

RESOLUTION NO. 2014139

RE: FIVE –YEAR MORATORIUM ON FRACKING

Legislators TYNER, JETER-JACKSON, MacAVERY, STRAWINSKI, FARLEY, AMPARO, JOHNSON, and PERKINS offer the following and move its adoption:

WHEREAS, it has been proven that high-volume hydraulic fracturing recklessly contaminates drinking water and causes air pollution, and

WHEREAS, it has been proven that high-volume hydraulic fracturing destroys property values in places where it has been conducted, and

WHEREAS, it has been proven in a report last March by scientists at Cornell and Stanford that 4.5 million new green jobs and 58,000 permanent green jobs could be created in Dutchess County and across New York State by 2030 by transitioning to a fossil-fuel-free future with power from wind, water, sunlight, and geothermal power, without any high-volume hydraulic fracturing, and

WHEREAS, the "Look Before You Leap Act of 2014, (S.4276A/A.5974) has been introduced in both houses of the New York State Legislature, a bill that would establish a five-year moratorium on high-volume hydraulic fracturing and the conducting of an investigation thereon, and therefore be it further

RESOLVED, that the Dutchess County Legislature strongly urges that the New York State Legislature pass and Governor Andrew Cuomo sign into law the Look Before You Leap Act of 2014, and be it further

RESOLVED, that a copy of this resolution be sent to our state's leaders, the New York State Department of Health, and the New York State Department of Conservation.

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 May 2014, 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 May 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

(re: 5-year factory moratorium)



No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$

Total Current Year Revenue \$
and Source:

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

Identify Line Item (s):
Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): \$

(over five years): \$

Additional Comments:

(would save tax dollars -
protecting public health!)

Text

STATE OF NEW YORK

4276--A

2013-2014 Regular Sessions

IN SENATE

March 19, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to enact the "look before you leap act of 2014" relating to the imposition of a 5 year moratorium on high volume hydraulic fracturing for the purpose of conducting an investigation of the effect of hydraulic fracturing

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

Section 1. Short title. This act shall be known and may be cited as the "look before you leap act of 2014."

S 2. Legislative findings. The legislature hereby finds that the drilling method, known as high-volume hydraulic fracturing or hydrofracking, carries significant environmental risks that impact land, air and water resources.

The legislature further finds that the natural gas industry has exemptions or exclusions from key parts of at least seven of the major federal environmental laws designed to protect air and water from radioactive and hazardous chemicals including: the national Environmental Policy Act; the Clean Air Act; the Clean Water Act; the Safe Drinking Water Act; the Resource Conservation and Recovery Act; the Superfund Act; and the Emergency Planning and Community Right to Know Act.

S 3. (a) There is hereby established a 5 year moratorium on the conducting of high volume hydraulic fracturing in this state to provide an opportunity for the state to learn from the hydrofracking experiences of other states, which is necessitated by the exemptions, granted to the natural gas industry, from major federal laws protecting our air, land and water from radioactive and toxic wastes, and to make a comprehensive

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

LBD09684-02-4

S. 4276--A

2

and cumulative examination of the environmental impacts associated with the recent rapid expansion of hydrofracking across the United States, with particular emphasis on the natural gas boom that began in the neighboring state of Pennsylvania 3 years ago, and information therefrom shall be available to the public concerning these cumulative impacts to our nation's air, land and water resources.

(b) The state university of New York university centers at Albany, Binghamton, Buffalo and Stony Brook shall in cooperation with each other conduct an investigation into the practice of high volume hydraulic fracturing in conformance with subdivision (a) of this section. On or before the fifth year following the effective date of this act, such university centers shall jointly issue a report of their findings and recommendations as a result of the investigations conducted pursuant to this section. Such report shall be submitted to the governor, the commissioner of environmental conservation and the legislature, and shall be published and made available to the public.

S 4. This act shall take effect immediately.

Comments



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Text

STATE OF NEW YORK

5974--A

2013-2014 Regular Sessions

IN ASSEMBLY

March 12, 2013

Introduced by M. of A. ENGLEBRIGHT, MILLMAN, ROBERTS, DINOWITZ, MILLER, PAULIN, JAFFEE, COLTON, TITONE, CAHILL, MARKEY, WEISENBERG, KAVANAGH, LIFTON, SCHIMEL -- Multi-Sponsored by -- M. of A. ABINANTI, BRENNAN, GLICK, GOTTFRIED, JACOBS, PERRY, ROSENTHAL, THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to enact the "look before you leap act of 2014" relating to the imposition of a 5 year moratorium on high volume hydraulic fracturing for the purpose of conducting an investigation of the effect of hydraulic fracturing

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

Section 1. Short title. This act shall be known and may be cited as the "look before you leap act of 2014."

