Attendance Sheets

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

Date: 7/11/11

Regular Meeting

of the

Dutchess County Legislature

Monday, July 11, 2011

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

Roll Call by the Clerk of the Legislature

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

ABSENT: 0

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Father Brian McWeeney of St. Stanislaus Kostka in Pleasant Valley; and a moment of silent meditation.

Presentation

Proclamation: Agricultural Environmental Management Week

The Clerk read the notice of Public Hearing on the Tentative Budget of Dutchess Community College.

The Chairman declared the public hearing open.

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

The Clerk read the notice of public hearing to Consider Recommendations of the Dutchess County Agricultural and Farmland Protection Board for Inclusion within Various Certified Agricultural Districts.

The Chairman declared the public hearing open.

Ryan Courtien, Supervisor, Town of Dover questioned the appropriateness of issuing a

negative declaration to permit properties to enter the agricultural district without presenting any analysis of the effects that entering the district may have.

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

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

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, New York spoke in favor of Dutchess Community College budget and spoke regarding the resolution on the Medical Examiners' Office stating that it had been four months since the death of Kathryn Filiberti and the Medical Examiner's office still had not informed the public regarding the cause of death.

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 June 2011 minutes.

The June 2011 minutes were adopted.

COMMUNICATIONS RECEIVED FOR THE JULY 11 BOARD MEETING

RECEIVED: from Child Care Council of Dutchess and Putnam, Inc., letter thanking the Legislature for the opportunity to address the Family and Human Services Committee.

RECEIVED: from Town of Poughkeepsie Deputy Town Clerk, four public hearing notices, three will be regarding amendments to the Town Zoning Map and one regarding amending the Zoning Law regarding Senior Housing Overlay District regulations.

RECEIVED: from Dutchess County Comptroller, Audit of Behavioral Interventions for the period January 1, 2010 to December 31, 2010.

At this time Resolution No. 2011133 entitled "A Resolution Authorizing the Issuance of $1,503,292 Serial Bonds of the County of Dutchess, New York, To Pay Part of the Cost of Highway and Bridge Improvements in and for said County" that was introduced for discussion only at the June 14, 2011 Public Works and Capital Projects Committee meeting was considered.

Roll call vote at this time resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

At this time Resolution No. 2011134 entitled "A Resolution Authorizing the Issuance of $2,277,550 Serial Bonds of the County of Dutchess, New York, to Pay Part of the Cost of Improvements at County Parks, in and for Said County" that was introduced for discussion only at the June 14, 2011 Public Works and Capital Projects Committee meeting was considered.

Discussion on Resolution No. 2011134 resulted as follows:

Legislator Goldberg moved to amend the foregoing Bond Resolution amount in the Title, in Section 1, and in Section 2 from $2,377,550 to $932,550 removing Quite Cove Park Shoreline stabilization and Wilcox Park maintenance garage.

Roll call vote on the foregoing amendment resulted as follows:

AYES: 5 Doxsey, Goldberg, Jeter-Jackson, Tyner, White.

NAYS: 20 Bolner, Borchert, Cooper, Flesland, Forman, Horn, Horton, Hutchings, Incoronato, Kelsey, Kuffner, MacAvery, Miccio, Rolison, Roman, Sadowski, Surman, Thomes, Traudt, Weiss.

ABSENT: 0

Amendment defeated.

Roll call vote on Resolution No. 2011134 resulted as follows:

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

NAYS: 2 Doxsey, Tyner.

ABSENT: 0

Resolution adopted.

At this time Resolution No. 2011135 entitled "A Resolution Authorizing the Issuance of $1,446,320 Serial Bonds of the County of Dutchess, New York, to pay the Cost of the Purchase of Equipment for the Department of Public Works in and for Said County" that was introduced for discussion only at the June 14, 2011 Public Works and Capital Projects Committee meeting was considered.

Roll call vote on Resolution No. 2011135 resulted as follows:

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

NAYS: 1 Cooper.

ABSENT: 0

Resolution adopted.

At this time Resolution No. 2011136 entitled "A Resolution Authorizing the Issuance of $465,020 Serial Bonds of the County of Dutchess, New York, to pay Part of the Cost of Energy Efficiency Improvements at Various County Facilities in and for Said County" that was introduced for discussion only at the June 14, 2011 Public Works and Capital Projects Committee meeting was considered.

Roll call vote on Resolution No. 2011136 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment

RESOLUTION NO. 2011163

RE: ADOPTION OF NEGATIVE DECLARATION WITH RESPECT TO LANDOWNER REQUESTS TO INCLUDE PROPERTY WITHIN AN EXISTING DUTCHESS COUNTY AGRICULTURAL DISTRICT

Legislators MICCIO, BORCHERT, HUTCHINGS, COOPER, and HORTON offer the following and move its adoption:

WHEREAS, this Legislature is considering Landowner requests to include their property within existing Dutchess County Agriculture Districts and the recommendations of the Dutchess County Agricultural and Farmland and Protection Board with respect thereto all pursuant to Section 303-b of the Agriculture Markets Law, and

WHEREAS, approval of such, constitutes an action subject to the State Environmental Quality Review Act, and

WHEREAS, the Dutchess County Legislature has attached a Short Environmental Assessment Form which concludes that the proposed Program constitutes: (1) an Unlisted Action pursuant to Article VIII of the New York State Environmental Quality Review Act and Part 617 of the NYCRR (SEQR); and (2) will not have a significant effect on the environment, and

WHEREAS, the purpose of this Legislature in adopting this resolution is to adopt and confirm those findings, and

WHEREAS, a true copy of the Short Environmental Assessment Form and the Negative Declaration reflecting the finding of non-significance are annexed hereto and made a part hereof, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby adopts and confirms the Short Environmental Assessment Form and Negative Declaration concluding action on Landowners requests to include their land within existing Dutchess County Agricultural Districts will not have a significant effect on the environment.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE
July 14, 2011
Date

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

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

617.20

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

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

1. APPLICANT/SPONSOR
Dutchess County Agriculture and Farmland Protection Board

2. PROJECT NAME
NYS Agricultural Districts 2011 Annual Inclusion, Section 303-B

3. PROJECT LOCATION:
Municipality Multiple Municipalities County Dutchess

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Maps of tax parcels are attached to the Project Application

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

6. DESCRIBE PROJECT BRIEFLY:
Inclusion of 62 parcels into existing Certified Dutchess County Agricultural Districts 20, 21, 22, and 23 per Section 303-b of the NYS Agriculture and Markets Law.

7. AMOUNT OF LAND AFFECTED:
Initially 2505.49 acres Ultimately 2505.49 acres

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Art Collings, Dutchess County Farmland Protection Board Date: 6/23/2011

Signature:

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

OVER

Reset

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

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

☐ Yes ☑ No

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

☐ Yes ☑ No

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

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

No, properties are likely to remain in agricultural use due to the proposed action

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

No, properties are likely to remain in agricultural use due to the proposed action

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

No, enrolling properties in the Agricultural Districts will no directly affect vegetation, fauna, or species.

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

No, the proposed action will help to preserve farmland and natural resources

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

Growth and development are not likely to be induced by the proposed action. The proposed action will benefit agricultural land use.

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

None are anticipated.

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

None anticipated.

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

☐ Yes ☑ No If Yes, explain briefly:

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

☐ Yes ☑ No If Yes, explain briefly:

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

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

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

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

Dutchess County Legislature	
Name of Lead Agency	Date
Robert Rolison	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)

Reset

Roll call vote on the foregoing Resolution No. 2011163 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 Yes, 0 No

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011163 Adoption of Negative Declaration with Respect to landowner requests to include property within an existing Dutchess County Agricultural District

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011163 Adoption of Negative Declaration with Respect to landowner requests to include property within an existing Dutchess County Agricultural District

Date: 7/11/11

Environment

RESOLUTION NO. 2011164

RE: PROPERTY OWNER REQUESTS TO BE INCLUDED WITHIN DUTCHESS COUNTY'S CERTIFIED AGRICULTURAL DISTRICTS 20, 21, 22, AND 23

Legislators MICCIO, COOPER, BOLNER, BORCHERT, HORTON, HUTCHINGS, KELSEY, SURMAN, TRAUDT, and WEISS offer the following and move its adoption:

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law establishes a mechanism on an annual basis for parcels of land comprised of predominately viable agricultural land to be included within the state's Agricultural Districts, and

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law sets forth the requirement that the Legislative Body in every county in New York State with existing Agricultural Districts must designate an annual 30-day period during which landowners may apply for inclusion of their agriculturally viable land in the Agricultural Districts, and

WHEREAS, Dutchess County Legislative Resolution 204098 established an annual thirty-day period extending from April 15 to May 14 during which landowners may summit such requests to the Legislature to include their properties in the Agricultural Districts, and

WHEREAS, during the one-month period extending from April 15, 2011 to May 14, 2011, the Dutchess County Farmland Protection Board received such applications on behalf of the Legislature, and

WHEREAS, subsequently the Agricultural and Farmland Protection Board submitted its report with recommendation as to those requests to the Legislature, and

WHEREAS, after proper Notice of Public Hearing, this Legislature held a public hearing on July 11, 2011, with respect to the above and heard all those wishing to address the matter at said public hearing, and

WHEREAS, New York State Agriculture and Markets Law Section 303-b requires the County Legislature, following such public hearing to adopt or reject the proposed requests for inclusion of land within an existing Agricultural District, and

WHEREAS, the report and recommendations of the Agricultural Farmland Protection Board are on file with the Clerk of the Dutchess County Legislature, and

WHEREAS, the Legislature has considered the matter including the report and recommendation of the Agricultural Farmland Protection Board at the public hearing, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby adopts the recommendations of the Agricultural and Farmland Protection Board and adopts the requests of landowners to include their land within an existing certified Agricultural District as set forth below:

Ag Dist #	Landowner	Town	Parcel #	Acres
20	Joseph & Carol Mann	Clinton	6469-00-783137	11.70
20	Vivien G Malloy	Clinton	6366-00-647673	1.31
20	Elisabeth S Straus	Clinton	6366-00-925457	15.35
20	Erich & Jessica Schaefer	Clinton	6468-00-186328	52.58
20	Lydia J Behr	Clinton	6366-00-383865	6.64
20	Jovanna Stepan	Clinton	6369-00-520662	15.47
20	Michael J & Linda W Kondor	Clinton	6466-00-535235	10.00
20	Christopher DeFeo	Milan	6570-00-656316	47.20
20	Brian D Rance & Melinda B Harris	Pleasant Vly	6365-01-042539	83.06
20	Brian D Rance & Melinda B Harris	Pleasant Vly	6365-03-052395	43.06
20	Joel Longenecker & Susan Rabinowitz	Red Hook	6274-00-414155	32.11
20	Arvine & Wendy Coon	Red Hook	6272-00-212134	0.63
20	Arvine & Wendy Coon	Red Hook	6272-00-204125	1.01
20	Richard Hansen	Red Hook	6372-00-970678	6.90
20	Richard Hansen	Red Hook	6372-00-962753	14.91
20	Charles Murphy	Red Hook	6374-00-346546	29.80
20	Dorothy M Johnson	Rhinebeck	6268-00-365875	100.51
20	Gabrielle & Kieran Conway	Rhinebeck	6268-00-090652	15.39
20	Gabrielle & Kieran Conway	Rhinebeck	6266-00-084508	35.41
21	Ralph Vinchiarello	Amenia	7167-00-405780	29.40
21	Irene W & John P Banning	North East	6970-00-410800	60.82
21	The Arie & Doreen Liebeskind Family Trust	North East	7272-00-253725	161.00
21	Alexander A Gendzier	North East	7069-00-429476	5.03
21	Alexander A Gendzier	North East	7069-00-480508	8.06
21	David M Cote	Pine Plains	6872-00-982010	1.27
21	David M Cote	Pine Plains	6872-00-994006	1.33
21	David M Cote	Pine Plains	6972-00-010003	1.33
21	Andrew Gundlach	Stanford	6669-00-835444	164.89
21	Christopher DeFeo	Stanford	6570-00-648168	148.60

21	Wolcott Builders Inc	Stanford	6669-00-863592	18.50
22	Salvstore Speziale	East Fishkill	6556-01-434927	18.10
22	JMA7 LLC	Lagrange	6562-04-919045	4.85
22	Mountainview Realty LLC	Lagrange	6359-01-265780	51.18
22	Raymond Patierno	Lagrange	6559-02-602517	4.47
22	Raymond Patierno	Lagrange	6559-04-614470	1.90
22	Raymond Patierno	Lagrange	6559-04-544442	0.58
22	Raymond Patierno	Lagrange	6559-04-581413	7.94
22	Raymond Patierno	Lagrange	6559-04-597475	2.20
22	Curry Family Partnership	Lagrange	6559-04-638480	15.16
22	Curry Family Partnership	Lagrange	6559-02-700600	14.30
22	Mountainview Realty LLC	Wappinger	6359-01-235737	36.40
23	Halbro Holding Corp	Beekman	6858-00-185588	38.60
23	Raymond Patierno	Beekman	6559-00-796394	47.43
23	Raymond Patierno	Beekman	6559-00-993170	6.90
23	Raymond Patierno	Beekman	6559-00-728426	5.19
23	Curry Family Partnership	Beekman	6559-00-781474	85.64
23	Lewis Kofsky	Dover	7059-00-580575	38.42
23	Lewis Kofsky	Dover	7059-00-500594	2.71
23	Joseph Kleinman	Dover	7159-00-413865	171.19
23	Madava Farms, LLC - Robb Turner	Dover	6961-00-370940	124.49
23	Madava Farms, LLC - Robb Turner	Dover	6961-00-589975	10.77
23	Madava Farms, LLC - Robb Turner	Dover	6961-00-680990	0.79
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-333200	300.45
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-434085	2.40
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-489160	16.63
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-505009	65.80
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-588384	224.84
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-591153	0.68
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-632053	9.04
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-648131	18.60
23	Madava Farms, LLC - Robb Turner	Dover	6962-00-706012	5.57
23	Madava Farms, LLC - Robb Turner	Union Vale	6962-00-034100	0.20

and, be it further

RESOLVED, that the Dutchess County Legislature herby adopts the recommendations of the Agricultural and Farmland Protection Board and rejects the requests of landowners to include their land within an existing certified Agricultural District as set forth below:

Ag. District	Landowner	Town	Parcel #	Acres
20	Tanya Murray	Clinton	6369-00-331472	48.80

and, be it further

RESOLVED, that the Clerk of the Legislature shall submit a copy of this Resolution together with the report of the Dutchess Agricultural and Farmland Protection Board, and the tax map identification numbers and tax maps for each parcel of land to be included in an Agricultural District, to the New York State Commissioner of Agriculture and Markets.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOFMANN, CLERK OF THE LEGISLATURE

Agriculture and Farmland Protection Board of Dutchess County

Harry Baldwin
Chairman
845/266-5378

Art Collings
Vice Chairman
Dutchess Land Conservancy
845/677-3002 Ext.100

Peter Coon
Coon Brothers Partnership
845/373-8328

Dave Fraleigh
Rose Hill Farm
845/758-9221

Joann Knapp
Crosswinds Equestrian Center
845/223-7433

John Utter
Utter Brothers
845-855-1130

DC Soil & Water
Conservation District
845/677-3620

Gary Cooper
DC Legislator
(H) 518/398-7687
(C) 518/821-0660

Jennifer Fimbel
Cornell Cooperative Extension
845/677-8223

Eric Axelsen
DC Real Property Tax
Service Director
845/486-2140

Kealy Salomon
DC Commissioner of
Planning and Development
845/486-3600

Resolution of the Dutchess County Farmland Protection Board

At a meeting of the Dutchess County Farmland Protection Board ("Board") held on the 6th day of June, 2011 in Millbrook, NY, the following resolution was adopted by a vote of the entire Board, to wit:

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law establishes a mechanism on an annual basis for parcels of land comprised of predominately viable agricultural land to be included within the state's Agricultural Districts; and

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law sets forth the requirement that the Legislative Body in every county in New York State with existing Agricultural Districts must designate an annual 30-day period during which landowners may apply for inclusion of their agriculturally viable land in the Agricultural Districts; and

WHEREAS, Dutchess County Legislative Resolution 204098 established an annual thirty-day period extending from April 15 to May 14 during which Landowners may summit such requests to the legislature to include their properties in the Agricultural Districts; and

WHEREAS, During the one month period extending from April 15, 2011 to May 14, 2011, the Dutchess County Farmland Protection Board received such applications on behalf of the Legislature; and

WHEREAS, The Dutchess County Soil and Water Conservation District, acting as a consultant to the Board, conducted a review of the agricultural characteristics of all such applications received by the Board; and

WHEREAS, the same Dutchess County Soil and Water Conservation District, found in the process of conducting the aforementioned review that the certain parcels itemized below are located within one of the Dutchess County's four Agricultural Districts and have present a high percentage or large acreage of viable farmland as required by Section 303-b of the Agricultural Districts Law; and

WHEREAS, the same Dutchess County Soil and Water Conservation District specifically recommended that certain parcels itemized below qualify for inclusion in the Agricultural Districts due to the character of viable farmland found to be present on these properties; and

WHEREAS, the Board, in the context of the standards established by Section 303-b of the Agriculture Districts Law, has duly considered the merits of the each and every parcel application it has received; therefore be it

RESOLVED by a majority vote of the Dutchess County Agriculture and Farmland Protection Board on June 6th, 2011, that the Board recommends to the Dutchess County Legislature that the following 62 parcels constituting a total of 2505.49 acres of land to be added to the respective Agriculture Districts pursuant to Section 303-b, including 19 parcels comprising 571.84 acres in Agricultural District 20, 11 parcels comprising 600.23 acres in Agricultural District 21, 11 parcels comprising 157.08 acres in Agricultural District 22, and 21 parcels comprising 1176.34 acres in Agricultural District 23:

Landowner	Town	SWIS Code	Parcel Number	Acres	District
Joseph & Carol Mann	Clinton	132400	6469-00-783137	11.70	20
Vivien G Malloy	Clinton	132400	6366-00-647673	1.31	20
Elisabeth S Straus	Clinton	132400	6366-00-925457	15.35	20
Erich & Jessica Schaefer	Clinton	132400	6468-00-186328	52.58	20
Lydia J Behr	Clinton	132400	6366-00-383865	6.64	20
Jovanna Stepan	Clinton	132400	6369-00-520662	15.47	20
Michael J & Linda W Kondor	Clinton	132400	6466-00-535235	10.00	20
Christopher DeFeo	Milan	133600	6570-00-656316	47.20	20
Brian D Rance & Melinda B Harris	Pleasant Vly	134400	6365-01-042539	83.06	20
Brian D Rance & Melinda B Harris	Pleasant Vly	134400	6365-03-052395	43.06	20
Joel Longenecker & Susan Rabinowitz	Red Hook	134889	6274-00-414155	32.11	20
Arvine & Wendy Coon	Red Hook	134889	6272-00-212134	0.63	20
Arvine & Wendy Coon	Red Hook	134889	6272-00-204125	1.01	20
Richard Hansen	Red Hook	134889	6372-00-970678	6.90	20
Richard Hansen	Red Hook	134889	6372-00-962753	14.91	20
Charles Murphy	Red Hook	134889	6374-00-346546	29.80	20
Dorothy M Johnson	Rhinebeck	135089	6268-00-365875	100.50	20
Gabrielle & Kieran Conway	Rhinebeck	135089	6268-00-090652	15.39	20
Gabrielle & Kieran Conway	Rhinebeck	135089	6268-00-084508	35.41	20
Ralph Vinchiarello	Amenia	132000	7167-00-405780	29.40	21
Irene W & John P Banning	North East	133889	6970-00-410800	60.82	21
The Aric & Doreen Liebeskind Family Trust	North East	133889	7272-00-253725	161.00	21
Alexander A Gendzier	North East	133889	7069-00-429476	5.03	21
Alexander A Gendzier	North East	133889	7069-00-480508	8.06	21
David M Cote	Pine Plains	134200	6872-00-982010	1.27	21
David M Cote	Pine Plains	134200	6872-00-994006	1.33	21

David M Cote	Pine Plains	134200	6972-00-010003	1.33	21
Andrew Gundlach	Stanford	135200	6669-00-835444	164.89	21
Christopher DeFeo	Stanford	135200	6570-00-648168	160.60	21
Wolcott Builders Inc	Stanford	135200	6669-00-863592	18.50	21
Salvstore Speziale	East Fishkill	132800	6556-01-434927	18.10	22
JMA7 LLC	Lagrange	133400	6562-04-919045	4.85	22
Mountainview Realty LLC	Lagrange	133400	6359-01-265780	51.18	22
Raymond Patierno	Lagrange	133400	6559-02-602517	4.47	22
Raymond Patierno	Lagrange	133400	6559-04-614470	1.90	22
Raymond Patierno	Lagrange	133400	6559-04-544442	0.58	22
Raymond Patierno	Lagrange	133400	6559-04-581413	7.94	22
Raymond Patierno	Lagrange	133400	6559-04-597475	2.20	22
Curry Family Partnership	Lagrange	133400	6559-04-638480	15.16	22
Curry Family Partnership	Lagrange	133400	6559-02-700600	14.30	22
Mountainview Realty LLC	Wappinger	135689	6359-01-235737	36.40	22
Halbro Holding Corp	Beekman	132200	6858-00-185588	38.60	23
Raymond Patierno	Beekman	132200	6559-00-796394	47.43	23
Raymond Patierno	Beekman	132200	6559-00-993170	6.90	23
Raymond Patierno	Beekman	132200	6559-00-728426	5.19	23
Curry Family Partnership	Beekman	132200	6559-00-781474	85.64	23
Lewis Kofsky	Dover	132600	7059-00-580575	38.42	23
Lewis Kofsky	Dover	132600	7059-00-500594	2.71	23
Joseph Kleinman	Dover	132600	7159-00-413865	171.19	23
Madava Farms, LLC - Robb Turner	Dover	132600	6961-00-370940	124.49	23
Madava Farms, LLC - Robb Turner	Dover	132600	6961-00-589975	10.77	23
Madava Farms, LLC - Robb Turner	Dover	132600	6961-00-680990	0.79	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-333200	300.45	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-434085	2.40	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-489160	16.63	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-505009	65.80	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-588384	224.84	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-591153	0.68	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-632053	9.04	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-648131	18.60	23
Madava Farms, LLC - Robb Turner	Dover	132600	6962-00-706012	5.57	23
Madava Farms, LLC - Robb Turner	Union Vale	135400	6962-00-034100	0.20	23

these said parcels being recommended due to the character of viable farmland documented to be present on said parcels; and be it further

RESOLVED that the Board recommends to the Dutchess County Legislature that the following one parcel totaling 48.80 acres, for which an application was received, be rejected for inclusion in the Agricultural Districts:

Tanya Murray	Clinton	132400	6369-00-331472	48.80	20

this said parcel being recommended for rejection rather than inclusion due to fact that the character of land on said parcel does not meet the criteria of viable farmland stipulated in Section 303-b of the Agricultural Districts Law; and be it further

RESOLVED that in support of the above recommendations, the Board shall submit to the Legislature the following materials: 1) copies of all applications received 2) copies of the review materials prepared by the Dutchess County Soil and Water Conservation District in association with all applications received, 3) copies of the minutes of the June 6th, 2011 meeting of the Board.

IN WITNESS WHEREOF, **I, Harry Baldwin, Chairman of the Dutchess County Farmland Protection Board, certify that the foregoing resolution was adopted by Board at its June 6th, 2011 meeting.**

_____ Date _____

Minutes June 6, 2011 Meeting
Dutchess County Agriculture and Farmland Protection Board
Draft

Agriculture and Farmland Protection Board of Dutchess County

Harry Baldwin
Chairman
845/266-5378

Art Collings
Vice Chairman
Dutchess Land Conservancy
845/677-3002 Ext.100

Peter Coon
Coon Brothers Partnership
845/373-8328

Dave Fraleigh
Rose Hill Farm
845/758-9221

Joann Knapp
Crosswinds Equestrian Center
845/223-7433

John Utter
Utter Brothers
845-855-1130

John Kalin
DC Soil & Water
Conservation District
845/677-3620

Gary Cooper
DC Legislator
(H) 518/398-7687
(C) 518/821-0660

Jennifer Fimbel
Cornell Cooperative Extension
845/677-8223

Eric Axelsen
DC Real Property Tax
Service Director
845/486-2140

Kealy Salomon
DC Commissioner of
Planning and Development
845/486-3600

PRESENT	ABSENT
Harry Baldwin	
Art Collings	
Eric Axelsen	
	Gary Cooper
Kealy Salomon	
	Joanne Knapp
Dave Fraleigh	
	John Utter
	Peter Coon
	John Kalin
Jennifer Fimbel	

Advisers
Marilyn Howard
Dave Tetor
Noela Hooper
Ed Hoxsie

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1. Harry Baldwin called the meeting to order at 7:29.

2. Jennifer Fimbel made the motion to accept the minutes of the April meeting, Dave Fraleigh second, passed.

3. Communications:

   - Adams Farm in Pine Plains is considering having a distillery, Ag & Mkts agreed if product is made of 51% own farm grown materials.
   - Budget-approved- Secretary-$600, Chairman-$250, Postage-$150.

4. Database update- Looks up to date and Neil will print out the 36x60 maps. Maps for Ag and Markets need parcel numbers on them.

Annual Inclusion: Ed Hoxsie of the Dutchess County Soil and Water Conservation District informed the Board that applications had been received in each of the County's four Agricultural Districts from landowners wishing to enroll their properties in the Districts as part of the 303-B Annual Enrollment process. As required by the Dutchess County Legislature, such applications can be made during the one month period from April 15 to May 14.

Ed provided detailed information to the Board about each application received and reviewed by his office. As a matter of procedure, it was determined by the Board that applications would be reviewed individually, with voting to be exercised for all of the parcels recommended in each of the four Ag. Districts. Applications not being recommended would be voted on separately. Each Board member received a list of Soil and Water's recommendations for each parcel, and an aerial photograph of each parcel.

Applications already in the District: Ed informed the Board that applications for 18 parcels that are already in an Ag District were received this year. Dave Fraleigh made the motion these eighteen parcels are already in an Ag District and that no further action is necessary. Each landowner will be notified, Kealy Salomon seconded, motion carried.

Application not recommended for inclusion: Ed informed the board that based on his review, he was recommending that one application from the Town of Clinton in District 20 not be recommended for inclusion. His office reached the preliminary determination that parcel #6369-00-331472, owned by Tanya Murray, did not consist of predominately viable farmland. Ed and Harry Baldwin conducted a site visit to the property and met with the landowner. At the site visit, they found that the land is almost entirely wooded, and consists of steep soils that are highly unsuitable for agriculture. Based on this evaluation, Kealy Salomon made a motion that the parcel was not viable farmland and should not be included in Ag District 20, Art Collings seconded, carried unanimously.

For the remaining parcels, Ed described each parcel individually, and the Board members viewed an aerial of the property. The Board then voted to recommend inclusion of parcels on a district by district basis.

District 20: Ed recommended that a total of 19 parcels in the towns of Clinton, Milan, Pleasant Valley, Red Hook and Rhinebeck be included in the district (excepting the Murray parcel noted above). Dave Fraleigh made the motion to recommend that the Legislature include these parcels in District 20 on the basis that these properties consist predominately of viable farmland, Art Collings second, and the motion carried unanimously.

District 21: Ed recommended that a total of 11 parcels in the towns of Amenia, Northeast, Pine Plains, and Stanford should be included in the district. Kealy Salomon made the motion to recommend that the Legislature include these parcels in District 21 on the basis that these properties consist predominately of viable farmland, Jennifer Fimbel seconded, and the motion carried unanimously.

District 22: Ed recommended that a total of 11 parcels in the towns of East Fishkill, Lagrange and Wappingers should be included in the district. Kealy Salomon made the motion to recommend that the Legislature include these parcels in District 22 on the basis that these properties consist predominately of viable farmland, Dave Fraleigh seconded, and the motion carried unanimously.

District 23: Ed recommended that a total of 21 parcels in the towns of Beekman, Dover, and Union Vale should be included in the district. Art Collings made the motion to recommend that the Legislature include these parcels in District 23 on the basis that these properties consist predominately of viable farmland, Dave Fraleigh seconded, and the motion carried unanimously.

It should be noted that in District 22 and 23 two property owners own more than one parcel in two different districts (the Curry Family Partnership and Raymond Patierno), which contributes to these parcels being viable farmland. In addition, Ed initially indicated that Patierno's parcel number 6559-00-993170 in Beekman not be included in the district. But the Board felt that as part of the landowner's overall farm property which consists of 8 parcels, that inclusion of this parcel also makes sense. In

response, Ed indicated that the Board had a good point, and that he in fact was in agreement, and advised the board to include this parcel.

Resolution of the Board: Upon completion of the review of all application properties, Art Collings made a motion authorizing Harry Baldwin to sign a Resolution on behalf of the Board recommending that the Legislature include (and in one case not include) parcels in Agricultural Districts 20, 21, 22, and 23 in accordance with the Board's earlier votes. Kealy Salomon seconded, and the motion carried unanimously. A list of all application parcels is attached to these minutes.

7. Kealy Salomon made the motion to adjourn, Dave Fraleigh second

Next meeting will be held July 19, 2011.

Submitted by Marilyn Howard

Dist #	Landowner	Mailing Address	Property Address	Town	Swiss	Parcel #	Acres	Date Recvd	Currently In Dist Yes / No	DCSWCD Recmd Yes / No	Comments From DCSWCD St = Statewide Important Soils P = Prime Soils	DCAFPD Approval Yes or No
20	Joseph & Carol Mann	869 Pumpkin Ln, Clinton Corners, NY 12514	869 Pumkin Ln	Clinton	132400	6469-00-783137	11.70	5/12/11	N	Y	ST Soils-pasture-horse	Yes
20	Tanya Murray	359 Mountain View Rd, Rhinebeck, NY 12572	359 Mountain View Rd	Clinton	132400	6369-00-331472	48.80	5/12/11	N	N	wooded -non viable ag	No
20	Vivien G Malloy	PO Box 399, Waccabuc, NY 10597	5 Schoolhouse Rd	Clinton	132400	6366-00-647673	1.31	4/22/11	N	Y	P & ST Soils - part of operation	Yes
20	Elisabeth S Straus	346 Clinton Ave., Salt Point, NY 12578	Clinton Ave	Clinton	132400	6366-00-925457	15.35	4/19/11	N	Y	P & ST Soils - Pasture Hay	Yes
20	Erich & Jessica Schaefer	782 Fiddlers Bridge Rd, Rhinebeck, NY 12572	782 Fiddlers Bridge Rd	Clinton	132400	6468-00-186328	52.58	4/25/11	N	Y	P & ST Soils - pasture hay	Yes
20	Lydia J Behr	568 Hollow Rd, Staatsburg, NY 12580	568 Hollow Rd	Clinton	132400	6366-00-383865	6.64	4/25/11	N	Y	ST Soils - would sufice 4 veg-tree farm	Yes
20	Jovanna Stepan	428 Mountain View Rd, Rhinebeck, NY 12572	428 Mountain View Rd	Clinton	132400	6369-00-520662	15.47	5/13/11	N	Y	P & ST Soils - open field pasture	Yes
20	Michael J & Linda W Kondor	PO Box 273 Salt Point, NY 12578	71-85 Allen Rd	Clinton	132400	6466-00-535235	10.00	5/14/11	N	Y	ST Soils -contiguous opert-hay	Yes
20	Christopher DeFeo	PO Box 1183, Greenwich, CT 06836	Willowbrook Rd	Milan	133600	6570-00-656316	47.20	5/2/11	N	Y	P & ST Soils - open field	Yes
20	Brian D Rance & Melinda B Harris	9 Marshall Rd, Hyde Park, NY 12538	701 Netherwood Rd	Pleasant Vly	134400	6365-01-042539	83.06	5/5/11	N	Y	P & ST Soils- leased - crops	Yes
20	Brian D Rance & Melinda B Harris	9 Marshall Rd, Hyde Park, NY 12538	9-15 Marshall Rd	Pleasant Vly	134400	6365-03-052395	43.06	5/5/11	N	Y	P & ST Soils - leased crops	Yes
20	Joel Longenecker & Susan Rabinowitz	60 Guski Rd, Red Hook, NY 12571	60 Guski Rd	Red Hook	134889	6274-00-414155	32.11	5/9/11	N	Y	P & ST Soils - leased crops	Yes
20	Arvine & Wendy Coon	412 Rt 199, Red Hook, NY 12571	5 Rokeby Rd	Red Hook	134889	6272-00-212134	0.64	4/18/11	N	Y	P & ST Soils - future combine w/204125	Yes
20	Arvine & Wendy Coon	412 Rt 199, Red Hook, NY 12571	7221 Albany Post Rd	Red Hook	134889	6272-00-204125	1.00	4/18/11	N	Y	P & ST Soils-grnhse-combine w/212134	Yes
20	Richard Hansen	25 James Ct, Red Hook, NY 12571	25 James Ct	Red Hook	134889	6372-00-970678	6.90	4/25/11	N	Y	P & ST Soils-part of overall properties	Yes
20	Richard Hansen	25 James Ct, Red Hook, NY 12571	Hapeman Hill Rd	Red Hook	134889	6372-00-962753	14.91	4/25/11	N	Y	P Soils- open-crops	Yes
20	Charles Murphy	9 North Court, Bayville, NY 11709	E 73 Kelly Corners Rd	Red Hook	134889	6374-00-346546	29.80	4/25/11	N	Y	open - field adj 2 ag dist	Yes
20	Dorothy M Johnson	12 Old Primrose Hill Rd, Rhinebeck, NY 12572	12-14 Old Primrose Hill Rd	Rhinebeck	135089	6268-00-365875	100.51	5/13/11	N	Y	P & ST Soils-open fields-crops	Yes
20	Gabrielle & Kieran Conway	584 Ackert Hook Rd, Rhinebeck, NY 12572	584 Ackert Hook Rd	Rhinebeck	135089	6268-00-090652	15.39	4/18/11	N	Y	P & ST Soils-will support diversified ag	Yes
20	Gabrielle & Kieran Conway	584 Ackert Hook Rd, Rhinebeck, NY 12572	Ackert Hook Rd	Rhinebeck	135089	6268-00-084508	35.41	4/18/11	N	Y	P Soils-will support diversified ag	Yes
21	Ralph Vinchiarello	PO Box 165, Wassaic, NY 12592	Mygatt Rd	Amenia	132000	7167-00-405780	29.40	4/20/11	N	Y	ST Soils-hay	Yes
21	Irene W & John P Banning	1891 Rt 83, Pine Plains, NY 12567	1895 Rt 83	North East	133889	6970-00-410800	60.82	4/20/11	N	Y	ST Soils-part of exist operation	Yes
21	The Arie & Doreen Liebeskind Family Trus	551 5th Ave, 24th Floor, NY 10176	Rudd Pond Rd	North East	133889	7272-00-253725	161.00	4/28/11	N	Y	P & ST Soils-leased crops	Yes
21	Alexander A Gendzier	200 E 78th St #15D, NY, NY 10075	26 Moadock Rd	North East	133889	7069-00-429476	5.03	5/13/11	N	Y	P & ST Soils-open-crops-leased	Yes
21	Alexander A Gendzier	200 E 78th St #15D, NY, NY 10075	Smithfield Rd	North East	133889	7069-00-480508	8.06	5/13/11	N	Y	ST Soils-open-crops	Yes
21	David M Cote	101 Columbia Rd, Morristown, NJ 07960	Hammertown Rd	Pine Plains	134200	6872-00-982010	1.27	4/28/11	N	Y	P Soils- crops leased	Yes
21	David M Cote	101 Columbia Rd, Morristown, NJ 07960	Hammertown Rd	Pine Plains	134200	6872-00-994006	1.33	4/28/11	N	Y	P Soils-crops-leased	Yes
21	David M Cote	101 Columbia Rd, Morristown, NJ 07960	Hammertown Rd	Pine Plains	134200	6972-00-010003	1.33	4/28/11	N	Y	P Soils-crops-leased	Yes
21	Andrew Gundlach	27 Barton Ln, Stanfordville, NY 12581	23 Barton Ln	Stanford	135200	6669-00-835444	164.89	5/6/11	N	Y	ST Soils-crop-will be combined w/863592	Yes
21	Christopher DeFeo	PO Box 1183, Greenwich, CT 06836	897-921 Willow Brook Rd	Stanford	135200	6570-00-648168	148.60	5/2/11	N	Y	ST Soils-crops-leased	Yes
21	Wolcott Builders Inc	11 Feller Rd, Rhinebeck, NY 12572	45 Barton Ln	Stanford	135200	6669-00-863592	18.50	5/11/11	N	Y	P & ST Soils-crop-will be combined w/83544	Yes
22	Salvstore Speziale	2808 Rt 52, Hopewell Jct, NY 12533	2808 Rt 52	East Fishkill	132800	6556-01-434927	18.10	5/13/11	N	Y	ST Soils-Viable for ag	Yes
22	JMA7 LLC	2765 Rt 82, Pleasant Valley, NY 12569	2269 Rt 82	Lagrange	133400	6562-04-919045	4.85	4/21/11	N	Y	ST Soils-crops	Yes
22	Mountainview Realty LLC	25 Jersey St, W Babylon, NY 11704	333 Maloney Rd	Lagrange	133400	6359-01-265780	51.18	4/22/11	N	Y	P & ST Soils-old orch viable for ag	Yes
22	Raymond Patierno	131 Clapp Hill Rd, Lagrangeville, NY 12540	Pulling Rd	Lagrange	133400	6559-02-602517	4.47	5/2/11	N	Y	P & ST Soils	Yes
22	Raymond Patierno	131 Clapp Hill Rd, Lagrangeville, NY 12540	73 Clapp Hill Rd	Lagrange	133400	6559-04-614470	1.90	5/2/11	N	Y	ST Soils	Yes
22	Raymond Patierno	131 Clapp Hill Rd, Lagrangeville, NY 12540	Clapp Hill Rd	Lagrange	133400	6559-04-544442	0.58	5/2/11	N	Y	P & ST Soils	Yes
22	Raymond Patierno	131 Clapp Hill Rd, Lagrangeville, NY 12540	Clapp Hill Rd	Lagrange	133400	6559-04-581413	7.94	5/2/11	N	Y	P Soils	Yes
22	Raymond Patierno	131 Clapp Hill Rd, Lagrangeville, NY 12540	Clapp Hill Rd	Lagrange	133400	6559-04-597475	2.20	5/2/11	N	Y	ST Soils	Yes
22	Curry Family Partnership	1604 Stewart La, Syassat, NY 11791	77 Clapp Hill Rd	Lagrange	133400	6559-04-638480	15.16	5/12/11	N	Y	P & ST Soils-part of operation 700600	Yes
22	Curry Family Partnership	1604 Stewart La, Syassat, NY 11791	Clapp Hill Rd	Lagrange	133400	6559-02-700600	14.30	5/12/11	N	Y	P Soils-pasture crops	Yes
22	Mountainview Realty LLC	25 Jersey St, W Babylon, NY 11704	333 Maloney Rd	Wappinger	135689	6359-01-235737	36.40	4/22/11	N	Y	ST Soils-hay	Yes

Dist #	Landowner	Mailing Address	Property Address	Town	Swiss	Parcel #	Acres	Date Recvd	Currently In Dist Yes / No	DCSWCD Recmd Yes / No	Comments From DCSWCD St = Statewide Important Soils P = Prime Soils	DCAFPD Approval Yes or No
23	Halbro Holding Corp	PO Box 487, Poughquag, NY 12570	Rt 55	Beekman	132200	6858-00-185588	38.60	4/27/11	N	Y	P & ST Soils-leased crop	Yes
23	Raymond Patierno	131 Clapp Hill Rd	Clapp Hill Rd	Beekman	132200	6559-00-796394	47.43	5/2/11	N	Y	P & ST Soils-part of operation	Yes
23	Raymond Patierno	131 Clapp Hill Rd	Hilton Rd Rear	Beekman	132200	6559-00-993170	6.90	5/2/11	N	N	P Soils-does not meet annual criteria	Yes
23	Raymond Patierno	131 Clapp Hill Rd	131 Clapp Hill Rd	Beekman	132200	6559-00-728426	5.19	5/2/11	N	Y	ST Soils-part of operation	Yes
23	Curry Family Partnership	1604 Stewart La	180 Clapp Hill Rd	Beekman	132200	6559-00-781474	85.64	5/12/11	N	Y	P & ST Soils-part of operation	Yes
23	Lewis Kofsky	25 Jeans Dr, Pawling, NY 12564	25 Jean Dr	Dover	132600	7059-00-580575	38.42	4/27/11	N	Y	P & ST Soils- veg-orch	Yes
23	Lewis Kofsky	25 Jeans Dr, Pawling, NY 12564	Stanley Lee Rd	Dover	132600	7059-00-500594	2.71	4/27/11	N	Y	ST Soils-veg-orch	Yes
23	Joseph Kleinman	177 Broadview Ave, New Rochelle, NY 10804	194 Leather Hill Rd	Dover	132600	7159-00-413865	171.19	5/12/11	N	Y	P Soils-crops-adj 2 ag parcel	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Dover Furnace Rd	Dover	132600	6961-00-370940	124.49	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6961-00-589975	10.77	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6961-00-680990	0.79	5/5/11	N	Y	ST Soils- Sugar Bush Opereration - specialt	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	47 McCourt Rd	Dover	132600	6962-00-333200	300.45	5/5/11	N	Y	P Soils- Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6962-00-434085	2.40	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6962-00-489160	16.63	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	350 Ridge Rd	Dover	132600	6962-00-505009	65.80	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Holsapple Rd	Dover	132600	6962-00-588384	224.84	5/5/11	N	Y	P Soils- Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	331 Ridge Rd	Dover	132600	6962-00-591153	0.68	5/5/11	N	Y	ST Soils- Sugar Bush Opereration - specialt	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6962-00-632053	9.04	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Ridge Rd	Dover	132600	6962-00-648131	18.60	5/5/11	N	Y	ST Soils- Sugar Bush Opereration - specialt	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Holsapple Rd	Dover	132600	6962-00-706012	5.57	5/5/11	N	Y	ST Soils- Sugar Bush Opereration - specialt	Yes
23	Madava Farms, LLC - Robb Turner	162 Upper Mountain Rd, Montclair, NJ 07042	Mack Rd	Union Vale	135400	6962-00-034100	0.20	5/5/11	N	Y	Sugar Bush Opereration - specialty	Yes
20	Michael J & Linda W Kondor	PO Box 273 Salt Point, NY 12578	Allen Rd	Clinton	132400	6466-00-489307	19.62	5/14/11	Y	n/a	Property is already enrolled.	n/a
20	Michael J & Linda W Kondor	PO Box 273 Salt Point, NY 12578	Allen Rd	Clinton	132400	6466-00-658281	74.58	5/14/11	Y	n/a	Property is already enrolled.	n/a
20	Ruth, Kurt & Christopher Pragman	215 Browning Rd, Hyde Park, NY 12538	215 Browning Rd	Clinton	132400	6366-00-696463	10.30	5/14/11	Y	n/a	Property is already enrolled.	n/a
20	Ruth, Kurt & Christopher Pragman	215 Browning Rd, Hyde Park, NY 12538	Browning Rd	Clinton	132400	6366-00-720346	15.00	5/14/11	Y	n/a	Property is already enrolled.	n/a
20	Daniel W. Madsen	484 Schultzville Rd, Clinton Corners, NY 12514	1347 Hollow Rd	Clinton	132400	6566-00-005670	221.86	4/27/11	Y	n/a	Property is already enrolled.	n/a
20	Daniel W. Madsen	484 Schultzville Rd, Clinton Corners, NY 12514	TSP S	Clinton	132400	6567-00-049017	83.90	4/27/11	Y	n/a	Property is already enrolled.	n/a
20	Daniel W. Madsen	484 Schultzville Rd, Clinton Corners, NY 12514	Schultzville Rd	Clinton	132400	6467-00-986200	10.40	4/27/11	Y	n/a	Property is already enrolled.	n/a
20	Daniel W. Madsen	484 Schultzville Rd, Clinton Corners, NY 12514	484 Schultzville Rd	Clinton	132400	6567-00-086208	31.85	4/27/11	Y	n/a	Property is already enrolled.	n/a
21	Shawn Goff	408 Sinpatch Rd, Wassaic, NY 12592	Bog Hollow Rd	Amenia	132000	7165-00-879307	9.19	4/19/11	Y	n/a	Property is already enrolled.	n/a
21	Shawn Goff	408 Sinpatch Rd, Wassaic, NY 12592	408 Sinpatch Rd	Amenia	132000	7164-00-872950	48.26	4/19/11	Y	n/a	Property is already enrolled.	n/a
21	Michael & Arlene Pettersson	82 Separate Rd, Amenia, NY 12501	82 Separate Rd	Amenia	132000	6968-00-917063	40.00	4/18/11	Y	n/a	Property is already enrolled.	n/a
21	David M Cote	101 Columbia Rd, Morristown, NJ 07960	7865-7869 Rt 82	Pine Plains	134200	6872-00-952152	194.00	4/28/11	Y	n/a	Property is already enrolled.	n/a
21	David M Cote	101 Columbia Rd, Morristown, NJ 07960	10-40 Sunnt Meadows Ln	Pine Plains	134200	6872-00-570390	326.15	4/28/11	Y	n/a	Property is already enrolled.	n/a
21	Irene W & John P Banning	1891 Rt 83, Pine Plains, NY 12567		Pine Plains	134200	6970-00-434961	23.91	4/20/11	Y	n/a	Property is already enrolled.	n/a
21	Irene W & John P Banning	1891 Rt 83, Pine Plains, NY 12567		Pine Plains	134200	6970-00-331969	32.78	4/20/11	Y	n/a	Property is already enrolled.	n/a
21	Irene W & John P Banning	1891 Rt 83, Pine Plains, NY 12567		Pine Plains	134200	6971-00-365180	60.39	4/20/11	Y	n/a	Property is already enrolled.	n/a
23	Raymond Patierno	131 Clapp Hill Rd	234 Clapp Hill Rd	Beekman	132200	6559-00-988522	8.50	5/2/11	Y	n/a	Property is already enrolled.	n/a
23	Raymond Patierno	131 Clapp Hill Rd	83 Thew Dr	Beekman	132200	6659-00-018292	127.10	5/2/11	Y	n/a	Property is already enrolled.	n/a

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Joseph and Carol MANN

Farm name / Corporation:

Owners Mailing Address: 869 Pumpkin Lane
City: Clinton Corners **State:** N.Y **Zip:** 12514
Phone #: 845-266-0371
E-mail Address:

PARCEL INFORMATION

Town Of: CLINTON
Parcel Number: 132400-6469-00-783137-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 11.7 868 Pumpkin Ln.

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Joseph and Carol MANN

Signed: Joseph Mann Carol Mann

Date: May 11, 2011

OFFICIAL USE ONLY

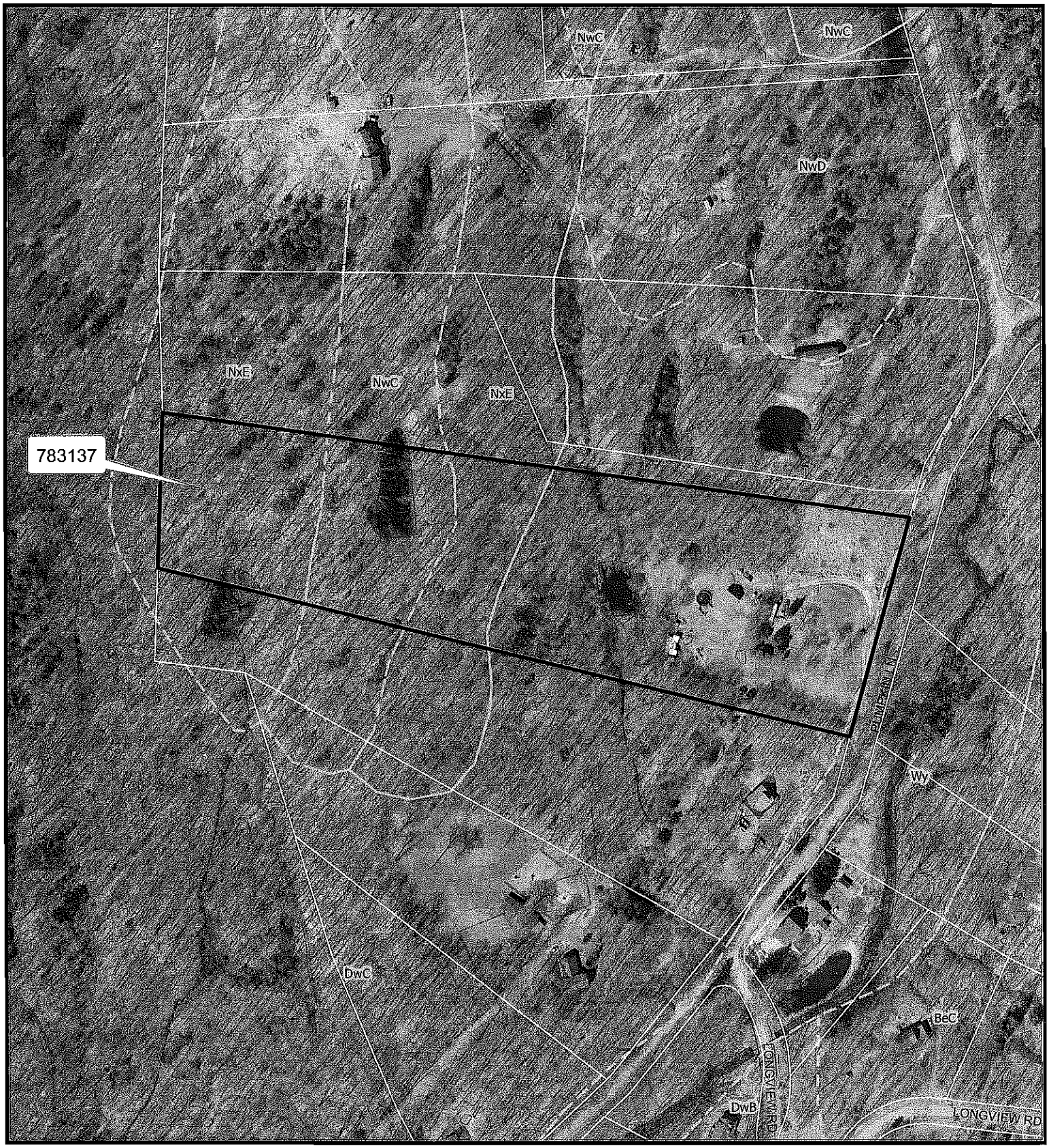
DATE RECEIVED: 5-12-11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6469-00-783137. Owner: Joseph & Carol Mann



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 125 250

Feet

Annual Inclusions, 2011

Ag District

Parcels

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Vivien G. Malloy d/b/a Edition Farm

Farm name / Corporation: Edition Farm

Owners Mailing Address: 5 Schoolhouse Road, PO Box 399
City: Waccabuc **State:** NY **Zip:** 10597
Phone #: (845) 266-3201
E-mail Address:

PARCEL INFORMATION

Town Of: Clinton
Parcel Number: 13 2 4 00-6 3 6 6-0 0-6 4 7 6 73-0 0 0 0
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 1.31

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): VIVIEN G. MALLOY

Signed: Vivien G Malloy

Date: 4/18/11

OFFICIAL USE ONLY

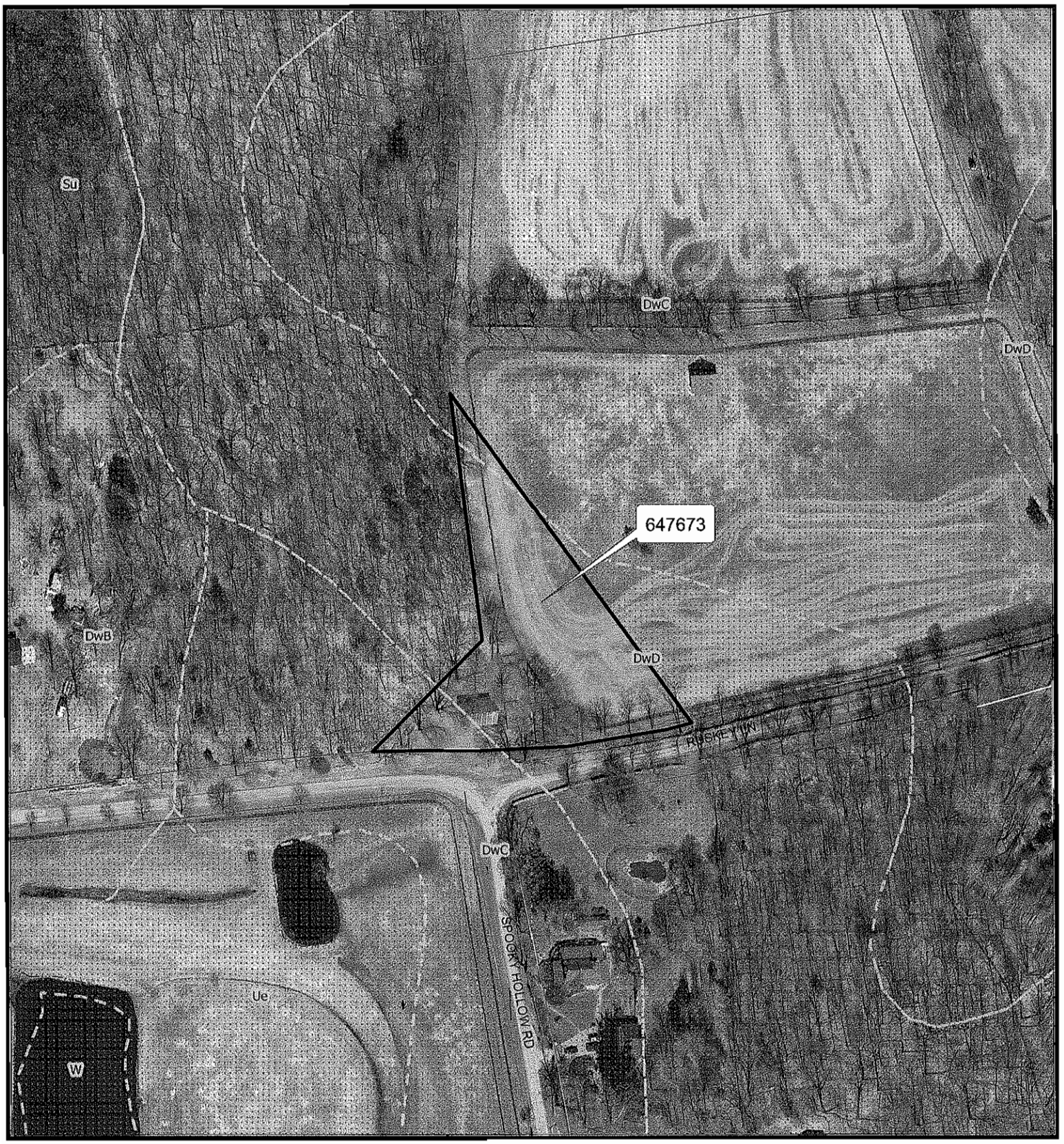
DATE RECEIVED: 4/22/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Nancy W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6366-00-647673. Owner: Vivien G Malloy



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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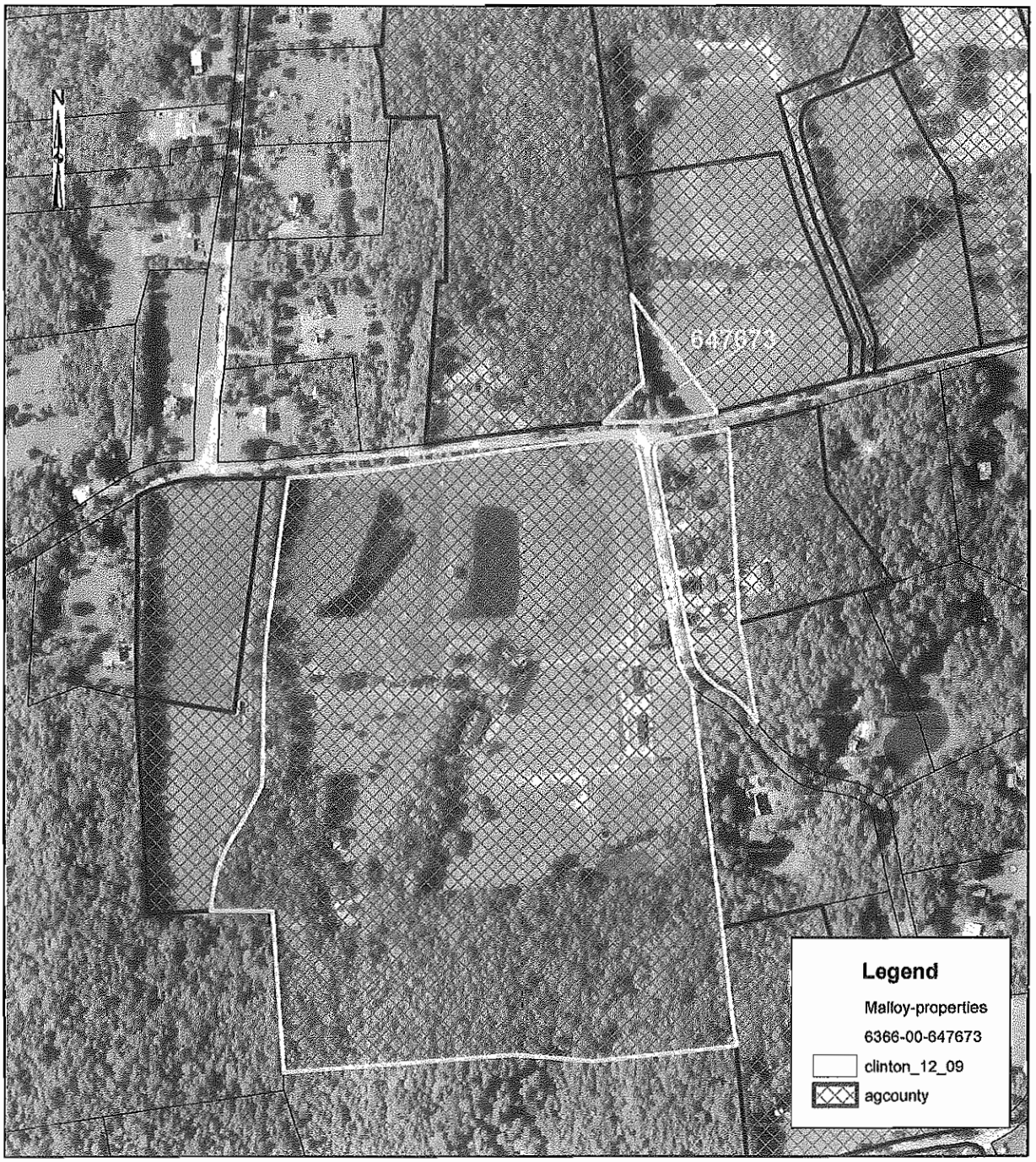
Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

MALLOY PROPERTIES
TOWN OF CLINTON



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1:6,000

Produced on 05/2011
Map Produced by Dutchess County
Soil & Water Conservation District
NOT FOR SITE SPECIFIC WORK
ALL INFORMATION MUST BE SITE VERIFIED

Ag District - Dutchess County Real Property Tax Agency 2009.
Soils - US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey Geographic Data Base (SSURGO), 1998.
Tax Parcels - Dutchess County Real Property Tax Service Agency, 2009.
USDA-FSA Aerial Photography Field Office Publication_Date: 20090811

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Elisabeth S. Straus

Farm name / Corporation: Openfield Farm LLC

Owners Mailing Address: 346 Clinton Avenue
City: Salt Point **State:** NY **Zip:** 12578
Phone #: 914 4500413
E-mail Address: elisabeth_straus@hotmail.com

PARCEL INFORMATION

Town Of: Clinton
Parcel Number: 132400-6366-00-925457-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 15.35

Town Of: ~~Clinton~~
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Elisabeth S. Straus

Signed: Elisabeth S. Straus

Date: 4-15-2011

OFFICIAL USE ONLY

DATE RECEIVED: 4/19/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Nancy W. Baldwin

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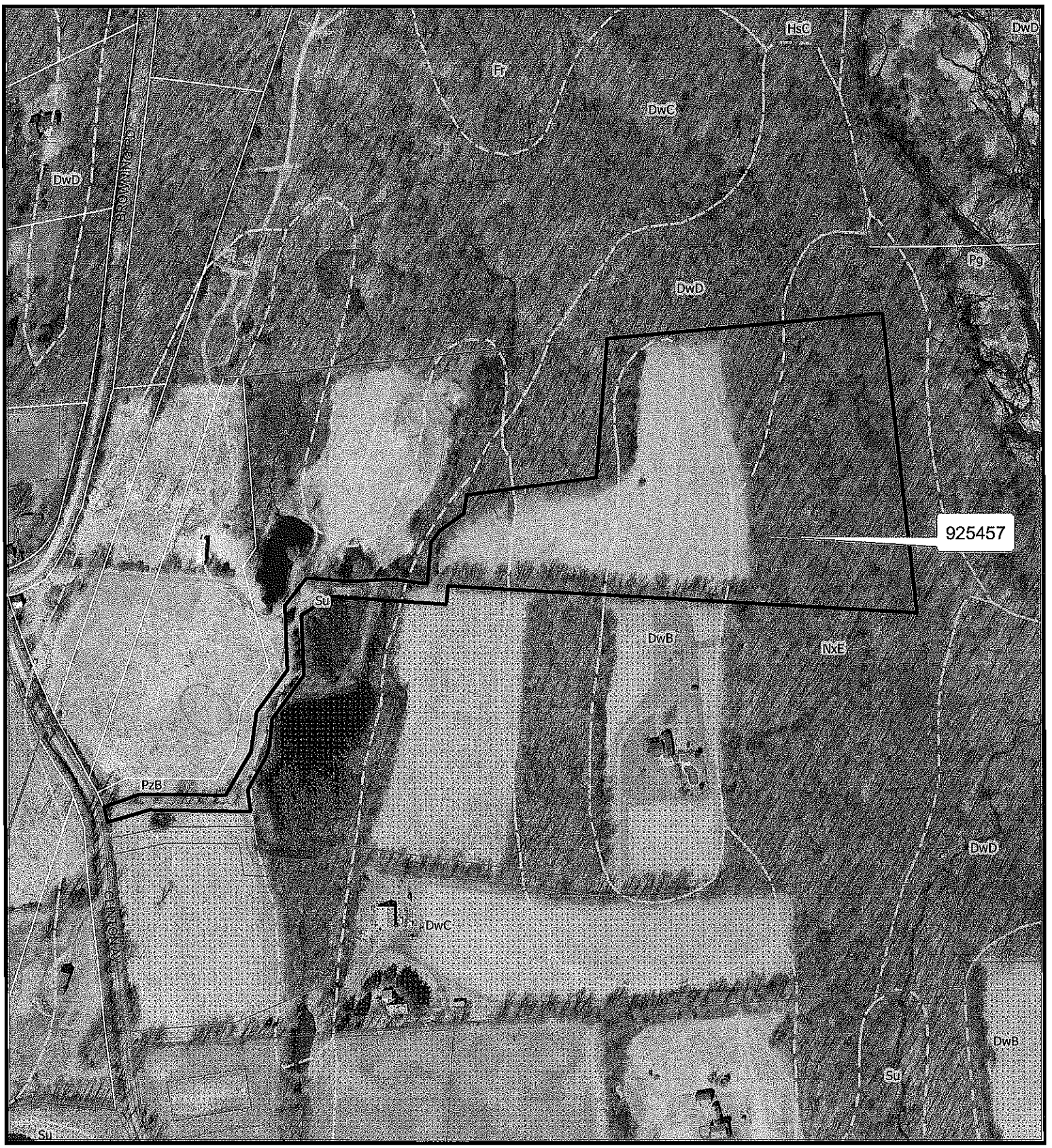
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6366-00-925457. Owner: Elisabeth S Straus



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 162.5 325

Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
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*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: ERICH + JESSICA SCHAEFER

Farm name / Corporation: SCHAEFER FAMILY FARM

Owners Mailing Address: 782 FIDDLERS BRIDGE RD
City: RHINEBECK **State:** NY **Zip:** 12572
Phone #: 845-266-3275-H 845-849-6974-C
E-mail Address: ERICHWILLIAM122179@HOTMAIL.COM

PARCEL INFORMATION

Town Of: CLINTON N
Parcel Number: 132400-6468-00-186328-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 52.58 ACRES

Town Of:
Parcel Number: _____-_____-_____-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____-_____-_____-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): ERICH SCHAEFER
JESSICA SCHAEFER
Signed: Jessica Schaefer
Erich Schaefer
Date: 4/19/11

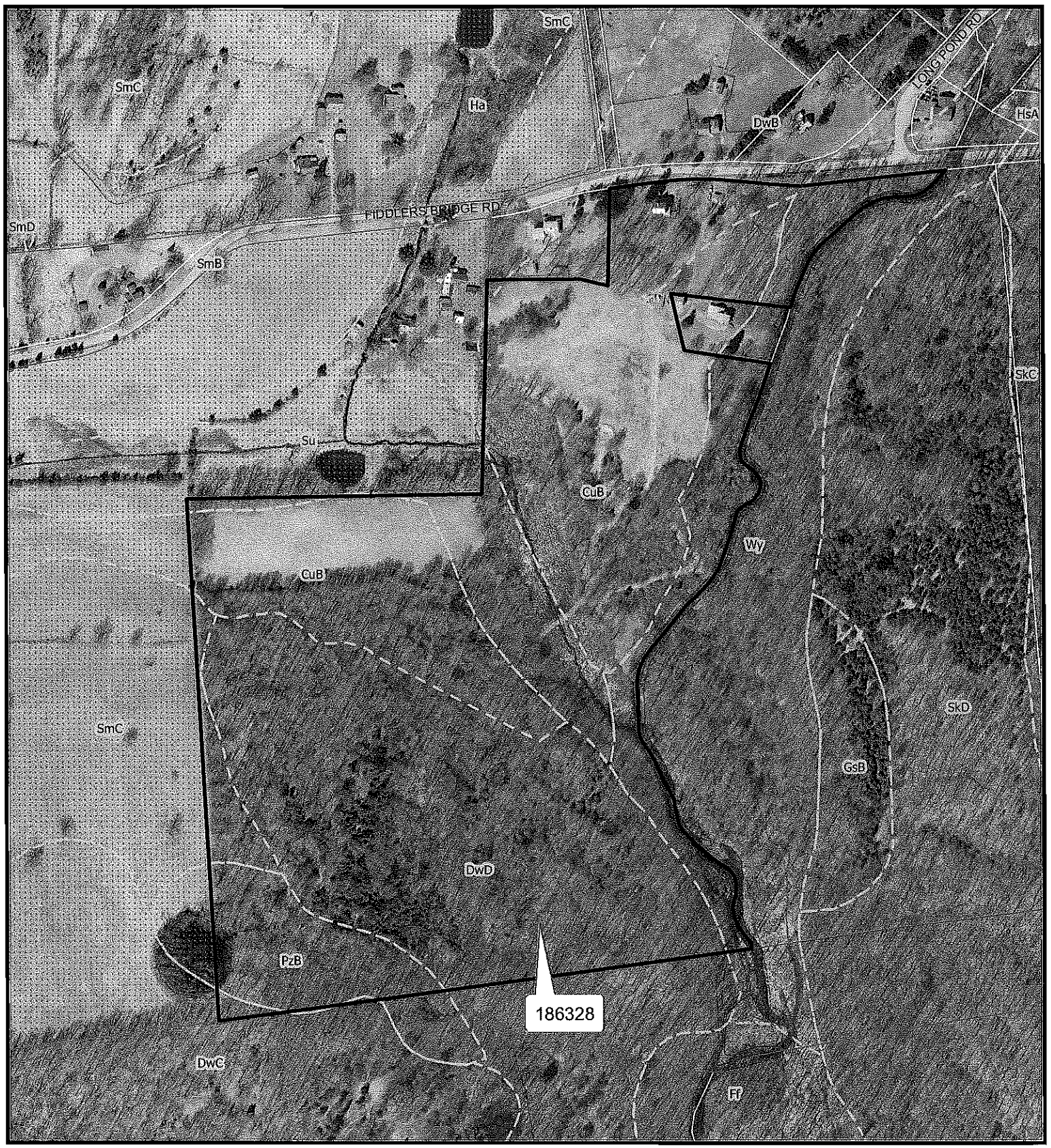
OFFICIAL USE ONLY

DATE RECEIVED 4/25/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Nancy W. Baldwin

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6468-00-186328. Owner: Erich & Jessica Schaefer



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 175 350

Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
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*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Lydia J. Behr

Farm name / Corporation:

Owners Mailing Address: 568 Hollow Rd.
City: Staatsburg State: NY Zip: 12580
Phone #: 845-2352679 8
E-mail Address: mbehr19@hotmail.com

PARCEL INFORMATION

Town Of: Town of Clinton N
Parcel Number: 132400-6366-00-383865-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 6.64

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Lydia J. Behr

Signed: Lydia J. Behr

Date: 4/23/11

OFFICIAL USE ONLY

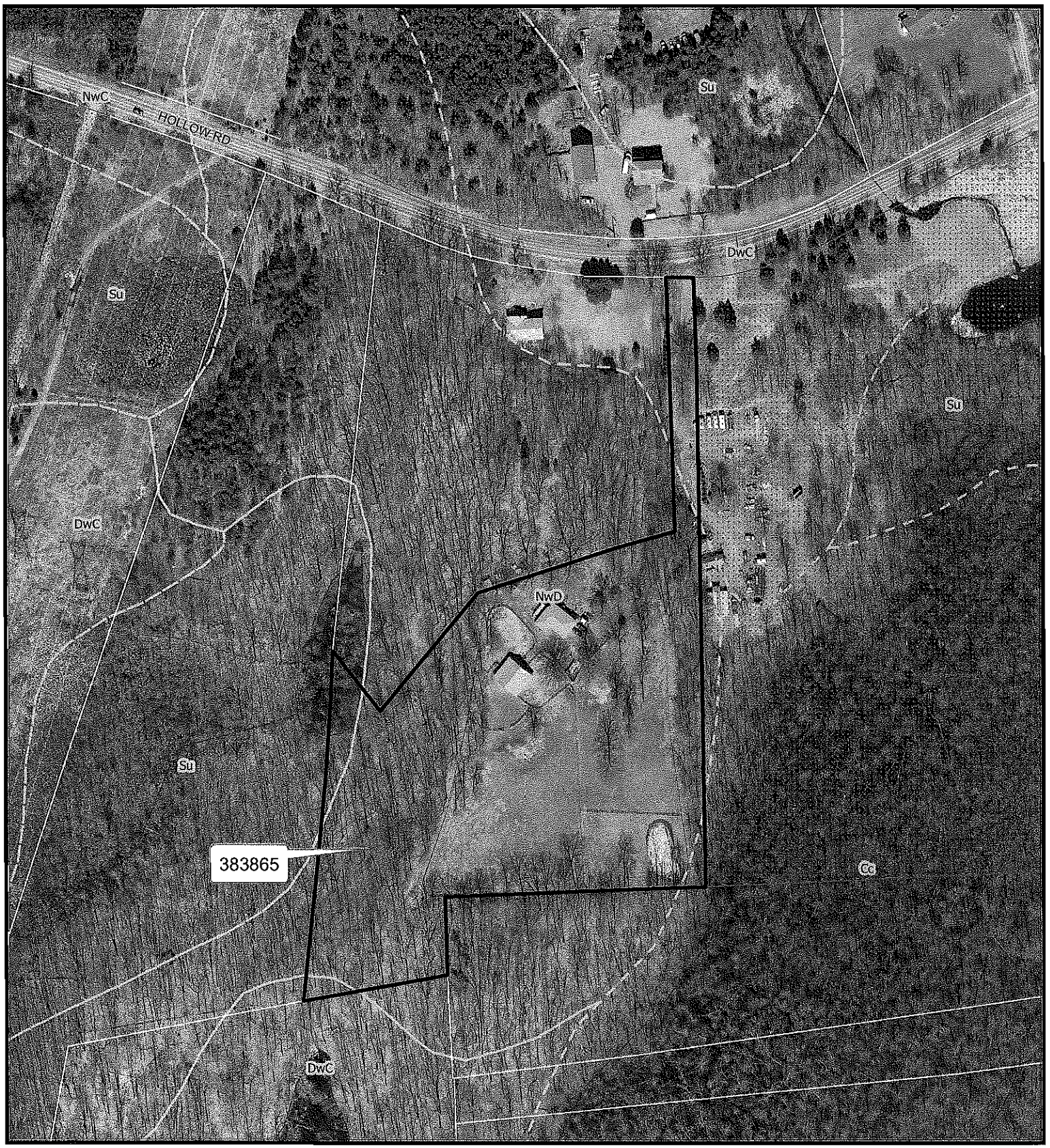
DATE RECEIVED: 4-25-11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Henry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6366-00-383865. Owner: Lydia J Behr



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Ag District

Parcels

Soils

Data Sources:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: JOVANNA STEPAN

Farm name / Corporation: BLUE MOUNTAIN FARM

Owners Mailing Address: 428 Mountain View RD
City: Rhinebeck **State:** NY **Zip:** 12572
Phone #: 914 9072357
E-mail Address:

PARCEL INFORMATION

Town Of: CLINTON N
Parcel Number: 132400-6369-00-520662-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 15.47

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Jovanna Stepan

Signed:

Date: 5/12/14

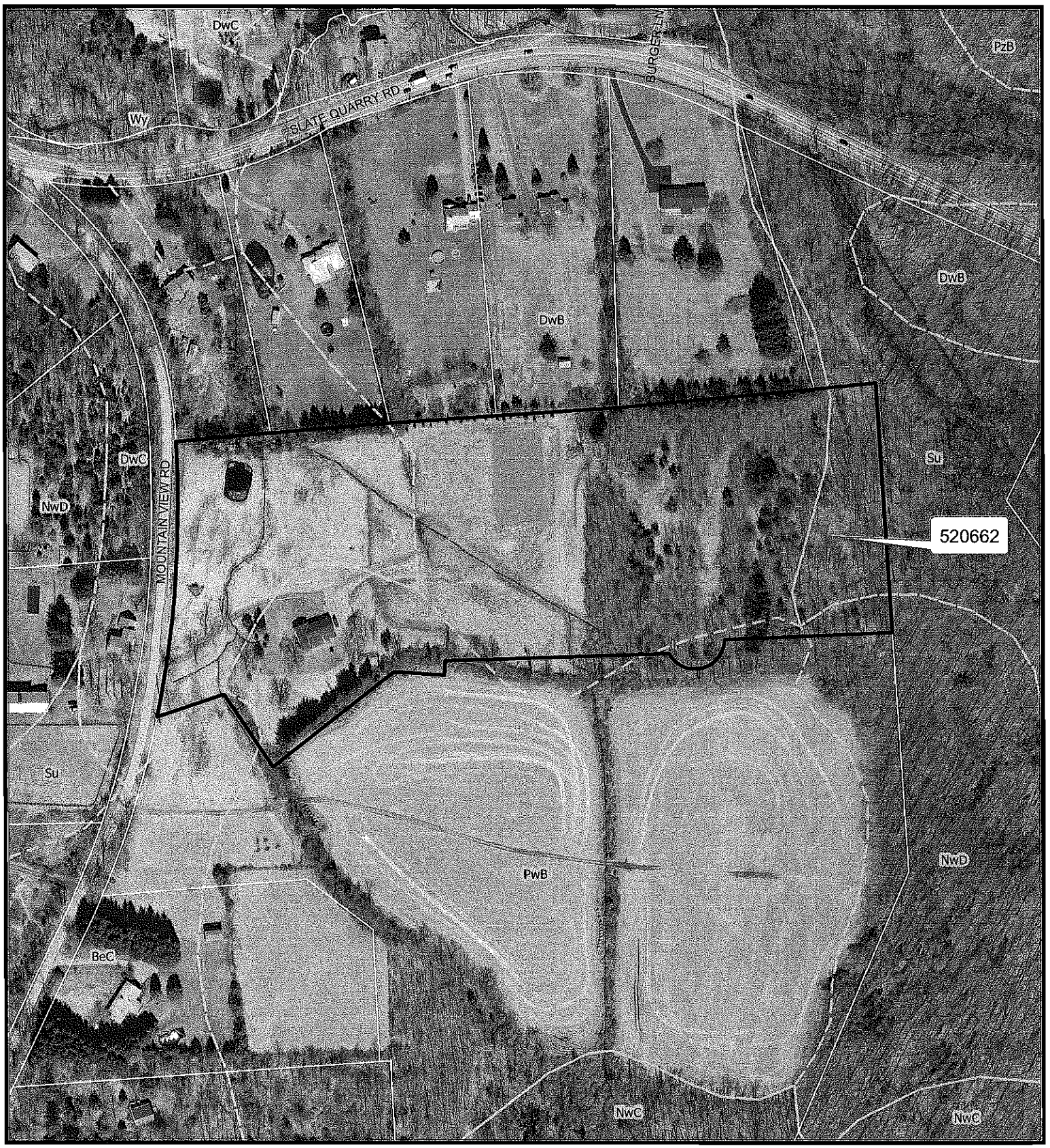
OFFICIAL USE ONLY

DATE RECEIVED: 5/13/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Gary W. Baldwin

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6369-00-520662. Owner: Jovanna Stepan



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Michael J. Linda W. Kondor

Farm name / Corporation: Allen Farm

Owners Mailing Address: 81 Allen Road PO Box 273
City: Salt Point **State:** NY **Zip:** 12578
Phone #: 845-266-3635
E-mail Address:

PARCEL INFORMATION

Town Of: Clinton Y-20
Parcel Number: 132400-6466-00-489307-0000 SN
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 19.62ac Allen Rd

Town Of: Clinton Y-20 SN
Parcel Number: 132400-6466-00-658281-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 74.58 ac Allen Rd

Town Of: Clinton N
Parcel Number: 132400-6466-00-535235-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 10 ac 71-85 Allen Rd

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Linda W Kondor Michael J. Kondor
Linda W. Kondor Michael J Kondor
Signed: Linda W. Kondor

Date: 5/13/2011

OFFICIAL USE ONLY

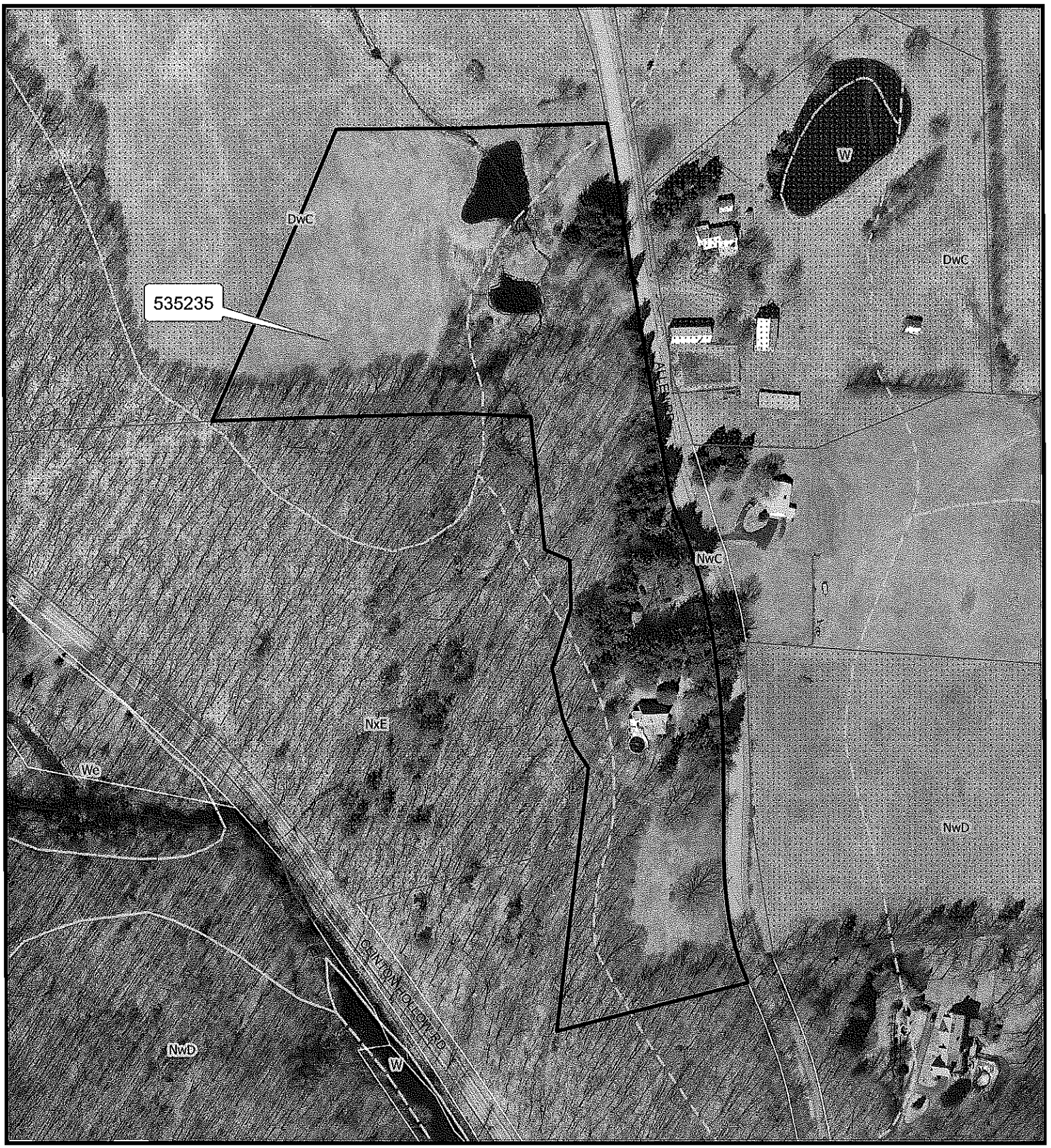
DATE RECEIVED: 5/14/11 APPROVED: Y DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Stacey W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Clinton - Dutchess County, New York

Parcel ID number to be added: 132400-6466-00-535235. Owner: Michael J & Linda W Kondor



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Christopher DeFeo

Farm name / Corporation: Double D Ranch and Land Company, LLC

Owners Mailing Address: P.O. Box 1183
City: Greenwich **State:** CT **Zip:** 06836
Phone #: 914-924-1305
E-mail Address: Cdefeo@aol.com

PARCEL INFORMATION

Town Of: Stanford (Sec B) N
Parcel Number: 135200-0657-00-648168-0000 SEE STANF.
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 160

Town Of: Milan N
Parcel Number: 133600-0657-00-656316-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 47

Town Of: Willbrook Rd.
Parcel Number: _____-_____-____-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Christopher DeFeo d/b/a Double D Ranch & Land Co., LLC

Signed: Christopher DeFeo

Date: 4/27/11

OFFICIAL USE ONLY

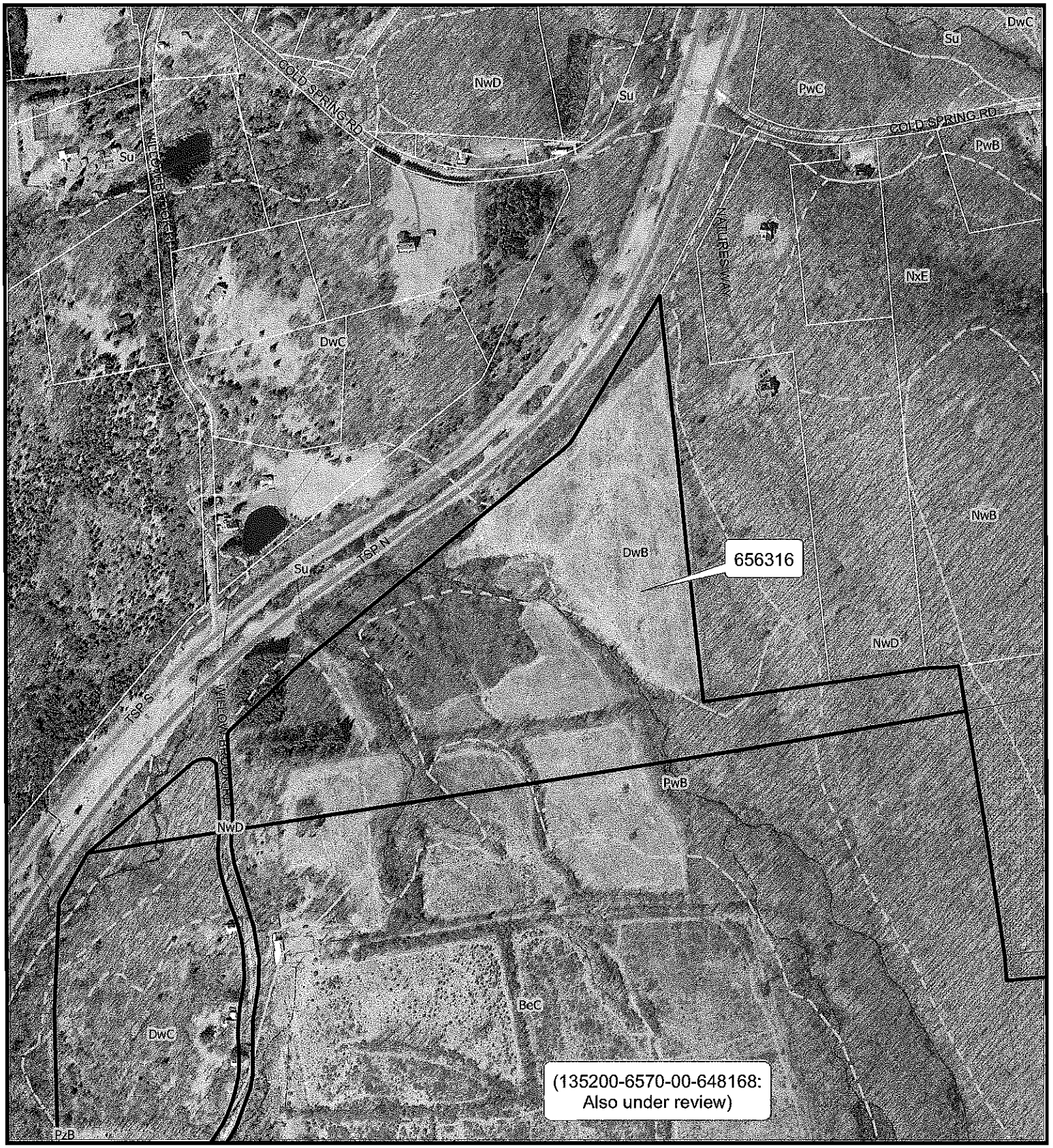
DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED: _____
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Milan - Dutchess County, New York

Parcel ID number to be added: 133600-6570-00-656316. Owner: Christopher DeFeo



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011
Ag District
Parcels
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Brian D. Rance and Melinda B. Harris

Farm name / Corporation: White Pillars Farm

Owners Mailing Address: 9 Marshall Road
City: Hyde Park **State:** New York **Zip:** 12538-2957
Phone #: 917 650 0233
E-mail Address: brian.rance@freshfields.com

PARCEL INFORMATION

Town Of: Pleasant Valley N
Parcel Number: 1 3 4 4 0 0 - 6 3 6 5 - 0 1 - 0 4 2 5 3 9 - 0 0 0 0
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 83.06 701 Netherwood Rd.

Town Of: Pleasant Valley N
Parcel Number: 1 3 4 4 0 0 - 6 3 6 5 - 0 3 - 0 5 2 3 9 5 - 0 0 0 0
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 43.06 9-15 Marshall Rd.

Town Of:
Parcel Number: - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Brian D. Rance and Melinda B. Harris

Signed: Brian D. Rance Melinda Harris

Date: April 29, 2011

OFFICIAL USE ONLY

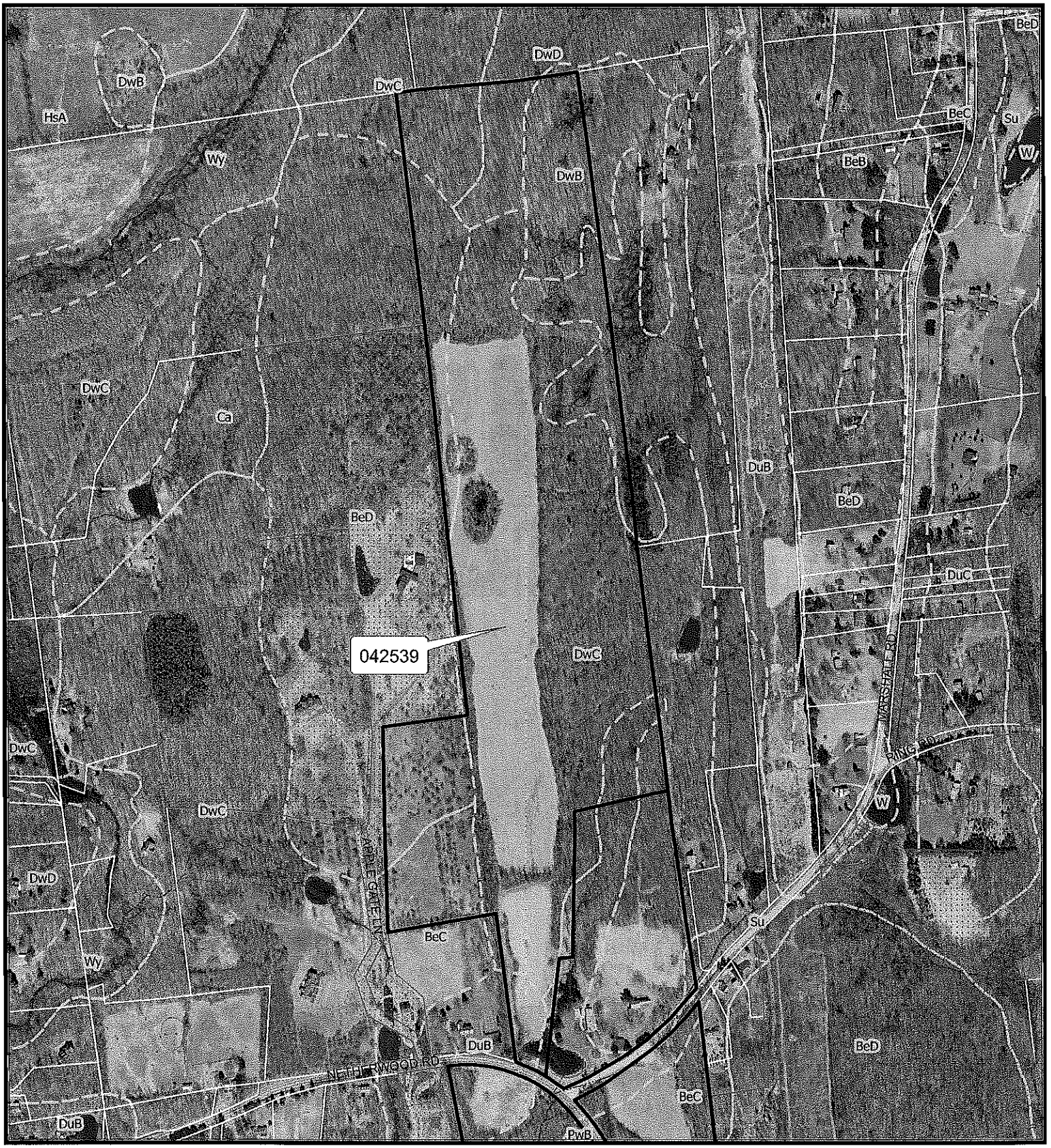
DATE RECEIVED 5/5/11 APPROVED: Y DISSAPPROVED:
AG DIST #: 60 AFPB SIGNATURE: Gloria W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Pleasant Valley - Dutchess County, New York

Parcel ID number to be added: 134400-6365-01-042539. Owner: Brian D Rance & Melinda B Harris



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

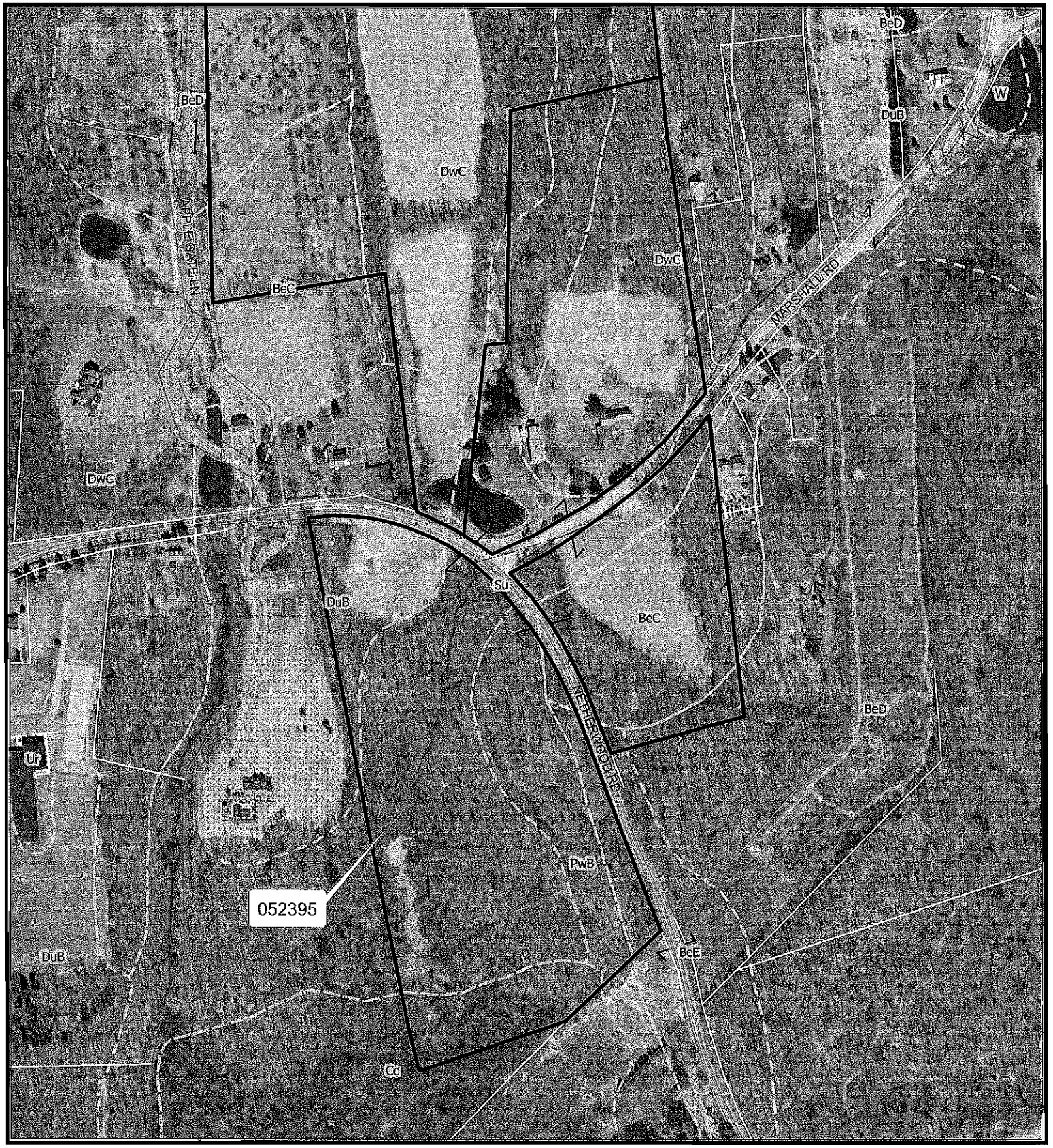
Annual Inclusions, 2011
Ag District
Parcels
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Pleasant Valley - Dutchess County, New York

Parcel ID number to be added: 134400-6365-03-052395. Owner: Brian D Rance & Melinda B Harris



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011
Ag District
Parcels
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Joel Longenecker / Susan Rabinowitz

Farm name / Corporation:

Owners Mailing Address: 60 Gusti Road
City: Red Hook **State:** NY **Zip:** 12571
Phone #: 845 757-5115 cell 917 597.5338
E-mail Address: jtlongenecker@earthlink.net

PARCEL INFORMATION

Town Of: Red Hook N
Parcel Number: 134889-6274-00-414155-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 32.11 60 Gusti Rd

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Joel Longenecker / Susan Rabinowitz

Signed:

Date: 5 · 4 · 2011

OFFICIAL USE ONLY

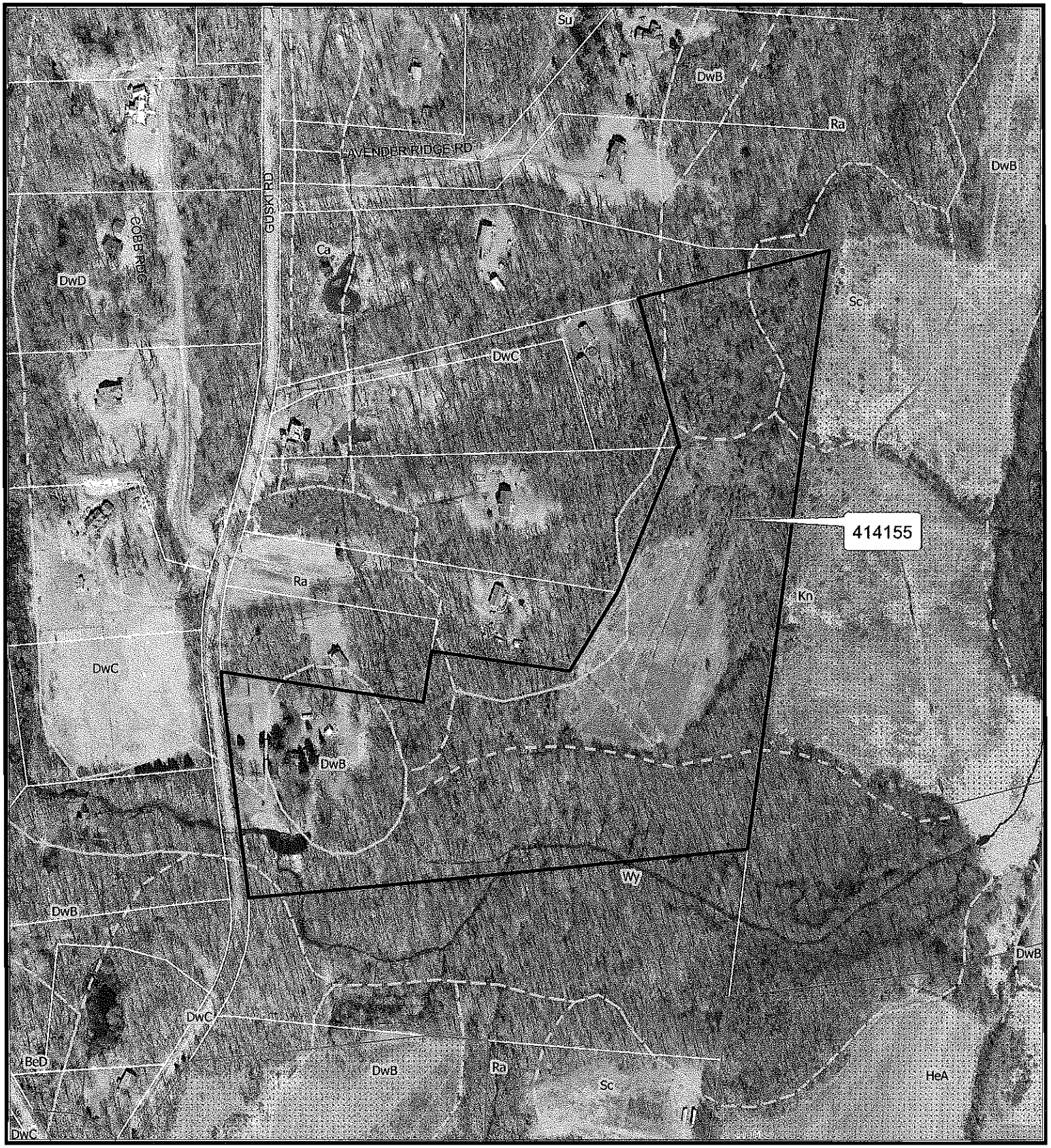
DATE RECEIVED: 5/9/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Stacy W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Red Hook - Dutchess County, New York

Parcel ID number to be added: 134889-6274-00-414155. Owner: Joel Longenecker & Susan Rabinowitz



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011
Ag District
Parcels
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Arvine & Wendy Coon

Farm name / Corporation: Hill-n-Hollow Farm

Owners Mailing Address: 412 Route 199
City: Red Hook **State:** N.Y. **Zip:** 12571
Phone #: 845-758-8727
E-mail Address: hwc412@yahoo.com

PARCEL INFORMATION

Town Of: Red Hook N
Parcel Number: _____-6272-00-212134-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 0.644 5 Rokeby Rd.

Town Of: Red Hook N
Parcel Number: _____-6272-00-204125-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 1.011 7221 Albany Post Rd.

Town Of:
Parcel Number: _____-_____-____-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Arvine Coon Jr.
Wendy Coon
Signed: Arvine Coon Jr.
Wendy Coon
Date: 4-15-11

OFFICIAL USE ONLY

DATE RECEIVED: 4/18/11 APPROVED: ✓ DISSAPPROVED: ____
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Red Hook - Dutchess County, New York

2 Parcel ID numbers to be added: 134889-6272-00-204125 and 212134. Owner: Arvine & Wendy Coon

Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011
Ag District
Parcels
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: RICHARD HANSEN

Farm name / Corporation:

Owners Mailing Address: 25 JAMES CT.
City: RED HOOK **State:** N.Y. **Zip:** 12571
Phone #: 845-758-5034
E-mail Address: ARHANSEN@HVC.RR.COM

PARCEL INFORMATION

Town Of: RED HOOK N
Parcel Number: 637200-9706-78-0000-
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 6.90 25 James ct

Town Of: RED HOOK N
Parcel Number: 134889-6372-00-962753-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 14.91 Hapeman Hill Rd.

Town Of:
Parcel Number: - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): ALLEN RICHARD HANSEN

Signed: Allen Richard Hansen

Date:

OFFICIAL USE ONLY

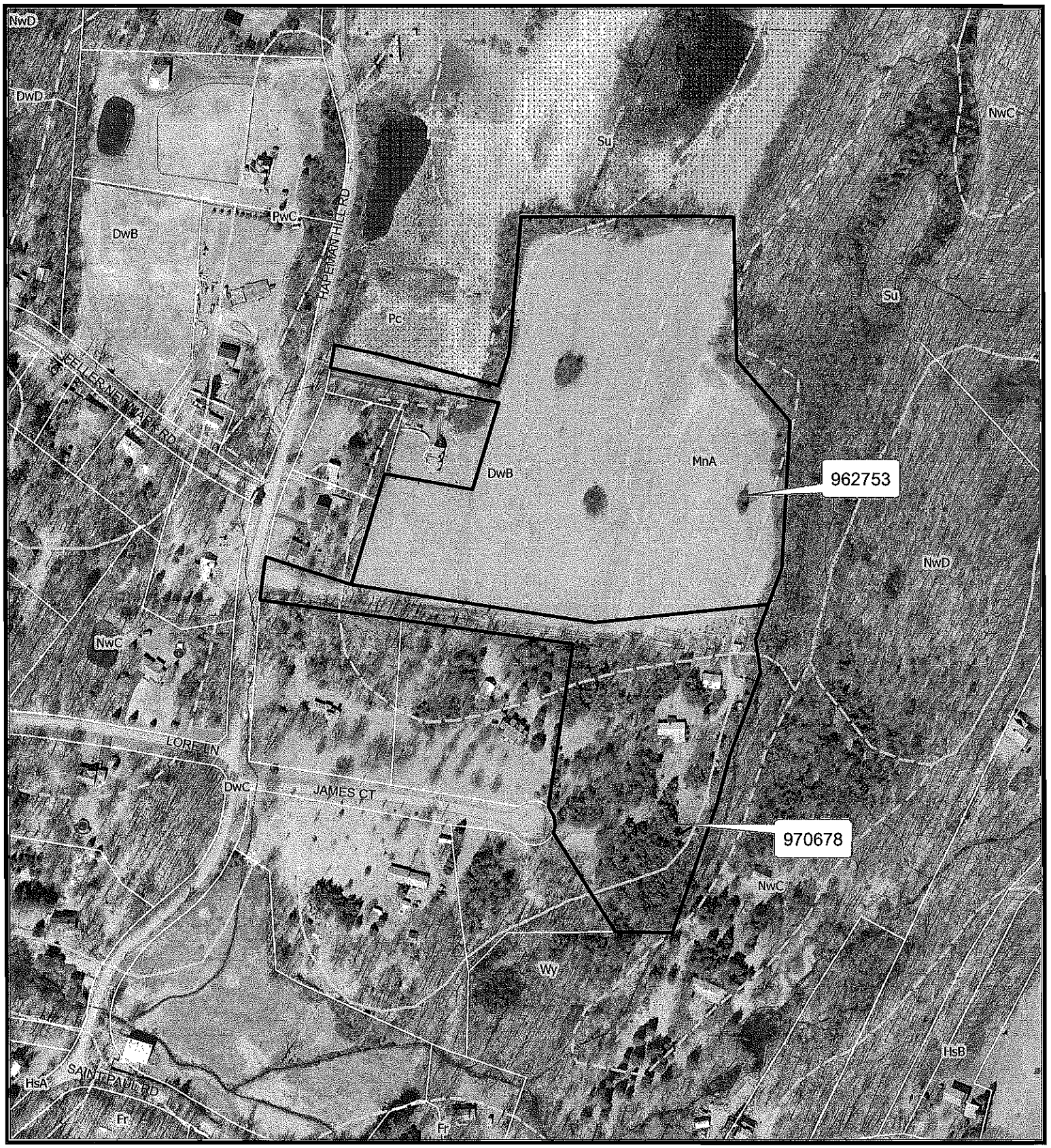
DATE RECEIVED: 4/25/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 APPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Red Hook - Dutchess County, New York

2 Parcel ID numbers to be added: 134889-6372-00-970678 and 962753. Owner: Richard Hansen



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Ag District

Parcels

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Charles Murphy

Farm name / Corporation: Sea Horse Horse Farms INC.