S 2. Legislative findings. The legislature hereby finds that the drilling method, known as high-volume hydraulic fracturing or hydrofracking, carries significant environmental risks that impact land, air and water resources.

The legislature further finds that the natural gas industry has exemptions or exclusions from key parts of at least seven of the major federal environmental laws designed to protect air and water from radioactive and hazardous chemicals including: the national Environmental Policy Act; the Clean Air Act; the Clean Water Act; the Safe Drinking Water Act; the Resource Conservation and Recovery Act; the Superfund Act; and the Emergency Planning and Community Right to Know Act.

S 3. (a) There is hereby established a 5 year moratorium on the conducting of high volume hydraulic fracturing in this state to provide an opportunity for the state to learn from the hydrofracking experiences of other states, which is necessitated by the exemptions, granted to the

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

LBD09684-03-4

A. 5974--A

2

natural gas industry, from major federal laws protecting our air, land and water from radioactive and toxic wastes, and to make a comprehensive and cumulative examination of the environmental impacts associated with the recent rapid expansion of hydrofracking across the United States, with particular emphasis on the natural gas boom that began in the neighboring state of Pennsylvania 3 years ago, and information therefrom shall be available to the public concerning these cumulative impacts to our nation's air, land and water resources.

(b) The state university of New York university centers at Albany, Binghamton, Buffalo and Stony Brook shall in cooperation with each other conduct an investigation into the practice of high volume hydraulic fracturing in conformance with subdivision (a) of this section. On or before the fifth year following the effective date of this act, such university centers shall jointly issue a report of their findings and recommendations as a result of the investigations conducted pursuant to this section. Such report shall be submitted to the governor, the commissioner of environmental conservation and the legislature, and shall be published and made available to the public.

§ 4. This act shall take effect immediately.

Comments



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Environment Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		✓
District 16 - Town of Fishkill and City of Beacon	MacAvery*		✓
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 14 - Town of Wappinger	Amparo		✓
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

Present: 12
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total : 8 4
 Yes No
 Abstentions: 0

DB/AF

Call the Question

2014139
 5.8.14

Environment Committee Roll Call

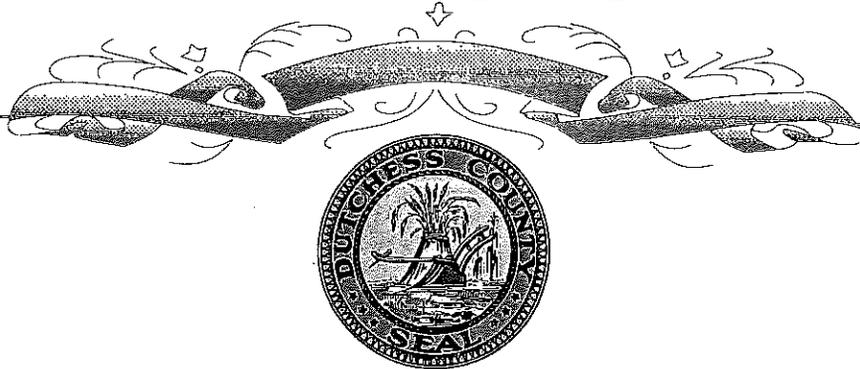
<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rollison*		✓
District 6 - Town of Poughkeepsie	Flesland*		✓
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		✓
District 10 - City of Poughkeepsie	Jeter-Jackson*	✓	
District 16 - Town of Fishkill and City of Beacon	MacAvery*	✓	
District 3 - Town of LaGrange	Borchert		✓
District 4 - Town of Hyde Park	Serino		✓
District 11 - Towns of Rhinebeck and Clinton	Tyner	✓	
District 14 - Town of Wappinger	Amparo	✓	
District 17 - Town and Village of Fishkill	Miccio (C)		✓
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		✓
District 24 - Towns of Dover and Union Vale	Surman		✓

Present:	<u>12</u>	Resolution:	<u>✓</u>	Total :	<u>4</u>	<u>8</u>
Absent:	<u>0</u>	Motion:	—		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014139 FIVE –YEAR MORATORIUM ON FRACKING