Owners Mailing Address: 9 North Count
City: Baxville **State:** N.Y. **Zip:** 11709
Phone #: 516 628-2880
E-mail Address: SeaHorseHorseFarm@yahoo.com

PARCEL INFORMATION

Town Of: Red Hook
Parcel Number: 134889-6374-00-~~346548~~ 346546-0000 N
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 29.8 E 73 Kelly Corners Rd

Town Of:
Parcel Number: _____-_____-___-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____-_____-___-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Charles Murphy

Signed:

Date: 9/25/11

OFFICIAL USE ONLY

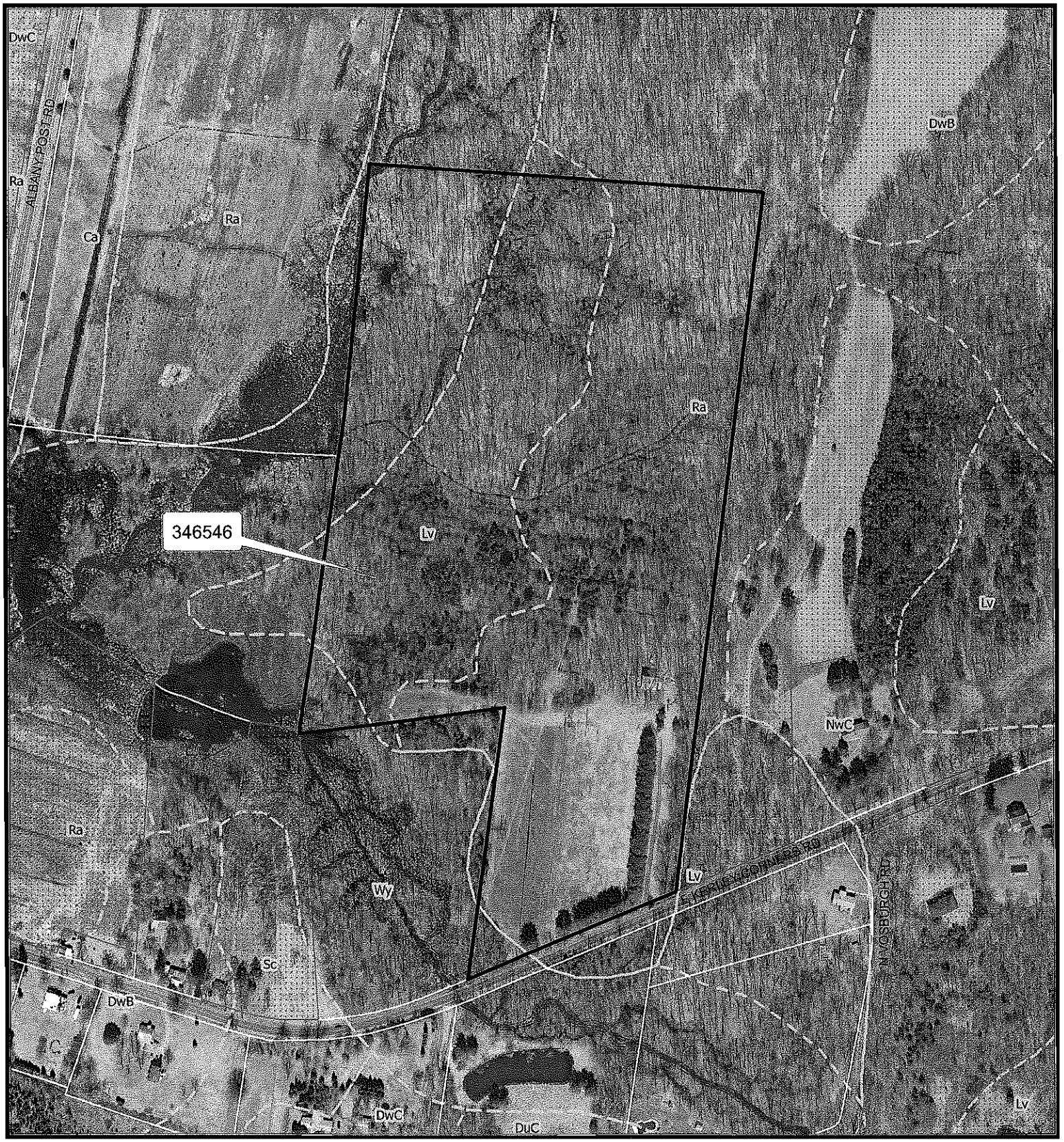
DATE RECEIVED: 4/25/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Red Hook - Dutchess County, New York

Parcel ID number to be added: 134889-6374-00-346546. Owner: Charles Murphy



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

Annual Inclusions, 2011

Ag District

Parcels

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Dorothy M Johnson

Farm name / Corporation:

Owners Mailing Address: 12 old Primrose Hill Rd
City: Rhinebeck **State:** NY **Zip:** 12572
Phone #: 845-876-4108
E-mail Address: Catherine@artycharity.org

PARCEL INFORMATION

Town Of: Rhinebeck N
Parcel Number: 135089-6268-00-365875-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 100.5 (50 Ag) 12-14 Old Primrose Hill Rd.

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Dorothy M Johnson

Signed: Dorothy M Johnson

Date: 5/11/11

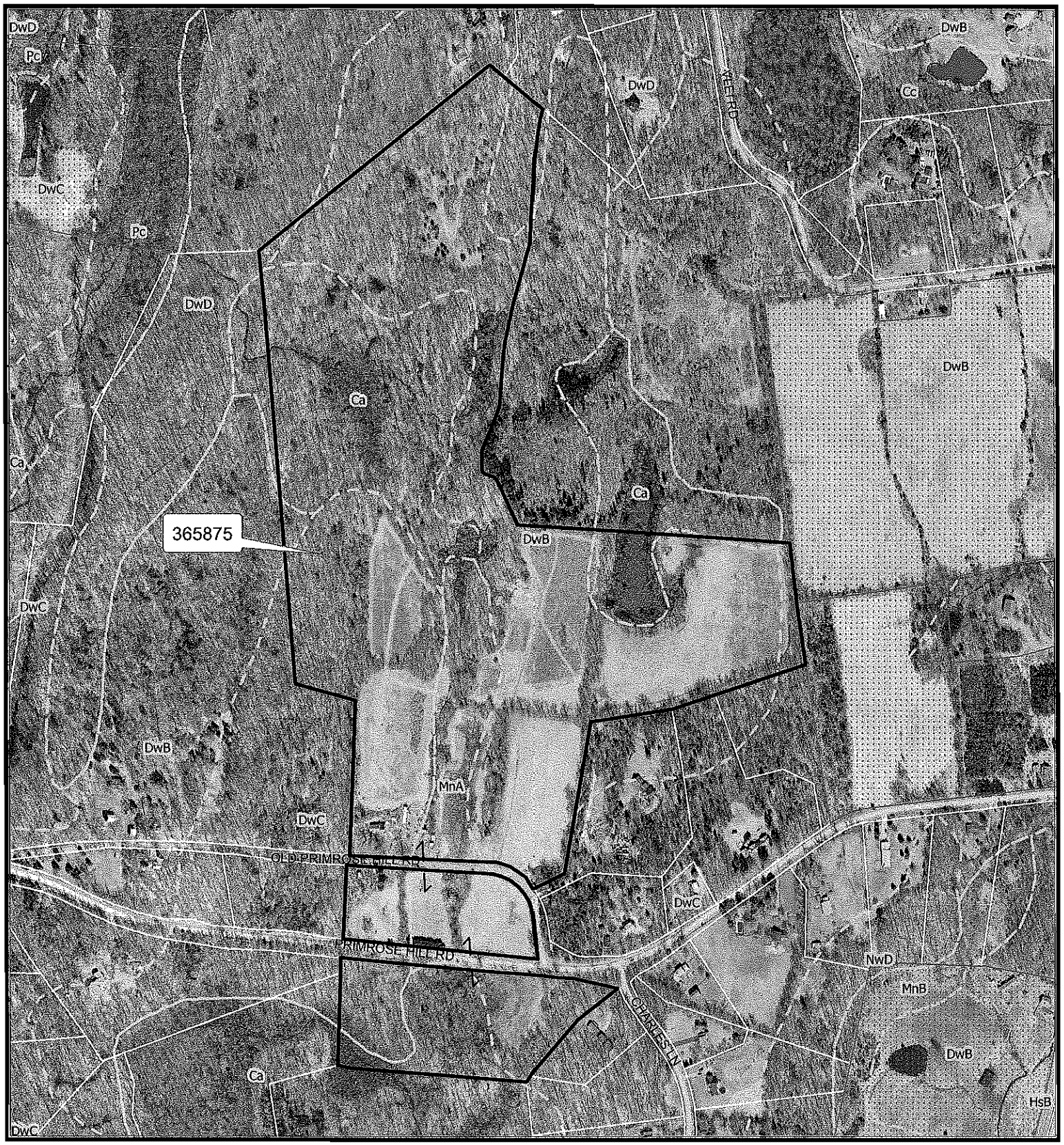
OFFICIAL USE ONLY

DATE RECEIVED: 5/13/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Rhinebeck - Dutchess County, New York

Parcel ID number to be added: 135089-6268-00-365875. Owner: Dorothy M Johnson



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Gabrielle + Kieran Conway

Farm name / Corporation: Cart Before the Horse farm

Owners Mailing Address: 584 Ackert Hook Rd.
City: Rhinebeck **State:** N.Y. **Zip:** 12572
Phone #: 845-876-2501 (914)-760-1203
E-mail Address: gaby.now@hotmail.com

PARCEL INFORMATION

Town Of: Rhinebeck N
Parcel Number: 135089-6268-00-090652-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 15.39 584 Ackert Hook Rd.

Town Of: Rhinebeck N
Parcel Number: 135089-6266-00-084508-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 35.91 Ackert Hook Rd.

Town Of: ____
Parcel Number: ____-____-____-____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : ____

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Gabrielle Conway

Signed: [signature]

Date: April. 16 2011

OFFICIAL USE ONLY

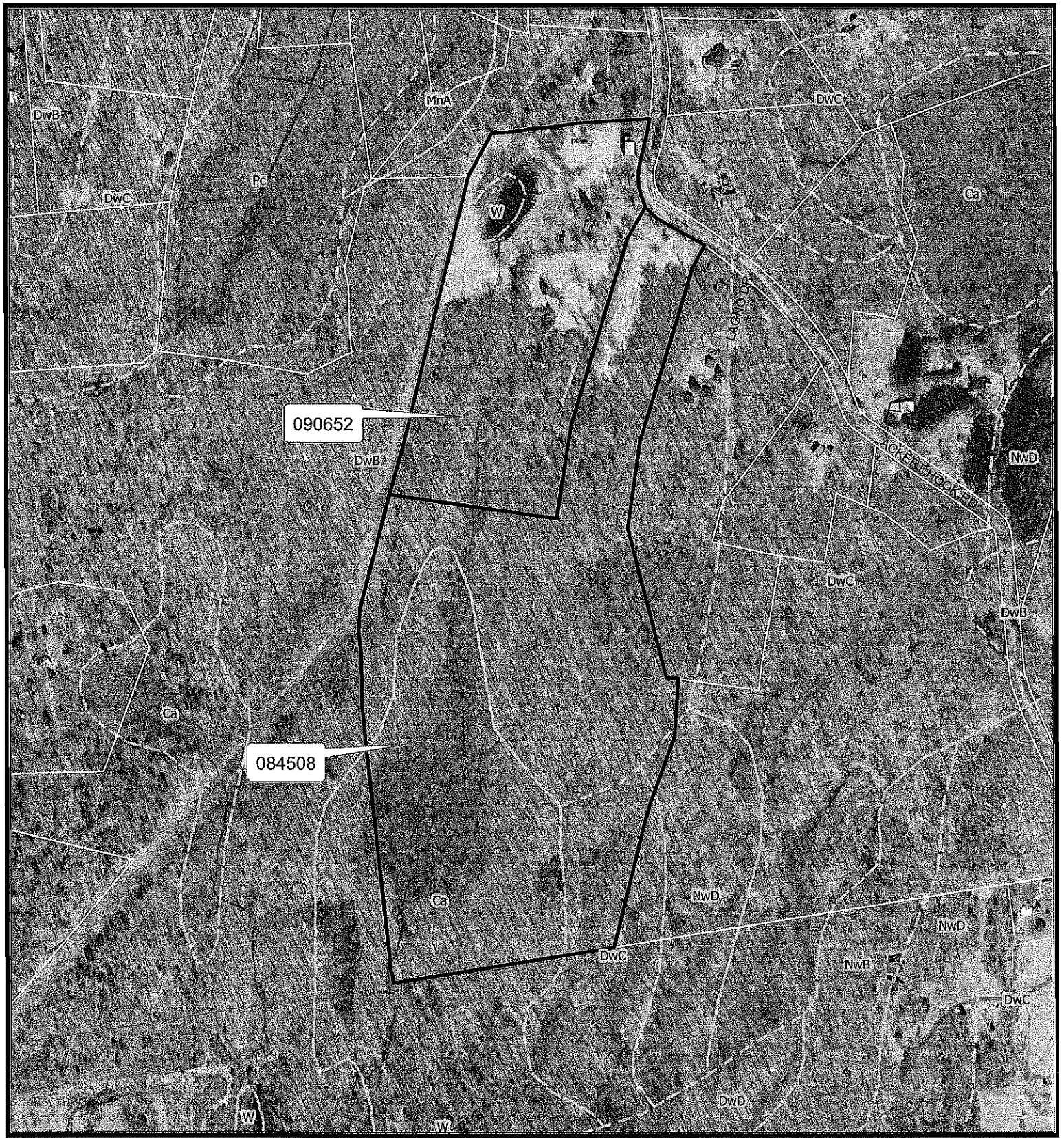
DATE RECEIVED: 4/18/11 APPROVED: ✓ DISSAPPROVED: ____
AG DIST #: 320 AFPB SIGNATURE: Gary W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 20: Annual Inclusions under 303-b

Town of Rhinebeck - Dutchess County, New York

2 Parcel ID numbers to be added: 135089-6268-00-090652 and 084508. Owner: Gabrielle & Kieran Conway



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Ralph Vinchiarello

Farm name / Corporation:

Owners Mailing Address: P.O. Box 165
City: Wassaic **State:** N.Y. **Zip:** 12592
Phone #: 845-877-6326
E-mail Address:

PARCEL INFORMATION

Town Of: Amenia N
Parcel Number: 7167-00-405780 - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 29.40 Myggatt RD

Town Of:
Parcel Number: - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Ralph Vinchiarello
Signed: Ralph Vinchiarello
Date: 4-18-11

OFFICIAL USE ONLY

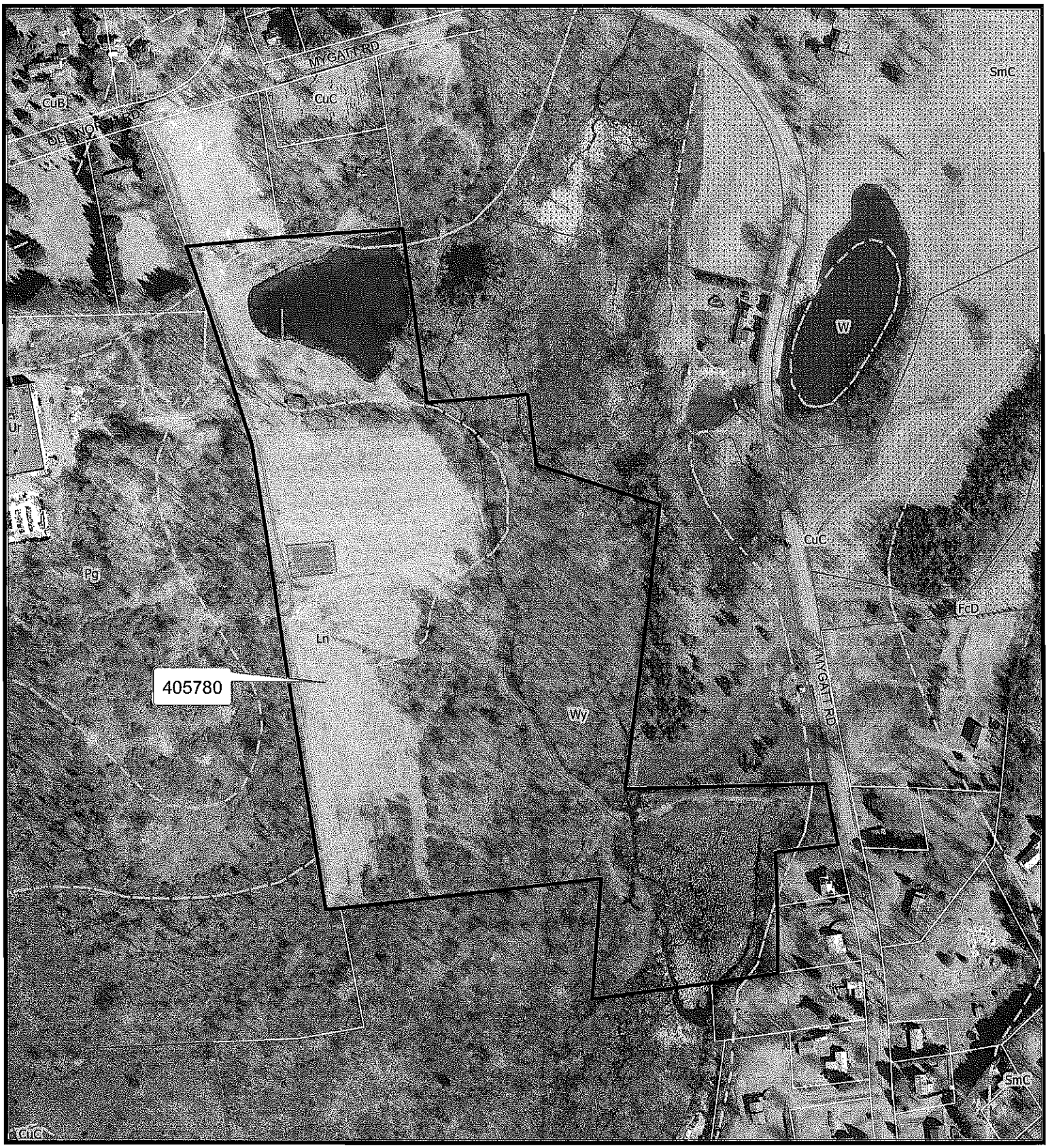
DATE RECEIVED: 4/20/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Stanley W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of Amenia - Dutchess County, New York

Parcel ID number to be added: 132000-7167-00-405780. Owner: Ralph Vinchiarello



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Irene W. Banning + John P. Banning, Jr.

Farm name / Corporation: Black Sheep Hill Farm

Owners Mailing Address: 1891 Route 83
City: Pine Plains **State:** NY **Zip:** 12567
Phone #: 518-771-3069
E-mail Address: jack@blacksheephill.com

PARCEL INFORMATION

Town Of: Pine Plains ~~Pine Plains North East~~ Y-21 – SCV P.P.
Parcel Number: 134200-8970-00-434961-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 23.91

Town Of: ~~Pine Plains~~ North East N
Parcel Number: 133889-6970-00-410800-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 60.82 1895 Rt. 83

Town Of: Pine Plains Y-21 – SCV P.P
Parcel Number: 134200-6970-00-371969-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 32.78

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Irene W. Banning + John P. Banning, Jr.

Signed:

Date: 4/17/11

OFFICIAL USE ONLY

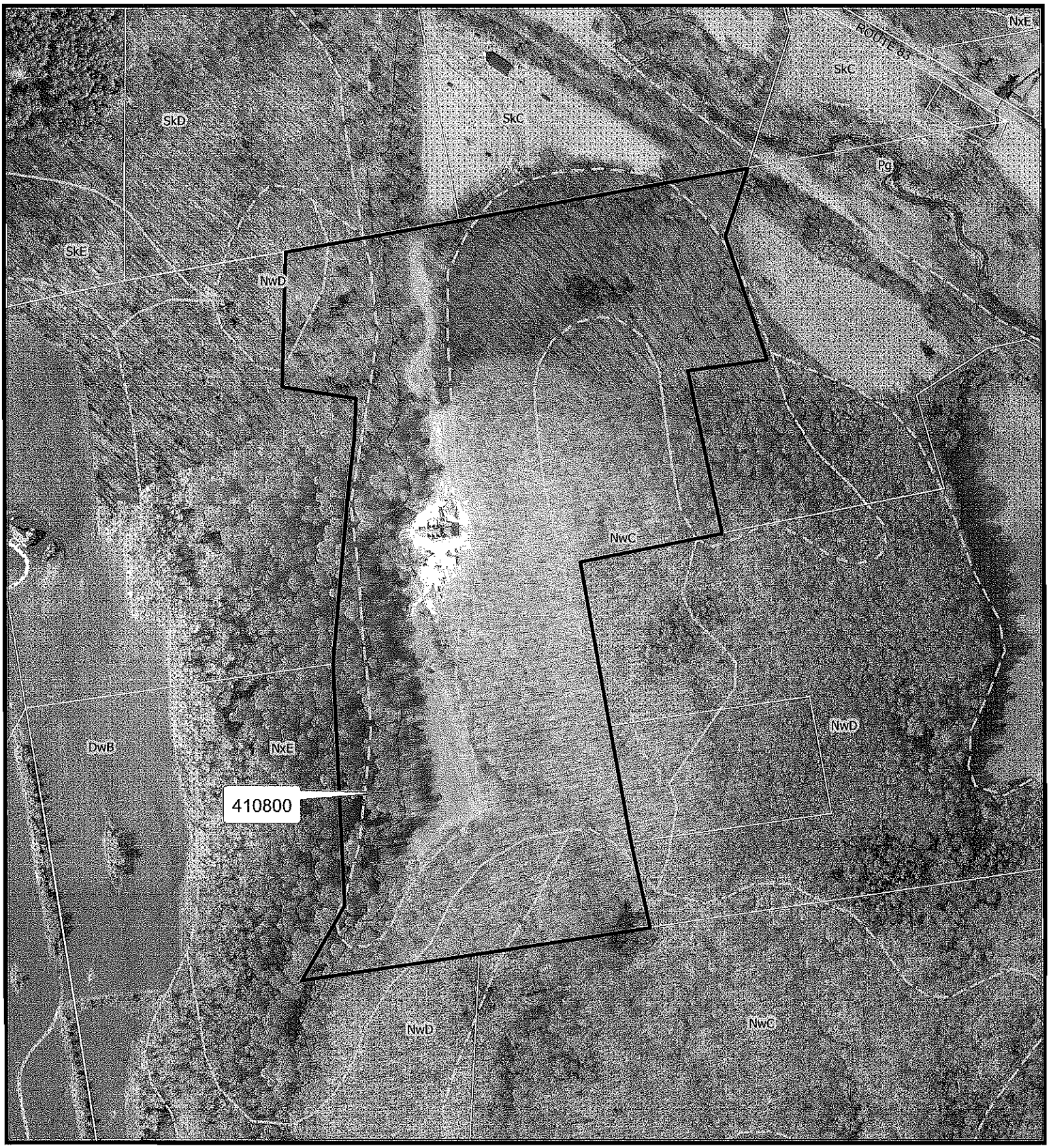
DATE RECEIVED: 4/20/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Gloria W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of North East - Dutchess County, New York

Parcel ID number to be added: 133889-6970-00-410800. Owner: Irene W & John P Banning



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 212.5 425

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: THE ARIE & DOREEN LIEBESKIND FAMILY 1987 TRUST
ATTN: FRANKLIN H. JULIE
Farm name / Corporation: SNOW HILLS FARM
c/o KOPPEL KESSLER JULIE LLP
Owners Mailing Address: 551 FIFTH AVENUE, 24TH FL
City: NEW YORK **State:** NY **Zip:** 10176
Phone #: (212) 687-1466
E-mail Address: FJULIE@KKJLLP.COM

NO

PARCEL INFORMATION

Town Of: NORTHEAST
Parcel Number: 133889-7272-00-~~753725~~-0000 N
(Example: 132000 - 6257 - 00 - 987436 – 0000) 253725
Parcel Acres : 161

Rodd Rnd Rd.

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): THE ARIE & DOREEN LIEBESKIND FAMILY 1987 TRUST
Signed: [signature] AS EXECUTOR
Date: APRIL 25, 2011

OFFICIAL USE ONLY

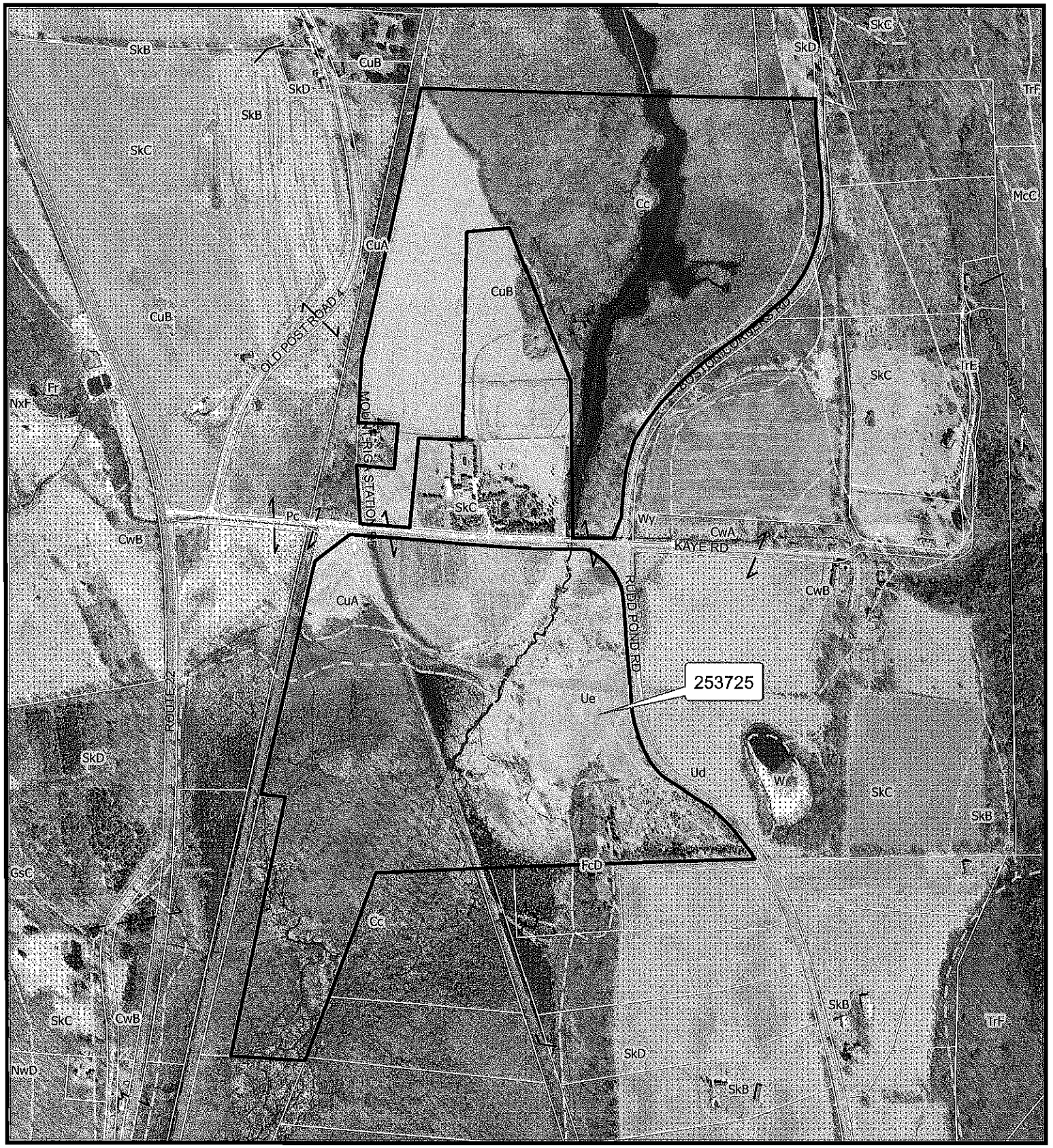
DATE RECEIVED: 4/23/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of North East - Dutchess County, New York

Parcel ID number to be added: 133889-7272-00-253725. Owner: The Arie & Doreen Liebeskind Family Trust



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: ALEXANDER A. GENDZIER

Farm name / Corporation: N/A

Owners Mailing Address: 200 EAST 78th St., #15D
City: New York State: NY Zip: 10075
Phone #: 917.282.1456
E-mail Address: agendzier@jonesday.com

PARCEL INFORMATION

Town Of: Milan, North East N
Parcel Number: 7069 - 00 - - 480508 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 8.06 Smithfield Rd.

Town Of:
Parcel Number: - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): ALEXANDER A. GENDZIER

Signed: [signature]

Date: 5.13.2011

OFFICIAL USE ONLY

DATE RECEIVED: 5/13/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Nancy W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: ALEXANDER A. GENDZIER

Farm name / Corporation: N/A

Owners Mailing Address: 200 EAST 78th St., #15D
City: New York State: NY Zip: 10075
Phone #: 917. 282. 1456, 212. 326. 7821
E-mail Address: agendzier@jonesday.com

PARCEL INFORMATION

Town Of: Milton, North East N
Parcel Number: 7069 - 00 - - 429476 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 5.03 25 Moadack Rd.

Town Of:
Parcel Number: - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): ALEXANDER A. GENDZIER

Signed: [signature]

Date: 5.13.2011

OFFICIAL USE ONLY

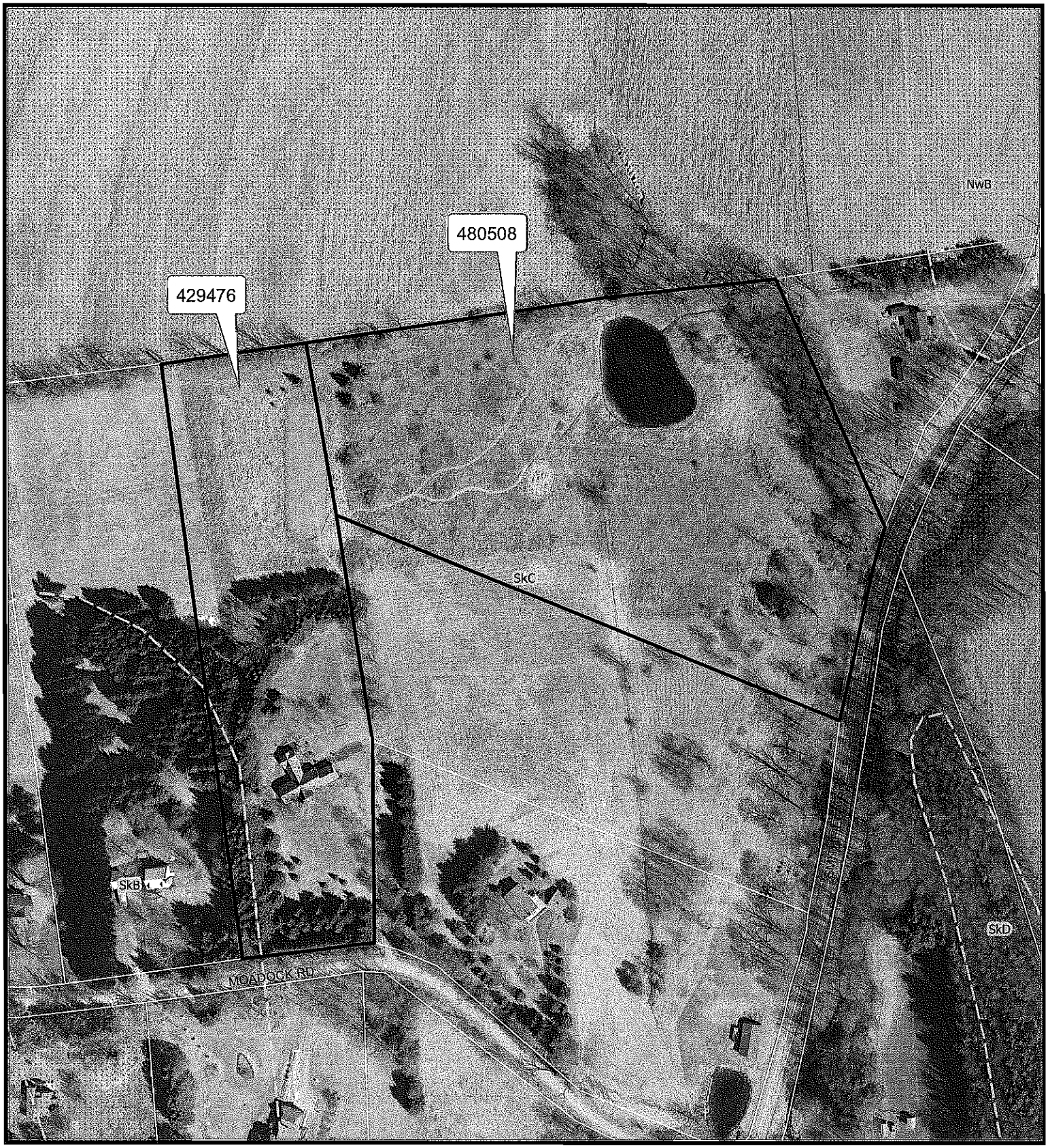
DATE RECEIVED: 5/13/11 APPROVED: ✓ DISSAPPROVED:
AG DIST # 21 AFPB SIGNATURE: [signature]

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of North East - Dutchess County, New York

2 Parcel ID numbers to be added: 133889-7069-00-429476 and 480508. Owner: Alexander A Gendzier



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 100 200

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
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" Little River

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: David M. Cote

Farm name / Corporation:

Owners Mailing Address: 101 Columbia Road
City: Morristown **State:** N.J. **Zip:** 07960
Phone #: 973-455-6768
E-mail Address:

PARCEL INFORMATION (4)

1 **Town Of:** Pine Plains Y-21
Parcel Number: 134200-6872-00-952152-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres: 194 7865-7869 Ht. Rd

2 **Town Of:** Pine Plains N
Parcel Number: 134200-6872-00-982010-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres: 1.27 Hammertown Rd.

3 **Town Of:** Pine Plains N Hammertown Rd.
Parcel Number: 134200-6872-00-997006-0000 Hammertown Rd.
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres: 1.33

4 Town of Pine Plains 134200-6972.00-010003-0000 Acres 1.33 - N

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): David M. Cote

Signed: David M Cote

Date: 4-24-11

OFFICIAL USE ONLY
DATE RECEIVED 4/28/11 APPROVED ✓ DISSAPPROVED
AG DIST # 21 APPR SIGNATURE [illegible]

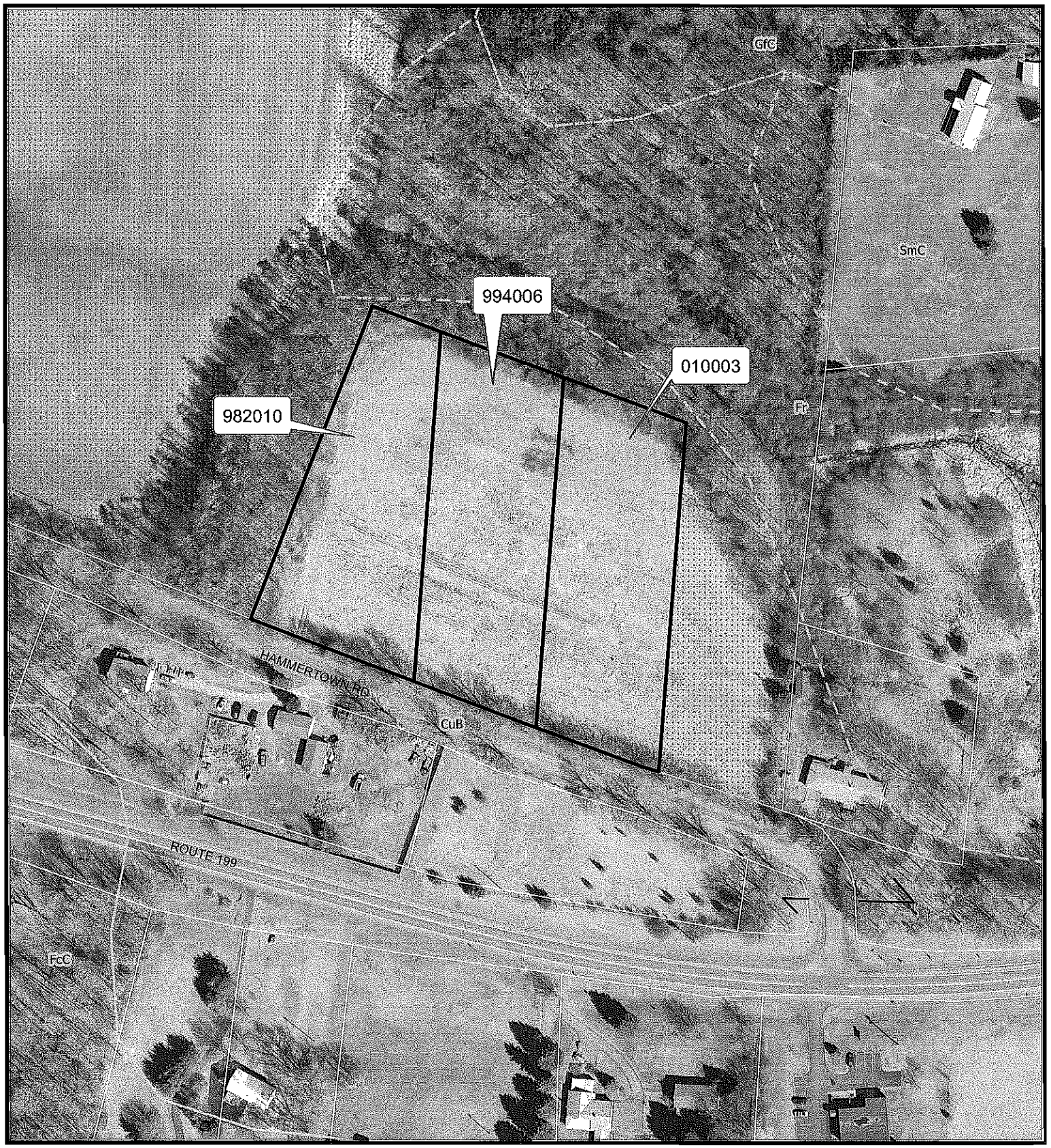
4/28/11

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of Pine Plains - Dutchess County, New York

3 Parcel ID numbers to be added: 134200-6872-00-982010, 994006 & 6972-00-010003. Owner: David M Cole



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 75 150

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
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DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: ANDREW GUNDLACH as Managing partner of GOLDIRON LLC
Farm name / Corporation: GOLDIRON LLC

Owners Mailing Address: 27 BARTON LANE
City: Stanfordville NY **State:** NY **Zip:** 12581
Phone #: 845-868-3012
E-mail Address: ag@asbai.com

PARCEL INFORMATION

Town Of: STANFORD
Parcel Number: 135200-6669-00-835444-0000 N
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 164.8 27 Barton Ln

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): GOLDIRON LLC
Signed: Andrew Gundlach
Date: 5/5/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/6/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Stacy W. Baldwin

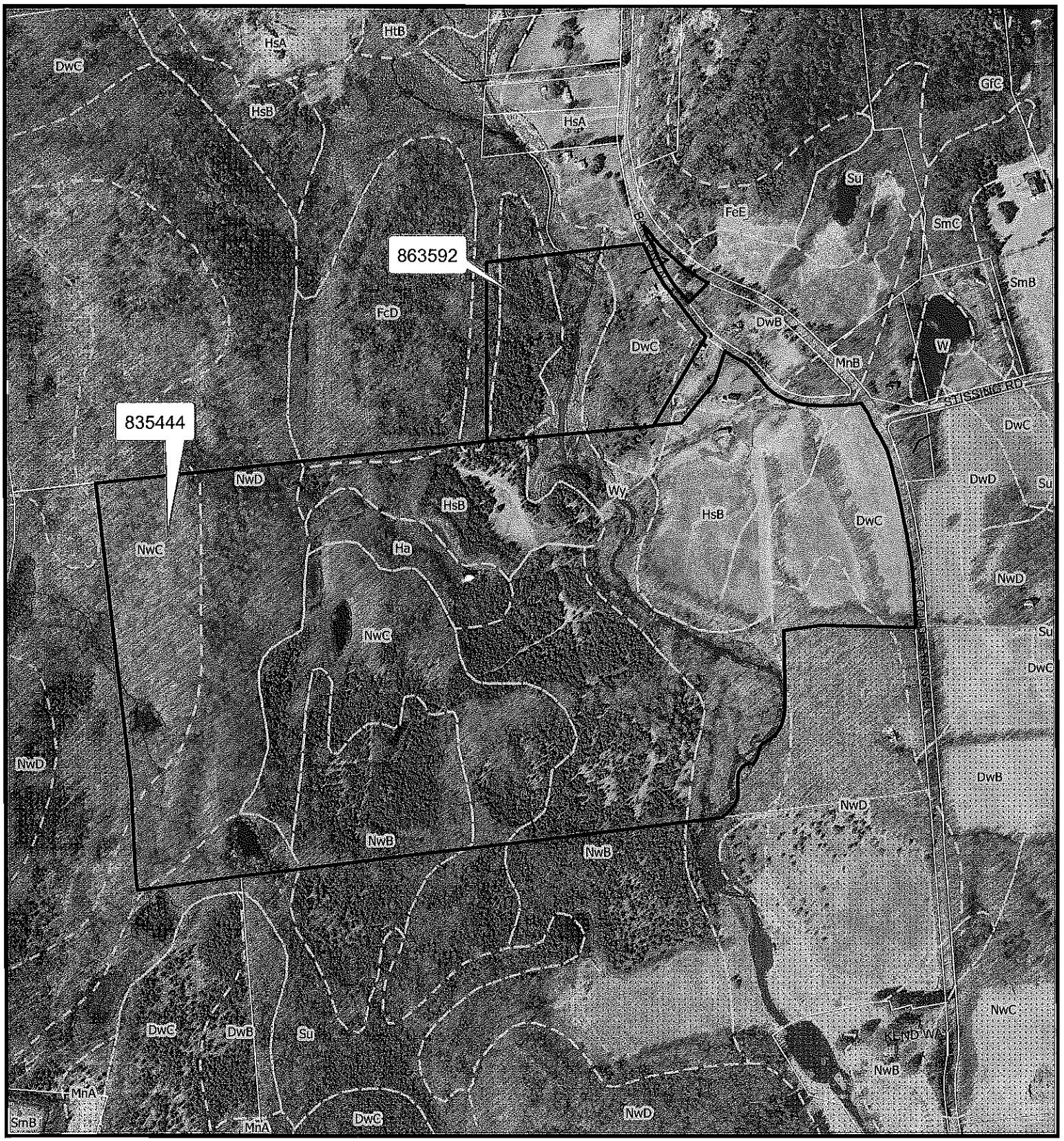
AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of Stanford - Dutchess County, New York

Parcel ID number to be added: 135200-6669-00-863592. Owner: Wolcott Builders Inc

Parcel ID number to be added: 135200-6669-00-835444. Owner: Andrew Gundlach



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 325 650

Feet

- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
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DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Christopher DeFeo

Farm name / Corporation: Double D Ranch and Land Company, LLC

Owners Mailing Address: P.O. Box 1183
City: Greenwich **State:** CT **Zip:** 06836
Phone #: 914-924-1305
E-mail Address: Cdefeo@aol.com

PARCEL INFORMATION

Town Of: Stanford
Parcel Number: 135200-0657-00-648168-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 160

897-921 Willow Brook Rd.
SEE MILAN

Town Of: Milan
Parcel Number: 133600-0657-00-656316-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 47

Town Of:
Parcel Number: _____-_____-_____-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Christopher DeFeo d/b/a Double D Ranch & Land Co., LLC

Signed: [signature]

Date: 4/27/11

OFFICIAL USE ONLY

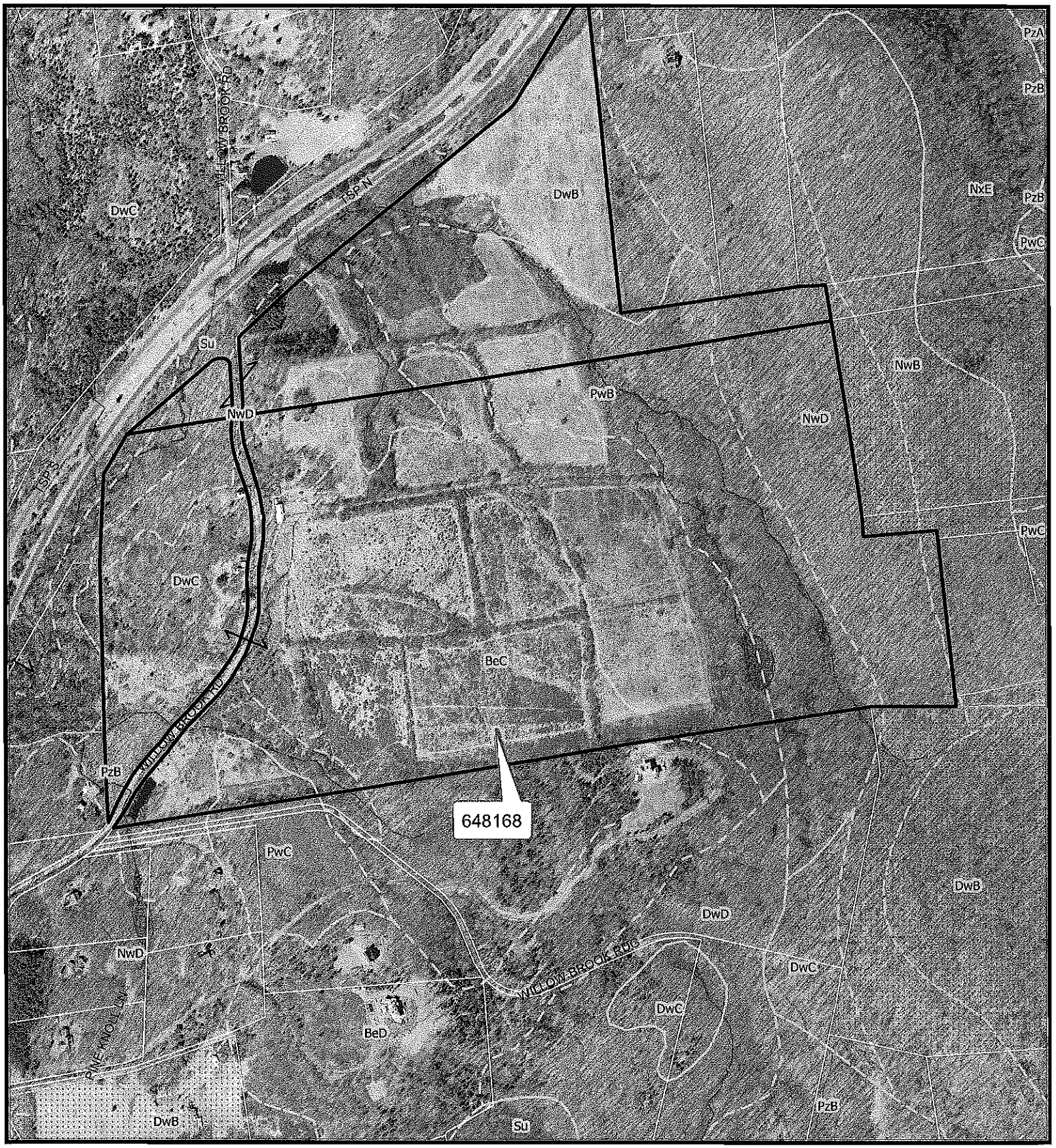
DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 21 AFPB SIGNATURE: Stacey W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04-2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of Stanford - Dutchess County, New York

Parcel ID number to be added: 135200-6570-00-648168. Owner: Christopher DeFeo



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 312.5 625

Feet

- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: _____

Farm name / Corporation: WOLCOTT BUILDERS INC

Owners Mailing Address: 11 Feller Rd
City: Rhinebeck State: NY Zip: 12572
Phone #: 845-876-6575
E-mail Address: WOLCOTTBUILDERS@FRONTIERNET.NET

PARCEL INFORMATION

Town Of: STANFORDVILLE N
Parcel Number: 135200-6669-00-863592-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 18.5 45 Barton Ln.

Town Of: _____
Parcel Number: _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : _____

Town Of: _____
Parcel Number: _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : _____

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): BARBARA + ALBERT WOLCOTT

Signed: [signature]

Date: 5/11/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/11/11 APPROVED: ✓ DISSAPPROVED: _____
AG DIST #: 21 AFPB SIGNATURE: Nancy W. Baldwin

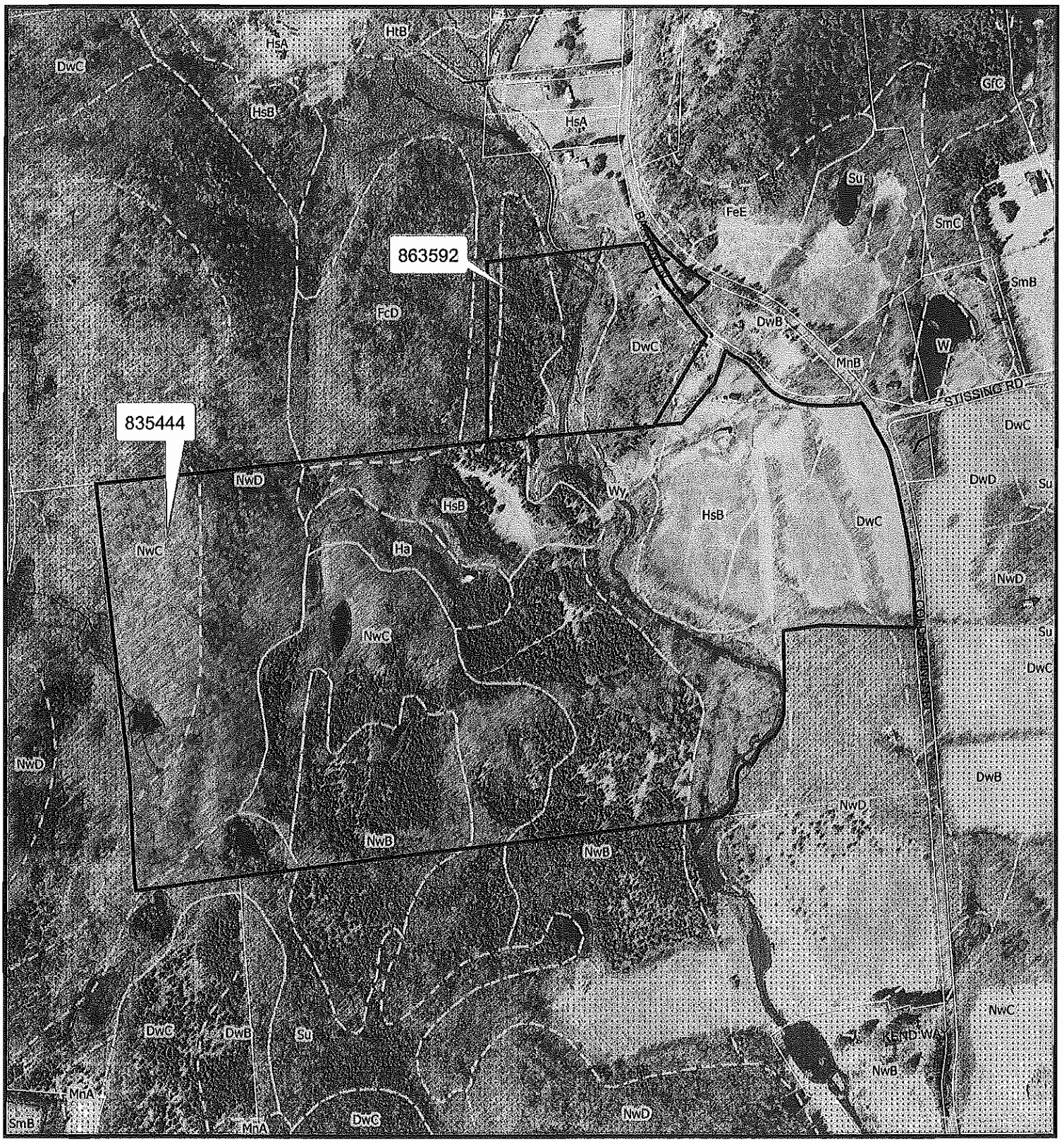
AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 21: Annual Inclusions under 303-b

Town of Stanford - Dutchess County, New York

Parcel ID number to be added: 135200-6669-00-863592. Owner: Wolcott Builders Inc

Parcel ID number to be added: 135200-6669-00-835444. Owner: Andrew Gundlach



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: SALVATORE SPEZIALE

Farm name / Corporation:

Owners Mailing Address: 2808 RT 52
City: HOPEWELL JCT **State:** NY **Zip:** 12533
Phone #: 914 755-1964
E-mail Address: ROPER 1261

PARCEL INFORMATION

Town Of: ~~EAST~~ FISHKILL
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of: EAST FISHKILL N
Parcel Number: 132800-6556-01-434927-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 18.10

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): SALVATORE SPEZIALE

Signed:

Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/13/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 22 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 22: Annual Inclusions under 303-b

Town of East Fishkill - Dutchess County, New York

Parcel ID number to be added: 132800-6556-01-434927. Owner: Salvatore Speziale

Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 200 400

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: JMA 7 LLC.

Farm name / Corporation: Herbguy Inc DBA Rockhedge herb Farm

Owners Mailing Address: 2765 Rte 82
City: Pleasant Valley **State:** NY. **Zip:** 12569
Phone #: 845-677-6726
E-mail Address: Info@Rockhedge herbs.com

PARCEL INFORMATION

Town Of: Pleasant Valley
Parcel Number: _____-_____-____-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : _____ LAGRANGE

Town Of: Pleasant Valley - 133400-6562-04-919045 N
Parcel Number: ~~08 6562 04 901063~~
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 4.85 2269 Rt. 82

Town Of: _____
Parcel Number: _____-_____-____-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : _____

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): JMA 7 LLC Member John Alva

Signed: [signature]

Date: 4/19/11

OFFICIAL USE ONLY

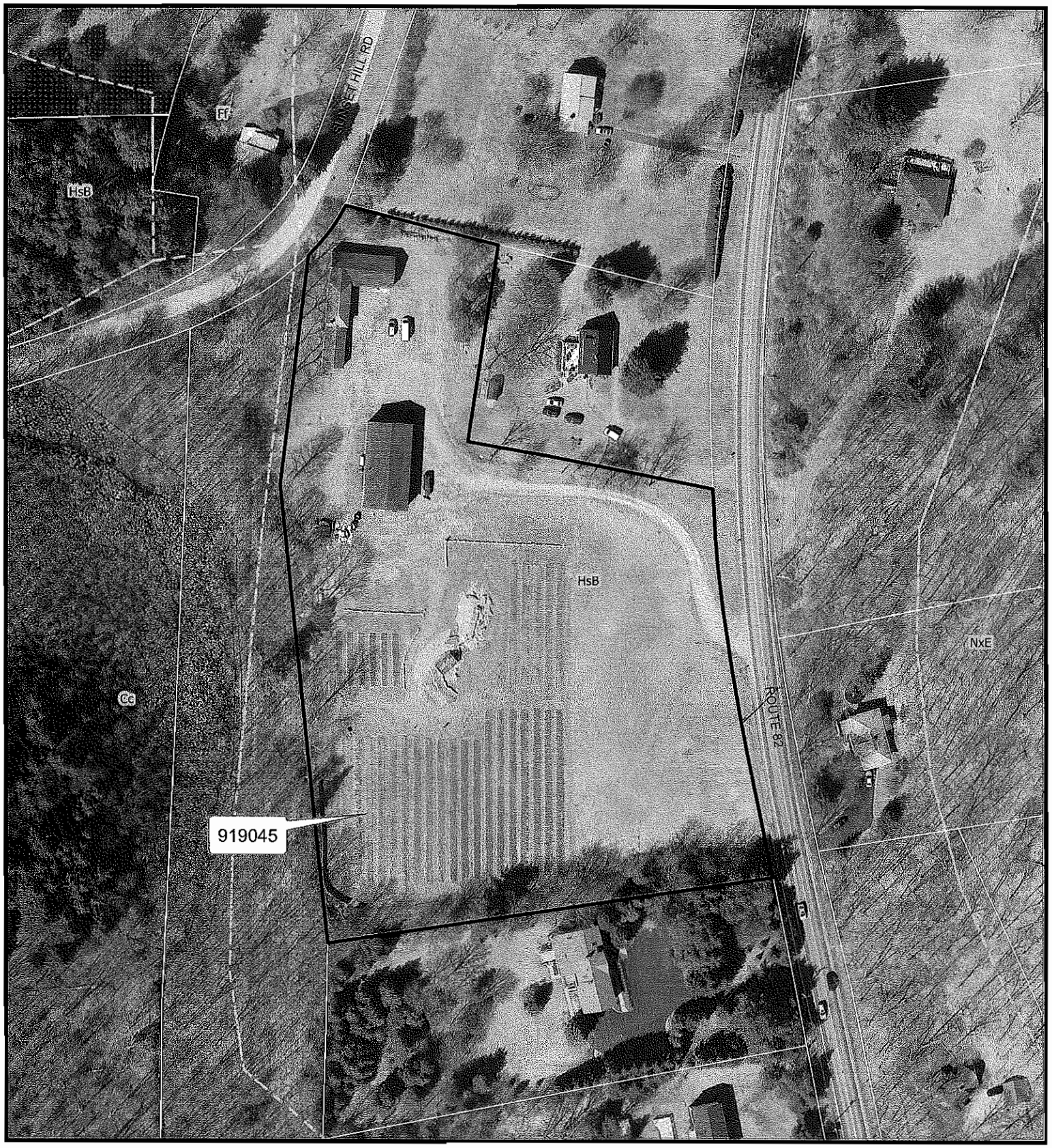
DATE RECEIVED: 4/21/11 APPROVED: ✓ DISSAPPROVED: _____
AG DIST #: 22 AFPB SIGNATURE: Nancy W. Balderson

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 22: Annual Inclusions under 303-b

Town of LaGrange - Dutchess County, New York

Parcel ID number to be added: 133400-6562-04-919045. Owner: JMA7 LLC



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 62.5 125

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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www.dutchessswcd.org

APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Mountainview Realty LLC

Farm name / Corporation: Mountain view Farm

Owners Mailing Address: 25 Jersey St
City: W. Babylon **State:** N.Y. **Zip:** 11704
Phone #: 631-491-1411
E-mail Address: JohnOstuni@AOL.com

PARCEL INFORMATION

Town Of: Lagrange N
Parcel Number: 3400-6359-01-265780-
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 53.484 + AC 51.18 SC VACC

Town Of: Wappinger N
Parcel Number: 5689-6359-01-235737-
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 34.100 + AC 333 Maloney Rd

Town Of:
Parcel Number: - - - -
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): John Ostuni - Mountain View Realty LLC

Signed:

Date: 4-19-2011

OFFICIAL USE ONLY

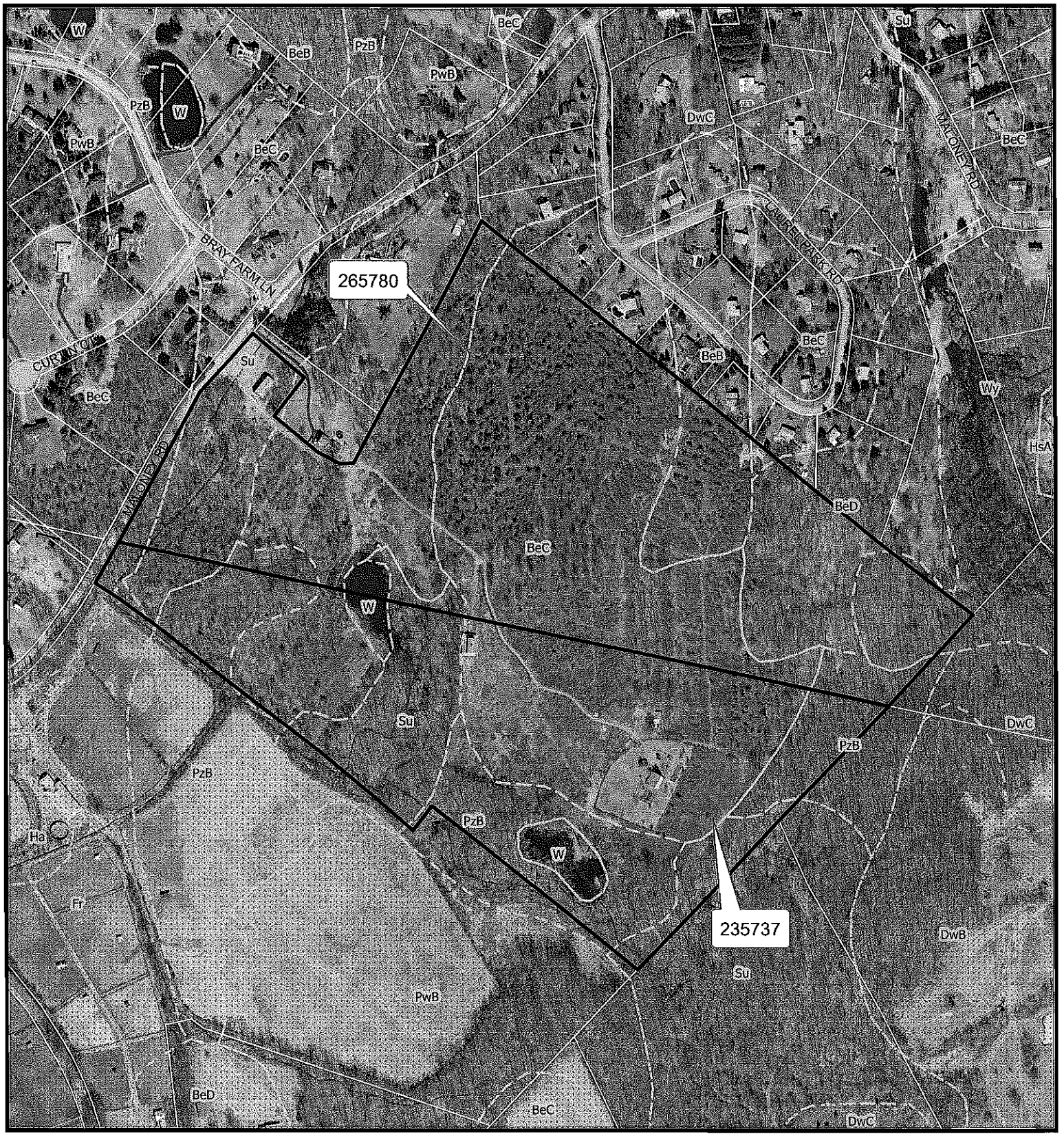
DATE RECEIVED: APPROVED: ✓ DISSAPPROVED:
AG DIST: 23 STAFF SIGNATURE: Gloria M. Bellman

4/22/11

Proposed Additions to Agricultural District 22: Annual Inclusions under 303-b

Town of LaGrange and Town of Wappinger - Dutchess County, New York

2 Parcel ID numbers to be added: 133400-6359-01-265780 . Owner: Mountainview Realty LLC and 135689-6359-01-235737. Owner: Mountainview Realty LLC



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
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Dutchess County Real Property Tax Map Coverages, June 2010

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Raymond Patierno

Farm name / Corporation:

Owners Mailing Address: 131 Clapp Hill Road
City: Lagrangeville **State:** N Y **Zip:** 12540
Phone #: 845-223-7825
E-mail Address: OCK MOM.1 @ ADL.com.

PARCEL INFORMATION

Town Of: Lagrangeville N
Parcel Number: 133400-6559-02-602517-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 4.47 Pulling Rd.

Town Of: Lagrangeville N
Parcel Number: 133400-6559-04-614470-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 1.90 73 Clapp Hill Rd

Town Of:
Parcel Number: _____-_____-____-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Raymond Patierno.

Signed: Raymond Patierno

Date: April 28. 2011

OFFICIAL USE ONLY

DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 22 APPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Raymond Patierno

Farm name / Corporation:

Owners Mailing Address: 131 Clapp Hill Road.
City: Lagrangeville **State:** NY **Zip:** 12540
Phone #: 845-223-7825
E-mail Address: OCKmom2@AOL.com.

PARCEL INFORMATION

Town Of: Lagrangeville N
Parcel Number: 133400-6559-04-544442-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 0.58 Clapp Hill Rd.

Town Of: Lagrangeville N
Parcel Number: 133400-6559-04-581413-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 7.94 Clapp Hill Rd

Town Of: Lagrangeville N
Parcel Number: 133400 6559-04-597475-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 2.2 Clapp Hill Rd.

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Raymond Patierno

Signed: [signature]

Date: April 28, 2011

OFFICIAL USE ONLY

DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 22 AFPB SIGNATURE: Nancy W. Baldwin

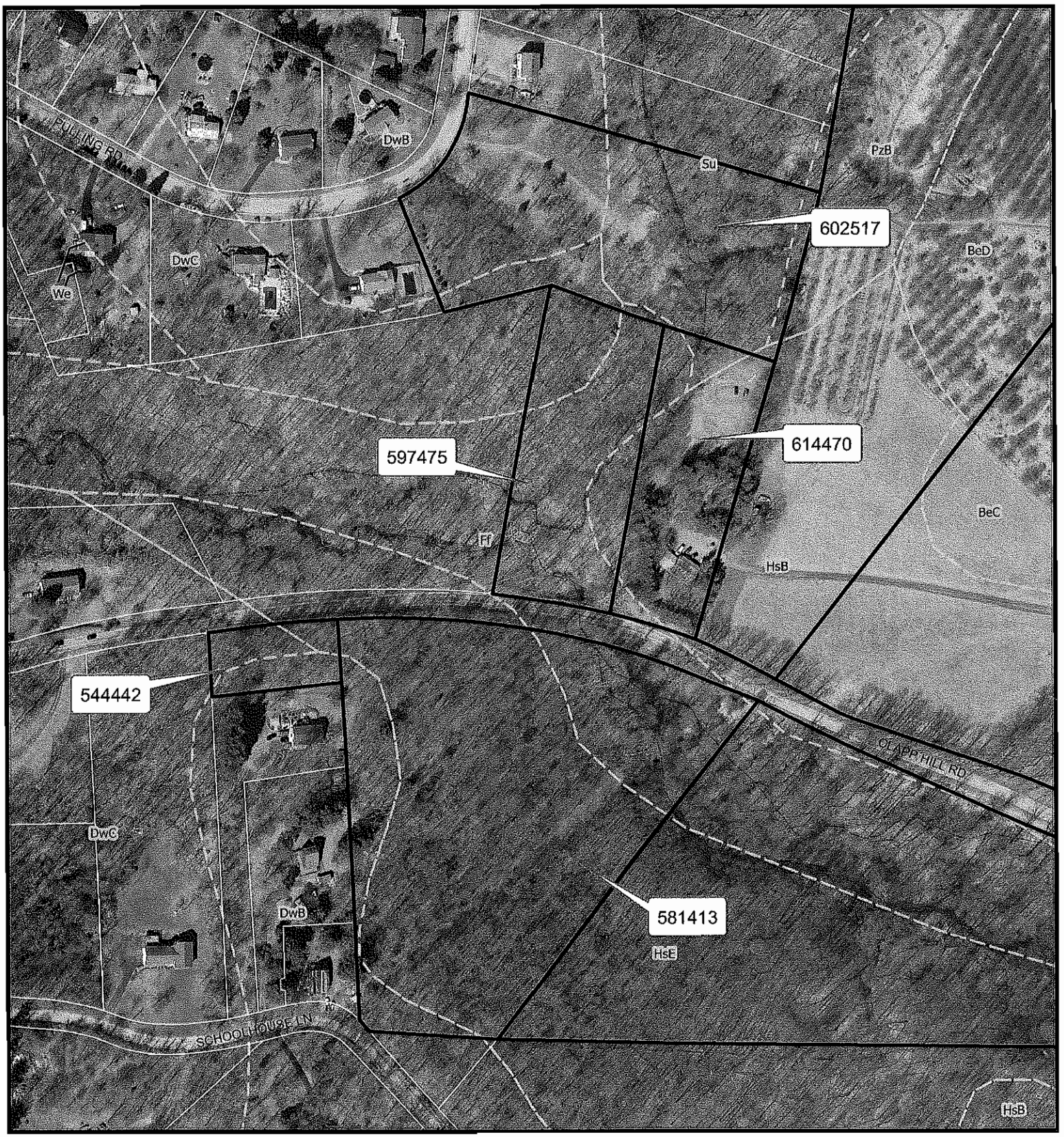
AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 22: Annual Inclusions under 303-b

Town of LaGrange - Dutchess County, New York

5 Parcel ID numbers to be added: 133400-6559-02-602517, 6559-04-614470, 544442, 581413 & 597475.

Owner: Raymond Patierno



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 112.5 225

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Curry family Partnership

Farm name / Corporation: LAND Pride ANGUS Farms

Owners Mailing Address: 1604 Stewart la
City: Syosset **State:** NY **Zip:** 11791
Phone #: 516-224-4110
E-mail Address: tmacdady@optonline.net

PARCEL INFORMATION

#1
Town Of: La Grange N
Parcel Number: 133400 - 6559 - 04 - 638480 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 15.16 - 77 Clapp Hill Rd.

#2
Town Of: La Grange N
Parcel Number: 133400 - 6559 - 02 - 700600 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 14.30 Clapp Hill Rd.

#3
Town Of: Beekman N → SEE Beekman
Parcel Number: 132200 - 6559 - 00 - 781474 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 85.64

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Curry Family Partnership
1604 Stewart la Syosset Ny 11791
Signed:

Date: 5/6/2011

OFFICIAL USE ONLY

DATE RECEIVED: 5/12/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 22 AFPB SIGNATURE: Nancy W. Baldwin

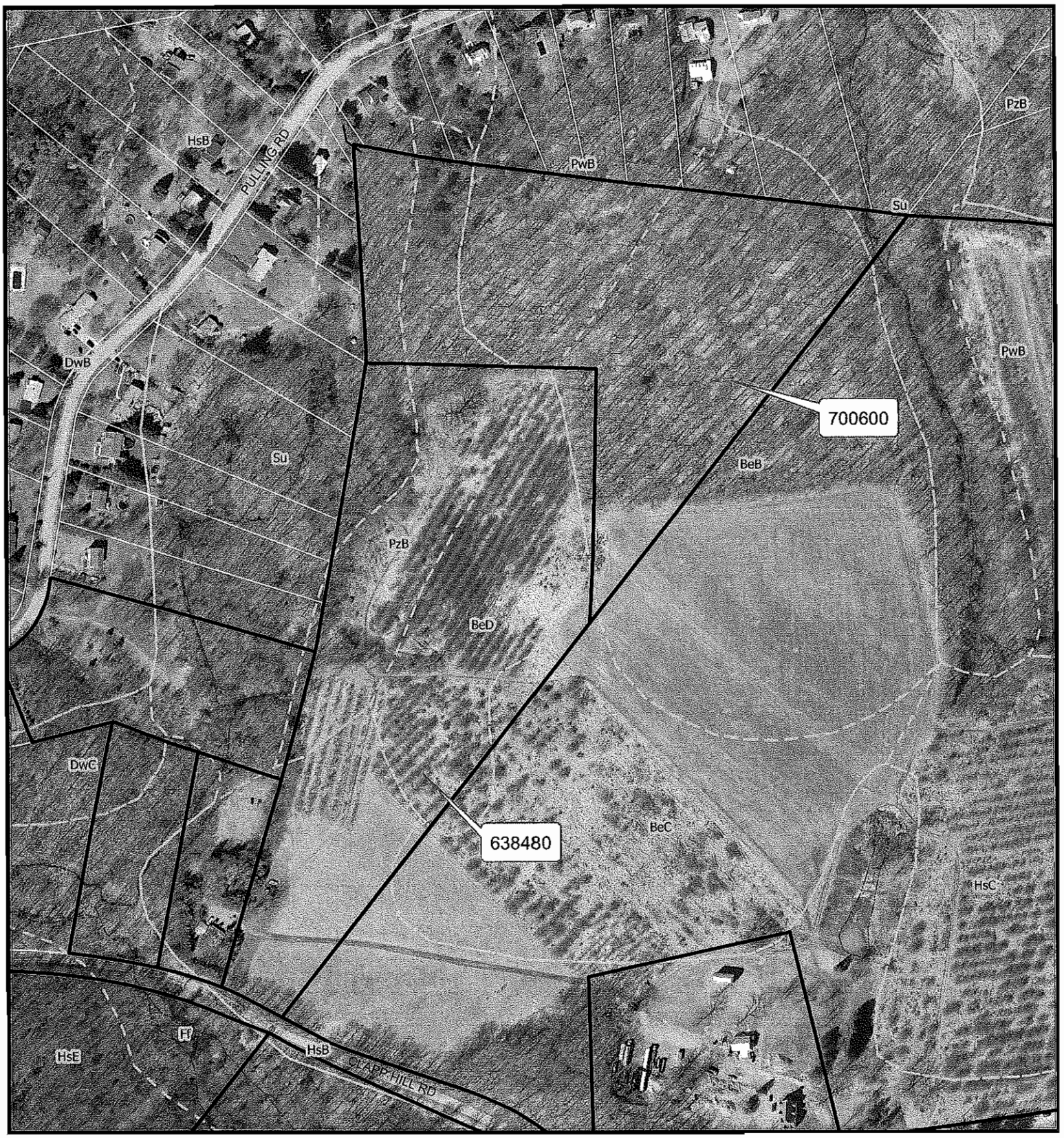
AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 22: Annual Inclusions under 303-b

Town of LaGrange - Dutchess County, New York

2 Parcel ID numbers to be added: 133400-6559-02-700600 and 6559-04-638480.

Owner: Curry Family Partnership



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: HALBRO HOLDING CORP.

Farm name / Corporation: RUNNING BROOK FARM

Owners Mailing Address: P.O. BOX 487
City: POUGHQUAG State: N.Y. Zip: 12570
Phone #: 845-724-5090
E-mail Address: oclhhc@aol.com

PARCEL INFORMATION

Town Of: BEEKMAN
Parcel Number: 132200 - 6858 - 00 - 185588 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 38.6 ACRES

Rt. 55

Town Of:
Parcel Number: _____ - _____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - _____ - _____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): BRUCE R. OSWALD

Signed:

Date: 4/27/11

OFFICIAL USE ONLY

DATE RECEIVED: 4/27/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Harry W. Baldwin

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Beekman - Dutchess County, New York

Parcel ID number to be added: 132200-6858-00-185588. Owner: Halbro Holding Corp

Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Raymond Patierno

Farm name / Corporation:

Owners Mailing Address: 131 Clapp Hill Road.
City: Lagrangeville **State:** NY **Zip:** 12540
Phone #: 845-223-7825
E-mail Address: ockman1@AOL.com

PARCEL INFORMATION

Town Of: Beekman
Parcel Number: 132200 6559-00-796394-0000 N
(Example: 132000 - 6257 - 00 - 987436 – 0000) Clapp Hill Rd.
Parcel Acres : 47.43

Town Of: Beekman - District 23 Y
Parcel Number: 132200-6559-00-988522-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 8.5

Town Of: Beekman - District 23 Y
Parcel Number: 132200-6659-00-018292-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 127.1

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Raymond Patierno

Signed: Raymond Patierno

Date: April 28, 2011

OFFICIAL USE ONLY

DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Nancy W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Raymond Patierno

Farm name / Corporation:

Owners Mailing Address: 131 Clapp Hill Road
City: Lagrangeville **State:** N Y **Zip:** 12540
Phone #: 845 223-7825
E-mail Address: OCKMOM.I@ADL.com.

PARCEL INFORMATION

Town Of: Beekman N
Parcel Number: 132200-6559-00-993170-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 6.9 Hilton Rd Rear

Town Of: Beekman N
Parcel Number: 132200-6559-00-728426-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : ~~6.9~~ 5.19 131 Clapp Hill Rd

Town Of:
Parcel Number: _____-_____-___-_____-_____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Raymond Patierno.

Signed: Raymond Patierno

Date: April 28, 2011

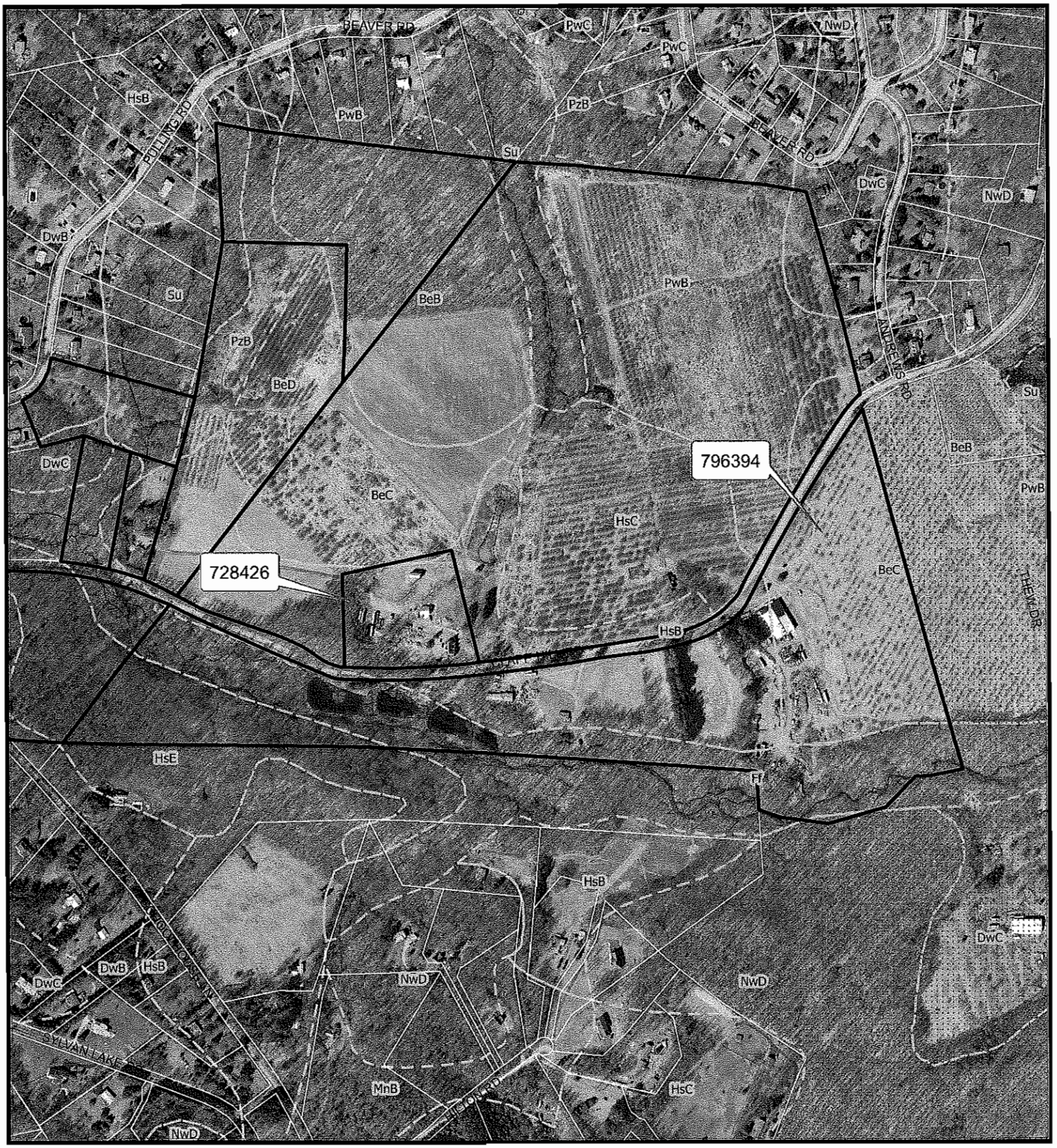
OFFICIAL USE ONLY

DATE RECEIVED: 5/2/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Stanley W. Baldwin

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Beekman - Dutchess County, New York

2 Parcel ID numbers to be added: 132200-6559-00-728426 and 796394. Owner: Raymond Patierno



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Parcels

Ag District

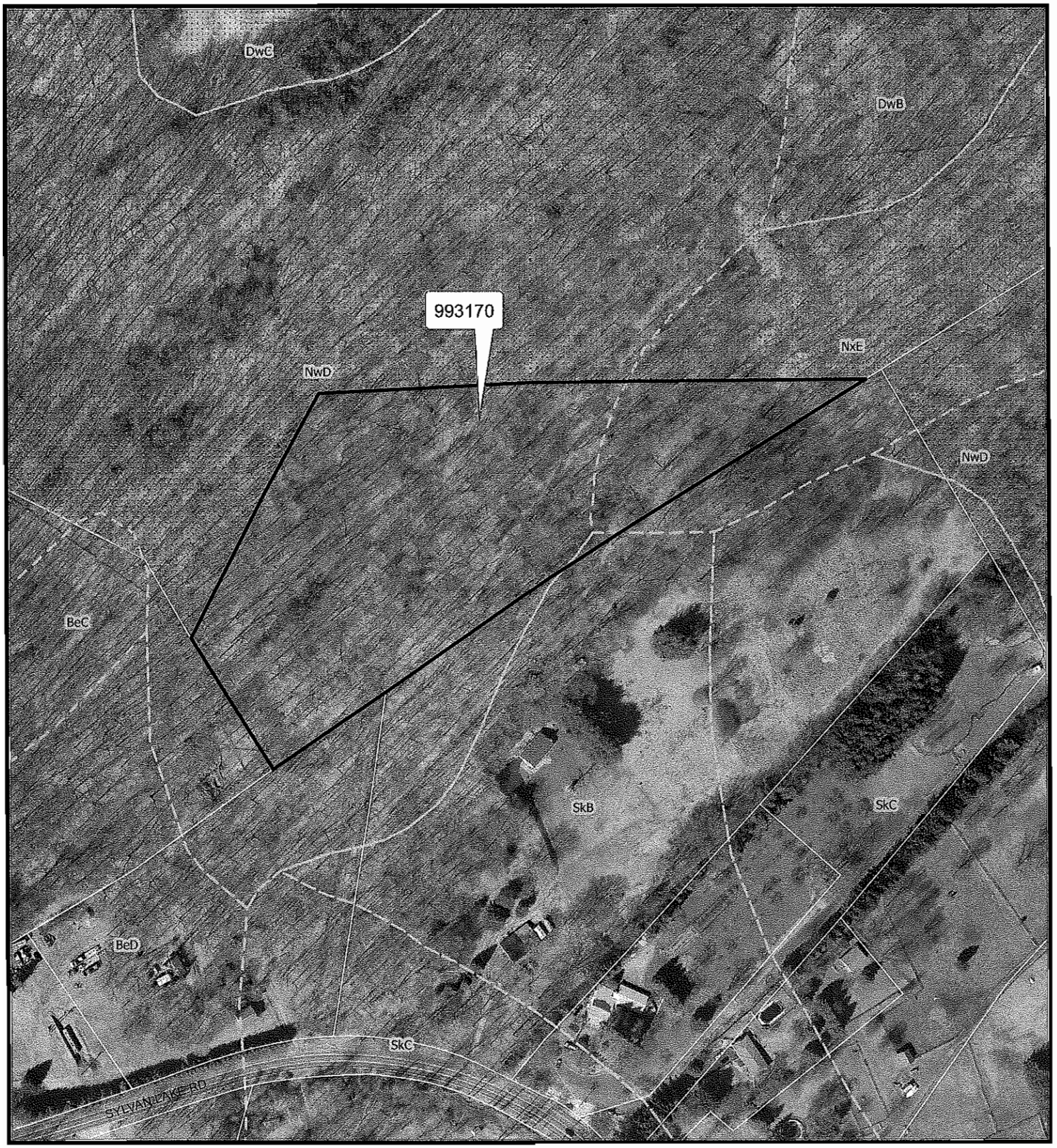
Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Beekman - Dutchess County, New York

Parcel ID number to be added: 132200-6559-00-993170. Owner: Raymond Patierno



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Curry family Partnership

Farm name / Corporation: LAND Pride ANGUS Farms

Owners Mailing Address: 1604 Stewart la
City: Syosset **State:** NY **Zip:** 11791
Phone #: 516-224-4110
E-mail Address: tmacdady@optonline.net

PARCEL INFORMATION

#1
Town Of: La Grange N
Parcel Number: 133400-6559-04-638480-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 15.16 -

SEE LAGRANGE

#2
Town Of: La Grange N
Parcel Number: 133400-6559-02-700600-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 14.30

#3
Town Of: Beekman N
Parcel Number: 13220-6559-00-781474-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 85.64

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Curry Family Partnership
1604 Stewart la. Syosset NY 11791
Signed: [signature]
Date: 5/6/2011

OFFICIAL USE ONLY

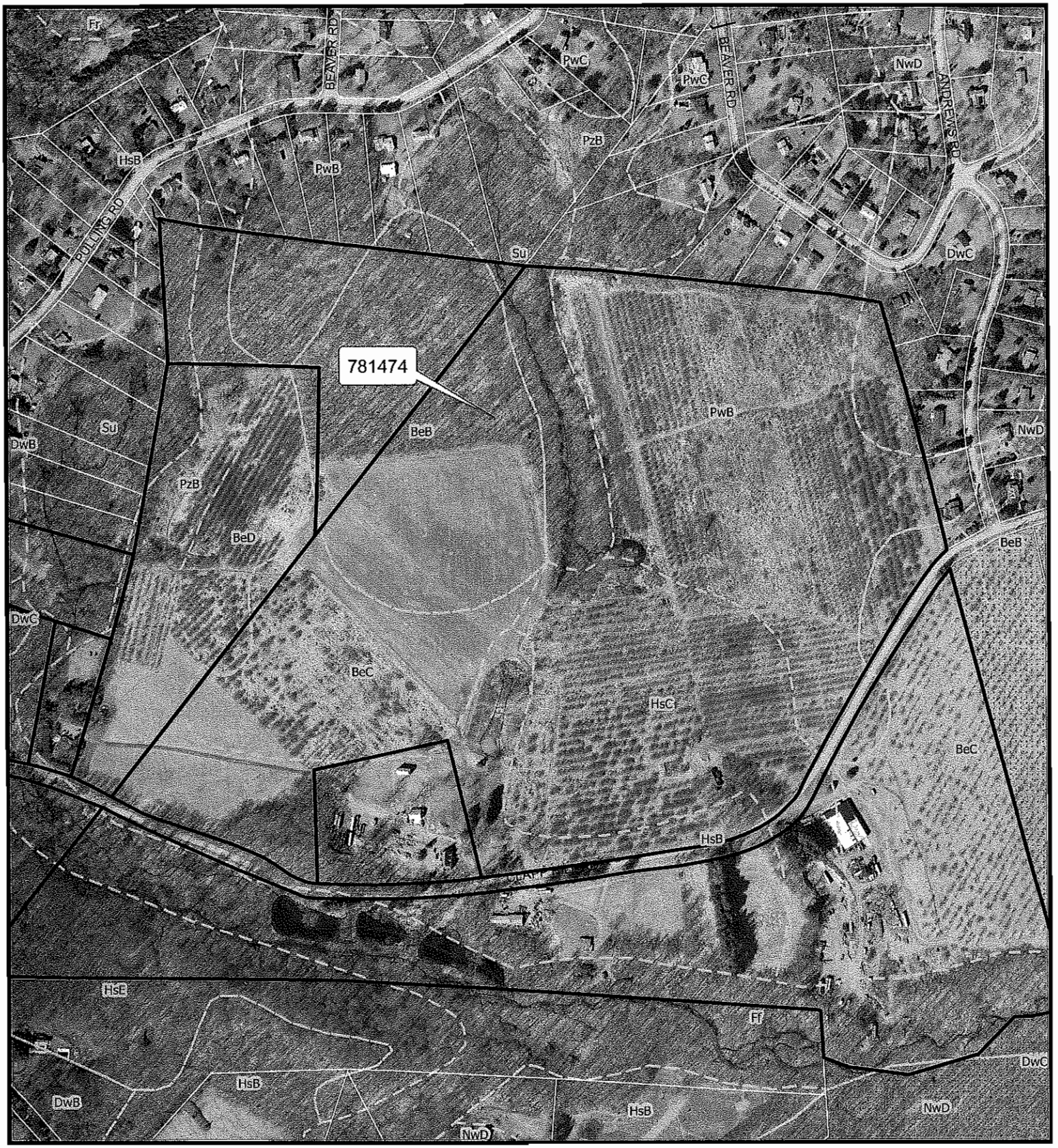
DATE RECEIVED: 5/12/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 22 AFPB SIGNATURE: [signature]

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Beekman - Dutchess County, New York

Parcel ID number to be added: 132200-6559-00-781474. Owner: Curry Family Partnership



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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0 225 450

Feet

- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: LEWIS KOFSKY

Farm name / Corporation: GROWING HEART FARM

Owners Mailing Address: 25 JEANS DRIVE
City: PAWLING **State:** NY **Zip:** 12564
Phone #: 917 952 6807
E-mail Address: FARM@KOFSKY.COM

PARCEL INFORMATION

Town Of: DOVER N
Parcel Number: 132600-7059-00-580575-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 38.42 25 JEAN DR

Town Of: DOVER N
Parcel Number: 132600-7059-00-500594-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 2.71 Stanley Lee Rd.

Town Of:
Parcel Number: _____-_____-____-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): LEWIS KOFSKY

Signed:

Date: 4.22.11

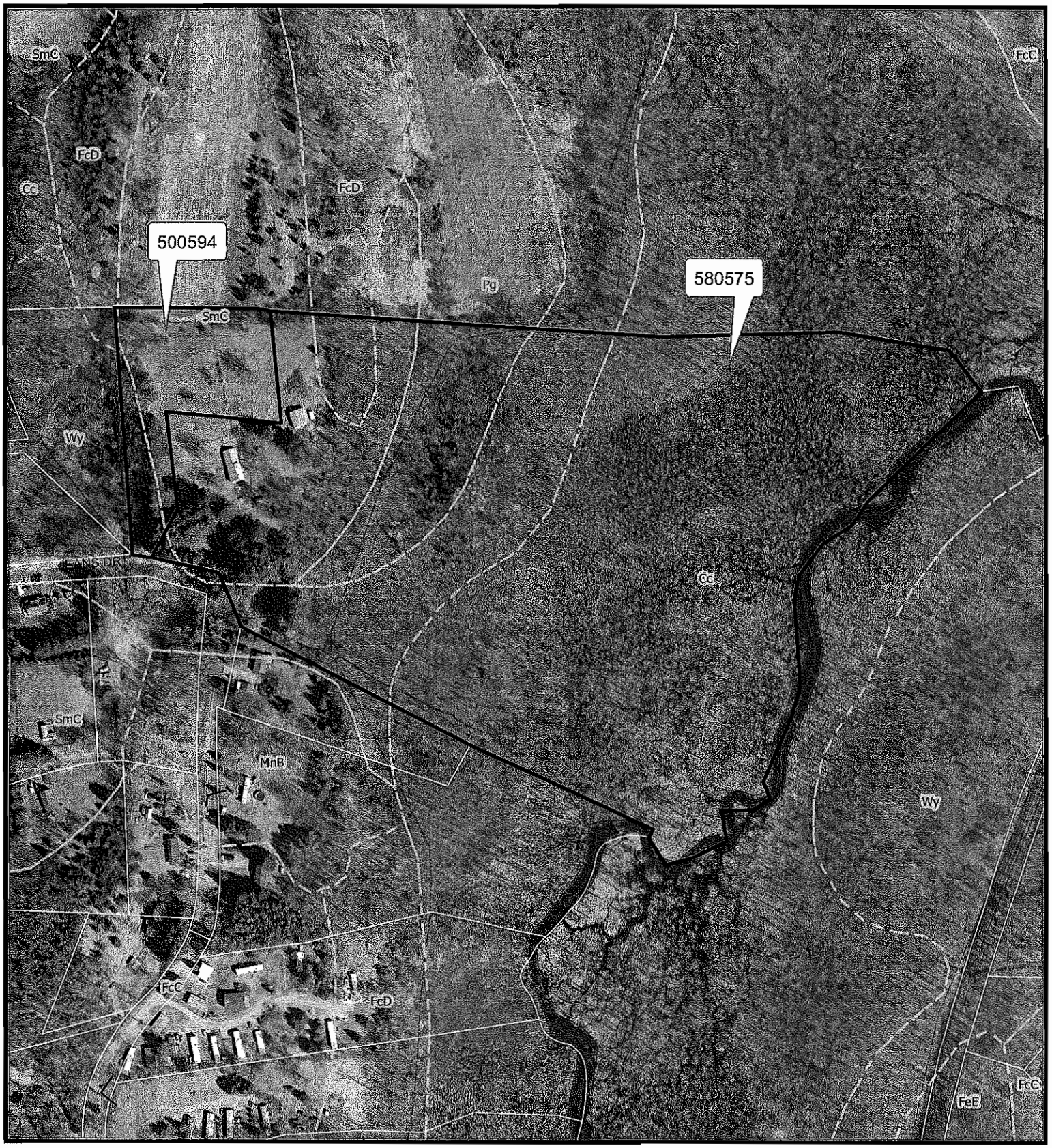
OFFICIAL USE ONLY

DATE RECEIVED: 4/27/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Harry W. Baldwin

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover - Dutchess County, New York

Parcel ID number to be added: 132600-7059-00-580575 and 7059-00-500594. Owner: Lewis Kofsky



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

Data Sources:
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APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Joseph Kleinman
Jocelyn Kleinman

Farm name / Corporation:

Owners Mailing Address: 177 Broadview Ave
City: New Rochelle **State:** NY **Zip:** 10804
Phone #: 914-636-3714
E-mail Address: jocelynK@optonline.net

PARCEL INFORMATION

Town Of: Dover N
Parcel Number: 132600-7159-00-413865-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 17.19 194 Leather Hill Rd.

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____ - _____ - ___ - _____ - ____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Joseph Kleinman
Jocelyn Kleinman
Signed:
Date: 5/12/11

OFFICIAL USE ONLY

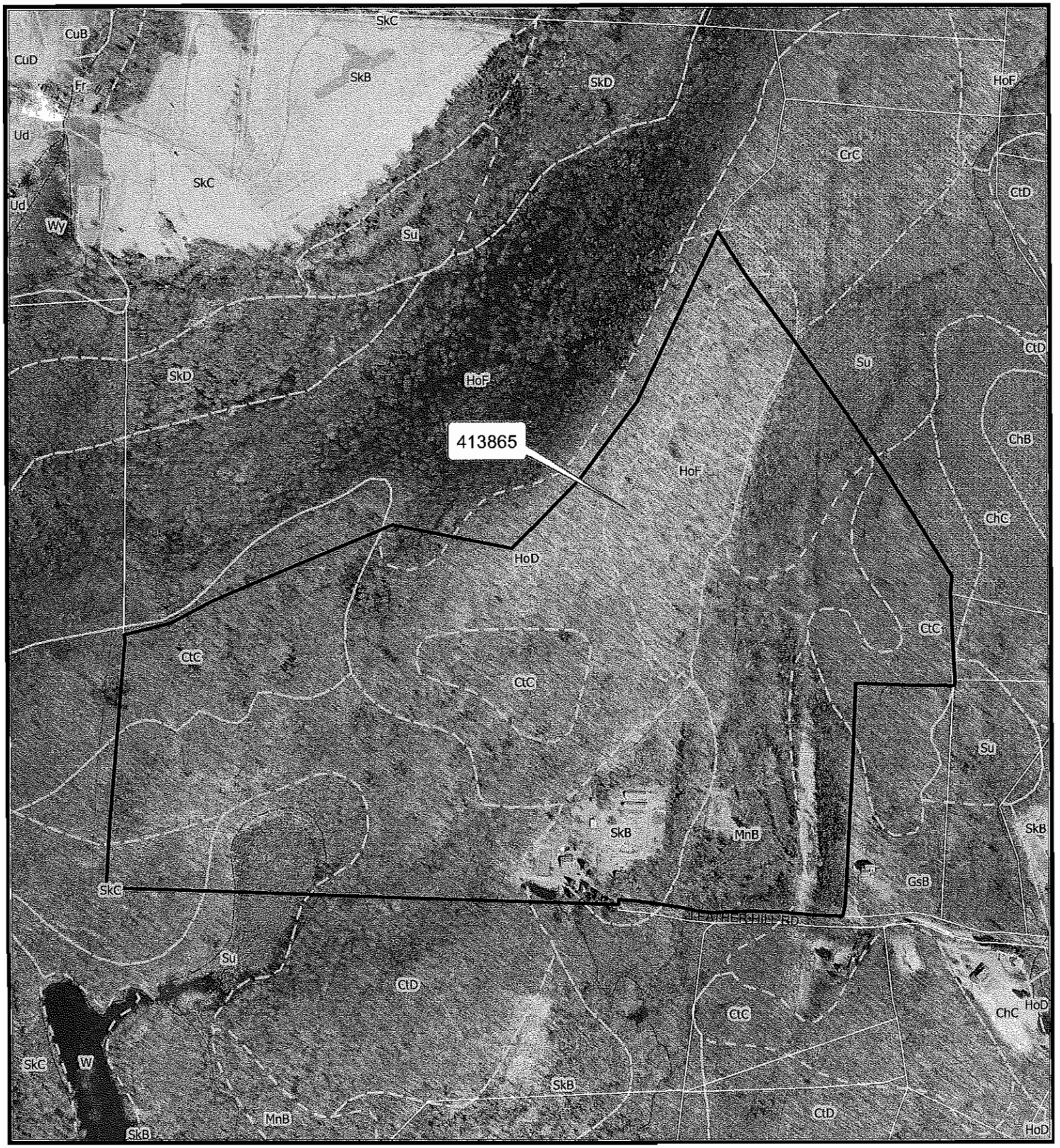
DATE RECEIVED: 5-12-11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Gerry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover - Dutchess County, New York

Parcel ID number to be added: 132600-7159-00-413865. Owner: Joseph Kleinman



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

0 300 600

Feet

Annual Inclusions, 2011

Parcels

Ag District

Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Madava Farms, LLC / Robb E. Turner

Farm name / Corporation: Madava Farms, LLC

Owners Mailing Address: 162 Upper Mountain Ave.
City: Montclair State: NJ Zip: 07042
Phone #: (845) 877-0640
E-mail Address: tamar@crownmaple.com

PARCEL INFORMATION

Town Of: Dover N
Parcel Number: 132600-6961-00-370940-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 124.49 Dover Furnace Rd.

Town Of: Dover N
Parcel Number: 132600-6961-00-589975-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 10.77 Ridge Rd.

Town Of: Dover N
Parcel Number: 132600-6961-00-680990-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 0.79 Ridge Rd.

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Robb E. Turner

Signed: Robb E. Turner

Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/5/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Harry W Baldwin

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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Millbrook, N.Y. 12545
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Madava Farms, LLC / Robb E. Turner

Farm name / Corporation: Madava Farms, LLC

Owners Mailing Address: 162 Upper Mountain Avenue
City: Montclair State: NJ Zip: 07042
Phone #: (845) 877-0640
E-mail Address: tamar@crownmaple.com

PARCEL INFORMATION

Town Of: Dover N
Parcel Number: 132600-6962-00-333200-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 300.45 47 McCourt Rd

Town Of: Dover N
Parcel Number: 132600-6962-00-434085-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 2.4 Ridge Rd.

Town Of: Dover N
Parcel Number: 132600-6962-00-489160-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 16.63 Ridge Rd

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Robb E. Turner

Signed: Robb E Turner

Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/5/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Stanley W. Baldwin

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Madava Farms, LLC / Robb E. Turner

Farm name / Corporation: Madava Farms, LLC

Owners Mailing Address: 162 Upper Mountain Avenue
City: Montclair State: NJ Zip: 07042
Phone #: (845) 877-0640
E-mail Address: tamar@crownmaple.com

PARCEL INFORMATION

Town Of: Dover N
Parcel Number: 132600 - 6962 - 00 - 505009 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 65.8 358 Ridge Rd.

Town Of: Dover N
Parcel Number: 132600 - 6962 - 00 - 588384 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 224.84 Holsapple Rd.

Town Of: Dover N
Parcel Number: 132600 - 6962 - 00 - 591153 - 0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 0.68 331 Ridge Rd.

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Robb E. Turner

Signed: Robb E Turner

Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/5/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Madava Farms, LLC / Robb E. Turner

Farm name / Corporation: Madava Farms, LLC

Owners Mailing Address: 162 Upper Mountain Avenue
City: Montclair State: NJ Zip: 07042
Phone #: (845) 877-0640
E-mail Address: tamar@crownmaple.com

PARCEL INFORMATION

Town Of: Dover N
Parcel Number: 132600-6962-00-632053-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 9.04 Ridge Rd

Town Of: Dover N
Parcel Number: 132600-6962-00-648131-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 18.60 Ridge Rd

Town Of: Dover N
Parcel Number: 132600-6962-00-706012-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 5.57 Holsapple Rd

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Robb E. Turner

Signed: Robb E Turner

Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/5/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 23 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

— SEE DOVER —

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Madava Farms, LLC / Robb E. Turner

Farm name / Corporation: Madava Farms, LLC

Owners Mailing Address: 162 Upper Mountain Avenue
City: Montclair State: NJ Zip: 07042
Phone #: (845) 877-0640
E-mail Address: tamar@crownmaple.com

PARCEL INFORMATION

Town Of: Union Vale
Parcel Number: 135400-6962-00-034100-0000 N
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 0.20 Mark Rd

Town Of:
Parcel Number:
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number:
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Robb E. Turner

Signed: Robb E Turner

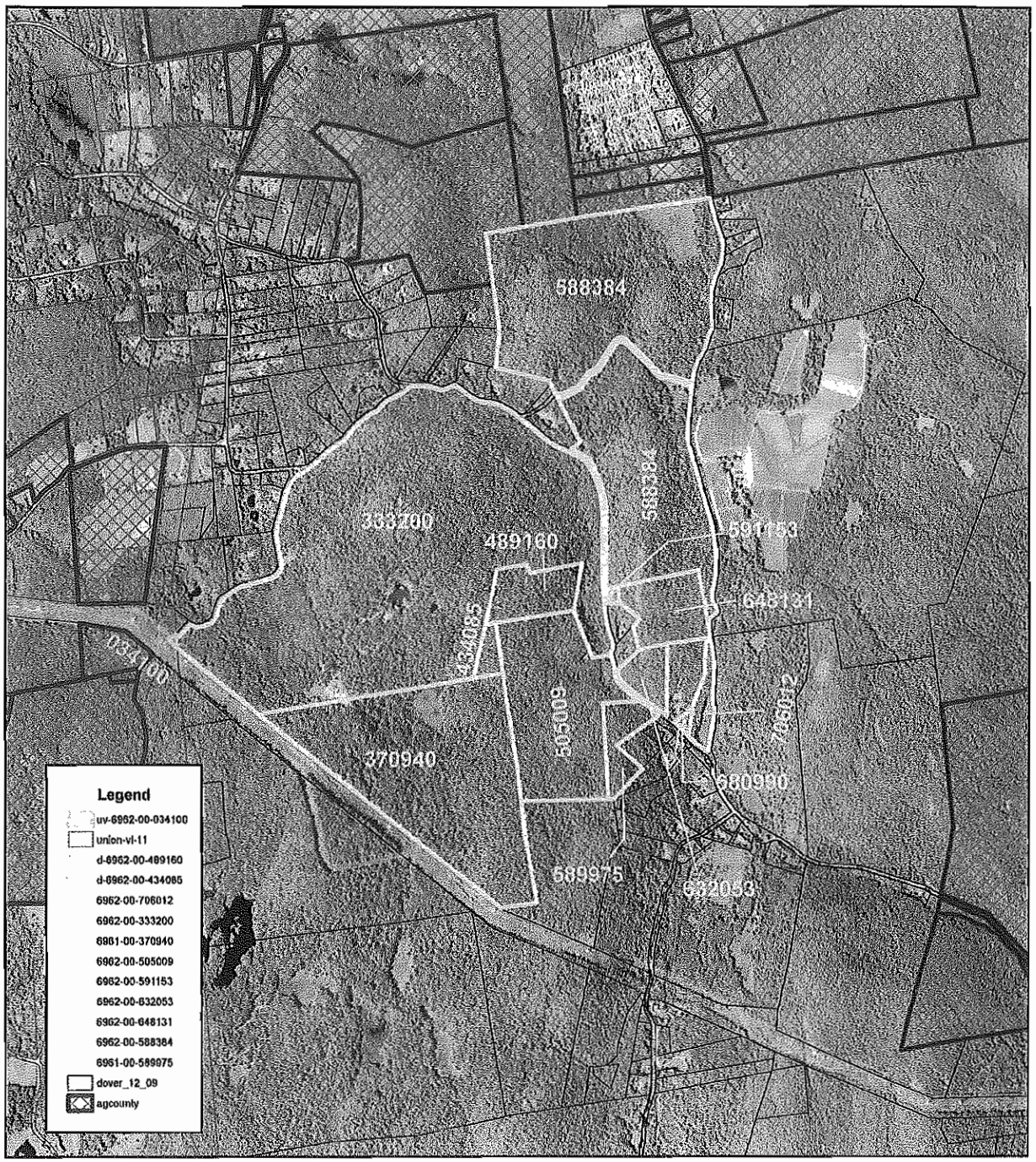
Date: 4/29/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/5/11 APPROVED: ✓ DISSAPPROVED:
AG DIST #: 6/6/11 AFPB SIGNATURE: Harry W. Baldwin

AN EQUAL OPPORTUNITY EMPLOYER
EDITION 04/2011

PROPERTIES OF MADAVA FARMS, LLC - ROBB TURNER
TOWN OF DOVER ~ TOWN OF UNION VALE



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Produced on 05/2011
Map Produced by Dutchess County
Soil & Water Conservation District
NOT FOR SITE SPECIFIC WORK
ALL INFORMATION MUST BE SITE VERIFIED

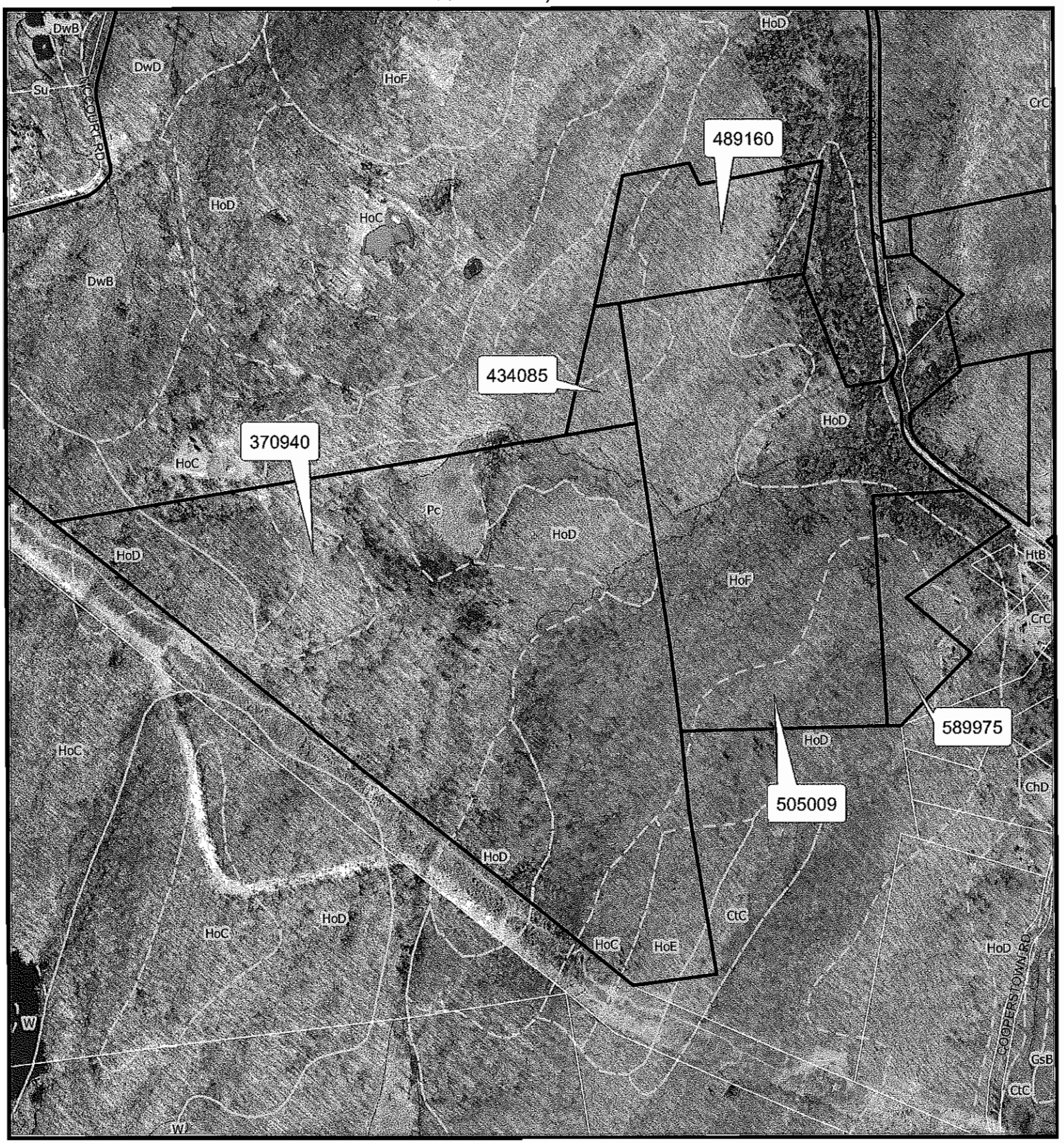
Ag District - Dutchess County Real Property Tax Agency 2009.
Soils - US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey Geographic Data Base (SSURGO), 1998.
Tax Parcels - Dutchess County Real Property Tax Service Agency, 2009.
USDA-FSA Aerial Photography Field Office Publication_Date: 20090811