Date: May 8, 2014

Dutchess County Legislature



Commendation: Red Hook Varsity Boys Basketball Team -- The Raiders

Legislator Strawinski offers the following and moves its adoption:

WHEREAS, the Red Hook Varsity Boys Basketball Team, The Raiders, has completed an outstanding season with an overall record of 17-6 and a league record of 5-1, and

WHEREAS, the Raiders ended the season tied for first in the Section 9 Mid-Hudson II Division, and then won the Section 9 Class A Championship and the Regional Championship, and

WHEREAS, the Raiders then advanced to the New York State Public High School Athletic Association Class A Boys State Semifinals, and

WHEREAS, the team was led by Head Coach Matt Hayes and Assistant Coach Ryan Butch, and

WHEREAS, the Red Hook Varsity Boys Basketball Team, The Raiders, established many personal and team accomplishments in the 2013-2014 season, now, therefore, be it

RESOLVED, that the 2013-2014 Red Hook Varsity Boys Basketball Team, The Raiders, is hereby recognized for its outstanding accomplishments, and, be it further

RESOLVED, that the Dutchess County Legislature, on behalf of the all the people of Dutchess County, hereby commends and congratulates the Red Hook Varsity Boys Basketball Team:

John Alessi
Carson Thompson
Will Avis
Dennis Hare
Colin Bemis

Nick Michitsch
Nick D'Angelo
Tim Terry
Tucker Griffin
Thomas D'Angelo

Padraic Parr, Captain
Nolan Dalton, Captain
Luke White, Captain

Head Coach: Matt Hayes

Assistant Coach: Ryan Butch

and, be it further

RESOLVED, that the Dutchess County Legislature does hereby extend to the Red Hook Varsity Boys Basketball Team, The Raiders, continued success and its best wishes in all its future endeavors.

Resolution No. 2014140
STATE OF NEW YORK

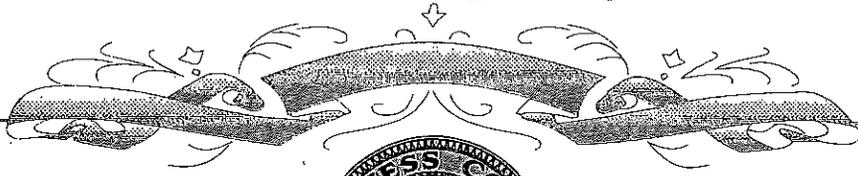
ss:
COUNTY OF DUTCHESS

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Commendation: Charles Albertson

Legislator Rolison offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature seeks to acknowledge those individuals whose actions serve to enhance the quality of life in Dutchess County, and

WHEREAS, Charles Albertson has spent the last nine years as a school bus driver for the Wappingers Central School District, and

WHEREAS, Dutchess County has been fortunate to have Charles Albertson safely getting students to and from school each day, and

WHEREAS, Charles Albertson has a strong safety record having had no accidents while driving the school bus the last nine years, and

WHEREAS, Charles Albertson is a volunteer trainer of other district drivers, and

WHEREAS, Charles Albertson has been honored as the Dutchess County Traffic Safety Board's "School Bus Driver of the Year," now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate Charles Albertson on being named Dutchess County Traffic Safety Board's "School Bus Driver of the Year," and thanks him for exercising care and concern for the safety and well-being of all the children in his custody each day, and, be it further

RESOLVED, that the Dutchess County Legislature does hereby extend to Charles Albertson its best wishes for continued success in safely transporting the children in his care each day and in all of his future endeavors.

Resolution No. 2014141

STATE OF NEW YORK

ss:

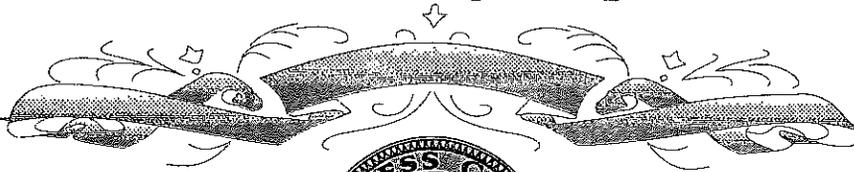
COUNTY OF DUTCHESS

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 May 2014, 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 May 2014.