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover - Dutchess County, New York

5 Parcel ID numbers to be added: 132600-6961-00-370940, 589975, 6962-00-434085, 489160, & 505009.

Owner: Madava Farms, LLC - Robb Turner



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

N

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Feet

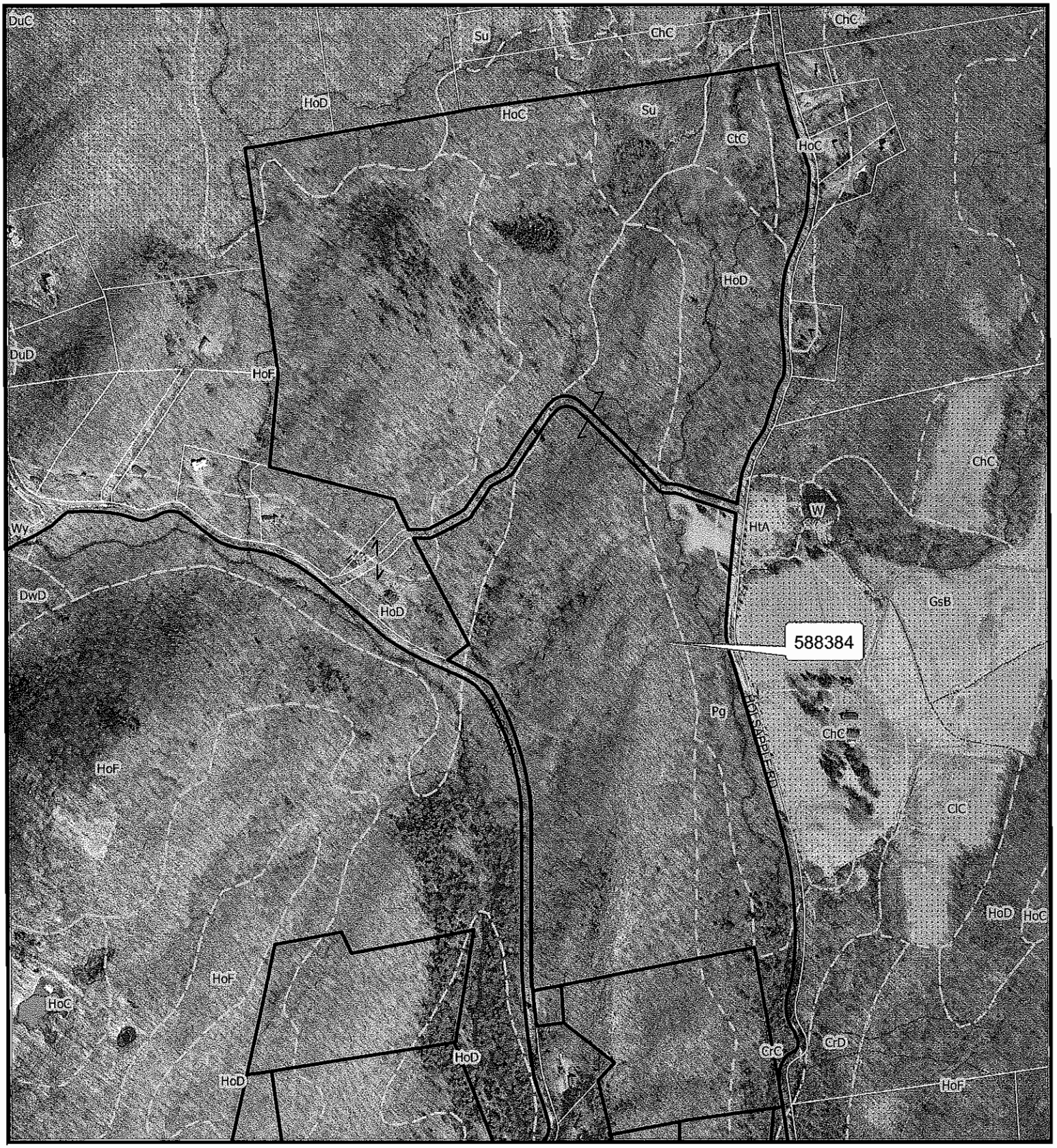
- Annual Inclusions, 2011
- Ag District
- Parcels
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover - Dutchess County, New York

Parcel ID number to be added: 132600-6962-00-588384. Owner: Madava Farms, LLC - Robb Turner



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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Annual Inclusions, 2011

Parcels

Ag District

Soils

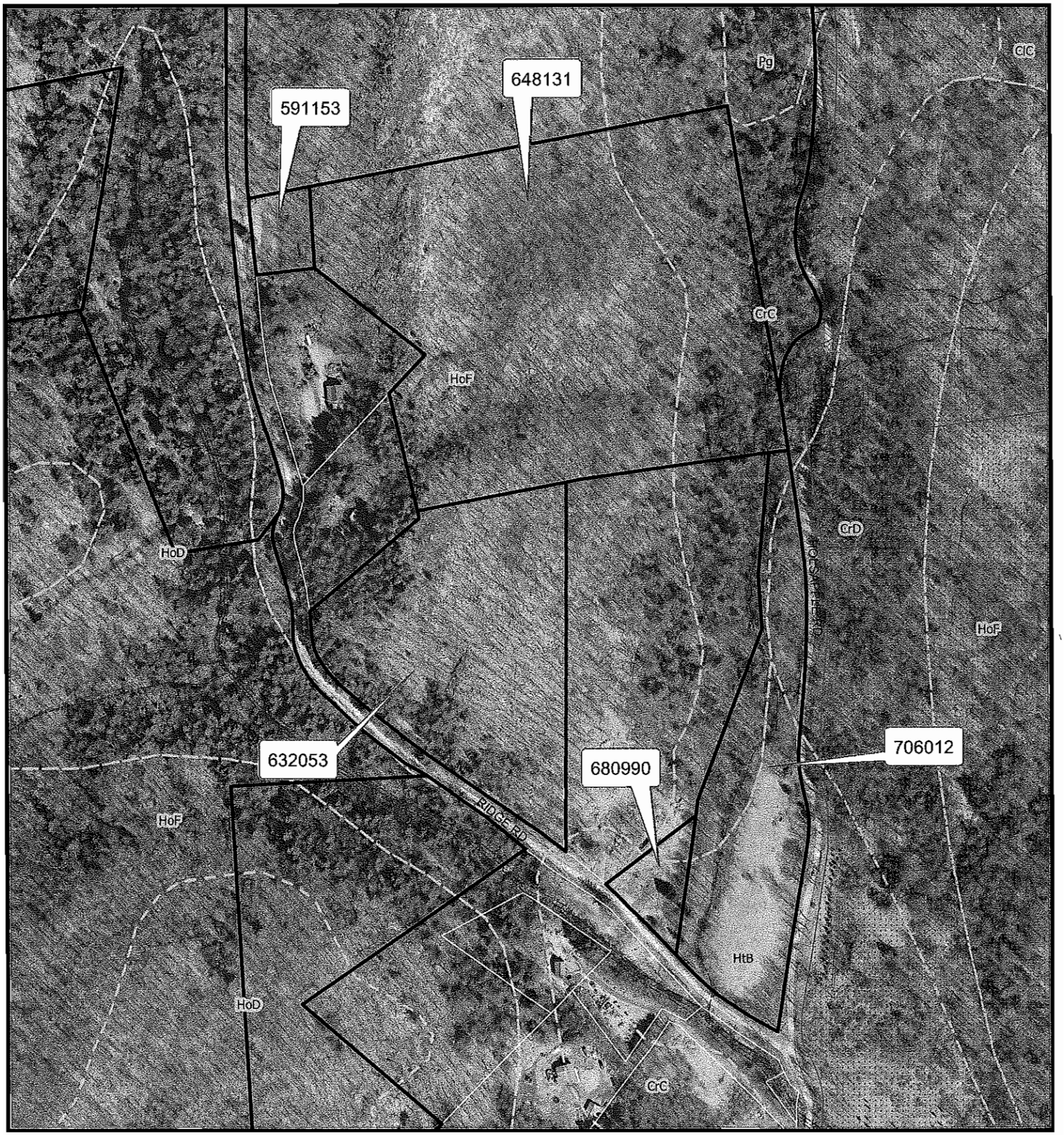
Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover - Dutchess County, New York

5 Parcel ID numbers to be added: 132600-6961-00-680990, 6962-00-591153, 632053, 648131 & 706012.

Owner: Madava Farms, LLC - Robb Turner



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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0 162.5 325

Feet

Annual Inclusions, 2011
Ag District
Parcels
Soils

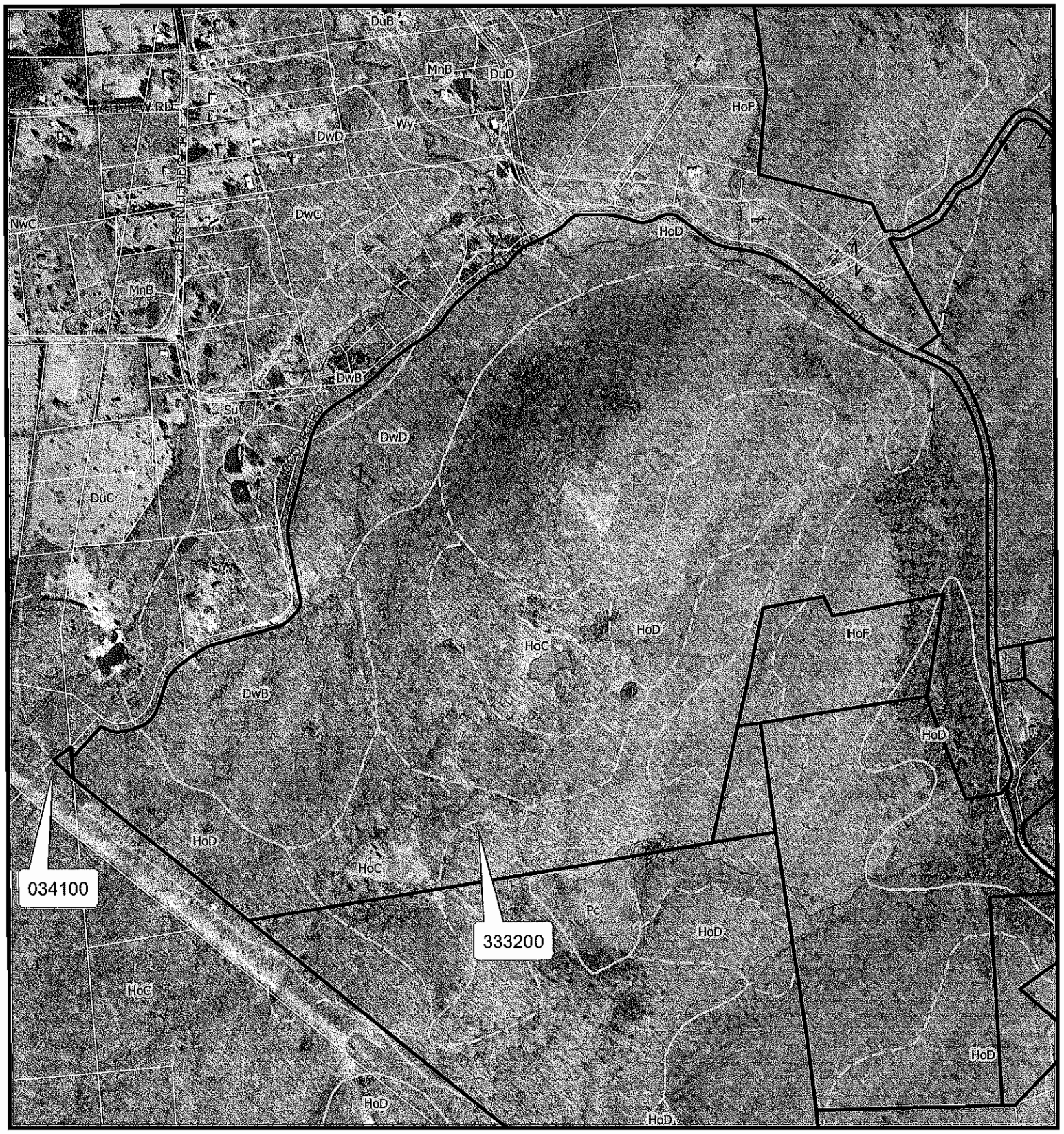
Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

Proposed Additions to Agricultural District 23: Annual Inclusions under 303-b

Town of Dover and Unionvale - Dutchess County, New York

2 Parcel ID numbers to be added: 132600-6962-00-333200 & 135400-6962-00-034100.

Owner: Madava Farms, LLC - Robb Turner



Prepared by: Dutchess County Real Property Tax Service Agency GIS, June 2011

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- Annual Inclusions, 2011
- Parcels
- Ag District
- Soils

Data Sources:
Tax Parcel Maps and Municipal Boundaries:
Dutchess County Real Property Tax Map Coverages, March 2011
Agricultural Districts: An Overlay of District Boundaries and
Dutchess County Real Property Tax Map Coverages, June 2010

DUTCHESS COUNTY SOIL AND WATER CONSERVATION DISTRICT
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APPLICATION OF VIABLE FARM LAND FOR INCLUSION IN DUTCHESS COUNTY AGRICULTURAL DISTRICTS AS PER NYS AG & MARKETS LAW 25AA SECTION 303-b

APPLICATION PERIOD APRIL 15 TO MAY 14
APPLICATIONS RECEIVED AFTER MAY 14 WILL NOT BE ACCEPTED
*** NO EXCEPTIONS ***

PLEASE RETURN TO THE ABOVE ADDRESS

Property Owners Name: Tanya S. Murray

Farm name / Corporation:

Owners Mailing Address: 359 mountain View Rd.
City: Rhinebeck **State:** NY **Zip:** 12572
Phone #: 845-876-9665
E-mail Address: tstepan@gm.slc.edu

PARCEL INFORMATION

Town Of: Clinton N
Parcel Number: 132400-6369-00-331472-0000
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres : 48.80 Ac.

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Town Of:
Parcel Number: _____-_____-___-_____-____
(Example: 132000 - 6257 - 00 - 987436 – 0000)
Parcel Acres :

Please include my property (s) in the Dutchess County Agricultural District

Owner Name(s) (PRINT): Tanya S. Murray

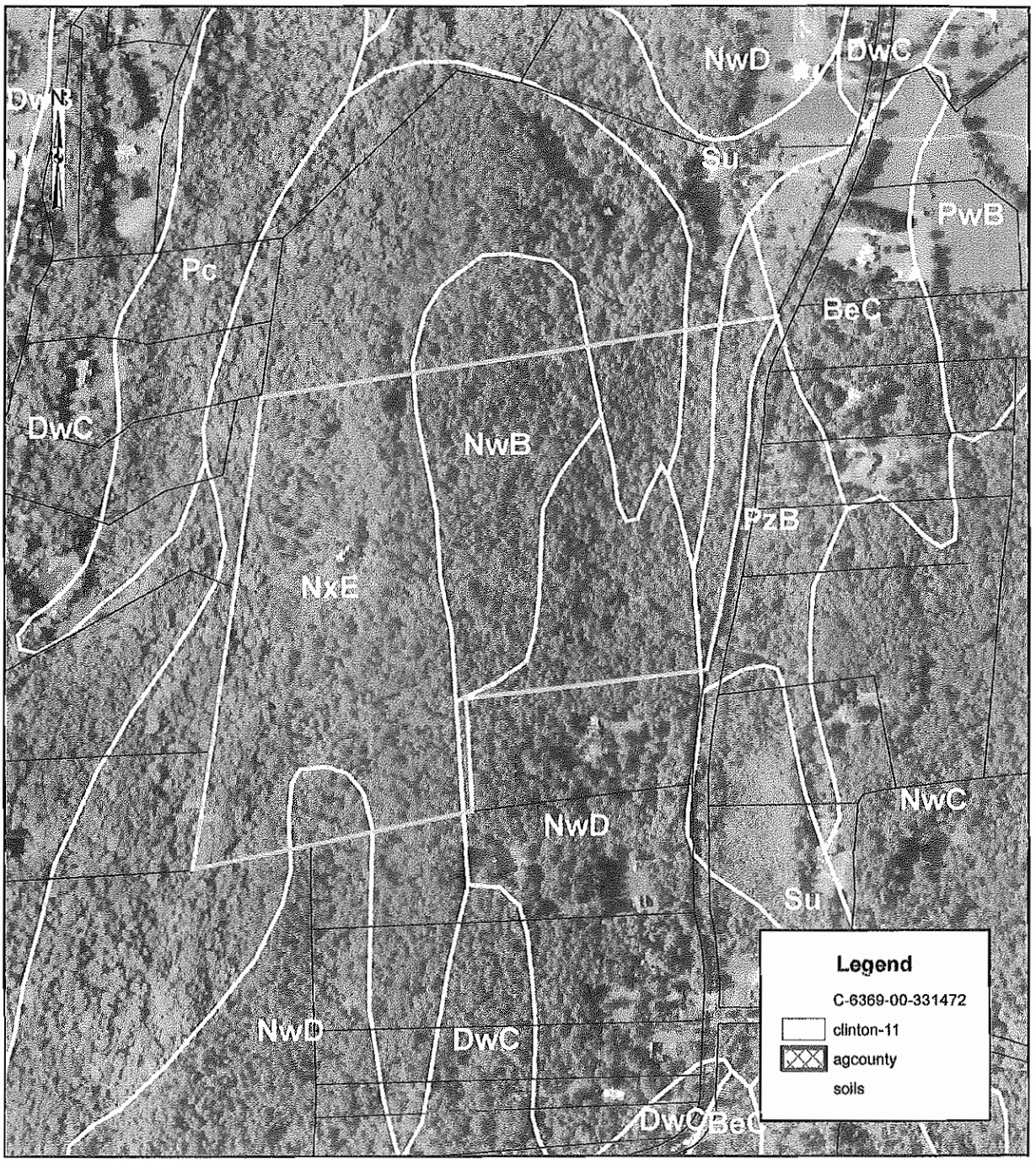
Signed: [signature]

Date: 5/10/11

OFFICIAL USE ONLY

DATE RECEIVED: 5/12/2011 APPROVED: ____ DISSAPPROVED: ✓
AG DIST #: 20 AFPB SIGNATURE: Harry W. Baldwin

TOWN OF CLINTON ~ PARCEL # 6369-00-331472



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Produced on 05/2011
Map Produced by Dutchess County
Soil & Water Conservation District
NOT FOR SITE SPECIFIC WORK
ALL INFORMATION MUST BE SITE VERIFIED

Ag District - Dutchess County Real Property Tax Agency 2009.
Soils - US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey Geographic Data Base (SSURGO), 1998.
Tax Parcels - Dutchess County Real Property Tax Service Agency, 2011.
USDA-FSA Aerial Photography Field Office Publication_Date: 20090811

Roll call vote on the foregoing Resolution No. 2011164 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

1164

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 **Yes** 0 **No**

Absent: 0 **Motion:** ___ **Abstentions:** 0

Vacant: 0

2011164 Property Owner Requests to be included within Dutchess County's Certified Agricultural District 20, 21, 22, and 23.

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011164 Property Owner Requests to be included within Dutchess County's Certified Agricultural District 20, 21, 22, and 23.

Date: 7/11/11

Environment
Revised 7-7-11
Amended

RESOLUTION NO. 2011165

RE: ACCEPTS FINDINGS OF MID-ATLANTIC SOLID WASTE CONSULTANTS REGARDING LOCAL SOLID WASTE MANAGEMENT PLAN

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

WHEREAS, the Dutchess County Legislature previously authorized the retention of a consultant to review the draft Solid Waste Management Plan being proposed and considered by the Dutchess County Resource Recovery Agency (DCRRA); and

WHEREAS, the County Legislature authorized the hiring of Mid-Atlantic Solid Waste (MSW) consultants to perform an independent evaluation of Dutchess County's waste management system, with particular emphasis on the local Solid Waste Management Plan (LSWMP) developed by the DCRRA; and

WHEREAS, MSW released a draft evaluation on April 13, 2011; and

WHEREAS, MSW issued a final independent evaluation dated July 6, 2011; and

WHEREAS, the Dutchess County Legislature hereby accepts the report of findings and recommendations issued by MSW; now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby authorizes the Clerk of the Legislature to forward a copy of the final MSW report to the Dutchess County Resource Recovery Agency.

Amended in Environment 7/7/11 lw
Amended on Floor 7/11/11 cm

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

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

Environment
Revised 7-7-11
Amended

RESOLUTION NO. 2011165

RE: ADOPTING FINDINGS OF MID-ATLANTIC SOLID WASTE CONSULTANTS REGARDING LOCAL SOLID WASTE MANAGEMENT PLAN

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

WHEREAS, the Dutchess County Legislature previously authorized the retention of a consultant to review the draft Solid Waste Management Plan being proposed and considered by the Dutchess County Resource Recovery Agency (DCRRA); and

WHEREAS, the County Legislature authorized the hiring of Mid-Atlantic Solid Waste (MSW) consultants to perform an independent evaluation of Dutchess County's waste management system, with particular emphasis on the local Solid Waste Management Plan (LSWMP) developed by the DCRRA; and

WHEREAS, MSW released a draft evaluation on April 13, 2011; and

WHEREAS, MSW issued a final independent evaluation dated July 6, 2011; and

WHEREAS, the Dutchess County Legislature hereby accepts the report and the findings and recommendations issued by MSW; now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby authorizes the Clerk of the Legislature to forward a copy of the final MSW report to the Dutchess County Resource Recovery Agency.

Amended in Environment 7/7/11 lw

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

DUTCHESS COUNTY, NEW YORK

INDEPENDENT REVIEW OF SOLID WASTE MANAGEMENT SYSTEM AND LSWMP

FINAL REPORT

July 6, 2011

MSWCONSULTANTS

MID ATLANTIC SOLID WASTE CONSULTANTS
6225 Sawyer Road, New Market, MD 21774 301/607-6428
842 Spring Island Way, Orlando, FL 32828 407/380-8951
3407 Chestnut Street, Camp Hill, PA 17011 717/731-9708
9 Myers Drive, Fredericksburg, VA 22405 703/942-6307
www.mswconsultants.com

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EXECUTIVE SUMMARY

ES 1. INTRODUCTION

ES 1.1. INDEPENDENT SYSTEM EVALUATION

MidAtlantic Solid Waste Consultants (MSW Consultants) is an independent waste management and recycling consulting firm that specializes in helping municipalities optimize their waste management systems. We derive our independence from two business decisions:

1. We work exclusively for municipalities (cities, counties, state agencies, etc.) on solid waste management program optimization initiatives, and do not work for private waste management companies on such projects.[1]
2. We do not offer engineering services – so we have no incentive to advocate or recommend the development of any particular facility that might in the future generate professional engineering fees for another practice within our firm.

Rather, we specialize in municipal integrated waste management system planning, financial analysis, and program optimization. MSW Consultants was retained to conduct an independent evaluation of Dutchess County's waste management system, with particular emphasis on the Local Solid Waste Management Plan[2] (LSWMP) recently developed by the Dutchess County Resource Recovery Agency (RRA). This independent evaluation was funded by a grant from a non-profit foundation, and has not relied on any County tax dollars or other public funds.

ES 1.2. BACKGROUND

At the current time, Dutchess County is at a crossroads with its waste management system. For over 25 years, Dutchess County has relied primarily on the RRA, a state public benefit corporation, to oversee and manage the County's waste stream and to serve as the County's official Planning Unit in the eyes of the New York State Department of Environmental Conservation (DEC). Over this time, the RRA's primary function has been to develop and manage two waste management facilities:

- A Resource Recovery Facility (RRF) that incinerates wastes and generates electricity for sale into the grid, and
- A dual stream Material Recovery Facility (MRF) that sorts, bales and sells recovered recyclable materials.

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[1] In the interest of full disclosure, MSW Consultants has performed waste characterization studies and waste stream audits for private sector waste management companies, including Covanta Energy and Waste Management. Waste characterization is a specialized service and is one of our firm's core competencies. While we predominantly conduct these studies for public sector clients, we have in the past and may in the future perform waste characterization studies for private sector organizations. We have not conducted any projects for any private waste management companies in the Hudson Valley region or in New York State, Pennsylvania, or Connecticut.

[2] County of Dutchess and Dutchess County Resource Recovery Authority Local Solid Waste Management Plan, November 29, 2010.

In the performance of its duty, the RRA has relied on subsidies from Dutchess County that have totaled more than $32 million since 1995, and currently average roughly $5 million annually. While this analysis was not meant to be an indictment of the RRA, it is noteworthy that two third-party organizations – the New York Authority Budget Office[3] and the Dutchess County Office of the Comptroller[4] – have issued reports citing material examples of poor management and operational deficiencies. Notable findings from these reports include:

- The RRA has inflated its budget and overcharged the County for Net Service Fees on multiple occasions;
- The RRA has repeatedly failed to competitively and effectively procure operating contracts and professional services, costing millions of dollars;
- There is a lack of transparency and limited internal controls to the RRA's reporting;
- Although not the fault of the RRA itself, RRA Board members have served in violation of the RRA's enabling legislation and have not received appropriate training;
- The RRA may have erroneously paid a host community fee to the Town of Poughkeepsie for many years (although this practice has been suspended since the report was issued).

Despite these concerns documented by third parties, the RRA has been and is currently the authorized organization responsible for setting the long term strategy for solid waste management in Dutchess County. In December 2010, the RRA submitted a LSWMP that espoused expansion of the publicly-owned and managed system. Specifically, the LSWMP calls for:

- Implementation of regulatory flow control to give control of the entire municipal solid waste stream to the RRA. Under such a system, private haulers and municipalities would be directed where to deliver both wastes and recyclables (p. 139).
- Implementation of a direct revenue mechanism to fund "recycling, household hazardous waste management, operate the upgraded air pollution control system at the RRF, and to build reserves for future facilities and projects" (p. 139).
- Upgrading one of the existing turbines and expanding the RRF to add another 250-tpd processing line to accommodate 100 percent of the County's disposed waste stream (p. 127-131);
- Developing a new MRF to process 100 percent of the County's single stream recyclables (p. 114-118);
- Developing a new Southern Transfer Station to serve Fishkill, Wappinger, East Fishkill, Beekman, Pawling and Dover (p. 137-138).
- Considering the development of a new ash landfill (p. 132-134).

Table ES-1 below summarizes the capital cost of these recommendations. As shown, collectively these recommendations will cost upwards of $110 million and require annual debt

[3] Operational Review, Dutchess County Resource Recovery Agency, February 22, 2010, OR-2009-02, Authority Budget Office.

[4] Report of the Office of the Comptroller, Dutchess County, letter dated August 25, 2010 to Dutchess County Legislative Chairman Robert Rolison and Resource Recovery Working Group Chairman James Miccio.

service of more than $9 million. Even if the local ash landfill is not pursued because of the excessive cost and lead-time requirements (as stated in the LSWMP p. 134, the Oneida-Herkimer Solid Waste Authority reportedly spent 12 years and $13 million to permit a new 1,000 ton landfill, followed by $31 million to construct the landfill), the total capital cost exceeds $80 million with $6 million of annual debt service. Such a system would impose a cost of $46.50 per ton of waste disposed (according to RRA's plan). Given the general rule that residential households typically dispose of one ton per year, this equates to a cost of $46.50 per household just in debt service obligations for 20 years.

Table ES-1 Capital Costs of New Publicly-Owned Facilities Recommended in LSWMP

Recommendation	Capital Cost	Debt Service (20 yrs @ 5%)
Upgrade Existing RRF Turbine	$3 to $7 million	$241,000 to $562,000
Add New 250-tpd Boiler	$55 million	$4,413,000
Build New Single Stream MRF	$13 million	$1,043,000
Build New Southern Transfer Station	$8 million	$642,000
Build Local Ash Landfill	$30 million	$2,407,000
Total	**$109 to $113 million**	**$9,067,000**
Debt Service $/Ton	***195,000 tons***	***$46.50/ton***

MSW Consultants has performed a comprehensive review of the LSWMP and of Dutchess County's solid waste management system. This Executive Summary highlights the most critical aspects of this analysis.

It should be noted that MSW Consultants is not offering specific recommendations in this Executive Summary or in the full report. Rather, it has been the intent to identify and point out, as concisely and clearly as possible, the range of decisions and opportunities available to the County, so that the course of solid waste management in Dutchess County can receive appropriate debate and discussion among elected officials and constituents at large. A wide range of stakeholders were contacted in the assembly of this report, and it is the sincere hope of MSW Consultants that we have compiled the range of options expressed to us during the study.

ES 2. CURRENT WASTE GENERATION AND RECYCLING RATE

It is particularly difficult to find and understand defensible data about Dutchess County's current waste generation and recycling rate in the LSWMP. To better assess the current situation, MSW Consultants requested 2008 and 2009 recycling reports from the RRA and used this data to estimate the County's current recycling rate. This is shown in Table ES-2

Table ES-2 Waste Generation and MSW Recycling Rate Implied by DCRRA Recycling Report

Reported Recovered Material, DCRRA Report	Total Tons Reported	Tons from MSW Waste Stream [1]
Commingled & Fiber	30,522	30,522
Scrap Metal & Appliances	23,230	4,404
Concrete, Tires, C&D Debris	92,669	0
Composted Wood, Vegetative and Food Wastes	29,000	29,000
Composted Manure and Subsoil	27,204	0
HHW (includes sludge, electronics)	4,804	718
Other	2,494	1,997
Total Reported Recyclables	**209,923**	**66,640**
Reported Disposal (NY DEC 2008)	224,870	224,870
Implied Total Generation	434,793	291,510
Implied Dutchess County Recycling Rate	**48.3%**	**22.9%**

(1) Excluding agricultural, construction/demolition debris, industrial wastes, sludges, and animal renderings

As shown above, this exercise suggests the following.

- **Waste Generation**: Dutchess County's approximate waste generation is shown to be as high as 291,000 tons, although this is probably an overestimate that includes some out-of-County wastes;
- **Actual MSW Recycling Rate**: The County's recycling rate for municipal solid wastes (i.e., excluding industrial, C&D and agricultural wastes) is estimated to be closer to 23 percent, rather than the 5 percent recycled within the RRA's system, and less than the 45 percent that is mentioned on several occasions.

While improvements to reporting are clearly needed, in the opinion of MSW Consultants these figures are reasonable for the purposes of planning the County's system. It should also be noted that the 48.3 percent total recycling rate is an absolute maximum for two reasons. First, no attempt was made to estimate the total generation of non-MSW materials, so the denominator is artificially low. Second, it is likely that some of the reported tons were actually generated outside of Dutchess County and should not be credited to Dutchess County's recycling rate.

ES 3. GOVERNANCE AND OWNERSHIP OF THE SYSTEM

It is important to make a distinction between system governance and system infrastructure ownership.

There are essentially two major options for ownership of solid waste infrastructure in Dutchess County:

- **Public Ownership**: Under this option, infrastructure for collection, disposal, recycling, and composting would be owned by the County or by the DCRRA.

- **Private Ownership:** Under this option, collection, disposal, recycling and composting facilities would be owned by private industry.

Regardless of who owns the infrastructure, it is clear in the state laws that governance of the system – i.e., planning, regulation and management – resides in public hands. In Dutchess County, the two entities eligible to plan and manage the system are Dutchess County and the RRA. Table ES-3 is a matrix that summarizes these options, although in practice there may be hybrid solutions that span more than one quadrant of the matrix.

Table ES-3 Governance and Infrastructure Ownership Options

	Planning Unit	
	County	RRA
Ownership of Infrastructure	Public	Public
	Private	Private

At the current time, MSW Consultants understands[5]:

- The RRA is the designated Planning Unit in the eyes of the NYS DEC; and
- The RRA and Dutchess County share responsibilities for the management and governance of the system.

MSW Consultants strongly supports the notion that a single organization should manage and govern the integrated solid waste management system for a particular county or municipality. Clearly the existing division of responsibilities does not accomplish this. MSW Consultants also believes that the system manager should be agnostic in regards to the optimal system configuration. In our professional opinion, the RRA's LSWMP and related actions strongly suggest that its primary objective is the perpetuation of a high-cost, WTE-based disposal system with strong public management that impairs private market solutions.

If the County wishes to go in any direction other than the status quo, it will be necessary to pass one or more resolutions. Because the RRA is a state public benefit corporation, it is independent of the County. At the current time, the RRA is the official Planning Unit for Dutchess County. Dutchess County also has ultimate responsibility to subsidize the RRA to the extent the RRA is unable to fund its operations through tip fees, electricity revenues or direct funding sources such as user fees. If the County leaves the Planning Unit authority with the RRA, then the County will have ceded its ability to guide the direction of the solid waste management system.

It is our understanding that the County can, by passage of a resolution, re-assign the Planning Unit authority from the RRA back to the County. Because the Planning Unit sets the course for waste management in the County, the RRA would be obligated to support the direction set

[5] MSW Consultants does not employ attorneys and is not qualified to provide a legal opinion on this topic. We have been provided with citations from the County, stating that Resolution 427-1984 gave planning authority to the DCRRA, and that the 1992 LSWMP reiterated this authority, on which we have based our understanding. It is recommended that the County obtain a qualified legal opinion on the course of action mentioned.

by the Planning Unit. Dutchess County should immediately take steps to designate itself as the Planning Unit if it wants to fully control its destiny.[6]

ES 4. DISPOSAL OPTIONS

One of the overarching questions at the outset of this project was to identify the full range of disposal options other than the planned expansion of the role of the RRA. The following options can be readily identified:

- **Implementation of RRA's LSWMP (Status Quo)**: As stated above, this option will greatly expand the control borne by the RRA and also increase system costs. The County will be committed to waste-to-energy for a 20-year time period (or longer). Dutchess County will also have fully committed to a publicly-owned waste disposal infrastructure.
- **Waste Export**: Alternatively, Dutchess County could export wastes for landfill disposal elsewhere in New York State (or even out-of-state). This is the solution employed by almost 70 percent of NY counties, and by over 87 percent of municipalities nationwide. Waste export requires there to be local transfer stations where wastes can be consolidated for long-haul road or rail transportation to a landfill for final disposal. Note that a waste export system could be (a) entirely public (as described in the LSWMP), (b) partially public and partially private, or (c) entirely private.
- **Siting and Developing a Local Landfill**: Although not discussed in the LSWMP, a local landfill would provide a viable alternative for waste disposal in Dutchess County. Because of the siting and permitting challenges, MSW Consultants has not extensively addressed this issue other than to say, if a permit could be secured, it would take many years and this solution could not be timely implemented to meet near term system needs.
- **Emerging Conversion Technologies**: At the current time, there are a variety of emerging technologies for processing of wastes that are in the testing and development stages. The LSWMP mentions some of these. In the opinion of MSW Consultants, these technologies have not achieved proven commercial scale operating success at a cost-effective level. Similarly to the development of a local landfill, it is not believed any new, cost-effective technology will be available on a timely basis for adoption by Dutchess County in this planning cycle.

In the opinion of MSW Consultants, the decision of waste disposal is between retaining the waste-to-energy system that exists currently or converting to a waste export system. In order to better compare these systems, MSW Consultants has projected the annual full costs of the system recommended in the LSWMP, compared to a waste export system in which a central transfer station is developed to accept all waste generated in the County for export to out-of-county landfills. Figure ES-1 compares the annual cost of the two systems. As this figure shows, the annual cost of waste export is significantly lower than implementing flow control, securing local transfer station(s), and expanding the existing WTE facility.

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[6] MSW Consultants does not employ attorneys and is not qualified to provide a legal opinion on this topic. We have been provided with citations from the County, stating that Resolution 427-1984 gave planning authority to the DCRRA, and that the 1992 LSWMP reiterated this authority, on which we have based our understanding. It is recommended that the County obtain a qualified legal opinion on the course of action mentioned.

Figure ES-1 Lifecycle Cost Comparison of Expanded WTE vs. Waste Export

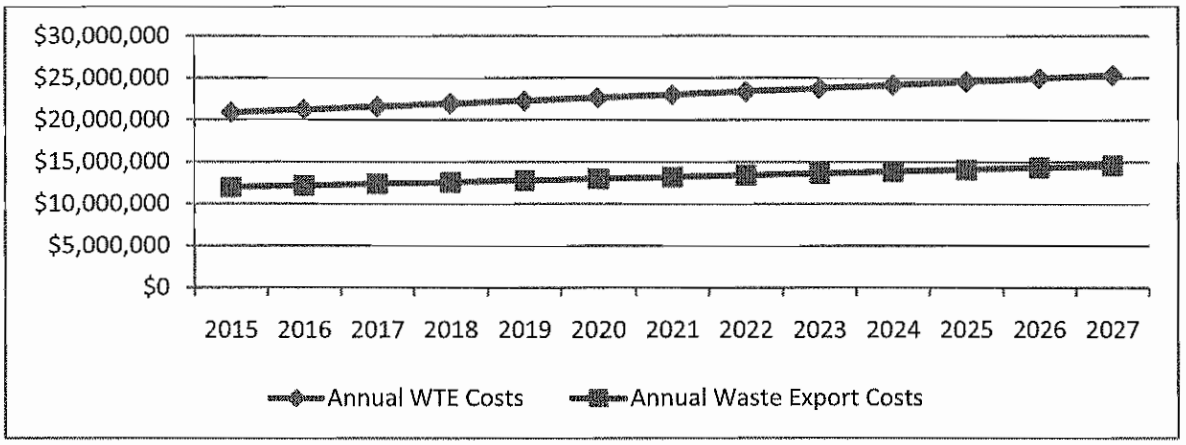
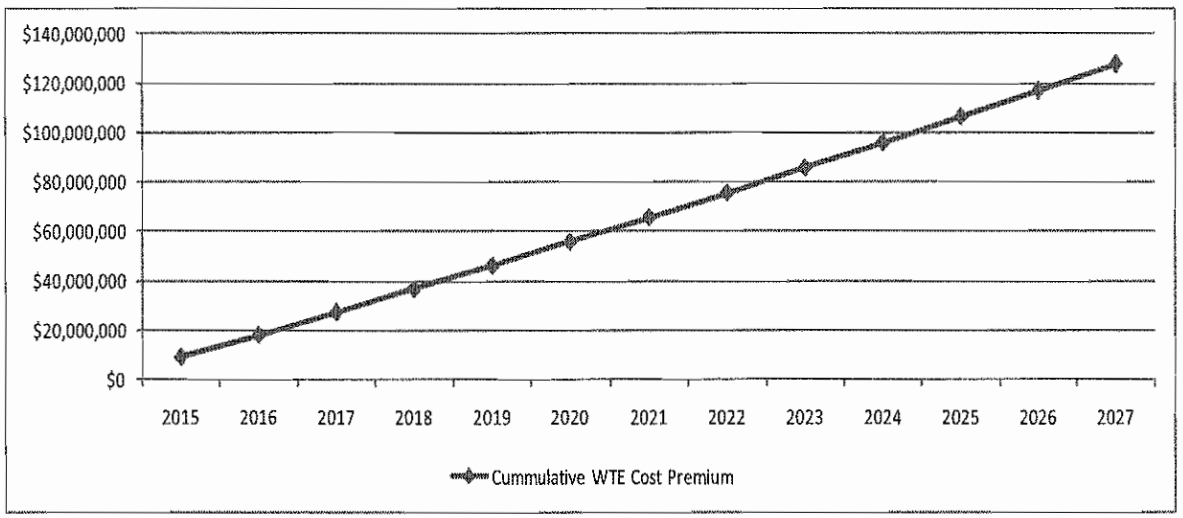


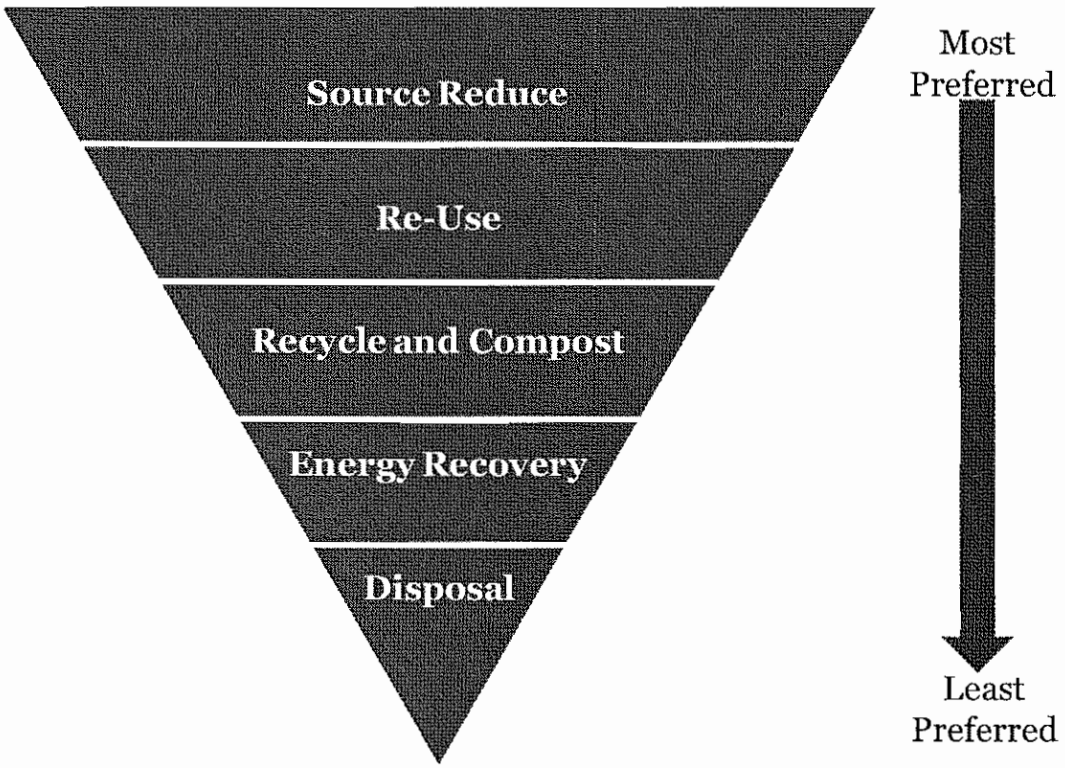
Figure ES-2 shows the cumulative cost of the WTE system compared to the waste export system from the time period of 2015 (when the RRA's current operating contract expires) to 2027 (when all debt service on the RRF is paid in full). As suggested in this figure, reasonable assumptions indicate that a system of waste export for disposal would save Dutchess County waste generators almost $127.6 million between 2015 and 2027.

Figure ES-2 Cumulative Cost Impact of Expanded WTE Over Waste Export



If nothing else, Dutchess County should consider how it wants to spend the $127.6 million cost differential. One option (the current LSWMP) is to recommit to waste-to-energy, which is higher than landfilling on the waste management hierarchy espoused by both the U.S. Environmental Protection Agency and the New York State DEC. The second option would be to save the $127.6 million disposal costs by implementing waste export, and instead redeploy these funds (or a fraction of the funds) to develop recycling and organics diversion and recovery programs. As shown in Figure ES-3 below, recycling is higher than waste-to-energy on the waste management hierarchy.

Figure ES-3 Waste Management Hierarchy



ES 5. OPPORTUNITIES IN COLLECTION

Efficient collection of waste and recyclables is a pre-requisite of successful integrated waste management systems in municipalities across the nation. Yet, the LSWMP contains virtually no useful guidance on the real opportunities available to Dutchess County.

Simply stated, the most significant opportunities to reduce overall waste management costs to waste generators (i.e., residential households and commercial businesses) and increase recycling can be achieved through new strategies and regulations associated with collection. While Dutchess County has a mandatory recycling law, the residential collection is left up to an open market system in much of the County. Exclusive collection, with either municipal crews or through competitively-bid contracts, is used in only the Cities of Poughkeepsie and Beacon, and the Villages of Millerton, Millbrook, Pawling, Rhinebeck, Red Hook, Tivoli and Wappinger Falls. Reportedly, this covers approximately 21% of the population. This means that nearly 80% of the residents contract individually with haulers or use drop-off facilities.

If residential curbside collection of solid waste and recyclables was made mandatory, recycling should increase, as it would be more convenient to dispose of solid waste properly and to recycle. This could be accomplished through one of several options.

Implement Mandatory Curbside Collection Law: Similar to the mandatory recycling law, this law would require all residents and businesses to have curbside (residential) or on-site (commercial) collection services. Such a system may enable the closure of municipal drop-off centers, as residents would no longer have a need to drop off household trash. Local haulers

would likely gain business under this arrangement and could be expected to support such a law, although residents may oppose because of the potential to increase the costs for those who currently use drop-off facilities.

Mandatory Curbside Recycling: Dutchess County could also consider making curbside recycling collection mandatory as well, which would further drive up recycling rates. However, if the County pursues this strategy, the resulting law would need to specify certain program requirements such as bundled pricing (i.e., one price for both refuse and recyclables) so that the system operated effectively and customers could compare service levels.

Exclusive Collection: As noted in the LSWMP, almost 80 percent of the households in Dutchess County must subscribe with a private company to receive curbside waste collection. While it was estimated that one hauler controls roughly 80 percent of the market in the County, this still means that there may be multiple haulers driving residential streets in certain neighborhoods, expending excess fuel and time to provide overlapping service. At a minimum, the collection costs incurred by residents in these areas could be reduced significantly for municipalities that opt to contract exclusively for collection.

While the cost and environmental benefits of exclusive collection are clear, it must be acknowledged that the political barriers to this solution may be daunting. Local haulers with long-time roots in a particular Town will fear being displaced by larger companies, and past experience suggests that there will be vocal opposition to any attempt to grant exclusive service.

Multi-municipality Solutions: Another general rule to reduce collection costs is to spread fixed costs (fleet yard, management and administration) over as many customers as possible. With the prevalence of relatively small incorporated municipalities in Dutchess County, there is almost certainly the potential to reduce unit collection costs to the extent two or more contiguous municipalities were to combine their collection systems by standardizing collection service levels and optimizing collection routing absent a consideration for interior municipal boundaries.

While there are many factors that would impact the level of cost savings that might be achievable, Table ES-4 shows the unit contract costs per household for a range of communities in Brevard County, FL. These communities receive substantially the same level of service. This table is intended to reflect the impact on unit cost of increasing the size of the service area.

Table ES-4 Example of Impact on Unit Collection Costs of Size of Service Area

Community	Population	Refuse Service	Recycling Service	Yard Waste	Bulk Waste	Monthly Collection Cost ($/Household)
Brevard Co. Unincorporated	476,230	2x/wk manual	1x/week curbsort	1x/week manual	Included	$9.12
Palm Bay	79,413	2x/wk manual	1x/week single stream	1x/week manual	Included	$11.01
Melbourne	71,382	2x/wk manual	1x/week single stream	1x/week manual	Extra	$8.10
Rockledge	20,170	2x/wk manual	1x/week curbsort	1x/week manual	Extra	$12.00
Cocoa Beach	12,482	2x/wk manual	1x/week curbsort	1x/week manual	Extra	$10.93
West Melbourne	9,824	2x/wk manual	1x/week single stream	1x/week manual	Extra	$13.05
Palm Shores	794	2x/wk manual	1x/week curbsort	1x/week manual	Included	$13.03

Although the data above do not show a perfect correlation between the population of the municipality and the unit price, it supports the general pattern of higher pricing (costs) for smaller geographic areas. All told, the larger municipalities receive similar collection for about a 30 percent lower cost per unit compared to the smaller municipalities. It is likely a similar dynamic would play out in Dutchess County.

Implement a County-wide Collection System: Extending on the prior option, Dutchess County could, with the support and cooperation of some or all of the municipalities, establish a County-wide collection system. This could be done as a public system, or more likely, as a collection contract procured through a competitive bid process. Such a system would be likely to secure the lowest unit cost for refuse collection, which in turn would allow the addition of recycling and yard waste/organics collection.

A Word about PAYT: The LSWMP correctly identifies Pay-As-You-Throw (PAYT) as a strategy to change the behavior of waste generators and increase recycling by providing a financial incentive to recycle. It should be noted that the County will have a significantly better ability to influence and structure a functional, effective PAYT system if the County is organizing and managing the collection system directly, rather than leaving this up to the private sector.

However, implementing PAYT requires there to be a direct billing mechanism so that waste generators understand the cost implications of their decision to recycle or not recycle. It is important to note that other counties have successfully implemented PAYT systems via a

"user fee" mechanism on the annual property tax bill; this mechanism is available for use by Dutchess County. It is equally important to note that such a "user fee," if implemented, would be charging residential households the direct cost of collection and disposal based on the level of collection service they choose. Such a user fee is significantly different from the generation-based user fee that has been previously analyzed and rejected by the County.

ES 6. OPPORTUNITIES IN RECYCLING

Similar to the options for waste disposal, setting the course of action for recycling requires the County to make a decision about public ownership versus private ownership of recyclables processing infrastructure.

The LSWMP advocates development of a publicly-owned single stream MRF with sufficient capacity to serve the entire County. However, it is also noted that private companies have already developed single stream processing capacity (and are in fact developing additional capacity) within and in close proximity to Dutchess County.

While MSW Consultants has not performed as detailed a cost analysis comparing the two, we note that, were the County to procure recyclables processing capacity from a private processor, recent experience with similar procurements in the Northeast region suggest that it is reasonable to expect that recyclables would be delivered with a zero floor price, and more likely there would be a net revenue returned to the County based on the value of the delivered recyclables. This is in contrast to the RRA's MRF, which not only does not return revenue, but also charges a tip fee for delivery of the materials. Private companies with a larger geographic reach also have better access to markets for recovered materials and can obtain better economics based on higher volumes compared to a local public MRF.

Other opportunities in recycling stem from a combination of the public outreach, education, and enforcement activities that Dutchess County is expected to perform by the DEC. Multiple counties in New York State maintain recycling education and enforcement staff. These staff perform numerous ongoing initiatives, and the LSWMP actually lists many such responsibilities that would be achievable in Dutchess County with a manageable number of staff. These initiatives include:

- Establishment (and enforcement of existing) reporting requirements for licensed haulers, solid waste and recycling facilities, and large businesses to track generation and diversion data needed by planners;
- Development of recycling curriculum for Dutchess County schools;
- Development of a comprehensive website to inform residents, businesses, and schools about recycling and diversion programs and facilities;
- Provision of waste and recycling technical assistance and monitoring for Dutchess County businesses;
- Continued outreach and support of ongoing HHW collection events and related public education;
- Coordination with municipalities to understand and publicize municipal recycling programs and to foster opportunities for regionalization of recycling services (as well as collection);

- Coordination with private sector organizations engaged in recycling to encourage market development;
- Establishment of and participation in recycling stakeholder meetings made up of citizens, businesses, and solid waste/recycling industry representatives;
- Identification of procurement terms and strategies for use by municipalities and businesses seeking recycling collection or recovery services.

Based on other counties inside and outside of New York State, it is reasonable to expect a successful and proactive recycling management organization staffed by four to five professional staff, including:

Recycling Coordinator – management of the County's overall recycling initiatives and outreach;

Business Recycling Specialist(s) – one or two specialists focusing on the reporting and waste/recycling audits that will be required from the business community, both haulers/facilities as well as larger waste generators;

Schools Recycling Specialist – if this position does not already exist in the County schools, the position would encompass both curriculum development as well as optimizing the school recycling and solid waste collection programs.

Solid Waste and Recycling Enforcement Officer – The County should realize the need for an all-purpose solid waste and recycling enforcement staff. This staff would support all County recycling and solid waste management programs.

In addition to the staff resources, a general rule for a county is to plan on spending roughly $2 per household for the development of public outreach materials. Table ES-5 summarizes the projected costs of establishing a fully functional Dutchess County recycling office. As shown, this system would be expected to cost less than $6 per household annually.

Table ES-5 Dutchess County Recycling Office Annual Operating Cost Estimate

Expense	
Salaries (5 staff)	$275,000
Benefits (30%)	$82,500
Office Expenses	$15,000
Travel/Transportation	$20,000
Professional Services	$50,000
Supplies/Materials	$224,000
Total	**$666,500**
Households	***112,000***
Annual Cost/household	***$5.95***

Based on other communities nationally, the following combination of program elements would be expected to dramatically increase recycling:

- Exclusive, mandatory collection of wastes, recyclables and yard wastes (eventually to include other organics, and optimally with a PAYT rate structure);
- Mandatory, enforced commercial recycling;
- Mandatory, enforced C&D recycling;
- Proactive public education and ongoing outreach;
- Sustainable funding mechanisms which may include per-household and disposal-based user fees, utility billing, and possibly even general fund taxes.

It is not unreasonable for the County to achieve a 50 to 60 percent recycling rate if all of these strategies are implemented.

ES 7. CONCLUSIONS

It was the objective of MSW Consultants at the outset of this project to provide key information and data to support the County's ability to make sound decisions in conformance with the County's values and in compliance with state regulations. The sections below summarize the three most critical decisions to be made, in the opinion of MSW Consultants.

ES 7.1. WTE FOCUS OR RECYCLING FOCUS?

The most pressing question that will dictate the County's course of action is to determine whether Dutchess County wants to commit to WTE as its preferred waste disposal method, despite its markedly higher cost, ***OR***...

Desist with WTE because of its especially high costs relative to other disposal options, save money, and put the savings into recycling and composting initiatives.