Carolyn Morris
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Commendation: Ken Davidson

Legislator Rolison offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature seeks to acknowledge those individuals whose actions serve to enhance the quality of life in Dutchess County, and

WHEREAS, Ken Davidson has been a member of the Lagrange Fire Department since 1971 where he served as Chief for three years, an Assistant Chief for three years, as a Company Captain for one year, and a Lieutenant for one year, and

WHEREAS, Ken Davidson has been a New York State Emergency Medical Technician since 1976, was appointed as Dutchess County Deputy Fire Coordinator in 1981, and was appointed as the Chief Deputy Coordinator for Dutchess County Department of Emergency Response in 1997, and

WHEREAS, Ken Davidson worked as an Assistant Emergency Response Coordinator on a part time basis beginning on June 25, 1997, and then on January 1, 1998, became Deputy Coordinator of Emergency Response, he then became Emergency Manager on January 1, 2005, and on January 1, 2010, became Assistant Coordinator for Emergency Management, and

WHEREAS, Ken Davidson is a Certified Hazardous Materials Technician, is an Instructor/Facilitator for the New York State Public Safety Critical Incident Management Program, a New York State Certified Fire Investigator, was awarded a Professional Development Certificate by FEMA, was awarded Emergency Manager of the Year, New York State, in 2003 by The Northeast States Emergency Consortium, attended and completed New York State first Emergency Management Academy Program, and served as the Emergency Manager for more than 13 years, and

WHEREAS, Ken Davidson served as a career firefighter for 29.5 years with the Arlington Fire Department and retired after 33 years with the Department of Emergency Response and 43 years in public service, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, hereby commends and congratulates Ken Davidson for his years of service in Dutchess County, and, be it further

RESOLVED, that the Dutchess County Legislature does hereby congratulate Ken Davidson on his retirement, and, be it further

RESOLVED, that the Dutchess County Legislature, does hereby honor Ken Davidson for his commitment and service to the residents of Dutchess County and wish him well in all his future endeavors.

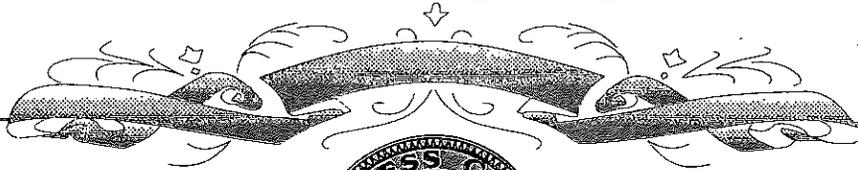
STATE OF NEW YORK
ss: Resolution No. 2014142
COUNTY OF DUTCHESS

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



PROCLAMATION: NATIONAL POLICE WEEK

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

WHEREAS, the people of the County of Dutchess have great admiration and the utmost gratitude for all the law enforcement officers who have selflessly lost their lives in the line of duty for the safety and protection of others, and

WHEREAS, in 1962 President Kennedy proclaimed May 15th as National Peace Officers Memorial Day, and the calendar week in which May 15th falls, as National Police Week, which was established by a joint resolution of Congress in 1962, to pay special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others, and

WHEREAS, the contributions and sacrifices of law enforcement officers from Dutchess County have been vital in safeguarding the lives and property of our community, and

WHEREAS, National Police Week is now a collaborative effort of many organizations dedicated to honoring America's law enforcement community, and

WHEREAS, the Dutchess County Sheriff's office will hold a brief remembrance ceremony and tribute to Sheriff's officers that gave their life in the line of duty, and members that are no longer with us on May 15, 2014, at 9:30 am, and

WHEREAS, May 11th through May 17th has officially been designated as National Police Week, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby proclaims May 11th through May 17th as National Police Week in Dutchess County, honoring the service and sacrifice of our law enforcement officers who have lost their lives in the line of duty, for the safety and protection of others.

STATE OF NEW YORK Resolution No. 2014143

ss:

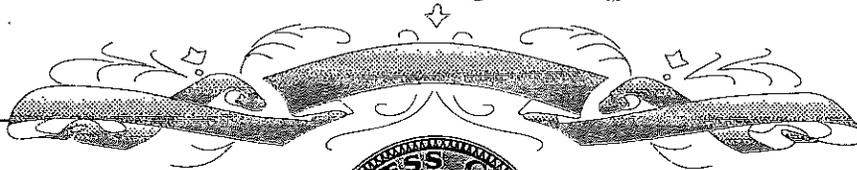
COUNTY OF DUTCHESS

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



PROCLAMATION: LYME DISEASE AWARENESS MONTH MAY 2014

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

WHEREAS, May is Lyme Disease Awareness Month, and with the high number of reported cases in New York, it is important to inform the residents of Dutchess County on how to protect themselves and their families from contracting this disease, and

WHEREAS, according to the Centers for Disease Control and Prevention, Lyme Disease is the most common rapidly emerging infectious disease not limited to age, ethnicity, or geographical area, and

WHEREAS, the incidence of Lyme Disease is greatest in the northeastern, mid-Atlantic, and north central regions of the United States, and

WHEREAS, Lyme Disease was named in 1977 when arthritis was observed in a cluster of children in and around Lyme, Connecticut. The Council of State and Territorial Epidemiologist (CSTE) designated Lyme Disease as a nationally notifiable disease in January 1991, and

WHEREAS, Lyme Disease is the most common vector-borne disease in the United States. It is caused by the tick-borne spirochete *Borrelia burgdorferi* where the spirochete is transmitted to the human blood stream by the bite of various species of ticks, and

WHEREAS, detection of this is difficult to diagnose because it imitates other conditions and there currently is not a reliable test to determine the infection. Lyme Disease can cause early symptoms such as rash and flu-like symptoms, fever, muscle aches, headaches, and fatigue to mention a few. Often the symptoms will disappear only to later reappear in a more serious and difficult to treat disseminated form, and

WHEREAS, the best defense is to wear light colored clothing when outdoors and to check one's self carefully for ticks. Proper tick removal is imperative, and if done correctly and promptly, can aid in the prevention of the disease, and

WHEREAS, public awareness of this serious disease is necessary for the prevention and treatment of Lyme Disease, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby proclaim May as Lyme Disease Awareness Month in Dutchess County and urges all citizens to take suitable precautions to avoid the risk of contracting Lyme Disease and to be aware of the symptoms so that appropriate treatment can be obtained.

Resolution No. 2014144

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

UNANIMOUS CONSENT 5/12/14

RESOLUTION NO. 2014145

RE: NAMING OF THE DUTCHESS RAIL TRAIL BRIDGE OVER TITUSVILLE ROAD
IN THE TOWN OF LAGRANGE

Legislators ROLISON, FLESLAND, ROMAN, AMPARO, BOLNER, BORCHERT, FARLEY, HORTON, HUTCHINGS, INCORONATO, JETER-JACKSON, JOHNSON, KELSEY, MAC AVERY, MICCIO, NESBITT, PERKINS, PULVER, SAGLIANO, SERINO, STRAWINSKI, SURMAN, THOMES, TYNER, and WEISS offer the following and moves its adoption:

WHEREAS, on October 9, 1992 Dutchess County Deputy Sherriff Erik Renninger died in the line of duty on Route 9 in the Town of Rhinebeck while assisting a disabled motorist when he was struck and killed by a passing vehicle, and

WHEREAS, it is fitting and appropriate that the Dutchess Rail Trail Bridge that spans over Titusville Road in the Town of LaGrange be named in honor of Deputy Renninger who was a resident of the Town of LaGrange upon his passing, now, therefore, be it

RESOLVED, the Dutchess Rail Trail Bridge passing over Titusville Road shall be designated and known as the "Dutchess County Deputy Sheriff Erik Renninger Memorial Bridge", and be it further

RESOLVED, that the Dutchess County Department of Public Works shall provide for the installation, of adequate signage to be permanently and appropriately displayed and maintained.

Fiscal Impact: Attached

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 5/23/14

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 May 2014, 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 May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost **\$100**

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

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

Identify Line Item (s): A.1010.4160
Related Expenses:

Nature of Expenses: Memorial sign on the Rail Trail bridge over Titusville Road

Anticipated Savings to County:

Net county Cost (this year): **\$ 100**

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

Additional Comments:

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 6 - Town of Poughkeepsie	Flesland	<input type="checkbox"/>	<input type="checkbox"/>
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	<input type="checkbox"/>	<input type="checkbox"/>
District 10 - City of Poughkeepsie	Jeter-Jackson	<input type="checkbox"/>	<input type="checkbox"/>
District 16 - Town of Fishkill and City of Beacon	MacAvery	<input type="checkbox"/>	<input type="checkbox"/>
District 1 - Town of Poughkeepsie	Nesbitt	<input type="checkbox"/>	<input type="checkbox"/>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	<input type="checkbox"/>	<input type="checkbox"/>
District 3 - Town of LaGrange	Borchert	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - Town of Hyde Park	Serino	<input type="checkbox"/>	<input type="checkbox"/>
District 5 - Town of Poughkeepsie	Roman	<input type="checkbox"/>	<input type="checkbox"/>
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins	<input type="checkbox"/>	<input type="checkbox"/>
District 9 - City of Poughkeepsie	Johnson	<input type="checkbox"/>	<input type="checkbox"/>
District 11 - Towns of Rhinebeck and Clinton	Tyner	<input type="checkbox"/>	<input type="checkbox"/>
District 12 - Town of East Fishkill	Weiss	<input type="checkbox"/>	<input type="checkbox"/>
District 14 - Town of Wappinger	Amparo	<input type="checkbox"/>	<input type="checkbox"/>
District 15 - Town of Wappinger	Incoronato	<input type="checkbox"/>	<input type="checkbox"/>
District 17 - Town and Village of Fishkill	Miccio	<input type="checkbox"/>	<input type="checkbox"/>
District 18 - City of Beacon and Town of Fishkill	Farley	<input type="checkbox"/>	<input type="checkbox"/>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<input type="checkbox"/>	<input type="checkbox"/>
District 20 - Town of Red Hook	Strawinski	<input type="checkbox"/>	<input type="checkbox"/>
District 21 - Town of East Fishkill	Horton	<input type="checkbox"/>	<input type="checkbox"/>
District 22 - Towns of Beekman and Union Vale	Hutchings	<input type="checkbox"/>	<input type="checkbox"/>
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	<input type="checkbox"/>	<input type="checkbox"/>
District 24 - Towns of Dover and Union Vale	Surman	<input type="checkbox"/>	<input type="checkbox"/>
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey	<input type="checkbox"/>	<input type="checkbox"/>

Present: 25
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

*AF/D Bolner
 Moved unanimous consent*

5-12-14

Roll Call Sheets

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

Present: 25
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total: 25 0
 Yes No
 Abstentions: 0

UNANIMOUS CONSENT - NAMING OF THE DUTCHESS RAIL TRAIL BRIDGE OVER TITUSVILLE ROAD IN THE TOWN OF LAGRANGE

Date: May 12, 2014

Discussion on the foregoing resolution 2014145 proceeded as follows:

Legislator Flesland, duly seconded by Legislator Bolner, moved for unanimous consent.

Roll call on the foregoing motion resulted as follows:

AYES: 25

NAYS: 0

ABSENT: 0

The foregoing motion was adopted.

Roll call on the foregoing resolution resulted as follows:

AYES: 25

NAYS: 0

ABSENT: 0

The foregoing resolution was adopted.

Dutchess County Legislature



Condolence: Elizabeth Di Pompo

Legislator MacAvery offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Elizabeth Di Pompo, on April 18, 2014, at the age of 73, and

WHEREAS, Elizabeth Di Pompo married Michael Di Pompo on August 31, 1958, in St. Anthony's Roman Catholic Church in the Bronx, New York, and she accompanied her husband to his first permanent military assignment at Fort Benning, Georgia, after the birth of their first child, and in June of 1970, she and her family moved to Beacon, New York, and

WHEREAS, Elizabeth Di Pompo, affectionately known as Betty, was the President/Comptroller of AAAAAR Orthopedics Inc. since 1995, and

WHEREAS, Betty was a member of St. Joachim's Women's Club and Vice President of the Concerned Citizens Organization of Beacon, and

WHEREAS, Betty faithfully attended the weekly City Council meetings for nearly fifteen years where she ensured that she would support the candidates for office that were best qualified, regardless of their political party, and

WHEREAS, Betty is survived by her husband, Michael Di Pompo, COL. AUS. Ret. who survives her at home, and her two sons, Michael V. Di Pompo and Richard G. Di Pompo, and

WHEREAS, Betty's passing will be mourned by her family, friends, and colleagues throughout Dutchess County, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Elizabeth "Betty" Di Pompo, and, be it further

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Elizabeth Di Pompo.