If Dutchess County wishes to continue down the path of WTE, then the LSWMP suggests a reasonable strategy. However, in the professional opinion of MSW Consultants, the County should still strongly consider taking steps to dissolve the RRA[7] and re-establish the County as the owner and manager of the facility infrastructure so that it can better manage the operation. Dutchess County could greatly improve the management and performance of the RRA's assets by a combination of hiring qualified County employees and retaining professional expertise to assist with procurements, organizational development, and independent performance monitoring.

If Dutchess County instead determines that it is a better course of action to minimize disposal costs so that additional resources can be devoted to recycling – which is higher on the waste management hierarchy than WTE – then the County should take the following steps:

- Pass a resolution to re-assign the Planning Unit status from the RRA to the appropriate organization within Dutchess County.

[7] MSW Consultants did not research the process by which this might occur. It is our understanding that the RRA is bound to follow the LSWMP established by Dutchess County and that dissolving the RRA would be possible if this were recommended in the LSWMP. However, the County should seek informed legal counsel to determine the mechanics for doing so.

- Jointly with the bullet above, establish the Dutchess County Solid Waste Management Office, staff this office with competent solid waste management and recycling personnel, and supplement the County office expertise with professional advisors as appropriate.
- Revise the LSWMP and resubmit it (or, if the DEC has accepted the LSWMP as written, prepare and submit an amendment) to indicate the new direction being pursued by the County.
- Assuming acceptance by DEC, take immediate steps to ramp down the RRA to focus solely on facility operations from now until 2014, and make plans for the dissolution of the RRA after 2014 with the County assuming all remaining debt service obligations.
- Determine if the Solid Waste Office should be funded based on general fund taxes, or if a user fee with definitive underpinnings should be developed to charge waste generators directly for the cost of system management and administration (such a funding mechanism could be phased in over time, transitioning from tax-funding to user-fee funding).

It should be noted here that, regardless of the direction taken by the County, it is also the professional opinion of MSW Consultants that the County can and should enforce existing flow control laws with the specific and limited intention to bring the RRF up to capacity from now until 2014 (but should not otherwise attempt to enact flow control). As long as the flow controlled wastes is charged the same tip fee as is currently being charged (whether gate rate or negotiated rate), MSW Consultants does not see a conflict in partial flow control for the purpose of optimizing RRF performance over the short term. It will be important to communicate effectively with the private sector to explain this short-term strategy and achieve a workable outcome. MSW Consultants makes this comment from a technical perspective only; it will further be necessary to obtain a qualified legal opinion on this prospect before moving forward.

ES 7.2. ORGANIZING COLLECTION

Ultimately, there are three options for managing collection systems in Dutchess County:

1) Stay out of collection at the County level and leave status quo. This will perpetuate a high-cost collection system for County residents and businesses, and also increase the difficulty of increasing recycling rates.
2) Require mandatory curbside collection and curbside recycling collection. This step alone is considered a precursor to an integrated waste management system because it provides basic recycling and organics diversion services to every generator at the place of generation. Recycling rates would be expected to increase significantly by making the provision of collection services mandatory (whether left to the private market or whether organized via exclusive collection districts)
3) Organize County-wide collection to secure economies of scale and provide specific recycling and yard trash collection services. Excepting the municipalities that already provide collection service (either public or contracted), a County-wide exclusive system has the advantage of obtaining the most competitive unit pricing for the collection services received. It also provides uniform services that can be tailored to the public outreach messages, and stands to provide the highest recycling rates. Finally, it also attaches a specific service level to each household, which in turn can be tied to an understandable, defensible user fee rate (i.e., one based on service received instead of on estimated waste generation).

While it may seem daunting to enter the collection business when in the past Dutchess County has not been involved in this aspect of the business, informed management of the collection component will give the County the greatest control over recycling and diversion behaviors.

In the opinion of MSW Consultants, the County should take steps, at a minimum, to require and enforce mandatory curbside refuse and recycling collection that includes, at a minimum, recycling and yard waste collection services. This may be accomplished over time and may incorporate a combination of strategies. The County should hire competent staff and/or retain professional assistance to structure the optimal collection systems.

ES 7.3. PUBLICLY OR PRIVATELY OWNED SYSTEM?

As a final matter, the County will have to select one of the following infrastructure ownership decisions:

Exit the ownership of infrastructure entirely, **OR…**

Stay strategically involved in ownership of selected infrastructure, with the primary candidate being waste transfer with the objective of providing lowest-cost disposal of any provider.

It is the opinion of MSW Consultants that Dutchess County must, at a minimum, review its hauler licensing system and assure that this system does not place an overly onerous burden on private sector haulers wishing to enter the Dutchess County market. Specific recommendations include:

- Determine information needed for accurate reporting and needed frequency of updates.
- Empower County enforcement personnel to enforce reporting requirements
- Review and revise the requirements in the current ordinance to facilitate competition and shorten the length of time of the licensing process, while assuring that appropriate background checks are completed.

With regards to disposal, it is generally the opinion of MSW Consultants that an efficient, administratively lean, competently managed public system serves a vital public function by keeping market prices in check. Assuming the County can employ appropriate staff or retain appropriate professional advisors, there is a distinct opportunity to convert the RRF into a transfer station, implement a waste export system, and use the new publicly-owned transfer station to set the market for disposal based on competitively procured contracts for facility operation, transportation, and disposal.

Alternatively, Dutchess County may opt to sell the RRF to a private company on the condition of converting the facility into a transfer station. A critical outcome of this exercise would be to have two independent in-County transfer station owners (one being Royal Carting, which would be excluded from bidding on the RRF transfer station conversion so as to prevent an inn-county monopoly on waste export).

Finally, it should be noted that the City of Poughkeepsie has a permitted, commercial scale transfer station. Although this facility has insufficient capacity for additional waste at the current time, it is possible that this facility could be expanded in the future to accept waste from a wider geographic area as part of a City/County initiative. Needless to say, details would need to be worked out, but this would benefit the City by providing host community

fees, and it would benefit the County as a whole by providing a second or third waste export option, helping to keep prices down through a more competitive market.

1. INTRODUCTION

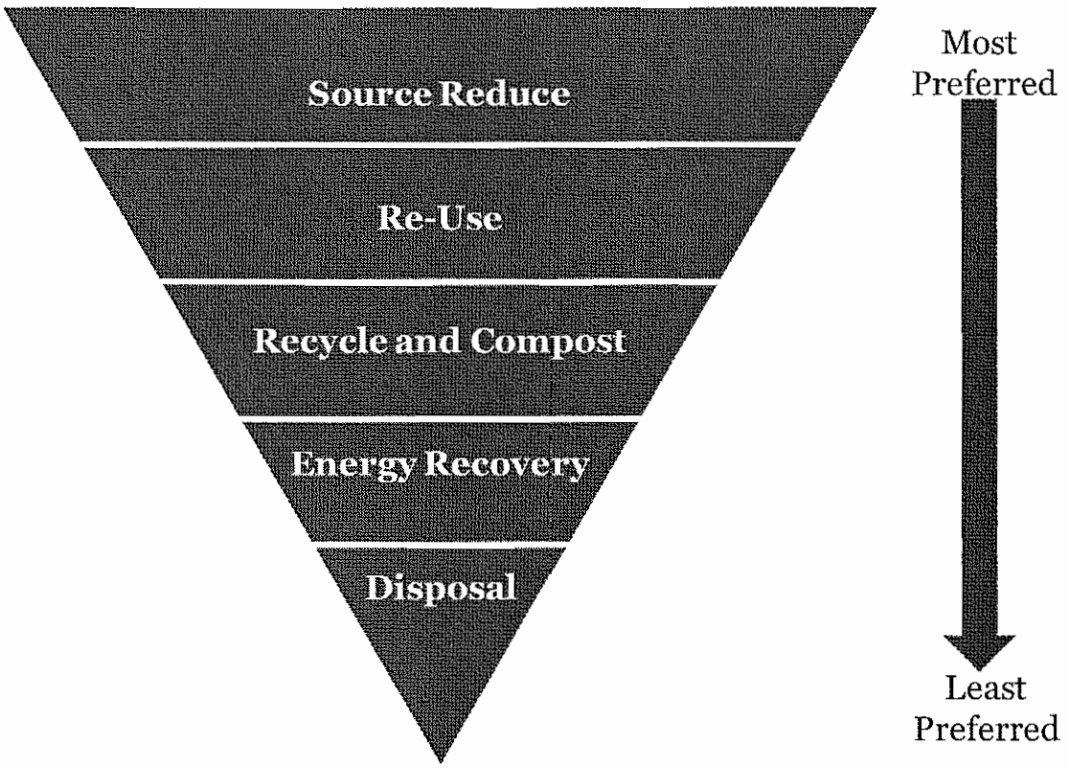
1.1. OVERVIEW OF SOLID WASTE MANAGEMENT PLANNING

The New York State Solid Waste Management Act of 1988 (ECL 27-0106, the Act) established the structure and expectations for solid waste management Planning Units to develop local solid waste management plans (LSWMPs) in accordance with the State's preferred hierarchy of solid waste management methods:

- First, to **reduce** the amount of solid waste generated;
- Second, to **reuse** material for the purpose for which it was originally intended or to **recycle** the material that cannot be reused;
- Third, to **recover energy**, in an environmentally acceptable manner, from solid waste that cannot be economically and technically reused or recycled; and
- Fourth, to **dispose** of solid waste that is not being reused or recycled, or from which energy is not being recovered, by land burial or other methods approved by the department.

The above hierarchy mirrors generally accepted waste management principles that are also espoused by the U.S. Environmental Protection Agency. The EPA's inverted triangle summarizing these principles is shown below in Figure 1-1.

Figure 1-1 U.S. EPA Waste Management Hierarchy



1.2. RRA JURISDICTION OVER LSWMP

The Dutchess County Resource Recovery Agency (DCRRA, RRA, Agency) was created as a public benefit corporation by the New York State Legislature in 1982. The RRA was designated as the Dutchess County Planning Unit by Resolution 427-1984. As such, the RRA is, currently, solely responsible for the preparation of the LSWMP for Dutchess County.

In its role as the Planning Unit, the RRA has prepared and submitted a LSWMP to the New York Department of Environmental Conservation (DEC). The current draft of the LSWMP is dated November 29,2010. DEC notified the RRA in a letter dated February 11, 2011, that the current draft of the LSWMP is "not approvable at this time" and that "a formal letter will be forthcoming outlining specific deficiencies in the [LSWMP]." To date, a more complete response has not been delivered by DEC.

Despite the apparent challenges with the completion of an acceptable LSWMP by the RRA, at the current time the official LSWMP is the responsibility of the RRA. Responsibility for the LSWMP will remain with the RRA as long as the RRA is designated as the Planning Unit. While Dutchess County should confirm its options with qualified legal counsel, it appears that the County could, through an act of the County Legislature, shift the Planning Unit designation from the RRA to another entity within the County. At such time, the new Planning Unit would have direct control over the process of revising, finalizing, and amending the LSWMP.

1.3. RELATIONSHIP OF THIS DOCUMENT TO LSWMP

This report has been commissioned by Dutchess County, and is being funded through a grant from the Dyson Foundation. Pursuant to the scope of services between Dutchess County and MidAtlantic Solid Waste Consultants (MSW Consultants), this project involves "reviewing, validating, and developing an implementation strategy for the Local Solid Waste Management Plan (County SWMP) that has been developed by the Dutchess County Resource Recovery Authority." It is important to note that this exercise is not obligated to accept the current draft of the LSWMP as offering the preferred solutions and strategy. The observations and recommendations in this document in many cases may differ significantly from the recommendations in the current draft LSWMP.

1.4. INTEGRATED WASTE MANAGEMENT 101

The opinions and strategies presented throughout this independent review will follow the principles of integrated solid waste management (ISWM). Simply put, integrated solid waste management considers all aspects of waste prevention, collection, recycling, composting, energy recovery, disposal, and system governance as a single system that must be addressed as a whole to optimize performance.

ISWM requires a single entity to optimize waste management from the point of generation to final disposal. ISWM considers the behavior of waste generators; the revenue mechanisms used to fund necessary services and facilities; the role of collection systems and transportation logistics; the processes used to recycle, compost, process and dispose of wastes; and the programs and policies that are needed to govern the system and the market. ISWM follows the hierarchy shown in Figure 1-1. (As will be discussed later in this report, waste

management is increasingly shifting to resource management with a small amount of waste as the final byproduct after all other value has been extracted from the waste stream.)

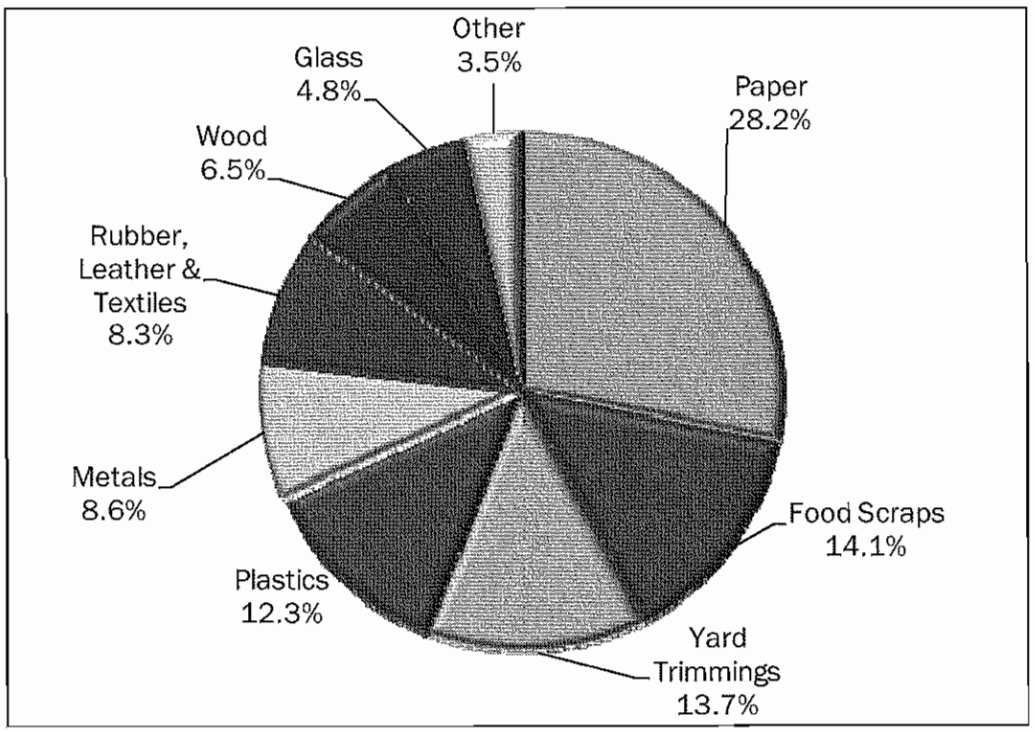
To help readers understand some basics about ISWM, this section provides a very brief summary of key concepts in waste management.

1.4.1 WASTE GENERATION AND CHARACTERIZATION

Figure 1-2 provides an overview of the waste that is generated by residents and businesses in the U.S. Waste generation data are compiled every two to three years by the U.S. EPA. This figure is important because it speaks to the potential value of wastes. To wit:

- Paper (33 percent) is almost entirely recyclable or compostable.
- Organics (23 percent) are almost entirely compostable.
- Virtually all Metal is recyclable, and a significant fraction of Glass and Plastics are recyclable in the market today.
- The majority of the waste stream has a positive heating value and can be incinerated for the purpose of energy generation and volume reduction.

Figure 1-2 2009 Municipal Solid Waste Characterization (Source: U.S. EPA)



Although not shown in this figure, recycling and composting can readily divert 50 percent of the waste stream from disposal, and some municipalities in the U.S. have achieved 65 or even 75 percent diversion of their wastes from incineration or disposal. Nationally, approximately 12 percent of municipal solid wastes are delivered to waste-to-energy plants, according to the U.S. EPA.

1.4.2 RECYCLING AND DIVERSION

Given the make-up of the waste stream, it is informative to review national, state and local guidance on recycling and diversion goals. Table 1-1 shows the U.S. and NY State recycling goals and current recycling rates, as well as the recycling rates of several municipalities that are nationally recognized for their aggressive diversion and recycling programs.

Table 1-1 Overview of Recycling and Diversion Goals

Entity	Recycling/Diversion Goal	Current Recycling Rate
U.S. EPA	National 35% recycling goal for municipal solid wastes	33.2% (2008)
New York State	"Beyond Waste" plan targets a reduction of waste from 4.1 to 0.6 lbs/person/day. This represents roughly 85% waste reduction by 2030.	Estimated at 20% of MSW and 36% of all solid waste
Alameda County, CA	2006 Establishes 75% waste diversion by 2010 and currently developing Zero Waste Plan	71% of all solid waste
San Jose, CA	Establishment of a Zero Waste Plan in 2008 with 75% diversion by 2015 and 100% diversion of wastes from landfills by 2022	62% of all solid waste
San Francisco, CA	Goal of 75%waste diversion by 2010, with a goal of Zero Waste by 2020.	77 % of all solid waste
Dutchess County	To be developed	Unknown (2011)

As shown in this table, based on the achievements of many counties and municipalities nationally, recycling rates in excess of 50 percent are possible and as high as 75 percent are achievable. In New York's Region 3, a random sample of other nearby counties shows estimated 2008 recycling rates ranging from 6 to 22 percent. As will be discussed later in this report, it is not clear what the current recycling rate is in Dutchess County.

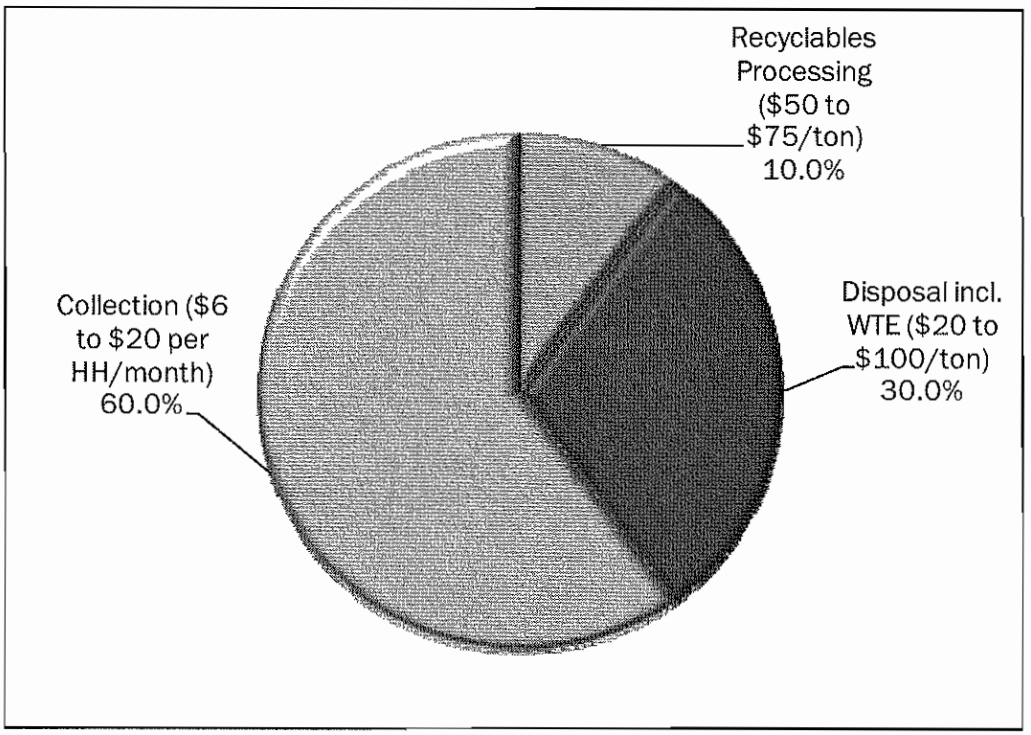
1.4.3 INTEGRATED WASTE MANAGEMENT COSTS

However, with incremental recycling comes the potential for incremental costs to be incurred. It is therefore important to have some awareness of the overall costs of integrated solid waste management. Figure 1-2 below shows a generic breakdown of the costs associated with integrated solid waste management. It is important to note that this figure is intended only to give an approximation of the relative costs. The actual breakdown of costs may vary significantly in any specific waste management system. For example, disposal costs alone range from lows in the $20/ton range in some parts of the country, to over $100/ton in other parts. However, local variance aside, this figure highlights:

- Collection costs are the single largest cost component of waste management and recycling. For the waste generator – whether residential household or commercial business – the collection system must be considered when optimizing the services and costs of waste management and recycling.

- On an absolute basis, recycling and composting are a relatively lower cost compared to collection and disposal. However, as a higher fraction of materials are diverted from the disposal stream to the recycled/composted stream, the absolute cost of recycling and composting will increase.

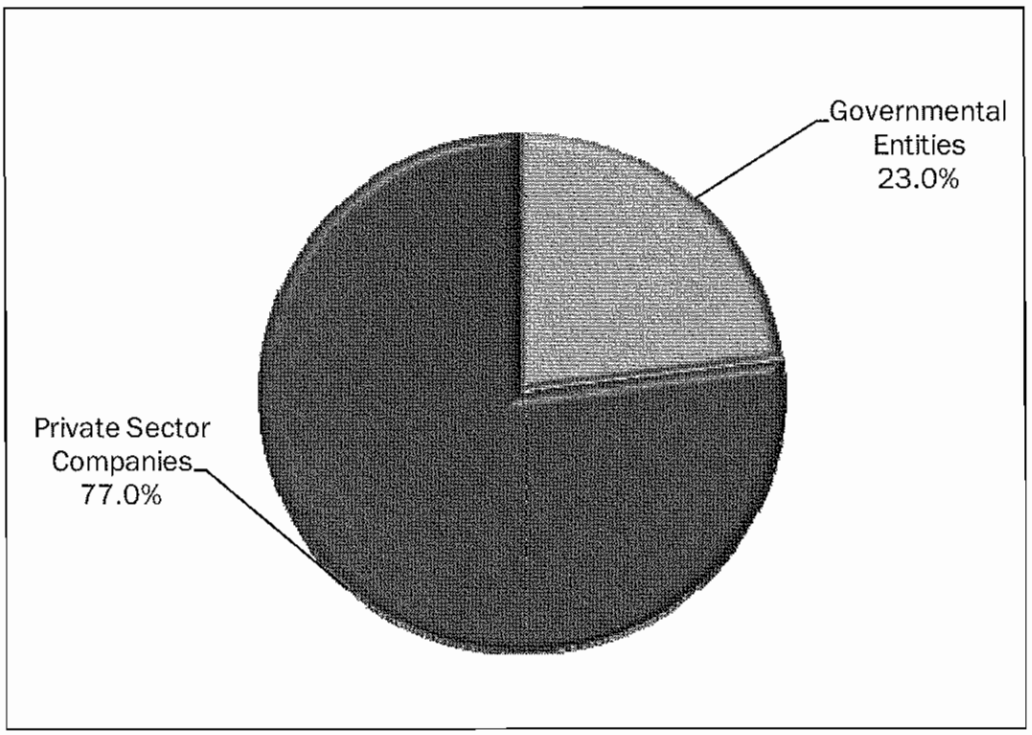
Figure 1-3 Relative Costs of Integrated Solid Waste Management (Source: MSW Consultants)



1.4.4 PUBLIC/PRIVATE SERVICE PROVIDERS

It should also be noted that waste management services are provided by both public sector and private sector organizations across the nation. Further, both public and private organizations provide virtually all services including collection, transfer, transport, recyclables processing, composting, waste-to-energy, and disposal. However, over the past several decades, the solid waste industry has trended towards higher privatization of services. Figure 1-4 shows the estimated current breakdown of solid waste industry revenues between the public and private sectors.

Figure 1-4 Public vs. Private Waste and Recycling Industry Revenues (Source: Waste Business Journal)



Note that one of the reasons for the trend towards privatization is that many municipalities can opt to exit the operational side of the business, and instead become contract administrators to manage private sector service providers. For example, this strategy is utilized by the RRA, which has an operating contract with Covanta for the RRF. But in many cases, public organizations have avoided even having to own a facility and have instead outsourced the entire disposal responsibility to the private sector.

If nothing else, the figure above, combined with the long-term trend towards privatization, suggests that private sector entities will continue to supply the majority of waste management services in the U.S.

1.5. OBJECTIVES OF THIS DOCUMENT

Given the background above, this document is intended to meet the following objectives:

- **Provide an independent review of current draft of the LSWMP**. MSW Consultants is a waste management and recycling consulting firm that specializes in assisting municipalities to optimize their waste management and recycling systems. MSW Consultants works exclusively for public sector clients (i.e., no private waste and recycling service providers), eliminating the potential for a conflict of interest. MSW Consultants provides only waste management and recycling planning services, but not engineering services that might influence recommendations pertaining to development of facilities or other engineering-related projects. The observations, analysis and commentary in this report are intended to reflect an unbiased set of viable options for debate by the County.

- **Re-statement of solid waste management planning from the County's perspective.** The RRA's primary role since its inception is to develop and manage the Resource Recovery Facility and Material Recovery Facility (MRF). It is a principle of waste management that solid waste facilities, like most industrial facilities, achieve economies of scale by processing a larger volume of material. There is therefore an inherent bias to increase facility scale and throughput for the RRA. Alternatively, Dutchess County can and should act as the agent for all County waste generators when considering the range of solid waste management system components. This report refocuses the discussion of options from the perspective of the County.
- **Expanded overview of options.** The LSWMP currently provides some options for changing the County's current waste management system. However, the options presented are limited by the objectives of the Planning Unit as described in the bullet above. This report intends to significantly expand on presenting options for consideration by all Dutchess County stakeholders, including the public, private and non-profit vendors, and elected officials. This report will seek to offer for public debate a range of expanded options for optimizing governance, collection, recycling, composting and disposal.
- **Prioritization of steps to adapt and implement the LSWMP.** The LSWMP is currently under review by the DEC, which has notified the RRA that it is "not approvable" at the current time. A final objective of this report is to supply the RRA and other County stakeholders with an alternative assessment of the edits that may be required to make the LSWMP approvable by DEC, and to guide the County on the priorities and strategies needed to best evolve the County's solid waste management system over a ten year period.

This document is intended to spur appropriate debate and discussion among the Dutchess County stakeholders who will ultimately benefit from an effective solid waste management plan. This document does not replace or update the actual LSWMP. However, it is hoped that the concepts and recommendations presented herein will inform the County's progress towards finalizing a successful solid waste management system in the County in conjunction with meeting state solid waste management planning requirements.

1.6. REPORT ORGANIZATION

It should be noted that this report has been prepared to minimize extensive narrative, and provide summary information that can be readily reviewed and digested by a wide range of readers. Subsequent sections will therefore be prepared in "Executive Summary" format, featuring primarily bullets supported by tables, figures and exhibits. The remainder of this report is divided into the following sections:

- **LSWMP Review:** This section contains an independent assessment of the strengths and weaknesses of the LSWMP that is currently under review by the DEC. It should be noted that this independent review is not intended to validate the prescriptive requirements of an LSWMP under NY State law. Rather, the review is intended to identify strengths, weaknesses, and apparent omissions of issues that should be considered in an integrated solid waste management plan.
- **System Governance Alternatives:** It is critical that the appropriate governance structure be in place to optimize an integrated solid waste management system. This section

comments on options for improving system governance in Dutchess County.

- **Public Education and Outreach Alternatives:** The level of resources devoted to educating the public – including residents, businesses and institutions – about how best to use the services provided will determine the success of the waste management and recycling programs. This section outlines a plan for public education and outreach.
- **Collection System Alternatives:** The most significant opportunities to reduce overall waste management costs to waste generators and increase recycling can be achieved through new strategies and regulations associated with collection. If residential curbside collection of solid waste and recyclables was made mandatory, recycling should increase, as it would be more convenient to dispose of solid waste properly and to recycle. This section discusses several options through which this could be accomplished.
- **Recycling System Alternatives:** Setting the course of action for recycling requires the County to make a decision about public ownership versus private ownership of recyclables processing infrastructure. This section explains the difficulty in determining the actual generation of waste and recyclables and the true recycling rate in Dutchess County, and discusses opportunities for increasing the recycling rate.
- **Organics Management Alternatives:** This section discusses the current private sector organics management in the County, and suggests incremental steps Dutchess County could take to increase organics diversion efforts.
- **C&D Debris Management Alternatives:** It is difficult to determine the total amount of Construction and Demolition debris generated and recycled within the County. The first step in increasing C&D recycling is to increase the accuracy of C&D reporting. This section discusses opportunities for management of C&D in the County once a baseline for C&D processing has been established.
- **Disposal Alternatives**: In the opinion of MSW Consultants, the decision of waste disposal is between retaining the waste-to-energy system that exists currently or converting to a waste export system. This section provides an analysis of these options, and discusses a range of disposal alternatives.
- **System Funding Alternatives:** This section provides an explanation of options available to Dutchess County for sustainable, full cost funding the solid waste management system while eliminating subsidies that create inequities among customer classes.
- **Legal Issues:** This section provides a list of legal issues to be considered in optimizing waste reduction and recycling and the responsible management of Dutchess County's solid waste system. Among the issues discussed are governance of the system, hauler licensing, mandatory recycling enforcement and product stewardship. Except for enforcing already existing local laws, these issues will require input from legal counsel.
- **Prioritizing LSWMP Implementation Steps**: Until Dutchess County makes the decisions needed to formulate a long-term solid waste management plan, there is a significant amount of uncertainty as to the timing and even some of the initiatives to be implemented. This section, however, attempts to summarize and identify the year in which certain initiatives should start. This will provide a basis for discussion and debate and lead towards a concise implementation plan based on the outcome of County discussions.

2. SOLID WASTE MANAGEMENT SYSTEM REVIEW AND COMMENTARY ON LSWMP

2.1. INTRODUCTION

An objective of this project was to provide an independent, comprehensive assessment of Dutchess County's waste management system with particular emphasis on the Dutchess County Local Solid Waste Management Plan (LSWMP) prepared by the Dutchess County Resource Recovery Authority (RRA) dated November 29, 2010. This exercise encompassed a number of tasks that were performed to gain a wide perspective on the history of the system, current dynamics, and input from stakeholders. In order to become fully informed on the current system dynamics, MSW Consultants undertook the following data gathering efforts:

- Reviewed the Dutchess County Charter related to solid waste management, as well as Local Laws 1 (1984) and 4 (1990), as amended, which govern aspects of waste management and recycling in Dutchess County;
- Reviewed the New York State Solid Waste Management Plan "Beyond Waste: A Sustainable Material Management Strategy";
- Reviewed the RRA's September 2009 report entitled "Flow Control and Solid Waste Management Alternatives,"
- Reviewed the August 25, 2010 report (Comptroller's Report) from the Office of the Comptroller of Dutchess County summarizing the results of a financial and management audit of the RRA;
- Reviewed a February 22, 2010 report by the New York Authority Budget Office, entitled "Operational Review, Dutchess County Resource Recovery Agency," OR-2009-02 (ABO Report);
- Contacted and obtained (or requested) input from a range of public and private stakeholders including:
  - DCRRA's Executive Director Bill Calogero;
  - The office of the County Executive;
  - The Chairman of the Legislature Rob Rolison;
  - County Comptroller James Coughlan;
  - Legislative Minority Leader Sandra Goldberg;
  - Legislator Joel Tyner;
  - County resident and solid waste businessman Shabazz Jackson;
  - County resident and activist Rob Dyson (who was instrumental in funding this independent review)
  - Representatives of Vassar College's student organization, Vassar RePower;
  - Royal Carting management;

- Recycle Depot's Vice President, Rita Trocino, ;
- Hudson Baylor's President, Scott Tenney, and other officers and
- Covanta Energy Corporation's Hudson Valley regional office.

- Conducted site visits to the following solid waste and recycling facilities in Dutchess County:
  - RRA's Resource Recovery Facility
  - RRA's Material Recovery Facility
  - Royal Carting Transfer Station in Hopewell Junction, NY;
  - The City of Poughkeepsie's transfer station;
  - Recycle Depot's construction and demolition (C&D) recycling facility in Poughkeepsie, NY; and
  - The McEnroe Farms composting facility in Millerton, New York.

Armed with the background from our review of the above items, MSW Consultants has performed a comprehensive, independent review of the LSWMP. This section offers an analysis and commentary on the LSWMP, and attempts to reference other relevant background documents in the process of rounding out the discussion. The comments below are organized in the same order as the sections of the LSWMP. Comments are offered in summary format rather than extended narrative.

It should be noted that this independent review was focused primarily on the content of the LSWMP in the context of prudent and proven practices in the waste management industry. It was not a focal point to evaluate whether the LSWMP appropriately met the New York Department of Environmental Conservation's (DEC's) requirements to LSWMP development. Appendix A of this report contains a more detailed matrix that compares the actual contents of each section of the LSWMP with the recommended contents prescribed by the DEC. If/when Dutchess County decides to amend the LSWMP in the future, or when it is required to update the LSWMP for the next planning cycle, it is recommended that the contents of the amended LSWMP be conformed to DEC's prescribed format.

2.2. COMPTROLLER'S REPORT

In August 2010, the Dutchess County Comptroller's Office issued a detailed audit report[1] of the financial performance of the RRA and its impact on Dutchess County. MSW Consultants reviewed the published findings and believes the findings of this report are valid and warrant reiteration in this independent review. Note that MSW Consultants did not attempt to verify the audit process or verify results; however, it is our professional opinion that the Comptroller's office made a thorough, thoughtful review of available data, identified material problems, and offered reasonable conclusions.

Material findings of the Comptroller Report that have factored into our overall assessment include:

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[1] Review of the Dutchess County Resource Recovery Agency by James L Coughlan, Dutchess County Comptroller, Aug. 25, 2010

- The RRA has consistently overcharged Dutchess County under the terms of the Net Service Fee (NSF) agreement. Examples include inflating the budget for the NSF over multiple years and in effect receiving interest-free loans; accruing surplus accounts that have not been reconciled with Dutchess County on a timely basis; and inaccurate billing of the NSF.
- Board members have served, on more than one or two occasions, in violation of the RRA charter;
- The RRA has not conducted audits according to GASB (Government Auditing Standards Board) standards, instead opting for limited audits as a matter of course;
- The RRA has failed to effectively procure services from the private sector. Examples of poor procurement cited by the Comptroller, and affirmed by MSW Consultants, include:
  - No competitive procurements have been used for facility operations or professional services for many years, and some contracts are over 20 years old;
  - The RRA has not taken advantage of opportunities to re-bid or renegotiate more favorable agreements during this time span;
  - The RRA has not opted to obtain professional procurement expertise in any of its negotiations, resulting in unfavorable agreements;
  - A distinctly unfavorable (i.e., expensive) operating contract for the Resource Recovery Facility (RRF);
  - No revenue share for recovered metals from the RRF (although this was rectified in March 2010 with a new contract);
  - The RRA has been forced to offer price concessions to Royal Carting, its largest disposal customer, to entice waste flow to the RRF.
- Since 1995, the RRA has required over $32 million of subsidy from Dutchess County to fund their operations.

The Comptroller's Report also comments on shortfalls in the management of solid waste attributable to Dutchess County. These include:

- Joint failure of the County Executive and County Legislature to meet their obligations to nominate and approve Board members for the RRA;
- Joint failure of the County Executive and County Legislature to develop a professional, dedicated, knowledgeable office of Solid Waste Commissioner to perform hauler licensing, enforcement, and overall management of the County's solid waste system;

In the opinion of MSW Consultants, the Comptroller's Report compellingly identifies a range of problems with solid waste management in Dutchess County. All stakeholders have the opportunity to improve.

2.3. ABO REPORT

The ABO Report was written "to provide an objective determination of the extent of the Agency's statutory compliance, and make necessary recommendations to improve their business practices." This report noted a number of deficiencies to the information publicly

reported by the DCRRA, noting specifically "...the Agency's web site does not have other information pertinent to the operations of the Agency as required by the Act. Agency management indicated that a full update of the Agency's web site will be undertaken."

In the opinion of MSW Consultants, notable issues cited in the ABO report include:

- **Inability to Set Tip Fees at a Sufficient Level to Fund Operations**: The Agency is not setting tipping fees at the waste to energy facility at a level sufficient to meet its cost of operations. Nor is the Agency setting tipping fees at the recycling facility at an appropriate level to recover operating expenses.
- **Loss of Revenue from Being Below Capacity**: The Agency is losing revenue by not operating at full capacity. While the reasons for this are complex and not addressed in the ABO report, the observation is sound.
- **Poor Contract Monitoring**: The Agency has historically lost significant revenue (close to $1 million annually) by failing to monitor its contract terms regarding the recovery of ferrous scrap metal. Additionally, in 2008, the Agency did not reduce payments to the operator for failure to meet certain contract requirements, resulting in another $250,000 revenue loss. Finally, the Agency has not observed and enforced electricity sales to assure maximum revenues are received from the local utility.
- **Preferential Treatment of Certain Haulers**: The Agency has entered into a contract with an unlicensed hauler and accepted the delivery of waste from a second unlicensed hauler. Further, the Agency has not adjusted its tipping fees to account for the additional costs incurred for allowing private haulers to deliver waste outside normal business hours.
- **Violation of Board Terms**: The reappointment of two Agency Board members to three consecutive terms violated the Agency's enabling legislation, Section 2047-c(1) of Public Authorities Law.
- **Lack of Training**: One member of the Board has not attended State-approved training, as required by Section 2824(2) of Public Authorities Law.
- **Insufficient Policies of the Board**: The Agency Board has not adopted a code of ethics, salary and compensation policies, as required by Section 2824 of Public Authorities Law.
- **Improper Procurement**: The Authority did not receive competitive quotes for the selection of its metals contract, as required by the Agency's procurement guidelines.
- **Insufficient Internal Control Assessment**: The Agency has not assessed and reported on the effectiveness of its internal control structure and procedures, as required by Section 2800(2)(a)(8) of Public Authorities Law.
- **Lack of Transparency**: The Agency is not making appropriate information on its operations and governance practices available to the public on its web site, as required by Section 2800(2)(b) of Public Authorities Law.
- **Erroneous Host Community Fee**: According to the ABO, there is no agreement for a host community payment, and that historically it has been paid in error. (*Note: The payment of this fee is currently in dispute. This may require advice from legal counsel, as, according to the Dutchess County Comptroller, the authority for this payment is in Resolution 282-1987.*)

Twenty-one recommendations were made by the ABO to the DCRRA. These recommendations included:

- Monitor the terms of the contract for recovering material from the waste to energy facility to ensure that the appropriate amount of revenue generated is shared with the Agency, in accordance with the terms of the agreement. Take actions to recover revenues from prior periods that were not provided to the Agency.
- Enact penalties and cost recoveries on a monthly basis for the waste to energy facility operator, rather than reconciling all items at year end.
- Require the local public utility to make payments to the Agency on a monthly basis for all revenues due from excess electricity generated.
- Adopt a written salary and compensation policy applicable to all staff and management, and ensure that the Agency's current overtime policy is consistent with its operating practices.
- Ensure that valid written agreements are in place to support payments made, and monitor all written agreements to verify that the terms and conditions are being met.
- Adopt a credit card use policy and improve management practices to ensure that credit card bills are paid timely to avoid late charges.
- Revise the by-laws to detail the powers and duties of the Agency's various committees.
- Ensure that the Audit Committee is performing the duties outlined in its charter, specifically its review of management's assessment of the Agency's internal control structure.
- Adopt a code of ethics.
- Revise the current procurement policy to adequately address the procedures to be followed to review and approve procurements, and maintain an accurate and complete list of all active contracts.
- Adopt and submit its annual budget sixty days prior to the end of the fiscal year and make it publicly available on the web site.

In the opinion of MSW Consultants, this report suggests that the RRA has not achieved expected standards of management nor prudent stewardship of public funds in its operations. In fairness, the ABO made a number of governance recommendations, two of which were to Dutchess County Officials:

- Enforce the County's flow control legislation and waste management rules to require solid waste haulers to deliver a sufficient quantity of solid waste collected within the County to fill the RRF.
- The County Executive and County Legislature should follow an appointment process that conforms to the Agency's enabling statute.

In the opinion of MSW Consultants, these recommendations are warranted.

2.4. OVERVIEW OF LSWMP REVIEW

On the surface, the LSWMP is an impressive and authoritative document. It contains 170 pages of narrative, supported by 30 pages of appendices. The document is well written and contains some useful research about other solid waste management programs.

However, the document is challenging to read for a number of reasons. Specifically:

- It does not conform particularly well to the content requirements for LSWMPs as outlined by the New York DEC;
- It does not readily offer the program metrics (waste generation rate, recycling rate, cost per household, cost per ton) that can and should be tracked and used to measure performance of a solid waste management system;
- It repetitively asserts its primary objectives from beginning to end, without any true detailed analysis of the costs of the proposed course of action;
- It overlooks (or oversimplifies) many alternative waste management system strategies that appear to have merit in Dutchess County.

While there are many details about Dutchess County's solid waste management program, and many ideas about potential future initiatives, the entire LSWMP is basically advocating the following concepts:

- Re-affirm waste-to-energy as the primary form of waste management, despite the fact that waste-to-energy is lower on the solid waste management hierarchy than recycling and composting;
- Retain the publicly-owned waste-to-energy and recyclables processing infrastructure despite the acknowledgement that the private sector can and does provide competing disposal and recycling services in Dutchess County and throughout NY State.
- Expand the current facility infrastructure regardless of the cost of this strategy compared to other strategies;
- Implement flow control and establish a dedicated funding mechanism to further empower the RRA to remain the management and operational entity responsible for the County's system; and
- Leave collection systems in the hands of the municipalities and private haulers (i.e., status quo).

Dutchess County and its stakeholders should consider these concepts in the decision to embrace the LSWMP as currently written, or else to reconsider a variety of alternatives. The remainder of this chapter provides a section-by-section commentary on the LSWMP. MSW Consultants has attempted to identify positive and negative aspects about the LSWMP, and also to verify reported data where pertinent to future solid waste management system optimization. Specific comments and observations are divided by LSWMP chapter.

2.5. OBSERVATIONS ON INTRODUCTION

The Introduction offers the three primary assertions of the steps to be taken in the LSWMP. A close reading of each suggests that the terms used to describe them were either poorly

selected, or else intended to distract the reader from understanding the primary meaning of the assertion. Each is discussed in turn.

2.5.1 LSWMP MISNOMER #1: "GREEN THE SYSTEM"

Positive Implication of this Phrase: This objective ostensibly encourages waste reduction and recycling, and a number of elements are mentioned in passing: enhancing the materials that can be accepted in existing recycling programs, initiation of recycling at some institutions, improving organics recovery, promoting construction and demolition (C&D) debris recovery, and expanding the household hazardous waste (HHW) program. On the surface, who can argue with greening the system?

What this Initiative Actually Means: Upon a closer reading, the major implication for Dutchess County is that this initiative is advocating the development, by the RRA, of a new publicly owned material recovery facility (MRF) that will be large enough to accept all recyclables generated in Dutchess County. This facility is projected to cost $12 to $13 million to build, and no operating costs or projected material recovery volumes or revenues are provided. It is not mentioned until the body of the report that flow control is recommended as the means by which recyclables would be directed to the facility. No mention is made of privatized alternatives to having a publicly-owned single stream MRF (which, incidentally, is how the majority of Dutchess County recyclables are currently being recovered).

Conclusion: Dutchess County absolutely has opportunities to improve recycling, including through many of the ideas referenced in the LSWMP Introduction. However, building a new publicly-owned MRF with the intent of implementing flow control for securing recyclables leaves many questions to be answered.

2.5.2 LSWMP MISNOMER #2: LEVEL THE PLAYING FIELD

Positive Implication of this Phrase: This phrase advances the worthy idea of equality for all in terms of access to the system and low costs for solid waste management and recycling services. If the playing field is not level now, then certainly any plan must take steps to make it level!

What this Initiative Actually Means: The underlying objective of "Level the Playing Field" is, upon closer reading, to support and advocate methods that will increase the scale of the waste management system under management by RRA by providing legal and/or financial instruments in place to further empower the RRA. Of particular importance is the implication that the way to this level the playing field involves households and businesses being charged "based on the amount of waste they generate" – an implicit argument for a waste-generation-based user fee.

Conclusion: In defense of this statement, it correctly notes that there are problems with the County's hauler licensing program that has limited competition in the County, and that this should be fixed. It also suggests that offering all County customers a uniformly low disposal cost is appropriate – hard to argue with that. However, there is no mention of a variety of other means to level the playing field so that the best system – whether publicly provided or privately provided – can be achieved.

2.5.3 LSWMP MISNOMER #3: "OPTIMIZE WASTE-TO-ENERGY"

Positive Implication of this Phrase: New York State's waste management hierarchy includes energy recovery as being a better option than landfilling of wastes destined for disposal. So the notion of optimizing waste-to-energy must certainly be positive!

What this Initiative Actually Means: What is not mentioned is that WTE is an extremely expensive form of waste disposal, and also falls lower on the waste management hierarchy than recycling and waste diversion. Specifically, the RRA would have the County fund an expansion to the existing, underperforming WTE, and implement flow control as a means to force all wastes generated to be delivered to the expanded facility. Once again, this initiative clearly seeks to expand and further empower the RRA. Nowhere in the introduction is it mentioned that there are a variety of potentially lower cost alternatives for waste disposal in Dutchess County, and that by saving money on disposal the County would in fact have more funds to devote to recycling and waste diversion, which are *higher* on the waste management hierarchy anyway.

Conclusion: This objective alone is enough to clearly illustrate that the LSWMP has been written with the primary objective of expanding and entrenching the RRA as the provider of solid waste management services within Dutchess County, to the exclusion of viable alternatives. Such alternatives will be discussed throughout this report.

2.6. CHAPTER 1 OBSERVATIONS: PLANNING UNIT

The LSWMP adequately compiles the demographic characteristics of Dutchess County and the 30 incorporated cities, towns and villages that make up the Planning Unit. Dutchess County contains a not-atypical mix of residential, institutional, commercial, and agricultural parcels of a suburban area in the upper Mid-Atlantic region, subject to not-atypical waste generation patterns. The County has grown over the past decade, and appears to be continuing a slow growth pattern.

In short, there do not appear to be any extraordinary demographic characteristics in Dutchess County that require elaborate or complex solutions for waste management and recycling. If anything, the existence of at least two colleges with apparently active recycling and organics management programs gives the County additional resources.

2.7. CHAPTER 2 OBSERVATIONS: WASTE QUANTITIES

A key tenet of effective waste management – and arguably of effective management of any system – is that appropriate metrics are critical so that performance can be measured. This chapter offers estimates of waste generation and the composition of wastes. The following observations can be made:

2.7.1 PRESENTATION IS SKEWED TOWARDS RRA FACILITIES

If the Planning Unit is defined as Dutchess County, it is not unreasonable to expect the presentation of waste quantities to be representative of Dutchess County. Yet, this chapter leads with the quantity of materials under management by the RRA's WTE and MRF facilities. This is soon explained: these data are the only waste generation data for which verifiable records exist.

2.7.2 REASONABLE WASTE GENERATION ESTIMATES BUT NO VERIFIABLE DATA

At the current time, neither Dutchess County, the RRA, nor DEC have in place sufficient reporting mechanisms to document the generation of solid waste actually generated within the Planning Unit borders. The LSWMP provides relevant waste generation benchmarks and estimates the likely waste generation from these benchmarks. Table 2-1 summarizes the various estimates for waste generation from Dutchess County. As shown, there appears to be somewhere between 225,000 and 245,000 tons of waste generated. The LSWMP indicates that there are "numerous factors" to suggest that the actual figure is higher, and suggests 250,000 tons as reasonable for planning purposes.

Table 2-1 Comparison of Waste Generation Estimates

Method	Parameter	Value
LSWMP Estimates Based on Average Per Capita Generation	Tons/person/year 2009 Population **Waste Generation**	0.771 293,562 **226,336 tons**
LSWMP Estimates Based on Average Household Generation	Tons/household/year 2009 Households **Waste Generation**	0.771 112,688 **235,067 tons**
U.S. EPA National Average	Lbs/person/day 2009 Population **Waste Generation**	4.50 293,562 **241,088 tons**
Disposal Reports from DEC NY State Solid Waste Management Plan (2008) [1]	Dutchess County RRF Watch Hill Holding/ Royal Carting A&M Carting **Waste Disposal**	142,844 51,170 30,856 **224,870 tons**

[1] This disposal data is not cited in the LSWMP but is included here to support the reasonableness of the other estimates.

2.7.3 INSUFFICIENT DOCUMENTATION OF WASTE COMPOSITION

Nationally and in New York State, many municipalities have performed waste characterization studies to better understand the incidence of recyclable materials remaining in the disposed waste stream. The LSWMP cites national waste characterization from the U.S. EPA and also mentions DEC's waste generation and disposal composition estimates. However, a waste characterization summary table is provided in the LSWMP, but no source is given for the data. Table 2-2 compares the EPA and DEC waste generation estimates with the data shown in the LSWMP. MSW Consultants is a nationally recognized expert in waste characterization analysis, and makes the following comments on the LSWMP estimates:

- *Paper is Overestimated*: Both the DEC and the LSWMP data sets are likely overestimating the fraction of paper in the waste stream. Paper production has decreased over the past decade, and it is unlikely that Dutchess County generates this much paper.

- *Plastics are Underestimated*: The LSWMP data set significantly underestimates the fraction of plastic in the waste stream. Plastic production has increased steadily for decades, and both the EPA and DEC numbers are likely more accurate for Dutchess County.
- *Insufficient Data on Recyclability of Materials*: Typically, waste characterization data is intended to guide solid waste and recycling planners in evaluating the effectiveness of existing recycling programs, and identifying materials that could be targeted in new recycling programs. The data shown in the LSWMP does not specify what is actually recyclable. For example, Glass is shown to be five percent. However, not all glass is recyclable – only glass bottles and jars can be recovered, but not other types of glass. If planners expect to recover all glass, they will not divert five percent of the waste stream, but a smaller fraction of only the recyclable glass.

Table 2-2 Waste Generation Comparison

Material	U.S. EPA	NY DEC	LSWMP
Paper	28.2%	33%	33.0%
Organics (Food & Yard)	27.8%	23%	25.0%
Plastics	12.3%	14%	9.0%
Metals	8.6%	7%	6.0%
Textiles	8.3%	5%	0.0%
Wood	6.5%	3%	3.0%
Glass	4.8%	4%	5.0%
Other	3.5%	11%	19.0%
Total	**100%**	**100%**	**100%**

Ultimately, Dutchess County may wish to consider improving its understanding of the waste stream through one of several methods. These include researching the availability of waste characterization data from other New York State counties or municipalities and applying this data to Dutchess County, or even conducting a Dutchess County waste characterization study. It should be noted that many of the municipalities that are considered national leaders in recycling and waste diversion conduct such studies on a regular basis to track their progress towards recycling goals.

2.7.4 Insufficient Documentation on Recycled and Composted Quantities

If Dutchess County is going to increase recycling and composting, it is critical to have reasonable estimates on the recycling that is taking place currently. This section of the LSWMP does not provide any details on current recycling and composting quantities and material types. In an attempt to clarify and validate data on Dutchess County's recycling activities and diverted material quantities, MSW Consultants requested and was provided the DCRRA's county recycling reports for 2008 and 2009. The analysis below was performed on the 2008 data, which is included in Appendix B for reference.

Table 2-3 summarizes the 2008 reported recyclables. The first column reports all materials, whether generated by residential, commercial, industrial, agricultural, or construction/ demolition generators. As shown, in 2008 it was reported that almost 210,000 tons of materials were recycled in Dutchess County.

However, it was reported to MSW Consultants by the RRA that the recycling report may contain inaccuracies, and that some of the reported quantities may have been generated in other counties and processed/recovered in Dutchess County. (As an example, during the outreach performed by MSW Consultants as part of this independent review, it was reported by Recycling Depot that the LSWMP erroneously recorded quantities of C&D processed, recycled, and disposed.[2]) MSW Consultants also believes that it is more informative to separate the recycling rates for traditional municipal solid waste, C&D and other industrial/agricultural wastes. Table 2-3 therefore attempts to back out the agricultural, C&D and industrial wastes from the 2008 recycling report to obtain a pure MSW recycling rate. This exercise suggests that roughly 67,000 tons of recyclables were recovered from the MSW waste stream in Dutchess County, although it cannot be confirmed that all 67,000 tons were in fact generated in Dutchess County.

2.7.5 CONCLUSIONS ABOUT WASTE GENERATION AND RECYCLING RATE

Of particular interest, this exercise suggests the following based on actual reported data for the MSW waste stream. The data are summarized in Table 2-3 and details are included in Appendix B.

- **Waste Generation**: Dutchess County's approximate waste generation is shown to be as high as 291,000 tons, although this is probably an overestimate that includes some out-of-County wastes;
- **Actual MSW Recycling Rate**: The County's recycling rate for municipal solid wastes (i.e., excluding industrial, C&D and agricultural wastes) is estimated to be closer to 23 percent. Again, this may be slightly overstated as some fraction of the reported recyclables may have been generated outside of Dutchess County.

While improvements to reporting are clearly needed, in the opinion of MSW Consultants these figures are reasonable for the purposes of planning the County's system.

[2] Electronic mail to MSW Consultants from Rita Trocino, Vice President of Recycle Depot received on March 8, 2011.

Table 2-3 Waste Generation and MSW Recycling Rate Implied by DCRRA Recycling Report

Reported Recovered Material, DCRRA Report	Total Tons Reported	Tons from MSW Waste Stream [1]
Commingled & Fiber	30,522	30,522
Scrap Metal & Appliances	23,230	4,404
Concrete, Tires, C&D Debris	92,669	0
Composted Wood, Vegetative and Food Wastes	29,000	29,000
Composted Manure and Subsoil	27,204	0
HHW (includes sludge, electronics)	4,804	718
Other	2,494	1,997
Total Reported Recyclables	**209,923**	**66,640**
Reported Disposal (NY DEC 2008)	224,870	224,870
Implied Total Generation	434,793	291,510
Implied Dutchess County Recycling Rate	**48.3%**	**22.9%**

(1) Excluding agricultural, construction/demolition debris, industrial wastes, sludges, and animal renderings

It should also be noted that the 48.3 percent total recycling rate is an absolute maximum for two reasons. First, no attempt was made to estimate the total generation of non-MSW materials, so the denominator is artificially low. Second, it is likely that some of the reported tons were actually generated outside of Dutchess County and should not be credited to Dutchess County's recycling rate.