Resolution No. 2014146

STATE OF NEW YORK

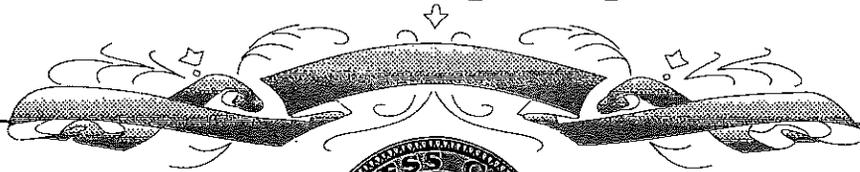
COUNTY OF DUTCHESS

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 May 2014, 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 May 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Condolence: Arnold L. Baratta, Sr.

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

WHEREAS, the Dutchess County Legislature has learned with profound sadness and regret of the recent death of Arnold L. Baratta, Sr, of Poughkeepsie, on April 20, 2014, at St. Francis Hospital, he was 80 years old, and

WHEREAS, Arnold was born on January 18, 1934, to the late Umberto Baratta and Filomena (Ferrara) Baratta in Poughkeepsie, New York, he graduated from Poughkeepsie High School in 1952 and married Joan Walsh Baratta on April 24, 1955, and

WHEREAS, Arnold is survived by his loving wife Joan, his children, Arnold Baratta Jr., Kathleen Irish, David Baratta, Stephen Baratta and Deborah Baratta, his grandchildren and great-grandchildren, and

WHEREAS, Arnold was a retired insurance agent with Northwestern Mutual Insurance Company, was the Group Health Manager for the Austin "Brud" Hodgkins Insurance Agency and was Brud Hodgkins' first recruit when he started his business, and he also worked with his brother Bill for many years at Balco Furniture Company in Poughkeepsie, and

WHEREAS, Arnold was involved in City of Poughkeepsie politics and community service for his entire adult life and was devoted to the Republican Party for more than 50 years, and

WHEREAS, Arnold served as County Legislator representing the City of Poughkeepsie from 1976-1983 and Majority Leader in 1982 and 1983, and while a Legislator, he served on the Finance, Human Services, Legislative & Judiciary, Social Services, Community Services, Family Services and Budget & Finance Committees, and he was also a legislative aide to Assemblyman Emil Betros, he served as an Alderman on the Poughkeepsie Common Council, and was a member of the Poughkeepsie Housing Authority, Trustee of the Greater Poughkeepsie Library District, and past president of the Fireman's Exempt Association, and also was a 4th Degree member of the Knights of Columbus and a member of the Shamrock Club in Poughkeepsie, and

WHEREAS, Arnold's passing will be mourned by his family, friends, and colleagues throughout Dutchess County, now, therefore, be it

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

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Arnold L. Baratta, Sr.

Resolution No. 2014147

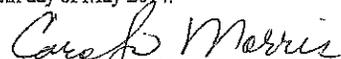
STATE OF NEW YORK

ss:

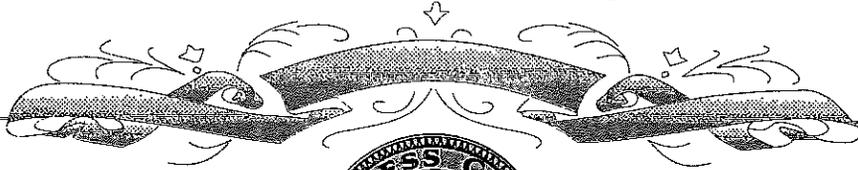
COUNTY OF DUTCHESS

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IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of May 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Condolence: Ralph Vinchiarello

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

WHEREAS, the Dutchess County Legislature has learned with profound sadness and regret of the recent death of Ralph Vinchiarello, a longtime resident of Wassaic, New York on April 24, 2014, at the Sharon Healthcare Center in Sharon, Connecticut at the age of 92, and

WHEREAS, Ralph Vinchiarello was born on October 31, 1921, in Chatham, New York and graduated from Chatham High School in 1940, then moved to Cincinnati, Ohio where he attended school for tool and die making, and

WHEREAS, Ralph Vinchiarello joined the U.S. Navy in 1941 and was assigned to a destroyer serving in the European Theatre of Operations for three years, being honorably discharged on November 12, 1945, and

WHEREAS, on September 8, 1951, he married, and is survived by, his wife Florence G. Thorp, and he owned and operated The Pines Restaurant in Wassaic, New York for 38 years, and

WHEREAS, Ralph Vinchiarello served as a Dutchess County Legislator from 1976-1989 representing Amenia, and then Amenia and Stanford, and during his tenure served on the Environment Control, Public Works, Social Services, Transportation, Budget & Finance, Community Services and Planning & Capital Projects Committees, and he also served as the Supervisor for the Town of Amenia from 1991 – 1995, and