2.8. CHAPTER 3 OBSERVATIONS, EXISTING SYSTEM

This section of the LSWMP intends to describe the components of the current system so that planners and the general public can understand the important aspects of this system. Generally, this chapter is successful in providing an overview of the current system. However, a number of important system attributes that would round out the reader's understanding of the system are not specified. Key observations are identified below.

2.8.1 NO INTEGRATED MANAGEMENT OF CURRENT SYSTEM

This section makes clear that there are many entities that participate in waste management in Dutchess County (Dutchess County, DCRRA, municipalities, haulers, recycling facilities, composting facilities, etc.) but that no single entity provides coherent, integrated planning and management of the County's waste management needs. The LSWMP generally asserts the RRA as the primary entity responsible for solid waste management planning as well as facility ownership and operation. Although stated otherwise in the LSWMP, it has recently been confirmed by Dutchess County that the RRA is the official Planning Unit and does not require approval of the County Legislature to develop the LSWMP.[3]

[3] Resolution 427 of 1984

The LSWMP further indicates that Dutchess County is responsible for hauler licensing and enforcement, which has been confirmed by the County. In a nutshell, this means that there are two entities splitting important roles that cannot function effectively. As an example of the confusion caused by the lack of a single manager, Table 2-4 summarizes a letter from the RRA to the NY DEC explaining the various roles and responsibilities of DCRRA and the County relative to the LSWMP.

Table 2-4 RRA's Understanding of LSWMP Responsibilities [1]

Task	Agency	County	Private
Fund Commissioner		Completed	
Detail Commissioner's Duties		X	
Hire Commissioner		X	
Timetable		X	
Staff Commissioners Office		TBD	
Interim Coverage		X	
LSWMP to reflect RRA/County parallel relationship	X		
MSW report re: NSF elimination		X	
Recycling/Education	X	x	Seek Partnership
Schools	X		
Adult/Business	X		
New Technology	X		
Food Waste	X	x	Seek Partnership
Committee Revival			
Solid Waste		TBD	
Recyclables Oversight		TBD	
Agency Municipal Liaison	X		

X = To be completed; x = Contribute to completion; TBD = To be determined.
[1] Letter from RRA to DEC dated March 9, 2011.

It is also of particular importance to note that the County's Charter specifies that there be a Commissioner of Solid Waste appointed to perform many important duties. While the County has funded and staffed the Commissioner position in the past, there have, in the opinion of MSW Consultants, been several shortcomings of this function.

2.8.2 HISTORICAL UNDER-COMMITMENT TO SOLID WASTE MANAGEMENT BY DUTCHESS COUNTY

It was reported to MSW Consultants via a number of interviews during the research to this project that the County has historically bestowed the title of Solid Waste Commissioner on multiple individuals, who have served with varying degrees of success. However, the Solid Waste Commissioner position has long been held by individuals who are also managing other entities, such that the title of Commissioner is more of a formality and does not denote full commitment to waste management. The shortfalls of this arrangement are arguably encapsulated in the fact that the acting Solid Waste Commissioner has earned a salary of $1 per year for handling this role. While a $1 salary is financially attractive to the County, it appears that that the Commissioner's influence and ability to function adequately may have been commensurately impaired.

It is important to note that the NY DEC has identified the County's lack of a Solid Waste Commissioner as a significant omission in the establishment of an approvable LSWMP. DEC has spelled out their concerns in several meetings and has submitted a series of letters to DCRRA and the County summarizing such concerns.

At the outset of this engagement, Dutchess County was in fact without even a part-time acting Solid Waste Commissioner. In recent months, the County has, to its credit, taken steps to fund a Commissioner of Solid Waste and accompanying support staff.

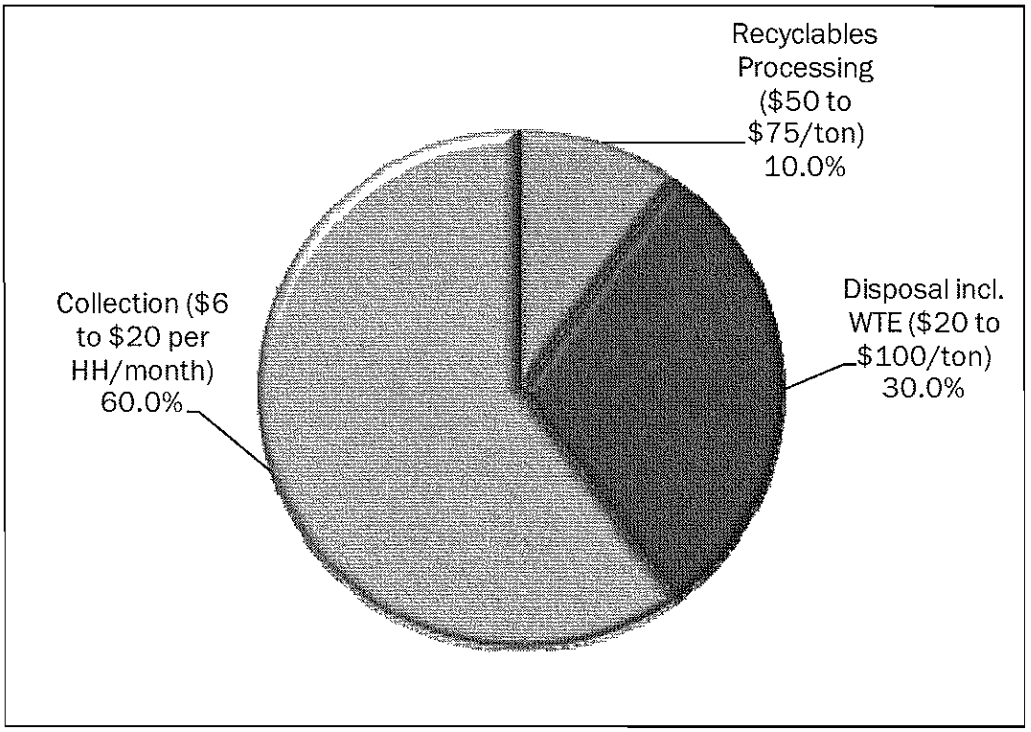
2.8.3 NO MEANINGFUL DISCUSSION ON FULL COSTS

Like all municipal services, waste management must balance the level of service with the overall cost for the services provided. MSW Consultants assumes that the appropriate mission for the municipal manager of an integrated solid waste system is to provide an affordable level of service to the residential, commercial, institutional, industrial, and C&D waste generators. Such all-inclusive costs include:

- Collection of wastes and recyclables;
- Transfer and transportation of wastes/recyclables to suitable facilities for disposal/processing;
- Processing of recyclables;
- Processing/composting of organics;
- Incineration/disposal of wastes.

Although the LSWMP does describe each of these components of the system, no cost data is provided to help elected officials and County constituents (the waste generators) understand where improvements would be most noticeable. Figure 2-1 below provides national average cost data for integrated waste management.

Figure 2-1 Relative Costs of Integrated Solid Waste Management (Source: MSW Consultants)



As shown, collection is a significant portion of the total cost in general. It is not clear where Dutchess County's waste generators are paying for the full range of services they are receiving, but this should be a primary consideration for planners and ratepayers. It was beyond the scope of this project to research and compile this data, but the dynamics that influence costs will be discussed later in this document.

2.8.4 Acknowledgement of Increasing Net Service Fee Obligations Borne by Dutchess County

The LSWMP acknowledges that Dutchess County has been responsible for an increasingly high Net Service Fee payable to the RRA. The Net Service Fee is the subsidy that is contractually required to be paid by the County to the RRA to the extent the RRA cannot recover its full costs through tip fees and energy revenues. Table 2-5 shows the historical Net Service Fees based on information provided by Dutchess County. As shown, these costs have increased steadily since 2000 and now total between $15 and $22 per ton of waste processed.

Table 2-5 Impact of Net Service Fee on County System Users

Year	Net Service Fee	Tons Managed	$/ton
2000	$433,698	170,000 (est)	$2.55
2001	758,384	170,000 (est)	$4.46
2002	$1,590,054	170,000 (est)	$9.35
2003	$1,437,765	170,000 (est)	$8.46
2004	$1,828,643	170,000 (est)	$10.76

Year	Net Service Fee	Tons Managed	$/ton
2005	$1,289,959	169,439	$7.61
2006	$1,877,995	170,714	$11.00
2007	$2,525,336	158,517	$15.93
2008	$3,778,477	153,474	$24.62
2009	$3,516,584	163,297	$21.53
2010	$2,517,610	165,000 (est)	$15.26

2.8.5 ACKNOWLEDGEMENT THAT PRIVATE MARKET SOLUTIONS OPERATE AT LOWER COST THAN DCRRA

Page 33 of the LSWMP makes the critical point that the private sector has built up disposal options other than the DCRRA that are less costly than the DCRRA. This should be a critical consideration for the integrated system manager, and is highlighted by MSW Consultants accordingly. Essentially, the LSWMP concedes that, compared to relying on the RRF, it is less costly to transfer wastes from refuse trucks to long-haul trailers, and incur transportation costs to deliver the wastes to permitted landfills elsewhere in and out of NY State. Further, the LSWMP concedes that there is ample capacity at these private landfills, and it goes without saying that landfills represent the most commonly selected form of waste disposal in New York State, and in the U.S. as a whole. As an example, in New York State, only 14% of MSW was combusted in 2008.

2.8.6 INSUFFICIENT DATA ON CURRENT CURBSIDE COLLECTION SERVICE LEVELS

The description of the current collection system provides sufficient details to understand what entities are performing collection within each of the municipalities in Dutchess County. However, it is not clear specifically what material streams are collected in each of the municipalities that provide public/contracted service. This is a critical data point, for the simple reason that exclusive, direct control of collection is, across the country, a prerequisite to cost-effective waste management programs that achieve high diversion rates. Universally, cities and counties in the U.S. that are achieving high recycling rates are providing exclusive, mandatory collection services to the single family residential sector, and in some cases to the multi-family sector. Dutchess County would benefit significantly from an understanding of the collection service levels and residential recycling rates achieved by each of the municipalities with curbside collection.

Table 2-6 provides a summary of the service level information that could be obtained from village websites. This data is incomplete. However, it highlights the fact that only one in five people have exclusively provided curbside collection. Stated another way, 4 in 5 Dutchess County residents are likely paying relatively higher rates for relatively lower service levels through subscription programs.

Table 2-6 Current Curbside Collection Service Levels

Task	Provider	Refuse	Recycling	Yard Waste	Other	Fees Charged to Households	Percent of Population
Poughkeepsie city	Public	2x/wk auto	1x/wk dual	Seasonal leaves & branches	1x/month bulky	N/A – funded by tax revenues	21%
Beacon city	Private [1]	1x/wk	EOW/dual	Seasonal leaves/ brush	None	N/A – funded by tax revenues	
Millerton village	Private [1]	1x/wk	1x/wk	Seasonal leaves/ brush	2x/yr bulky	Unknown	
Millbrook village	Private [1]	1x/wk	1x/wk	Seasonal brush	None	33/65-gallon = $18.95/$21.95 mo.	
Pawling village	Public	1x/wk	EOW	Unknown	1x/yr bulky	$166.21/unit annually	
Rhinebeck village	Public + Private	1x/wk	1x/wk commingled; 1x/mo fiber	Seasonal leaves/ brush	None	Tags - $5.00 large; $2.50 small	
Red Hook village	No info provided	1x/wk	1x/wk dual	Unknown	Unknown	Tags - $5.00 large; $2.50 small	
Tivoli village	Public	1x/wk	1x/wk dual	Unknown	Bulky – call in only	Tags - Cost unknown	
Wappinger Falls village	Private	1x/wk	1x/wk dual	Seasonal	Unknown	[2]	
All other municipalities	Subscription			Varies		Not researched	79%

[1] Except for yard waste which is handled by City crews
[2] $48.00 flat rate. $36 Senior rate. Billed quarterly.

2.8.7 SINGLE-HAULER DOMINANCE IMPAIRS COMPETITIVE PRICING

The LSWMP makes the important observation that a single hauler effectively controls 80+ percent of the market for subscription collection (residential and commercial). Although not quantified, this has the impact of driving up full costs for waste generators. Additionally, it places the dominant hauler in a position to extract price concessions for the wastes it delivers to the RRF. This dynamic – whereby the dominant hauler secures disposal price advantages, which gives it a competitive edge to provide cheaper service compared to other haulers, which in turn further cements its market dominance – is a perpetuating cycle. It is critical for Dutchess County to identify the factors and take steps to establish a truly competitive market for local hauling. Options for doing so will be discussed in this report.

2.8.8 HISTORICAL MISMANAGEMENT OF RRF

While the causes can be debated, it seems clear that the RRF has suffered from a series of bad luck. With the benefit of hindsight, the following are examples of questionable management, and it is the opinion of MSW Consultants that these actions represent a pattern of substandard performance for the RRA and the RRF:

- *Failure to Secure Steam Customer for Life of Facility*: The RRF was configured to sell steam to a single customer. The loss of this customer in 1998 caused the facility to shift entirely to electricity generation. The turbine technology that was installed does not generate electricity efficiently.
- *Poor Record of Competitive Procurement for Operating Contracts*: As documented in the Comptroller's Audit, the RRA has not benefited from competitive procurement. At the current time the operating contract for the RRF is unfavorable to the RRA. Further, it has been reported that the RRA has not routinely used competitive procurement for professional services.
- *Poor Track Record for Metal Sales*: Although rectified in 2010, the RRF historically had an extremely poor agreement to recoup revenues from recovered metals at the RRF.
- *Potential for Stranded Debt*: In 2005 the RRF installed new air pollution controls. The cost of these capital improvements are currently bonded through 2027, although the current operating contract expires in 2014. While the County is responsible for payment of any cost overrun by RRA through the NSF, freeing the RRA from risk, best practices dictate that debt be aligned with operating contracts.
- *Overpayment to Town of Poughkeepsie:* As expressed in the New York ABO Report, there is no written agreement authorizing the RRA to make Host Community Benefit payments to the Town of Poughkeepsie. According to the Comptroller's report, however, the authority for this payment is in Resolution 282-1987. This needs clarification by legal counsel.
- *Uncertainty About Plant Condition*: The LSWMP is not clear on the overall condition of the facility. On page 57, the LSWMP indicates that a 2007 engineer's report found that the plant was "in good operating condition with no major operating deficiencies identified," and that "the life of the facility can be expected to exceed the term of the 2007 bonds (2027) if operated and maintained in accordance with ...accepted industry practice." Conversely, on page 59, the LSWMP recommends that the DCRRA "undertake a full engineering assessment of the condition of the facility, and prepare an estimate of the major components and equipment which will need refurbishment or replacement to assure continued reliable operation for the ensuing 20 years." These conflicting statements cloud one's ability to understand the true condition of the plant.

In fairness to the DCRRA, the RRF has achieved solid environmental performance over the life of the facility.

2.8.9 NO COST DATA PROVIDED IN LSWMP FOR RRF

It is particularly notable that the LSWMP provides no meaningful cost data about the RRF (or about any of its operations, for that matter). Tables 2-7 and 2-8 summarize historical system costs for the RRF, according to the Comptroller's Report.

Table 2-7 RRF Expense Summary (Source: Comptroller's Report)

Expense	2005 Expenditures	2009 Expenditures	Percent Change	$/ton (2009)
RRA Mgmt & Admin Expense	$5,103,571	$3,849,154	-24.6%	$25.55
Operating Contractor Fees and Pass-Through Costs	$7,547,950	$10,622,176	40.7%	$70.51
Debt Service	$4,150,495	$4,352,100	4.9%	$28.89
Total	**$16,802,016**	**$18,823,430**	**12.0%**	**$124.96**
Outstanding Debt Service Re-amortized[1]	N/A	$5,912,058	N/A	$39.25
Adjusted Total	**N/A**	**$24,735,488**	**N/A**	**$164.20**

[1] If the 16.1 million principal contained in the Series 2007 bonds was to be repaid during the time period of the RRA's current operating contract through 2014, it would result in the incremental debt service shown for 2011, 2012, and 2013.

Table 2-8 RRF Revenue Summary (Source: Comptroller's Report)

Revenue	2005 Revenues	2009 Revenues	Percent Change	$/ton (2009)
Tip Fees	$11,389,608	$10,973,168	-3.7%	$72.84
Energy Revenues	$3,867,028	$2,816,053	-27.2%	$18.69
Recovered Metal Revenues	$0	$46,114	N/A	$0.31
Other Revenues	$504,751	$280,944	-44.3%	$1.86
Total	**$15,761,387**	**$14,116,279**	**-10.4%**	**$93.71**

These tables contain some extremely important information that should be completely understood and factored into any plan by Dutchess County to plot the appropriate course of action for solid waste management:

- The cost of operating the RRF has continued to increase, despite extensive cost cutting of the management and administrative costs borne by the RRA.
- M&A costs alone total over $25/ton.
- Contractor operating fees and pass-through costs are the largest part of the facility expense – and have increased 41 percent over the past five years.
- The total cost to operate the plant under the annual expenditures as shown on the books of the RRA is $125/ton.
- If the 2007 Series bonds are re-amortized over the remaining term of the RRA's agreement with Dutchess County (it is considered a best practice to align the term of project liabilities with the term of the underlying disposal agreement), it pushes the cost to over $164/ton of waste processed. This makes the RRF one of the most costly disposal facilities in the entire United States.

- Regardless of whether the cost/ton is shown with or without the 2007 Series stranded debt service, there are not sufficient revenues to come close to covering these costs.

2.8.10 No Cost Data Provided in LSWMP for MRF

The LSWMP also provides no clear cost information about the dual stream MRF. Table 2-9 summarizes historical system costs for the MRF, also according to the Comptroller's Report.

Table 2-9 MRF Cost/Revenue Summary (Source: Comptroller's Report)

5-year Average Costs		5-year Average Revenues	
Contractor Service Fee	$253,333	Recycled Material Revenue	$159,879
RRA Mgmt. & Admin	$121,376	Recycling Tip Fees	$130,309
Total	$374,709	Total	$290,187
			Net Revenue (Cost) = ($84,521) Net Cost/Ton = $5.98

Again, this information is highly informative about both the RRA's operations and also to inform about the relative cost of recycling versus waste-to-energy:

- Over a five year average, the MRF is roughly a break-even enterprise, although it has actually experienced a slight loss.
- Compared to a cost of over $125/ton for waste-to-energy, the $6 per ton cost of recycling is far less costly for managing materials.
- Although not shown in the table above, the MRF paid for itself in 2006 to 2007, prior to the economic downturn (which depressed prices for recovered materials). Over time, there is no reason a MRF should not pay for itself.

2.8.11 New Recyclables Processing Capacity Needed

As stated in the LSWMP, the RRA's dual stream MRF is 20 years old and at the end of its useful life. It was reported to MSW Consultants, and verified via a site visit, that this facility could not undergo a retrofit to expand and update its technology. Dutchess County will need to address the resulting lack of processing capacity.

2.8.12 Minimal Data Provided for Alternative Disposal and Recycling Facilities

This chapter adequately inventories the solid waste and recycling facilities in and around Dutchess County. However, it does not provide any information on the distance or available capacity at non-RRA facilities. Of greater importance, no information is provided on the likely range of disposal tip fees that might be secured at any of these alternative disposal facilities under a mid to long term agreement and a meaningful volume of wastes, nor on the cost of transportation.

Table 2-10 shows the distance to the landfills that were reported in the LSWMP to have received Dutchess County wastes in the past. Sources available to MSW Consultants suggest that tip fees as low as $23/ton can be secured at least one of these facilities. Further, transfer

and transportation costs could be expected to add another $45/ton. Such information is important to understand the dynamics associated with using these other disposal options.

Table 2-10 Distance and Available Capacity Data for Alternative Disposal Facilities

Facility	Distance from Poughkeepsie	Available Capacity for Dutchess County Waste
City of Poughkeepsie Transfer Station	1 mile	Possibly [1]
Royal Carting Transfer Station (Hopewell Junction, NY)	14 miles	Possibly [1]
UCRRA - New Paltz Transfer Station (New Paltz, NY)	15 miles	Unknown
Welsh Sanitation Transfer Station (Wingdale)	22 miles	Unknown
Pharsalia Landfill (Norwich, NY)	143 miles	Not verified
DANC Landfill (Rodman, NY)	245 miles	Not verified
Seneca Meadows Landfill (Waterloo, NY)	260 miles	Yes
Ontario Landfill (Stanley, NY)	275 miles	Not verified
Mill Seat Landfill (Bergen, NY)	292 miles	Not verified
High Acres Landfill (Perinton, NY)	319 miles	Not Verified
RRA RRF	2 miles	No

[1] It was beyond the scope of this study to verify the potential for expanding the capacity of existing transfer stations. However, site visits and discussions with two in-county transfer station owners suggest that it would be possible to expand existing facilities.

Table 2-11 shows the same time/distance data for alternative recyclables processing facilities. It was beyond the scope of this project to research potential recyclables processing costs at the gate. However, it should be noted that both dual stream and single stream recyclables currently yield sufficient revenue to cover the cost of processing, and that recent procurements conducted by MSW Consultants suggest that some fraction of recyclable material revenues are likely to be returned to the generator of the recycled materials.

Table 2-11 Distance to Alternative MRFs

Facility	Distance from Poughkeepsie
Hudson Baylor Corp MRF (Beacon, NY)	15 miles
Hudson Baylor Corp MRF (Newburgh, NY)	19 miles

2.8.13 Established Private Infrastructure for Organics Management

It is noteworthy that Dutchess County is home to multiple private and institutional organics processors. Currently, the City of Beacon and West Hook Sand and Gravel compost yard waste, and McEnroe Farms composts food waste and yard waste. Bard College, Fishkill Correctional Facility and Green Haven Correctional Facility compost their own food waste on-site. The Cornell Cooperative Extension is involved with small scale and backyard

composting, and deer carcasses are composted by the Dutchess County Department of Public Works and the Town of Poughkeepsie. Greenway Compost @ Vassar College did compost on site, but now takes organic waste to McEnroe Organic Farm, and is in process of closing the on-campus facility. Greenway is currently working on setting up a small local composting operation in one of the municipalities. Clearly the expertise, both institutional and private, exists in Dutchess County for composting a variety of organic materials.

2.8.14 VIBRANT PRIVATE SECTOR RECYCLING

Similarly, it should be noted that private organizations have unilaterally developed a range of recycling operations in and around Dutchess County. As mentioned above, Hudson Baylor (which currently operates the RRA MRF under a contract with the RRA) also owns and operates a MRF in Newburgh, NY, which was recently converted to single stream, but can also take dual stream recyclables. Hudson Baylor is in the process of obtaining planning approval to build a single stream recycling facility in Beacon capable of processing both single stream and dual stream.

In addition, several companies in Dutchess County are currently recycling C&D material. Recycle Depot, Royal Carting, and RCT report over 70,000 tons of construction and demolition debris processed and a significant fraction recycled.

2.9. CHAPTER 4 OBSERVATIONS: FUTURE PROJECTIONS

2.9.1 DEMOGRAPHIC PROJECTIONS ARE ADEQUATE FOR PLANNING PURPOSES

This chapter expresses that Dutchess County expects to experience continued population growth and commensurate increases to residential and commercial development and waste generation. This seems reasonable.

2.9.2 PRESUMPTION OF A FLOW CONTROLLED SOLUTION FOR WASTE STREAM MANAGEMENT PROJECTIONS

However, the remainder of the chapter provides only a summary of the waste disposition strategy to be implemented within the RRA's managed system, which transitions to 100 percent of the County through flow control by 2020. Specifically, this chapter projects:

- An increase from 12,000 to 35,000 tons per year recycled and the RRF operating at full capacity by 2015; and
- A further increase of recycling to 45,000 tons, composting at 5,000 tons per year, and expansion of the RRF to accept 100 percent of flow-controlled County waste by 2020. Other than conveying the shift to management of 100 percent of the waste and recyclables stream, this chapter does not convey and substantiate the expected impacts to specific recycling and organics programs. In addition, composting of more than 5,000 tons per year is reportedly occurring now, meaning that this chapter doesn't actually assume any increase in composting.

2.10. CHAPTER 5 OBSERVATIONS: TECHNOLOGY EVALUATION

2.10.1 IDENTIFICATION OF RRF PERFORMANCE METRICS

The LSWMP does provide some useful data for measuring the performance of a waste to energy facility. These are summarized in Table 2-12.

Table 2-12 Useful Operating Metrics for RRFs

Metric	RRF Value	Industry Standard
Boiler Btu Generation Capability	315 KWh/ton	500-600 KWh/ton
Weight Reduction from Incineration	25%	25-30%
Volume reduction from incineration	90%	90%
Capital Cost to Develop New Capacity	N/A	$193,000/tpd to $233,000/tpd
Cost to Upgrade Turbine for Better Efficiency	$3,000,000 [1]	$6,000,000 to $7,000,000 [2]

[1] Estimate by RRF staff

[2] Based on two comparable projects cited in the LSWMP.

MSW Consultants generally concurs with the industry standard metrics reported in the LSWMP. However, it should be noted that the turbine upgrade cost estimate of $3 million has not been substantiated by qualified technical experts, and that two other comparable upgrades cited in the LSWMP suggest a cost that is twice as high as the RRF staff estimate. MSW Consultants staff are not technically qualified to evaluate this cost, and it would be necessary to retain a qualified professional to validate any estimate (at a cost of $50,000 to $70,000).

2.10.2 HHW PROGRAM IS CANDIDATE FOR RECOUPING VIA USER FEE

This chapter describes the HHW collection events sponsored by the RRA. This program, which is important for any waste-to-energy facility, is stated to be popular among County residents. MSW Consultants notes that this program, which provides equal access to all residential generators (i.e., a uniform service level to all) at a cost of roughly $125,000, is a candidate for a fee-based revenue mechanism such as a user fee. Mathematically, the total cost of this program could be reasonably divided by the number of dwelling units in Dutchess County, and a uniform fee charged to each dwelling unit. Because all residents are provided the same opportunity to use the program, there is a clear and rational basis for establishment of the fee. Assuming approximately 118,000 households in Dutchess County, the cost of this program is only 1.10/household annually.

2.10.3 PRIVATE SECTOR HAS CAPACITY TO MEET DUTCHESS COUNTY WASTE MANAGEMENT NEEDS

The LSWMP makes the point that the RRA's facilities were originally only designed to service the County's "core area" in the southwest quadrant, and not the entire County waste stream.

What is not stated in this section, but was demonstrated in previous sections, is that the private sector does have the capacity to manage Dutchess County wastes and recyclables. This is further supported by the fact that, as reported in the LSWMP, an estimated 100,000 tons of wastes and recyclables are managed by the private sector, either in-county or transferred and transported to an out-of-county location.

2.10.4 PARTIAL IDENTIFICATION OF RECYCLING FACILITY COSTS

The LSWMP suggests that a new single stream recycling facility, capable of processing roughly 45,000 tons per year of single stream residential recyclables, would cost roughly $12 to $13 million. This is a reasonable estimate. However, no facility operating costs are provided, nor is there any information given on the likely recovered material quantities and projected material revenues.

2.10.5 ADEQUATE DISCUSSION OF ALTERNATIVE PROCESSING/ CONVERSION TECHNOLOGIES FOR WASTE

The LSWMP adequately describes a range of emerging technologies for the management of some or all of the waste stream. Although minimal details are provided about these technologies, in the opinion of MSW Consultants it is premature for Dutchess County to seriously consider them in light of more pressing needs and also because there are extensive opportunities to optimize traditional recycling and composting programs.

2.10.6 ADEQUATE DISCUSSION OF OPTIONS FOR C&D DEBRIS RECYCLING

The LSWMP notes that private sector C&D recycling is diverting as much as half of the C&D debris generated in Dutchess County. The LSWMP also identifies a number of reasonable options to increase C&D recycling at an appropriate time in the future:

- *Job-site Separation*: Assumes the passage of a local law that would require construction contractors to separate unused construction materials at the job site so they could be separately collected and recycled.
- *Building Materials Reuse Center*: Many municipalities and a number of non-profit organizations ion NY State and nationally have established facilities to aid in the salvage of reusable building materials.
- *Alternative Daily Cover*: The LSWMP notes that it is widespread for landfills use C&D debris as alternative daily cover in crushed or ground form.
- *Mandatory C&D Processing*: As a more aggressive option, the LSWMP notes that it would be possible to require all C&D to be processed at a C&D Material Recovery Facility. (The LSWMP continues to report on this and other options in the context of such a facility being publicly funded, when in fact this is a function the private sector is already performing.)

2.10.7 INSUFFICIENT TREATMENT OF COLLECTION OPTIONS

The LSWMP cites the legal authority for counties (County Law §226-b), cities (General City Law §20), towns (Town Law §§81[1][f]. 221[1]) and villages (Village Law §4-412) to provide collection services. However, its treatment of collection opportunities is woefully inadequate

given the potential to increase recycling and save money offered by an efficient collection system.

It cannot be overstressed that the most significant opportunities for Dutchess County to reduce the costs to waste generators and increase recycling can be achieved through alternative collection systems. In fact, in all of the nation's most effective integrated waste management systems with high recycling rates and competitive costs, the collection system is highly integrated into the overall provision of service.

Yet, the LSWMP provides no real insight into how collection systems can and should be planned and managed for the benefit of the system. Perhaps this is because neither the RRA nor the County currently provide collection, so the service is "out of sight, out of mind." But this is no excuse to largely overlook the potential benefits of a coherent, integrated collection system.

The LSWMP contains some description of public collection versus subscription collection. But the LSWMP completely misses the prospect of improving collection systems through:

- *Mandatory Curbside Collection.* The LSWMP does not comment on the municipal laws governing the provision of collection rather than providing access to a local disposal site (i.e., convenience center). It was beyond the scope of this study to research this; however, many of the municipalities offer local residential transfer stations, which suggests that residents are not all required to receive curbside collection.
- *Exclusive Curbside Collection*: Currently, only 21 percent of the County's households receive exclusive curbside collection. This means that 79 percent of the County's households are receiving inefficient, more costly subscription service, or are using drop-off centers provided by the towns and villages.
- *Regionalization*: Waste and recycling collection systems function more efficiently and cost-effectively when they are serving a relatively larger area such that collection routes can be assembled logically and collection vehicles can achieve high collection productivity. With over 30 municipalities, Dutchess County stands to benefit significantly if it can successfully work with groups of municipalities to pilot test and implement exclusive collection services over multiple towns and villages.
- *Direct System Funding Via Collection Function:* Across NY State and the U.S., municipalities and private haulers customarily charge waste generators directly for the full slate of collection, disposal, and recycling services that are provided. Limited research performed by MSW Consultants shows that some municipalities in Dutchess County (Millbrook, Pawling, Red Hook) do have some form of direct revenue mechanism in place, and it can be assured that all subscription customers pay their private hauler a monthly or quarterly fee for services received. The direct financial connection between waste generator and service provider provides control of integrated waste management and also serves as a critical feedback loop for more progressive programs like Pay-as-you-Throw (already offered by several municipalities in Dutchess County).
- *PAYT*: While the LSWMP notes that there are benefits to PAYT systems, and suggests sources of good information on PAYT, the description of PAYT programs and their benefits is inadequate.

2.11. CHAPTER 6 OBSERVATIONS: INTEGRATED SYSTEM SELECTION

2.11.1 NO SYSTEM COSTS MENTIONED IN COUNTY GOALS

This is the first chapter of the LSWMP that discusses the goals of an integrated solid waste management system. MSW Consultants confirms that understanding and stating goals and objectives is the critical first step in the formation of a successful waste management system.

The LSWMP mentions the following goals:

- Having a stable long-term revenue base to fund solid waste management
- Maintaining waste-to-energy
- Increasing recycling, and
- Making sure all waste generators have equal access to the system.

In the opinion of MSW Consultants, the issue of system cost is glaringly absent from the stated program goals. In the experience of MSW Consultants, the performance and service level parameters of any system can and should be balanced against the cost of the system. This goal – or any goal relating to prudent and balanced consideration of system costs – is absent in the LSWMP.

2.11.2 PRESUMPTION OF PUBLICLY OWNED SYSTEM AS BEST OPTION

Throughout the LSWMP, but reiterated in this section, there is a presumption that a publicly-provided disposal and recyclables processing system is superior and should be perpetuated. It is the opinion of MSW Consultants that the LSWMP's primary purpose, as written, is to justify perpetuating the RRA and its role as owner/manager of disposal and recycling facilities in Dutchess County.

New York State law requires only that counties be responsible for the planning of integrated waste management systems. However, there is no requirement for public entities to own and operate any aspect of the local waste management system. This distinction is not mentioned in the LSWMP.

Tellingly, it is hinted at in the LSWMP that the private sector has actually been more successful, more responsive, and more cost-effectively able to provide the same services currently provided by the RRA. As will be discussed in subsequent sections of this report, the presumption of public rather than private system ownership and management limits the value of the conclusions drawn in the LSWMP.

2.11.3 LIKELIHOOD OF PERPETUAL COUNTY SUBSIDY OF RRA

Page 106 of the LSWMP contains a very important description that should be understood by all Dutchess County solid waste management stakeholders, but especially by taxpayers. The top paragraph on this page states that "from a financial perspective, County subsidies to the Agency's waste program will continue to be required pending changes in three economic areas:

"1) an increase in the market rates for alternative disposal which would allow the Agency's tip fees to be raised proportionately;

"2) increases in wholesale energy prices and recyclable commodities marketed by the Agency, providing more direct revenue to the program; and

"3) increases in the total non-recyclable tonnage managed by the Agency, which would introduce economies of scale and maximize the use of the waste to energy facility."

For Condition 1 to happen, either (a) the private sector will have to get much less efficient in the performance of waste disposal, or (b) private competition decreases fast enough to enable market price increases, or (c) the RRA will have to improve efficiencies faster than the private sector. It is the opinion of MSW Consultants that none of these developments are likely.

Condition 2 is entirely beyond the control of the RRA. The County should strongly consider to what extent it wishes to rely on factors outside its control to contribute to a successful integrated waste management system;

For Condition 3 to happen, the RRA would need to secure wastes from more haulers. It has proven that this cannot be done through offering a competitive tip fee, and the LSWMP recommends flow control of 100 percent of County waste. The LSWMP is also silent on the prospective cost reductions that are achievable through economies of scale.

Cost impacts are estimated later in this report.

2.11.4 ESTABLISHMENT OF COUNTY-WIDE FLOW CONTROL AS SOLUTION FOR WASTE DISPOSAL

This chapter in the LSWMP introduces the two primary underlying strategies propounded by the RRA: flow control of wastes and expansion of the facilities under management by the RRA. It appears that the RRA considers both of these conditions to be necessary to move forward with its plan.

The LSWMP ably describes the legal basis for regulatory flow control, which is legitimately an option for Dutchess County to consider. However, flow control is presented in the LSWMP only as an "all or nothing" solution and also as a solution that requires extensive capital investment in new facilities.

It is beyond the scope of this study to debate the pros and cons of regulatory flow control (although some discussion is devoted to this subject in a later chapter). Rather, MSW Consultants believes that the County should consider the service levels, costs and recycling rates that can be achieved both with and without flow control when deciding on the prudent course of action.

Table 2-13 summarizes the stated costs for implementing the RRA's flow control/facility expansion strategy. As shown, this solution incurs $70 million in capital investment for plant upgrades and expansions, which alone will add $29 per ton to the tip fee. This does not include the $1.67 million of existing annual debt service obligations through 2027.

Table 2-13 Estimated Costs for RRA's Disposal Strategy

Metric	RRA Estimate	MSW Estimate
Turbine Upgrade	$3,000,000	$7,000,000
Installation of Additional 250 tpd Line ($220,000/tpd average capital cost)	Not provided	$55,000,000
Development of Southern Transfer Station	Not provided	$8,000,000
Total Debt Service	**Not provided**	**$70,000,000**
Estimated 20-year Debt Service	**Not provided**	**$5,616,000**
Cost/ton (190,000 tons)	**Not provided**	**$29/ton**

2.11.5 Potentially Overlooked Opportunity for Beneficial, Short-Term, Partial Flow Control

Despite the LSWMP's assertion that flow control is a critical element of the overall solution for the RRA, the LSWMP notably refutes the benefits of partial flow control. Page 111 of the LSWMP seems to assert that partial flow control could only be implemented in coordination with a tip fee increase to $127/ton. If implemented as described in the LSWMP, it would indeed introduce additional questions of equitability of any partial flow control system, as one fraction of the County would have the $127/ton tip fee imposed while the rest of the County would not.

MSW Consultants does not employ any attorneys and cannot provide legal advice. However, from a technical perspective, the legality of partial flow control should be investigated ***absent a coordinated increase in the tip fee.***

One of the primary operating problems faced by the facility currently is lack of waste. If the facility were to operate at capacity, it would improve electric generation, increase metal recovery revenue, and increase tip fee revenue. If the County were to enforce its flow control law in the name of getting the existing facility to operate at full capacity, this may improve facility economics and decrease the Net Service Fee in the short term. This recommendation requires additional analysis.

2.11.6 Acknowledgment of Multiple Options for Developing Recyclables Processing Capacity

It is clear that Dutchess County does not have sufficient recyclables processing capacity. The LSWMP correctly identifies the need for new single stream processing capacity. The LSWMP also identifies that a new single stream facility could be developed either as a public or a private operation.

However, the LSWMP incorrectly states that a privately developed facility "would require a firm commitment of a specific volume of recyclables" (p. 116). In fact, this is demonstrably false, as Hudson Baylor is currently developing a new single stream MRF in Dutchess County (Beacon) that could process recyclables from Dutchess County, and other nearby counties. In contrast to this statement, the LSWMP argues that a public single stream MRF could only be

developed with secured volume of recyclables. This is in turn used to justify flow control for recyclables.

In the opinion of MSW Consultants, Dutchess County should strongly consider the defensibility of developing a public recycling capability when the private sector is already undertaking such development within Dutchess County.

2.11.7 ESTABLISHMENT OF COUNTY-WIDE FLOW CONTROL AS SOLUTION FOR NEW SINGLE STREAM RECYCLABLES PROCESSING

The LSWMP extends its preferred strategy of flow control to include not only wastes for disposal, but also to include recyclables for processing. The LSWMP provides that the likely cost of this facility would be $12 to $13 million. MSW Consultants concurs that this is a reasonable estimate for building a new facility.

However, as stated in the section above, in the opinion of MSW Consultants, the case for a publicly owned MRF with flow control is weakened by the fact that private recyclables processing capacity exists or is being developed in and around Dutchess County. Rather, if Dutchess County needs to secure recyclables processing capacity, a competitive procurement should be considered as an alternative to committing to a larger publicly owned system.

Interesting, the LSWMP notes that there are other options for recycling – including both private development of processing capacity and intermunicipal agreement to use Ulster County's MRF, which is reported to be currently under-utilized.

2.11.8 OVERSIMPLIFICATION OF THE IMPACTS OF SINGLE STREAM RECYCLING

The LSWMP points out that single stream recycling – a system where residents place all recyclable fiber and containers in the same container, and it is collected in a single compartment on the collection truck – has been rapidly adopted by public and private haulers. Broadly, this is because single stream recycling programs:

- Reduce the complexity of recyclables for residents, which increases participation and therefore increases recycling;
- Are typically accompanied by distribution of a larger container for use by residents, as well as an expansion of the recyclable fibers that are targeted in the program;
- Can offer improved collection efficiency because individual collectors no longer have to handle two separate material streams.

However, this chapter significantly underestimates certain operational and economic aspects of single stream recycling. First, collection efficiencies cannot be optimized unless automated collection equipment is employed. Automated collection vehicles are more costly than traditional rearload and sideload manual collection vehicles. Neither public nor private haulers can immediately make the switch to automated collection trucks. Rather, this takes planning and must be accomplished within normal fleet replacement cycles.

Second, automated collection requires standardized carts to be distributed to residential households so that the automated collection vehicles can lift the recyclables using the automated arm. At a minimum, these carts will cost $40 to $55 per household, so there is another capital outlay required. Of potentially equal importance, many municipalities find that

there is some resistance when carts are required for refuse or recyclables collection. While cart-based collection programs are widely successful, there is typically a transition period to implement such systems, and this transition is best accomplished by taking the collection and recyclables processing system into consideration jointly.

2.11.9 GOOD SUGGESTIONS FOR PUBLIC EDUCATION AND OUTREACH

The LSWMP mentions a litany of new recycling initiatives:

- Development of a recycling education center with the proposed new single stream recycling facility;
- Development of a new recycling website;
- Establishment of a full scale schools recycling program;
- Provision of waste and recycling audits for business;
- Enhancement of public outreach for HHW and pharmaceutical disposal
- Investigation into partnerships with local businesses;
- Formation of a solid waste advisory committee made up of public and private stakeholders in the County;

A full list of initiatives is contained on pages 120 to 122. MSW Consultants agrees that many or even most of these initiatives would be valuable and improve recycling in Dutchess County. However, no cost information is provided for these programs.

2.11.10 ACKNOWLEDGEMENT OF PRIVATE SECTOR RESPONSIBILITY FOR YARD WASTE/ORGANICS

The LSWMP acknowledges that the private and institutional sectors have developed organics composting programs in the County, and that these programs can and should be leveraged to increase diversion of organic materials.

MSW Consultants notes that this direction – leaving organics recovery and composting in the private sector – diverges significantly from the publicly owned, flow controlled strategies espoused for refuse and traditional fiber and container recyclables.

2.11.11 MISLEADING PRESENTATION OF GREENHOUSE GAS EMISSIONS FROM VARIOUS WASTE MANAGEMENT OPTIONS

Clearly, climate change and greenhouse gas emissions are of increasing importance. Decisions about waste management strategies do in fact impact GHG emissions. As stated in the LSWMP, there have been many efforts to compare and contrast the GHG emissions potential of various waste management strategies.

The LSWMP opts to use the U.S. Environmental Protection Agency's Waste Reduction Model (WARM) to compare GHG emissions. Table 2-14 shows the comparison table from the LSWMP.

Table 2-14 LSWMP GHG Model Inputs – Waste Quantities

Waste Management Strategy	Landfill-based System	Current System	Corrected Current System [1]	Improved System	New System
Waste Reduction	X	X	X	X	2,000
Recycling	X	9,363	66,840	35,000	45,212
Composting	X	1,267	1,267	5,000	5,000
Waste-to-Energy	X	144,729	144,729	155,000	199,576
Landfill	260,630	105,271	78,674	65,630	8,842
Total	**260,630**	**260.630**	**291,510**	**260.630**	**260.630**
GHG Benefit (MTCE)	***N/A***	***(31,341)***	N/A	***(58,772)***	***(73,094)***

[1] As shown earlier in this section, a more accurate summation of current material disposition is shown in this column. The data in this column were estimated by MSW Consultants (all other data are from the LSWMP).

This table, and the accompanying text, are misleading for several reasons:

- **They use the "Landfill-Based System" as the baseline**. It is curious that the LSWMP opts to highlight an imaginary waste management system – one in which all wastes generated in Dutchess County are landfilled, and there are no recycling or composting programs nor is there a waste to energy facility. It would be more appropriate to compare the existing system to the options, instead of this imaginary system.
- **They use incorrect material quantities:** Even the LSWMP concedes that a great deal of recycling and some composting is taking place outside the RRA's managed facilities. In the current system, there are significantly more than 9,363 tons of materials recycled, as discussed earlier in this chapter.
- **No comparisons against "max recycle" system:** It is of particular interest that there is no attempt to model a "maximum recycling" system that achieves a 60 to 65 percent recycling rate. Recycling ranks higher on the waste management hierarchy than waste-to-energy, so a comparison of the WTE-centric system contained in the LSWMP to a max recycle system would be informative.

A revised WARM model is used later in this report to compare GHG emissions for the current system against the RRA's proposed system and also against a max-recycle system.

2.11.12 Proposal for Local Ash Landfill Development

Any WTE system will need an outlet for the ash generated from the incineration process. The RRA has been able to transport and dispose of ash as alternate daily cover at various landfills, at a current cost of $47/ton. The LSWMP indicates that it has not been problematic to obtain an adequate number of bids for ash disposal as beneficial use (i.e., landfill daily cover).

However, the LSWMP suggests that it was historically the intent to develop a local ash landfill in Fishkill, and that re-instituting the development of such a facility "could stabilize costs over

the long term" although they "might be equal to the current cost of export" (p. 134). The LSWMP cites the 12-year, $13 million dollar cost to permit a 1,000 ton-per-day landfill in Oneida-Herkimer County, and the estimated $31 million capital cost of this new landfill to support that new landfills are costly and time consuming to develop. The LSWMP suggests that developing a new landfill "represents an enormous undertaking that must be backed by an unwavering policy commitment and willingness to commit substantial funds for many years."

MSW Consultants concurs with this assessment for new landfill development, whether for ash or other municipal solid wastes.

2.11.13 Proposed New Transfer Station Network

In order to support the management of 100 percent of Dutchess County's waste stream after flow control is implemented, the LSWMP advocates the development of two transfer stations, one for the northern portion and one for the southern portion of the County. The LSWMP appears to suggest:

- Entering into an agreement with Ulster County RRA to use capacity at that County's transfer station in Kingston for the Northern transfer station; and
- Development of a new southern transfer station through a competitive RFP.

The LSWMP also mentions that a third transfer station may be needed in the large rural area in the eastern portion of the County.

No costs for the development of these transfer stations is provided, nor is there a breakdown of waste quantities that would be expected to move through each of the transfer stations. Transfer stations cost millions of dollars to build, and the transfer and transportation costs will add to the already in-place system costs. So, although no costs are provided, it can be reasonably concluded that the development of this new transfer capability will add to the costs, at a minimum offsetting some of the cost savings from the better economies of scale at the expanded RRF.

2.11.14 No Action Plan to Improve Collection

As stated previously, the LSWMP reiterates in this chapter that collection programs will continue to be provided by the municipalities and that "this Plan does not contemplate any direct action by the County to interfere in the competitive marketplace for waste collection services" (p. 140). Yet, as will be discussed in a later section of this report, improved management of collection represents one of the most significant opportunities for the County to provide more cost effective services to its residents and businesses, while increasing access to recycling programs.

2.11.15 Responsible Entity

The LSWMP cites the Dutchess County Department of Solid Waste Management as being responsible for "formulation and implementation of programs for the collection and disposal of solid waste generated within Dutchess County" (p. 144). This statement would seem to suggest that the County's Solid Waste Department should be responsible for the development of the Local Solid Waste Management Plan, which also suggests that the Department should

be the designated Planning Unit. Table 2-15 summarizes the allocation of responsibilities according to the LSWMP.

Table 2-15 Responsible Entities According to LSWMP

Dutchess County Department of Solid Waste	DCRRA
Policy	Facility Management (WTE and MRF)
Enforcement	Planning Unit/LSWMP Development
LSWMP Approval	Bond Repayment
Coordination	Management of Ash Disposal
Net Service Fee Payment	

According to this table, the RRA would appear to be a facility administrator. Yet, in practice MSW Consultants understands that the RRA in fact holds LSWMP Plan approval authority as the designated Planning Unit, in contrast to the table above. It is our opinion that a single entity with no commitment to any specific facility should be responsible for policy, planning, and LSWMP development.

2.12. CHAPTER 7 OBSERVATIONS: IMPLEMENTATION SCHEDULE

2.12.1 MINIMAL DETAILS ON IMPLEMENTATION SCHEDULE

This chapter of the LSWMP attempts to summarize and assign a timeline to the actions advocated throughout the document to this point. However, the implementation plan contains relatively little details.

As an example, there is a 4-page Implementation Summary table on page 154 of the LSWMP. This table lists 40 discrete initiatives. Table 2-16 below shows the start year for all 40 initiatives. As shown, fully 32 of the initiatives are scheduled to start in 2011. While many of these 32 initiatives are shown to be ongoing for multiple years of the 10-year plan, this would seem to be an aggressive schedule and also one that does not clearly prioritize the most important initiatives.

Table 2-16 Annual Count of LSWMP Initiatives

Start Year	Number of Initiatives Scheduled to Start
2011	32
2012	4
2013	2
2014	1
2015	1
Total	**40**

2.12.2 No Details on Performance Metrics

The implementation plan in this chapter does not contain any performance metrics to convey progress towards recycling or diversion goals or projections on expected system cost and how those costs evolve over time. While it is beyond the scope of a Plan to provide detailed cost estimates, MSW Consultants understands that recycling and diversion goals should be explicitly stated in the LSWMP.

2.13. CHAPTER 8 OBSERVATIONS: NEW LAWS & REULATIONS

2.13.1 Reiteration of RRA-Friendly Laws and Regulations

This section once again reiterates two of the primary recommendations of the LSWMP: establishment of a direct funding mechanism for the RRA, and implementation of regulatory flow control

2.13.2 Enhanced Enforcement as a Consequence

As a consequence of the planned implementation of flow control, this chapter advocates the addition of three field enforcement personnel to address three primary offenses:

- Failure to deliver MSW collected in the County to the proper designated facility;
- Failure to deliver recyclables collected in the County to the proper facility; and
- The commingling of recyclables with MSW at the point of collection.

Two of the enforcement personnel would be temporary, with the third officer permanent. No costs are provided.

2.13.3 Further Complication of Hauler Licensing Program

The current hauler licensing program was identified by multiple stakeholders as being onerous for haulers. Although not discussed in the LSWMP, MSW Consultants understands that there are multiple bottlenecks in the current licensure program.

The LSWMP advocates further increasing licensure reporting requirements beyond those in the current system. It is the opinion of MSW Consultants that the licensure program should be simplified and competitiveness be increased as a primary change to the hauler licensing program. Once these issues are addressed, then it may be acceptable to revisit and improve reporting requirements.

2.14. CHAPTER 9 OBSERVATIONS: INTERIM WASTE MANAGEMENT MEASURES

MSW Consultants has no comments on Chapter 9. It could, however, be argued that interim measures will be required to increase recycling and diversion of organics until sufficient facilities are fully operational and appropriate capacity has been procured by the County.

2.15. CHAPTER 10 OBSERVATIONS: EXPORT CERTIFICATION

MSW Consultants has no comments on Chapter 10. No waste is exported by the County or the RRA under the current LSWMP. The LSWMP states, and MSW Consultants agrees, that should it be necessary to export waste in the future, this will be accomplished through a competitive procurement process.

2.16. CHAPTER 11 OBSERVATIONS: ADMINISTRATIVE STRUCTURE

The LSWMP submitted by DCRRA summarizes the current structure. As stated previously, this section lists Plan Approval as a responsibility of the County. In fact, as the DCRRA is the Designated Planning Agency, the County has no planning or plan approval authority.

It has been reported to MSW Consultants that Resolution No. 427-1984 designated the DCRRA as the Planning Unit for Dutchess County. As is discussed more fully elsewhere in this report, the County Legislature has the authority to adopt a resolution designating the County as the Planning Agency. The County, through the Legislature, could then amend the Plan that was submitted to DEC by the DCRRA. This will require advice from legal counsel.

2.17. CHAPTER 12 OBSERVATIONS: FUTURE ACTIONS TO FURTHER THE SWM HIERARCHY

This chapter briefly reiterates a number of recycling/waste reduction initiatives and HHW management programs, while confirming that expansion of the waste-to-energy will continue to be a focus.

2.18. CONCLUSIONS

The LSWMP contains 169 pages of content, most of which are narrative. While there are many details about Dutchess County's solid waste management program, and many ideas about potential future initiatives, the entire LSWMP is basically advocating the following concepts:

- Re-affirm waste-to-energy as the primary form of waste management, despite the fact that waste-to-energy is lower on the solid waste management hierarchy than recycling and composting;
- Retain the publicly-owned waste-to-energy and recyclables processing infrastructure despite the acknowledgement that the private sector can and does provide competing disposal and recycling services in Dutchess County and throughout NY State.
- Expand the current facility infrastructure regardless of the cost of this strategy compared to other strategies;
- Implement flow control and establish a dedicated funding mechanism to further empower the RRA to remain the management and operational entity responsible for the County's system; and
- Leave collection systems in the hands of the municipalities and private haulers (i.e., status quo).

Dutchess County and its stakeholders should consider these concepts in the decision to embrace the LSWMP as currently written, or else to reconsider a variety of alternatives. The remainder of this report attempts to itemize alternatives in a way that generates debate and discussion about the best direction to be followed by Dutchess County.

3. SYSTEM GOVERNANCE ALTERNATIVES

3.1. OPTIONS FOR SYSTEM GOVERNANCE

There are essentially three options for governance of solid waste management in Dutchess County:

- **Status Quo**: Under this option, no significant changes are made to the governance of the system. The DCRRA would retain Planning Unit status and, therefore, have authority for all solid waste management planning, compliance reporting and plan amendment or modification authority. The County has limited solid waste management authority under this option, but would be expected to perform the hauler licensing function and enforce recycling laws.
- **Centralizing System Management with DCRRA**: This option would give the DCRRA authority for disposal, recycling, licensing and enforcement of the County's recycling law. The Legislature would only adopt legislation and local laws, and leave the implementation to the DCRRA.
- **Centralizing System Management with Dutchess County**: Under this option, the County would take back its authority as the Planning Unit and take on the full management of the County's solid waste management system. In this role, the County should consider the RRA as but one of many possible providers of waste disposal and recyclables processing. It should be noted that the current agreement between the County and the RRA will delay a complete transition until 2014, the end of the current operating contract between the DCRRA and its RRF operator.

The tables below summarize the advantages and disadvantages of each of these options. A discussion of notable considerations is given after each table.