WHEREAS, Ralph Vinchiarello was a charter member of the Chestnut Ridge Rod and Gun Club, a life member of the Amenia Fish and Game, V.F.W. Post # 5444 in Dover Plains, New York, and the American Legion Post #1949 in Wingdale, New York, and a 55-year member of the Wassaic Fire Company, and

WHEREAS, Ralph Vinchiarello has been honored by the Amenia Lions Club and the Boy Scouts for his community work, and on January 8, 1982, Governor Hugh Cary nominated Ralph Vinchiarello to serve on the Wassaic DDSO Board of Visitors where he served as Secretary, and he was also active in the State Association as a delegate-at-large, Region III Chairman, and Chair of the Regions, and

WHEREAS, Ralph Vinchiarello's passing will be mourned by his family, friends, and colleagues throughout Dutchess County, now, therefore, be it

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

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Ralph Vinchiarello.

STATE OF NEW YORK Resolution No. 2014148

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 May 2014, 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 May 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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

Ken Stickle thanked the legislators who pledged to support for youth center.

Eli Castera, Stormville, spoke on Cole Brothers Circus coming to Dutchess Stadium and voiced his displeasure because they had been cited for tremendous abuse and cruelty. He encouraged the county to not support them. Comments attached hereto.

Jean Vacca, Dutchess County Jail employee, stated she was fired two days before surgery and asked for help financially and with her unemployment.

Constantine Kazolias thanked the legislators for voting for the pods in order to bring the inmates home so they could receive services.

Joe Demaura, 36 Hagen Drive, thanked the Legislature for anything they could do for his daughter Jean Vacca.

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

There being no further business, the Chairman adjourned the meeting at 10:28 p.m. in memory of Elizabeth Di Pompo, Arnold L. Baratta, Sr., and Ralph Vinchiarello.

Carolyn,
handout for your
information.

Dear County Legislator:

The Cole Bros.Circus is coming to town and we need your help. We are circus animals and we have no voice and no choice. We are beaten, whipped, shocked, and bullied into performing tricks. We eat, drink, sleep, defecate, and urinate in cramped cages. We are forced into boxcars and trucks and hauled endlessly around the country in the worst weather.

Our lives are filled with misery and our spirits are broken. Our care is terrible (Cole Bros. has been fined thousands of dollars by the USDA for poor treatment). We are kept alive only to make money for the circus.

We cannot speak out and we cannot leave the circus. Some of us go insane and try to run but we are gunned down and we sometimes hurt audience members in our desperate attempts to escape the relentless pain and suffering.

Wild animal acts are **BANNED** or **RESTRICTED** in 40 cities and counties across the country - from Pasadena, CA to Stamford, CT. **INCLUDING TOWN OF WALKILL,NY!**

Circuses can thrive without animals (e.g.Cirque de Soleil). Circus animal acts will only stop if you stop going. Please stop going and please say something! **Thank you.**

Some facts from www.asPCA.org - humanesociety.org - peta.org - bornfreeusa.org

1. Circus animals have the right to be protected and treated humanely under the Animal Welfare Act.
2. Trainers use whips, tight collars, muzzles, electric prods and other painful tools to force performances.
3. Since 2000 there have been 35 incidents of elephants running amok into audiences & streets.
4. Every major circus has been cited for violating care standards of the US Animal Welfare Act.
5. Circuses travel 48 weeks a year - Virtually 96% of a circus animals life is in chains or caged.
6. Since 1990 there have been over 123 lion attacks.
7. Repetitive behaviors like obsessive swaying, bobbing, chewing, weaving, rocking and licking are common in circus animals. These behaviors are manifestations of extreme stress and boredom.

WE ASK THAT YOU:

1. **DO NOT** allow public property (Dutchess Stadium) to be used by organizations like Cole Bros. that break the law and engage in much documented animal abuse.
2. Join other municipalities and pass a law prohibiting wild animal entertainment acts.
3. Please pass a resolution declaring that the county does not support or endorse animal cruelty anywhere on publicly owned lands (or private for that matter).

There are many members of the community who oppose circus animal acts because of the cruelty. We are taxpayers and voters and want our voices to be heard. Hopefully, you our elected officials will hear our voices and the facts and act accordingly.

Thank you for taking our thoughts into consideration. For further information please contact: Eli Kassirer email: ekassirer@aol.com