Table 3-1 Advantages and Disadvantages of Maintaining the Status Quo

Advantages	Disadvantages
Would not require major changes.	The current system does not provide truly integrated waste management, as policy, planning, and management of the system operations are divided among two entities. This dynamic also reduces accountability.
	By not being an integrated system, it will be difficult to implement a LSWMP that will meet the approval of the DEC.
	Costs can be expected to rise, causing an increase in the County's subsidy to the DCRRA through the Net Service Fee.
	Increasing the Net Service Fee payments from ad valorem taxes will mean that these payments will compete with other County programs, including recycling, enforcement and public education.
	Recycling education and enforcement will continue to be disjointed.
	It will be difficult to reach the State recycling and reduction goals.

The decision could be made to maintain the status quo, and make no changes to the current governance system for solid waste management. While this is the easiest option – basically a do-nothing option – it is not sustainable. The Net Service Fee will continue to rise, and, as this subsidy is paid from ad valorem taxes, will take an increasing amount of funding away from other County programs. There will be little to no funds available to enhance programs needed to reach the State recycling and reduction goals.

Of particular importance, under this scenario it will also be difficult to implement a LSWMP that will meet the approval of the DEC, which in turn could affect the RRF permit renewal status.

Table 3-2 Advantages and Disadvantages of DCRRA as System Manager

Advantages	Disadvantages
The solid waste system would be more integrated.	The DCRRA would have to staff up to provide additional services, including inspection, enforcement, hauler licensing, and increased recycling education. This in turn would raise the operational costs of the DCRRA.
A system focusing on waste-to-energy as the County's core disposal technology could be aggressively pursued.	Both the New York Authorities Budget Office and the Dutchess County Comptroller have written reports critical of aspects of the current operation of the DCRRA. With no oversight by the legislature, these deficiencies might not be corrected. As RRA Board members are appointed and not elected, there is only indirect accountability to taxpayers.
Some increase in accountability of the DCRRA if all solid waste system management requirements – including hauler licensing and enforcement – were centralized.	The County/Legislature would no longer have authority over any part of the solid waste system, thereby decreasing the ability of County taxpayers to obtain accountability for solid waste management.
	The County/Legislature would essentially have no control over the amount of the Net Service Fee to be paid to the DCRRA.
	Based on the LSWMP, opportunities for regionalization would not be adequately pursued.
	Based on LSWMP, opportunities for enhanced recycling would not be adequately pursued.
	Based on LSWMP, opportunities for optimizing collection systems would not be adequately pursued.

The Legislature could decide to turn the entire solid waste system over to the DCRRA. The solid waste system would be more integrated, as everything would be under one entity, rather than split between the DCRRA and the County.

As in the "do-nothing" option, however, there would be little to no funds available to enhance programs needed to reach the State recycling and reduction goals. In addition, the Net Service Fee would continue to rise, and this subsidy would also take an increasing amount of funding away from other County programs.

Most importantly, the County and Legislature will have ceded its ability to guide the direction of the solid waste management system. This would lessen accountability and, in addition, the County would have no influence over the amount of the Net Service Fee paid from the County budget.

Table 3-3 Advantages and Disadvantages of Dutchess County as System Manager

Advantages	Disadvantages
The solid waste system would be completely integrated and managed for the benefit of the entire County, absent any bias to any particular facility, service provider, or technology.	The County would need to staff up to provide all of the solid waste services.
The County would take back Planning Unit status and could amend the LSWMP to be more beneficial to all the citizens of the County.	Short term: The County would need to become more knowledgeable about solid waste management issues, service providers, markets, and procurements (although this should be a long term advantage).
The County could procure disposal services from the lowest cost provider – which may or may not be the RRA.	
The County could most effectively establish policies and priorities for recycling and energy recovery within the context of total system costs.	
The County would be in a better position to work with the municipalities in the County and with neighboring jurisdictions to develop a truly integrated and cost-effective solid waste management system.	
By reducing or eliminating the Net Service Fee, the County would have extra funds to apply toward the staffing necessary to provide the solid waste management system and to increase diversion	

If the Legislature decided to put all of the responsibility for solid waste management under the County, the solid waste system would be more integrated, as everything would be under one entity, rather than split between the County and the DCRRA. The County would then have a number of options. If the Legislature has taken the Planning Unit responsibility back from the DCRRA, the County could amend the LSWMP to be of benefit of all of the citizens of the County. Under the option of Dutchess County as system manager, the County potentially could procure disposal services that are less expensive than current costs. In effect, if the County is the integrated system manager, then the DCRRA becomes just another service provider whose services should be evaluated on service level, diversion potential, energy generation potential, and cost, on equal footing to any other service provider. Requiring the DCRRA to be competitive would also provide the most favorable terms should the County opt to retain any of the DCRRA facilities.

The primary obstacle under this option is that the County will need to undertake the planning, budgeting, and staffing of the Solid Waste Department through the normal function of

County government. Some political obstacles may exist for the rapid implementation of this option. However, centralizing integrated system management with the County would increase management flexibility, increase the likelihood of decreasing or eliminating Net Service Fee payments, and best balance waste reduction, recycling, and energy recovery.

3.2. OPTIONS FOR OWNERSHIP OF SOLID WASTE INFRASTRUCTURE

Closely related to the question of system governance is the question of ownership of system assets. Regardless of whether the County itself or the RRA govern the integrated waste management system, there are essentially two options for ownership of solid waste infrastructure in Dutchess County:

- **Public Ownership**: Under this option, infrastructure for disposal, recycling and composting would be owned by the County or by the DCRRA.
- **Private Ownership**: Under this option, disposal, recycling and composting facilities would be owned by private industry.

In practice, there could be a mixture of public and private ownership of the facilities for the various solid waste management activities. In this chapter, however, discussion will be limited to the pros and cons of public or private ownership. The tables below summarize the advantages and disadvantages of each of these options, with a brief discussion following each table.

Table 3-4 Advantages and Disadvantages of Public Ownership

Advantages	Disadvantages
Publicly owned facilities and operations can be directly and immediately controlled and managed.	Publicly owned facilities are not always influenced by market forces to operate efficiently. While market forces may exist to some degree, political and budgetary factors are significant influences, sometimes to the detriment of the publicly owned enterprise.
Publicly-owned facilities can operate at cost rather than at a market rate, which can lead to lower pricing for facility end users. Public facilities also do not have to earn a profit margin, which also keeps costs low.	Local government does not usually have the ability to raise capital through investors or other avenues open to the private sector.
Public entities do not pay taxes, which lowers overall costs.	Requires a political and organizational structure that allows for effective, accountable performance of the facilities.
	Publicly owned facilities usually do not seek to achieve economies of scale available to privately owned facilities or services that may cater to a wider geographic area.
	It is more costly to maintain technical expertise as a small, public facility owner compared to larger private sector facilities owners with broader resources and exposure to industry trends.

Local government is the entity responsible for the health and safety of its citizens, and is the steward of the taxpayers' money. As such, publically owned infrastructure and solid waste management systems should be the most efficient and cost-effective. Unfortunately, this is not always the case. Politics and bureaucracy can negate the advantage of a completely public system. On the other hand, with careful attention to legislation and policies needed and enforcement of those laws and policies, a very efficient, cost-effective and successful public program can be built.

Table 3-5 Advantages and Disadvantages of Private Ownership

Advantages	Disadvantages
The private sector can take advantage of new technologies to make their facilities more productive.	All else being equal, the profit motive will outweigh other interests of County and its citizens. The private entity will tend to maximize profits above other objectives such as higher recycling and diversion, or better environmental stewardship.
Private industry has the ability to raise capital through investors or other means for a facility or process that has the potential for high success and a good financial return.	A contract between local government and the private sector may not allow the contractor to adapt quickly to changes that will increase waste reduction and recycling.
Market forces drive private industry to make its facilities and programs efficient and cost-effective.	Public sector must hire staff or else retain qualified professional expertise to establish and monitor suitable contractual arrangements for needed services
Public sector does not have to invest in capital projects to access capital-intensive services.	Diminishes incentive for private owner to explore new technologies that may increase recycling or diversion, if costs will also increase.
Public sector can use a combination of hired staff and procurement consultants to secure intelligently structured contracts to secure needed services without employing a full slate of technical expertise or infrastructure.	May reduce accountability as private entities are not subject to open records laws and may keep certain business data confidential.
Places the burden of maintaining technological and operational superiority on the private facility owner rather than the public entity.	
Reduces or eliminates political influences on facility/service operations.	

While the profit motive can mean that private industry may not put the best interests of the citizens first, the need to be profitable can more easily assure that the facility and operation will be successful. The private sector cannot afford to build a facility that is not optimal for the planned operation, or to operate it in a way that leads to failure. Private industry may also have more of an ability to raise needed capital than local government.

As will be shown in the chapters on specific programs, often a "hybrid" system, with some facilities owned and/or operated by government and some owned and/or operated by the private sector, to be the most effective in reducing waste and increasing recycling.

3.3. RECOMMENDATIONS

3.3.1 GOVERNANCE

MSW Consultants strongly supports the notion that a single organization should manage and govern the integrated solid waste management system for a particular county or municipality. Clearly the existing division of responsibilities does not accomplish this. MSW Consultants also believes that the system manager should be agnostic in regards to the optimal system configuration. In our professional opinion, the RRA's LSWMP and related actions strongly suggest that its primary objective is the perpetuation of a high-cost, WTE-based disposal system with strong public management that impairs private market solutions.

If the County wishes to go in any direction other than the status quo, it will be necessary to pass one or more resolutions. Because the RRA is a state public benefit corporation, it is independent of the County. At the current time, the RRA is the official Planning Unit for Dutchess County. Dutchess County also has ultimate responsibility to subsidize the RRA to the extent the RRA is unable to fund its operations through tip fees, electricity revenues or direct funding sources such as user fees. If the County leaves the Planning Unit authority with the RRA, then the County will have ceded its ability to guide the direction of the solid waste management system.

It is our understanding that the County can, by passage of a resolution, re-assign the Planning Unit authority from the RRA back to the County. Because the Planning Unit sets the course for waste management in the County, the RRA would be obligated to support the direction set by the Planning Unit. Dutchess County should immediately take steps to designate itself as the Planning Unit if it wants to fully control its destiny.[1]

MSW Consultants recommends the following:

- The Legislature should adopt a resolution to bring back the County's designation as the Planning Unit and to give the County authority for LSWMP Approval. The County, through the Legislature, should then amend the Plan that was submitted to DEC by the DCRRA. Ideally, this action will relegate DCRRA to a manager of the RRF and MRF only (i.e., just another facility owner/operator). However, in practice the County should consult legal counsel to determine how best to manage its relationship and direct the actions of the RRA.
- Centralize management of solid waste by filling the position of Commissioner of Solid Waste as required by the Dutchess County Charter and the Dutchess County Code of Ordinances.
- The Legislature should appoint the advisory Solid Waste Management Board as required by the County Charter.[2]

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[1] MSW Consultants does not employ attorneys and is not qualified to provide a legal opinion on this topic. We have been provided with citations from the County, stating that Resolution 427-1984 gave planning authority to the DCRRA, and that the 1992 LSWMP reiterated this authority, on which we have based our understanding. It is recommended that the County obtain a qualified legal opinion on the course of action mentioned.

[2] "There shall be within the department an advisory Solid Waste Management Board whose members, except as otherwise provided herein, shall be appointed by the County Legislature. Its membership shall include the Commissioners of Health, Finance, Planning and Development and Public Works. The Board shall consider

- The Legislature and County Executive should appoint the advisory Recyclables Oversight Committee as required by Local Law No. 4 of 1990, as amended.[3]
- The County should not enter into any extension or renegotiated agreement with RRA. Further, Dutchess County should take steps to prevent the RRA from entering into contractual obligations that extend beyond the expiration of the current operating contract with Covanta, so that 2014 could remain a workable breakpoint for changing the direction of the County's disposal program. There is already a bond issue that requires debt service payments through 2027 – any additional contractual agreements or debt incurred by the RRA would further bind the County to payment of the Net Service Fee.
- Take steps to allow the County to have the authority to approve any debt issuance or other contractual arrangement that commits the County financially.

3.3.2 OWNERSHIP OF INFRASTRUCTURE

The question of infrastructure ownership has a more nuanced answer compared to the question of system governance. Specifically, optimized ownership decisions can and should be made for each of the various components of an integrated waste management system. A primary factor in considering whether or not the public sector should own an asset is whether or not the privately owned infrastructure is providing a competitive solution or not.

In Dutchess County, there are some services that have been entirely developed by the private sector. In the opinion of MSW Consultants, the County can utilize procurements to access this infrastructure if such capacity is needed now or in the future.

However, in the case of securing cost effective disposal, MSW Consultants believes the County should give strong consideration to public ownership of one or more transfer stations. This step will improve the County's ability to shop around for competitive disposal prices at various landfills (or other disposal facilities).

Table 3-6 summarizes the recommended ownership for solid waste system infrastructure in Dutchess County, based on MSW Consultants understanding of the current system. These recommendations are guided by the existence of competing private sector solutions for many of the system components.

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matters relating to solid waste disposal within the County and shall advise the Commissioner thereon either at his request or upon its own initiative, and from time to time make recommendations to him thereupon." *Dutchess County Charter, Article XVII, Department of Solid Waste Management*

[3] The Recyclables Oversight Committee was "...created and established for the purpose of advising the Commissioner of Solid Waste Management regarding adding or removing materials from the definition of recyclable materials; establishing procedures and operating standards for municipal recyclable material collection points; monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law; and such other matters as the commissioner or committee may suggest." *Local Law No. 4 of 1990, as amended by Local Law No. 9 of 1990 and Local Law No. 2 of 1991*

Table 3-6 Recommended Ownership of Solid Waste System Infrastructure

System Asset	Recommended Ownership in Dutchess County	Notes
Collection System	Private (but regulated and managed by the Public sector)	Private hauling companies can easily provide these services in response to a procurement. Steps can be taken to assure that there are sufficient competitors for good pricing. Otherwise, Dutchess County would have to enter the business of running a collection operation, which is not recommended.
Transfer Station(s)	Public	Transfer stations provide a critical resource: access to disposal capacity. Private industry prices disposal capacity at whatever the market will bear, regardless of the cost to provide the disposal capacity. A publicly owned transfer station will serve to keep the market price in check. Further, public ownership of the transfer station preserves the future opportunity to implement flow control, should this eventuality arise.
WTE	No Recommendation	If the County owns its own transfer station, then it can seek out the lowest disposal (or incineration) price. WTE facilities can be treated as equal to landfills.
Landfills	Private	The private sector owns and operates landfills with excess capacity. Landfills are extremely time consuming and expensive to develop. If the County has transfer capacity, then landfills can be subjected to a competitive procurement to secure the most favorable pricing.
MRF	Private	Private entities in and in close proximity to Dutchess County have already developed (or are currently developing) processing capacity.
Organics Composting	Private	Private and institutional entities in Dutchess County have already developed significant composting capacity.
C&D Processing	Private	Private entities in and in close proximity to Dutchess County have already developed significant C&D processing capacity.
Waste Conversion Technologies	Private	If the private sector can successfully develop cost competitive new waste processing technologies, the County can access such technologies at that time.

4. PUBLIC EDUCATION AND OUTREACH

4.1. INTRODUCTION

Like any program, success in waste management and recycling is influenced by the level of resources devoted to educating the public – including residents, businesses and institutions – about how best to use the services provided. Multiple counties in New York State and nationally maintain recycling staff whose primary focus is on education and outreach. These staff perform numerous ongoing initiatives, and the LSWMP lists many such responsibilities that would be achievable in Dutchess County with a manageable number of staff. These initiatives include:

- Establishment of reporting requirements for licensed haulers, solid waste and recycling facilities, and large businesses to track generation and diversion data needed by planners;
- Development of recycling curriculum for Dutchess County schools;
- Development of a comprehensive website to inform residents, businesses, and schools about recycling and diversion programs and facilities;
- Provision of waste and recycling technical assistance and monitoring for Dutchess County businesses;
- Continued outreach and support of ongoing HHW collection events and related public education;
- Coordination with municipalities to understand and publicize municipal recycling programs and to foster opportunities for regionalization of recycling services (as well as collection);
- Coordination with private sector organizations engaged in recycling to encourage market development;
- Establishment of and participation in recycling stakeholder meetings made up of citizens, businesses, and solid waste/recycling industry representatives;
- Understanding and communicating new state and national developments, such as product stewardship laws and extended producer responsibility initiatives that may benefit County stakeholders;
- Increasingly, social media is being used to publicize recycling and waste reduction initiatives;
- Identification of procurement terms and strategies for use by municipalities and businesses seeking recycling collection or recovery services.

Currently, public education is the responsibility of the DCRRA's Recycling Coordinator. Although it was beyond the scope of this effort to thoroughly evaluate this Recycling Coordinator's duties, County personnel indicated that the position is under-utilized for actual recycling public education efforts. Dutchess County itself currently has no oversight over the recycling and public education activities currently in place, as there is no County Solid Waste Department.

4. PUBLIC EDUCATION AND OUTREACH

The formation of a Solid Waste Commissioner's office was approved by the Dutchess County Legislature on March 14, 2011. Once the position of Commissioner of Solid Waste is filled, the Legislature and the County Executive are required by Local Law No. 4 of 1990, as amended, to appoint the seven members of the Recyclables Oversight Committee. Among the responsibilities of this committee is "monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law". This would include public education to increase the amount of recycling and waste reduction in the County. This section attempts to itemize a Recycling Coordinator's office that would be expected to provide a full slate of public education and outreach, as well as support the overall operation and management of recycling in Dutchess County.

4.2. ESTABLISHING RECYCLING PROGRAM GOALS

As a first step, Dutchess County will need to undertake a process of developing its fundamental recycling policies and program goals. This is a process that should draw from available state and national objectives and goals, combined with input from local stakeholders. There are several fundamental concepts that should be considered when developing specific goals for Dutchess County's recycling performance. Dutchess County should expect to develop recycling goals and waste management policies with these concepts firmly in mind.

4.2.1 WASTE MANAGEMENT HIERARCHY

Recycling goals should be driven by New York State solid waste management policies and goals. The State's statutory solid waste management policy is stated in the Environmental Conservation Law (ECL 27-0106). An ordered listing of preferred solid waste management methodologies for managing solid waste in a way that reduces dependency on landfilling of raw wastes is provided. "This hierarchy, in descending order of preference, is:

a. "first, to reduce the amount of waste generated;
b. "second, to reuse material for the purpose for which it was originally intended or to recycle material that cannot be reused (For this purpose, composting is considered a form of recycling.);
c. "third, to recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled; and
d. "fourth, to dispose of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by the Department (ECL 27-0106.1). (All solid waste management methodologies not specifically identified in the hierarchy under (a), (b) and (c) (for example, non-energy recovery incineration) have equal preference to land burial. Note: All forms of composting come under (b) in the hierarchy.)"

In addition, "this policy, after consideration of economic and technical feasibility, shall guide the solid waste management programs and decisions of the Department and other state agencies and authorities (ECL 27-0106.3)."[1]

Reducing waste requires public education to explain why waste should be reduced and how to reduce waste generation. While a product stewardship law is now in place for discarded

[1] http://www.dec.ny.gov/regulations/8749.html

electronics (E-Waste), citizens will continue to throw these items away if they don't know about the law and how to take advantage of the E-Waste programs.

Reusing materials and recycling those materials that cannot be reused are the next best method. This requires aggressive public education and outreach, well beyond what is currently taking place in Dutchess County, targeting individuals, businesses, government and private institutions and schools (K-12 and colleges).

While waste-to-energy is preferred to landfilling in New York State's waste management hierarchy, note that it is for "waste that cannot be economically and technically reused or recycled". Clearly much of the Dutchess County waste currently being incinerated or landfilled could be reused or recycled. Again, this requires constant public education and outreach.

4.2.2 ZERO WASTE

The term "Zero Waste" has reached mainstream usage and is oft cited as the preferred waste management strategy for municipalities and businesses. The following definition of Zero Waste was adopted by the Planning Group of the Zero Waste International Alliance on November 29, 2004, to assist businesses and communities in developing their own Zero Waste goals:

> "Zero Waste is a goal that is ethical, economical, efficient and visionary, to guide people in changing their lifestyles and practices to emulate sustainable natural cycles, where all discarded materials are designed to become resources for others to use.
>
> "Zero Waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them.
>
> "Implementing Zero Waste will eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health."

It is generally considered that over 90 percent division from landfill or incineration is successful achievement of Zero Waste. New York State has declared a reduction goal of from 4.1 pounds per person per day in 2010 to 0.6 pounds per person per day by 2030. This equates to approximately 85 percent reduction. Therefore, the State of New York has a reduction goal approaching Zero Waste. To reach this goal, aggressive public education is needed.

4.3. ESTABLISHING A RECYCLING OFFICE

Ultimately, a public education program will rely on the consistent efforts of dedicated, experienced professionals. While the establishment of any such capability in Dutchess County will take time and money, this section attempts to outline what such a capability might look like, and how much it might be expected to cost for a county the size of Dutchess.

There is no "right answer" to this question. That said, MSW Consultants has worked with numerous municipal and county recycling offices across the nation. Based on this experience, and on other counties inside and outside of New York State, it is reasonable to start with the expectation of a successful and proactive recycling management organization staffed by four to five professional staff, including:

- ***Recycling Coordinator*** – management of the County's overall recycling initiatives and outreach;
- ***Business Recycling Specialist(s)*** – one or two specialists focusing on the reporting and waste/recycling audits that will be required from the business community, both haulers/facilities as well as larger waste generators;
- ***Schools Recycling Specialist*** – if this position does not already exist in the County schools, the position would encompass both curriculum development as well as optimizing the school recycling and solid waste collection programs.
- ***Solid Waste and Recycling Enforcement Officer*** – The County should realize the need for an all-purpose solid waste and recycling enforcement staff. This staff would support all County recycling and solid waste management programs.

In addition to the staff resources, a general rule for a county is to plan on spending roughly $2 per household for the development of public outreach materials. Table 6-3 summarizes the projected costs of establishing a fully functional Dutchess County recycling office. As shown, this system would be expected to cost less than $6 per household annually.

Table 4-1 Dutchess County Recycling Office Annual Operating Cost Estimate

Expense	
Salaries (5 staff)	$275,000
Benefits (30%)	$82,500
Office Expenses	$15,000
Travel/Transportation	$20,000
Professional Services	$50,000
Supplies/Materials	$224,000
Total	**$666,500**
Households	***112,000***
Annual Cost/household	***$5.95***

Options for funding a recycling office will be discussed in a later section of this report. However, other counties and municipalities typically fund this capability through a combination of residential user fees (a flat charge per household to cover the cost of recycling office staff and resources assigned to residential and school-related recycling initiatives), and potentially generation-based user fees and/or recycling administrative fees charges to businesses.

4.4. RECOMMENDATIONS

For any education program to be successful, the public must first be aware of waste management issues, the reasons for managing waste in a different way and how to accomplish the goals of the program. This can be done through a number of methods from low-cost news releases and public service announcements to spending funds to hire a public relations

firm. Once public awareness has increased, more detailed information must be available. As Dutchess County has a mandatory recycling law, the information must include the requirements of the law.

Once individuals have decided that they want to – or must – participate, it is essential to provide well publicized sources of information to overcome difficulties in complying with the requirements. Ongoing public education is needed to maintain the program and encourage more people to participate, as well as to assist those who already participate to embrace higher levels of waste reduction.

One way to maintain high participation is to recognize those individuals and groups who excel. For businesses, educational institutions, not-for-profit organizations, local and state governments (except DEC) and individuals, New York State provides Environmental Excellence Awards.[2] In addition, local recognition for those excelling in waste reduction and recycling will encourage participation.

It is the opinion of MSW Consultants that Dutchess County should, as time and resources permit, fully fund and staff a County Recycling Office under the Solid Waste Commissioner's office. This office would be responsible for public education in support of the County's integrated waste management and recycling goals (as well as other management, administration and enforcement of recycling and waste management programs).

Assuming this office is staffed incrementally, with the Recycling Coordinator as the first employee, the County should initially focus on reaching out to stakeholders (both citizens and businesses) and undertaking a process to develop its recycling goals. Early responsibilities should also include improving the availability of recycling reports from municipalities and businesses in the County. The coordinated public education program that follows should target each sector individually: residents, businesses, institutions, not-for-profit organizations and local government.

[2] http://www.dec.ny.gov/public/945.html

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5. COLLECTION SYSTEM ALTERNATIVES

5.1. INTRODUCTION

Efficient collection of waste and recyclables is a pre-requisite of successful integrated waste management systems in municipalities across the nation. Yet, the LSWMP contains virtually no useful guidance on the real opportunities available to Dutchess County by more actively managing the collection function.

Simply stated, the most significant opportunities to reduce overall waste management costs to waste generators (i.e., residential households and commercial businesses) and increase recycling can be achieved through new strategies and regulations associated with collection. While Dutchess County has a mandatory recycling law, the residential collection is left up to an open market system in much of the County. Exclusive collection, with either municipal crews or through competitively-bid contracts, is used in only the Cities of Poughkeepsie and Beacon, and the Villages of Millerton, Millbrook, Pawling, Rhinebeck, Red Hook, Tivoli and Wappinger Falls. Reportedly, this covers approximately 21% of the population. This means that nearly 80% of the residents contract individually with haulers or use drop-off facilities.

If residential curbside collection of solid waste and recyclables was made mandatory, recycling should increase, as it would be more convenient to dispose of solid waste properly and to recycle. This could be accomplished through one of several options:

- Continue the Status Quo
- Implement Mandatory Curbside Collection Law
- Mandatory Curbside Recycling
- Exclusive Collection
- Multi-municipality Solutions

5.2. CONTINUE THE STATUS QUO

There are currently a number of different methods of collection in Dutchess County, rather than any type of uniform collection. As stated, some municipalities provide public or contracted collection. However, the majority of the County must subscribe for collection with a private hauler. Further complicating matters, problems with the County's hauler licensing system and also because of the disposal market dynamics, one hauler controls a significant share of the market for residential collection.

Table 5-1 addresses some of the advantages and disadvantages of the status quo for collection. It should be noted that, even if the status quo is retained, it is assumed and recommended that the hauler licensing system be overhauled to streamline and improve the licensing process.

Table 5-1 Advantages and Disadvantages of Status Quo Collection

Advantages	Disadvantages
Ease of implementation – no changes to the current system.	Would be difficult to institute any quantity based user fees, such as Pay-As-You-Throw (PAYT)
Dutchess County would not need to expend resources on collection.	Subscription collection systems are the most costly, create the most truck traffic and resultant air emissions and pavement wear and tear.
Waste generators would retain the freedom to select the hauler they prefer, or else to use drop-off centers.	Opportunities to increase recycling are more limited under the status quo system where third parties manage and provide collection.
Existing haulers could continue providing services to their existing customer base – i.e., the only hauler displacement would be through competitive forces.	Prevents the County from capitalizing on one of the most powerful tools in waste management – managing the customer expectations through direct service provision and direct billing.

Table 5-1 addresses some of the advantages and disadvantages of the status quo for collection. It should be noted that, even if the status quo is retained, it is assumed and recommended that the hauler licensing system be overhauled to streamline and improve the licensing process.

5.3. MANDATORY RESIDENTIAL CURBSIDE COLLECTION

While Dutchess County has a mandatory recycling law, the residential collection is left up to an open market system in much of the County. Public collection, with either municipal crews or through competitively-bid contracts, is used in only the Cities of Poughkeepsie and Beacon, and the Villages of Millerton, Millbrook, Pawling, Rhinebeck, Red Hook, Tivoli and Wappingers Falls.

Mandatory curbside collection is the first step to increasing waste management service levels and proactively managing the waste stream. First and foremost, provision of mandatory curbside collection makes it more convenient for generators to dispose of solid waste properly. If curbside recycling is also mandatory, then recycling rates necessarily will increase.

Dutchess County has several options for making curbside collection mandatory. The easiest would be to pass a law requiring mandatory collection, but leaving it to the private sector and the municipalities to offer the services. Even under an open market system, mandatory collection along with vigorous enforcement of hauler reporting requirements would provide much improved accountability and measurement of disposal and recycling. Other options which further increase service levels and improve recycling include municipalizing collection or contracting for collection through a competitive bid process.

Table 5-2 summarizes the advantages and disadvantages of mandatory collection.

Table 5-2 Advantages and Disadvantages of Mandatory Curbside Collection

Advantages	Disadvantages
Higher service levels provided to all waste generators.	Would increase waste management costs for waste generators that do not currently opt to subscribe to curbside collection of wastes.
County could improve and standardize collection practices for the benefit of recycling programs and to improve competition.	Could require cooperation from many stakeholders in the County, and would likely take some time to implement.
Could be tied to more accurate tracking of waste and recycling quantities.	Residents may protest another mandatory law. With appropriate public education, this can be mitigated.
Should result in more accountability of hauler practices.	Would increase truck traffic, air emissions, and pavement wear if the subscription system is retained.
Haulers would likely support as it would increase the customer base requiring collection services.	
Recycling advocates would likely support as this is a step towards more aggressive recycling programs.	

Ultimately, if Dutchess County makes curbside collection mandatory, it should decrease the level of operations at town convenience centers within the County. In conjunction with the issue of mandatory collection, the County should also consider whether exclusive collection can be implemented.

5.4. EXCLUSIVE RESIDENTIAL COLLECTION

Looking at high-functioning waste management and recycling programs in New York and nationally, establishment of exclusive collection systems -- that is, systems where a single hauler services 100 percent of the waste generators – is a common denominator.

Exclusive collection can be provided either by the public sector, or under contract with a private hauler, and this is one decision point. However, whether the provider is public or private, exclusive collection programs bestow many benefits to waste generators and rate payers, as show in Table 5-3.

Table 5-3 Advantages and Disadvantages of Exclusive Residential Waste Collection

Advantages	Disadvantages
Most efficient routing, which in turn leads to lowest costs, lowest air emissions, and lowest pavement wear.	Residents will protest having their choice of hauler taken away (although this can be mitigated somewhat with appropriate public education).
Highest hauler accountability	Would increase waste management costs for waste generators that do not currently opt to subscribe to curbside collection of wastes.
Highest degree of service standardization, which in turn leads to more effective public education and recycling program compliance	County will need to retain staff and/or professional expertise to establish and manage an exclusive collection system.
Enables the County (or other public sector manager) to set full cost service rates that are directly tied to the collection, recycling and disposal services being offered.	Only the most competitive hauler will retain collection business in the exclusively served area. Other haulers will be displaced.
Inserts the County as collection system manager/regulator, and allows County to control the disposal and recyclables processing location (either because they are collecting with public crews, or because they contractually obligate the hauler where to deliver).	If the exclusive collection system and resulting contracts are not implemented effectively, it could give an advantage to large haulers over small haulers and/or haulers with transfer stations over haulers with no disposal facility access.
Most accurate tracking of waste and recycling quantities	

It should be mentioned that New York State has previously researched the benefits of exclusive collection. In a 2004 audit and report issued by the State Comptroller's office,[1] it was found that all six municipalities in the Glen Falls area saved an average of $140 per household per year simply by contracting for exclusive collection.

5.5. PAY-AS-YOU-THROW COLLECTION SYSTEMS

The LSWMP correctly identifies Pay-As-You-Throw (PAYT) as a strategy to change the behavior of waste generators and increase recycling by providing a financial incentive to recycle. Figure 5-1 shows how residents might be offered different rates depending on the size of the refuse cart they required, with larger carts costing more compared to smaller carts. Residents therefore have an incentive to recycle, compost, and otherwise reduce wastes in order to secure a lower monthly refuse fee.

[1] "Residential Refuse Collection in Selected Glen Falls Area Local Governments," 205-MR-6, Office of the New York State Comptroller, January 2003 to December 2004.

Figure 5-1 Volume-Based Collection Carts (Pay-As-You-Throw)

It should be noted that the County will have a significantly better ability to influence and structure a functional, effective PAYT system if the County is organizing and managing the collection system directly, rather than leaving this up to the private sector.

However, implementing PAYT requires there to be a direct billing mechanism so that waste generators understand the cost implications of their decision to recycle or not recycle. Nationally, some counties have successfully implemented PAYT systems via a "user fee" mechanism on the annual property tax bill; this mechanism is available for use by Dutchess County. It is equally important to note that such a "user fee," if implemented, would be charging residential households the direct cost of collection and disposal based on the level of collection service they choose. Such a user fee is significantly different from the generation-based user fee that has been previously analyzed and rejected by the County.

The County could encourage municipalities to institute PAYT collection systems, and assist in a county-wide procurement for those areas without municipal collection. This could be through one County-wide collection agreement or through separate agreements for a number of districts. It will also be important to coordinate with municipalities that currently provide curbside collection, and these may be the first locations for implementation of PAYT.

Table 5-4 summarizes the advantages and disadvantages of PAYT.

Table 5-4 Advantages and Disadvantages of PAYT

Advantages	Disadvantages
Proven best practice for maximizing recycling because residents have a direct mechanism influencing their waste generation and recycling behavior.	Requires a direct billing mechanism – either a utility bill or a special assessment on the property tax bill – to create closed loop between service and cost (PAYT pricing could be required as a condition of licensure, placing this burden on private haulers).
Highly appealing to pro-recycling movement.	There will be transition costs associated with cart acquisition and shifting towards appropriate collection vehicles to service the PAYT system.
Establishes platform and expectations for future new collection services that will further reduce waste disposal – such as green waste or organics, scrap metal, etc.	

It should be noted that there are a range of similar systems to PAYT, the most well known of which is the RecycleBank recycling incentive program. It was beyond the scope of this project to itemize the nuances of different programs.

5.6. REGIONALIZATION

Another rule of thumb to reduce collection costs is to spread fixed costs (fleet yard, management and administration) over as many customers as possible. With the prevalence of relatively small municipalities in Dutchess County, there is almost certainly the potential to reduce unit collection costs to the extent two or more contiguous municipalities were to combine their collection systems by standardizing collection service levels and optimizing collection routing absent a consideration for interior municipal boundaries.

While there are many factors that would impact the level of cost savings that might be achievable, Table 5-5 shows the unit contract costs per household for a range of communities in Brevard County, FL. These communities receive substantially the same level of service. This table is intended to reflect the impact on unit cost of increasing the size of the service area.

Table 5-5 Example of Impact on Unit Collection Costs of Size of Service Area

Community	Population	Refuse Service	Recycling Service	Yard Waste	Bulk Waste	Monthly Collection Cost ($/Household)
Brevard Co. Unincorporated	476,230	2x/wk manual	1x/week curbsort	1x/week manual	Included	$9.12
Palm Bay	79,413	2x/wk manual	1x/week single stream	1x/week manual	Included	$11.01
Melbourne	71,382	2x/wk manual	1x/week single stream	1x/week manual	Extra	$8.10
Rockledge	20,170	2x/wk manual	1x/week curbsort	1x/week manual	Extra	$12.00
Cocoa Beach	12,482	2x/wk manual	1x/week curbsort	1x/week manual	Extra	$10.93
West Melbourne	9,824	2x/wk manual	1x/week single stream	1x/week manual	Extra	$13.05
Palm Shores	794	2x/wk manual	1x/week curbsort	1x/week manual	Included	$13.03

Although the data above do not show a perfect correlation between the population of the municipality and the unit price, it supports the general pattern of higher pricing (costs) for smaller geographic areas. All told, the larger municipalities receive similar collection for about a 30 percent lower cost per unit compared to the smaller municipalities. It is likely a similar dynamic would play out in Dutchess County (although the mix of rural and suburban regions will also factor into the impact of regionalization, as rural areas are more costly to service).

5.7. OPPORTUNITIES AND RECOMMENDATIONS

Dutchess County will need to undertake significant preparation before selecting the best collection system strategy. However, the following bullets prioritize the recommended steps to be followed.

- **Step 1: Mandatory Curbside Refuse Collection**: Similar to the mandatory recycling law, this law would require all residents and businesses to have curbside (residential) or on-site (commercial) collection services. Such a system may enable the closure of municipal drop-off centers, as residents would no longer have a need to drop off household trash. Local haulers would likely gain business under this arrangement and could be expected to support such a law, although residents may oppose because of the potential to increase the costs for those who currently use drop-off facilities.

- **Step 2: Mandatory Curbside Recycling**: Dutchess County should also consider making curbside recycling collection mandatory as well, which would further drive up recycling rates. However, if the County pursues this strategy, the resulting law would need to specify certain program requirements such as bundled pricing (i.e., one price for both refuse and recyclables) so that the system operated effectively and customers could compare service levels. Such a law would increase prices that are being paid for residents that currently opt to use drop-off recycling centers and who might argue that they do not need curbside recycling.
- **Step 3: Exclusive Collection**: Exclusive collection is the gold standard for operating efficiency and recycling optimization across the U.S. While it will take time and input from many stakeholders to determine the best way to organize, implement and establish appropriate funding and contracting, over the long term it is recommended that Dutchess County evaluate how exclusive collection might be implemented. In making this recommendation, it must be acknowledged that the political barriers to this solution may be daunting. Local haulers with long-time roots in the County will fear being displaced by larger companies, and past experience suggests that there will be vocal opposition to any attempt to grant exclusive service.
- **Step 3A: Multi-municipality Solutions**: With the prevalence of relatively small incorporated municipalities in Dutchess County, there is almost certainly the potential to reduce unit collection costs to the extent two or more contiguous municipalities were to combine their collection systems by standardizing collection service levels and optimizing collection routing absent a consideration for interior municipal boundaries. If Dutchess County pursues exclusive collection, it is recommended that multi-municipality service territories be considered.

As a final consideration, it should be noted that direct management of collection by a municipality (or County) provides a direct service level to which a full cost fee can be attached. The waste-generation-based "user fees" that were evaluated as a funding mechanism for the RRA would not have been based on a level of directly-provided service, and not surprisingly these user fees were rejected by the County. However, if user fees were established to cover the cost of "once per week PAYT refuse collection, along with weekly recycling and seasonal weekly green waste collection," then the residents being assessed the user fee would know exactly what service they were paying for.

6. RECYCLING SYSTEM ALTERNATIVES

6.1. CURRENT SYSTEM SUMMARY

It is particularly difficult to find and understand defensible data about Dutchess County's current waste generation and recycling rate in the LSWMP. To better assess the current situation, MSW Consultants requested 2008 and 2009 recycling reports from the RRA and used this data to estimate the County's current recycling rate. This is shown in Table 6-1

Table 6-1 Waste Generation and MSW Recycling Rate Implied by DCRRA Recycling Report

Reported Recovered Material, DCRRA Report	Total Tons Reported	Tons from MSW Waste Stream [1]
Commingled & Fiber	30,522	30,522
Scrap Metal & Appliances	23,230	4,404
Concrete, Tires, C&D Debris	92,669	0
Composted Wood, Vegetative and Food Wastes	29,000	29,000
Composted Manure and Subsoil	27,204	0
HHW (includes sludge, electronics)	4,804	718
Other	2,494	1,997
Total Reported Recyclables	**209,923**	**66,640**
Reported Disposal (NY DEC 2008)	224,870	224,870
Implied Total Generation	434,793	291,510
Implied Dutchess County Recycling Rate	**48.3%**	**22.9%**

(1) Excluding agricultural, construction/demolition debris, industrial wastes, sludges, and animal renderings

As shown above, this exercise suggests the following.

- **Waste Generation**: Dutchess County's approximate waste generation is shown to be as high as 291,000 tons, although this is probably an overestimate that includes some out-of-County wastes;
- **Actual MSW Recycling Rate**: The County's recycling rate for municipal solid wastes (i.e., excluding industrial, C&D and agricultural wastes) is estimated to be closer to 23 percent, rather than the 5 percent recycled within the RRA's system alone, and less than the 45 percent that is mentioned on several occasions.

While improvements to reporting are clearly needed, in the opinion of MSW Consultants these figures are reasonable for the purposes of planning the County's system. It should also be noted that the 48.3 percent total recycling rate is an absolute maximum for two reasons. First, no attempt was made to estimate the total generation of non-MSW materials, so the denominator is artificially low. Second, it is likely that some of the reported tons were actually generated outside of Dutchess County and should not be credited to Dutchess County's recycling rate.

6. RECYCLING SYSTEM ALTERNATIVES

Nationally and in New York State, many municipalities have performed waste characterization studies to better understand the incidence of recyclable materials remaining in the disposed waste stream. Table 6-2 shows the EPA and DEC waste generation estimates. While there is some variation in the two estimates, and it is based on more general data, it is reasonable to assume that the percentages in Dutchess County will be within these ranges.

Table 6-2 Waste Generation Comparison

Material	U.S. EPA	NY DEC
Paper	28.2%	33%
Organics (Food & Yard)	27.8%	23%
Plastics	12.3%	14%
Metals	8.6%	7%
Textiles	8.3%	5%
Wood	6.5%	3%
Glass	4.8%	4%
Other	3.5%	11%
Total	**100%**	**100%**

While it is not practical to recycle everything that is potentially recyclable, successes in other counties and municipalities nationally make it clear that there is an opportunity to recycle at least 50% to 60% of the municipal solid waste generated in Dutchess County.

6.2. IMPLEMENTATION OF RRA'S LSWMP

Similar to the options for waste disposal, setting the course of action for recycling requires the County to make a decision about public ownership versus private ownership of recyclables processing infrastructure. The LSWMP advocates (a) development of a new, publicly-owned single stream recycling facility sized to handle all commingled containers and paper collected in Dutchess County, and (b) enactment of flow control to require all recyclables to be delivered to this facility.

This facility is projected to cost $13 million, which equates to annual debt service of approximately $1 million annually. Assuming processing costs of roughly $65 per ton, this facility will cost roughly $3.3 million annually to handle 35,000 tons of waste, as called for in the LSWMP.

This cost will be offset by the value of the recovered recyclables. Table 6-3 estimates the low, medium and high values for materials recovered from single stream recycling facilities.

Table 6-3 Market Value of Single Stream Recyclables

Recovered Material Value	Unit Value	Total Value
Low	$30/ton	1.1 million
Medium	$90/ton	3.2 million
High	$150/ton	5.3 million

While these values are estimates only, they reflect the volatility in recovered material prices. In good markets, MRFs stand to cover their debt service and processing costs with significant surplus. However, in down markets, MRFs may not cover their costs. Further, the size and sophistication of an organization's marketing capability influences the availability of steady, optimized pricing.

Because of these factors, MSW Consultants recommends that Dutchess County engage private processors to process County recyclables. Recyclables processing agreements typically require a vendor to accept all recyclables controlled by the municipality for a multiple-year time period. Recent experience with similar procurements in the Northeast region suggest that it is reasonable to expect that recyclables would be delivered with a zero floor price, and more likely there would be a net revenue returned to the County based on the value of the delivered recyclables. Further, a well-structured processing agreement will include a revenue share that increases the rebate paid to the municipality delivering the recyclables.

In the LSWMP plan, Dutchess County would benefit if markets stay high, but would stand to incur additional costs if markets dive (as they did during 2008-09). This assumes that a public MRF with relatively low recovery volumes would be able to secure the best pricing for its recovered material. In short, the publicly owned MRF incurs far greater volatility risk compared to procuring processing capacity from private processors.

6.3. GENERAL RECYCLING OPPORTUNITIES

There is no "magic bullet" to reduce the waste generated and to recycle the majority of the rest. It takes a many-pronged approach with a great deal of cooperation among the public sector, the private sector, individuals and various institutions.

Other governments have seen a significant increase in recycling rates through the aggressive promotion and enforcement of residential, commercial, industrial and institutional recycling, including food waste. The County, along with the municipalities in the Planning Unit, must be willing to make some choices that may be difficult.

An example of very aggressive recycling is the City and County of San Francisco program which, as of August 27, 2010, has reached 77% landfill diversion, beating their goal of 75% by 2010, and claiming the highest recycling rate of any city in the US. At Mayor Gavin Newsom's news conference, it was stated that San Francisco has now set a goal of zero waste by 2020, which would mean a 90% recycling and composting rate; although it will require "work on the state and federal level to require that packaging and products are manufactured with minimal waste and maximum recyclability".[1]

[1] Press release: http://www.sfenvironment.org/our_sfenvironment/news.html?topic=details&ni=644

6. RECYCLING SYSTEM ALTERNATIVES

While San Francisco's recycling rate is a good one to emulate, it is important to know what steps they have taken to reach this level.[2] In 1996, when the recycling rate was estimated to be 29%, the "Sustainability Plan for San Francisco" was adopted.

For the residential sector, San Francisco provides weekly, Pay-As-You-Throw (PAYT) curbside collection of refuse, single stream recyclables, and organics (yard wastes, food wastes, and compostable papers). This collection service makes separation of recycling and organics simple for residents. San Francisco has also passed a number of Environmental Ordinances, including:

- Mandatory Recycling and Composting Ordinance, requiring separation of all recyclables and compostables and providing enforcement.
- Construction and Demolition (C&D) ordinances requiring recovery of C&D material and requiring a minimum of 65% division from landfill of C&D Debris from full demolition of a building.
- 2008 Green Building Ordinance, establishing LEED™ Silver level as the standard for all City building projects.
- Plastic Bag Reduction Ordinance, requiring mandatory use of recyclable and compostable bags at all retail stores.
- Food Service Waste Reduction Ordinance, banning the use of polystyrene from food service packaging.
- Environmental Purchasing Policies.
- Green Business program.

On December 2, 2010, San Francisco approved a bio-diesel production plant planned to produce 10 million gallons of biofuel annually from leftover cooking oil.

As can be seen from this brief description, there must be political will to establish programs and regulations in order to approach San Francisco's level of recycling. In addition, San Francisco has a strong education and community involvement program, as without community understanding and support these programs would not be successful.

Below are some of the options that can work together to bring Dutchess County toward reaching State and local goals.

6.3.1 INCREASE EDUCATION ON RECYCLING AND WASTE REDUCTION

Currently a Recycling Coordinator is employed by the DCRRA. This individual apparently does not have the time or the funds to provide a full-scale public education program for residents, businesses, schools and other institutions in the County.

It is well known that without adequate public education, waste reduction and recycling programs will achieve only minimal success. Important public education initiatives, as well as a suggested Recycling Office staffing plan, are provided in the Public Education section of this report. Details on public outreach are not repeated here, but Table 6-4 summarizes the advantages and disadvantages of public outreach for improving recycling.

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[2] http://sfgov.org/site/frame.asp?u=http://www.sfenvironment.org

Table 6-4 Advantages and Disadvantages of Increasing Public Education

Advantages	Disadvantages
Many residents, business owners and business managers will do the right thing if they know what to do and how to do it.	There will be a cost to increase public education through appropriate staffing.
Reduction and recycling will increase significantly	It is not always possible to directly measure the effectiveness of public outreach initiatives.
Programs in the schools will educate future generations to manage their waste responsibly, which will save money in the long term.	
Investing in education will assist in meeting the solid waste planning requirements of the DEC.	

6.3.2 COORDINATION WITH MUNICIPALITIES ON PUBLIC EDUCATION

Coordination with municipalities to understand and publicize municipal recycling programs would be beneficial to the citizens and would help to increase waste reduction and recycling across the entire county. By providing one message, it would lessen confusion that is often caused by different messages coming from different public entities. This could also foster opportunities for regionalization of recycling services (as well as collection).

Table 6-5 Advantages and Disadvantages of Coordinated Public Education

Advantages	Disadvantages
By providing a clear, unified message, waste reduction and recycling can be optimized.	There will be a need for a liaison to coordinate among all of the public officials and staff in order for this to succeed.
This will lessen confusion that is caused by different messages being broadcast by different public entities.	
This cooperative effort could lead to regionalization of recycling and collection services.	
Economies of scale could reduce cost.	

6.3.3 AGGRESSIVE ENFORCEMENT OF MANDATORY RECYCLING AND REPORTING LAWS

Local Law No. 4 of 1990 requires every person in the county to separate recyclables, designated by the Solid Waste Commissioner, to be collected and recycled. The law further says in Section 7 (f), "All solid waste management/resource recovery facilities, whether municipal or private, shall provide adequate facilities for the acceptance of recyclable materials and further, no such facility or collector shall accept solid waste unless the materials designated by the Commissioner as recyclable materials are separated therefrom."

Once the position of Solid Waste Commissioner is filled, the materials to be separated for recycled should be designated, and the County should aggressively enforce the recycling laws. The reporting laws that are already in place should also be enforced, and, if necessary, additional reporting requirements should be added for licensed haulers, solid waste and recycling facilities, and large businesses to track generation and diversion data needed by planners. Without knowing the County's actual generation and recycling rates, it will be impossible to set realistic goals or to measure actual progress.

The County could also investigate potential partnerships with other established inspection programs, such as the County Health Department, who already inspect major waste generators. Rather than duplicating efforts, inspectors could work together and cooperate by sharing their findings.

Table 6-6 Advantages and Disadvantages of Increased Enforcement

Advantages	Disadvantages
Local Law No. 4 of 1990 will be followed. If it were followed as written, all designated items would be recycled, giving Dutchess County a much higher recycling rate.	There may be pressure on legislators and administrators to not enforce these laws.
The County will determine actual generation and recycling rates, and will be able to set realistic goals and to measure actual progress.	This will require a commitment to dedicate staff to education and enforcement, which requires allocation of funding.
Some residents and business owners/managers will do the right thing only if faced with penalties for not following the law.	
If education is provided first, many citizens who are following the laws will support enforcement of those who do not follow the laws.	

6.3.4 DEVELOPMENT OF A COMPREHENSIVE WEBSITE

An important element of increased public education is the development of a comprehensive website to inform residents, businesses, and schools about recycling and diversion programs and facilities available for their use. The website needs to be easy to navigate and it must be easy for the user to find needed information (user-friendly). Once the website is developed, it must be maintained and the information kept up to date. This website should include a location map of all recycling facilities, as well as the hours of operation and listings of what can be recycled at each facility.

Table 6-7 Advantages and Disadvantages of Improved Website

Advantages	Disadvantages
Citizens will be able to access relevant information 24/7. If they can easily find information on the right thing to do, they are much more likely to manage their waste responsibly.	There is a cost to developing and maintaining a comprehensive, useful website.
Up to date information on collection events and new recycling opportunities can be added to the website relatively quickly	Not everyone has access to the Internet, and it will be necessary to keep that in mind when developing the overall public education program.
Information for schools can be on a separate web page and can be updated as needed, providing a valuable resource to teachers and students.	

6.3.5 Regionalization of Recycling Services

While it is important to insure that everyone is fully engaged in recycling programs, without a strong recycling market the program cannot succeed. Dutchess County is fortunate to have a number of markets nearby that are used by the private recyclers. By regionalizing recycling services, full advantage can be taken of these markets, which translates to more revenue to run the recycling programs. Economies of scale will also help to develop new markets for items not yet being collected for recycling. This means communicating regularly with neighboring planning units as well as with jurisdictions within Dutchess County.

Table 6-8 Advantages and Disadvantages of Regionalized Recycling Services

Advantages	Disadvantages
Economies of scale could reduce cost.	Regionalization can be difficult politically
Higher volume of recyclables would mean better markets and could mean more revenue.	
Would reduce need for expansion or construction of duplicate facilities in the region.	

6.3.6 Coordination on Procurement Terms and Strategies for Recycling Services

Identification of procurement terms and strategies for use by municipalities, businesses and schools seeking recycling collection or recovery services can be beneficial when going out to bid for these services. There is a benefit to standardizing procurement terms and strategies, even if the services are not fully regionalized. This can also lay the groundwork for possible regionalization in the future. Neighboring planning units should also be brought into this discussion.

Table 6-9 Advantages and Disadvantages of Coordinated Recycling Services Procurement

Advantages	Disadvantages
If procurement is done cooperatively, economies of scale will mean better prices, and more choices.	While regional procurement has many benefits, it can be difficult politically
Even if the different entities do their own, individual procurement, identical terms and strategies can still give some of the benefits of economies of scale.	
This should level the playing field for recycling collection and processing.	

6.3.7 COORDINATED MARKET DEVELOPMENT

Targeted market development, in coordination with municipalities and with private sector organizations engaged in recycling, can lead to new markets for recyclables that currently are difficult or impossible to market. In addition, this can lead to improved markets for recyclables beyond what is accomplished by economies of scale alone. Again, neighboring planning units should also be brought into this discussion.

Table 6-10 Advantages and Disadvantages of Coordinated Market Development

Advantages	Disadvantages
By coordinating market development, more items will become recyclable due to the larger quantities available.	There needs to be political cooperation, as well as public/private partnerships for this to be successful.
Cooperation and economies of scale should mean more recycling revenue for the public sector.	
Through public/private partnerships, the private sector can be assured of an appropriate sized recycling stream.	

6.3.8 STAKEHOLDER MEETINGS

It is important to establish and encourage participation in recycling stakeholder meetings made up of citizens, businesses, and solid waste/recycling industry representatives. Local Law 4-1990, as amended, established a Recyclables Oversight Committee to be appointed by the Legislature and the County Executive "for the purpose of advising the Commissioner of Solid Waste Management regarding adding or removing materials from the definition of recyclable materials; establishing procedures and operating standards for municipal recyclable material collection points; monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law; and such other matters as the commissioner or committee may suggest."[3]

[3] Local Law No. 4 of 1990 as amended by Local Law No. 9 of 1990 and Local Law No. 2 of 1991

The first step is to establish an active Recyclables Oversight Committee, as currently required by law. Then, it would be beneficial to establish stakeholder meetings for specific areas of the recycling program, such as Public Education, with the relevant stakeholders who are interested in that aspect.

In addition, regular public forums and workshops can be held to educate the public on new and planned initiatives. Local media should be enlisted to assist with this by reporting on these new initiatives and the forums and workshops, and by providing Public Service Announcements.

Table 6-11 Advantages and Disadvantages of Stakeholder Meetings

Advantages	Disadvantages
Establishing an active Recyclables Oversight Committee would mean the County was following the requirements of local laws.	It usually takes longer for a committee to come to agreement and make a decision. This usually leads to better decisions, but can occasionally slow down a process.
The advice of stakeholders is very valuable in making decisions that benefit the entire community.	
Stakeholder meetings will be one way to gauge, from their feedback, whether or not the Public Education program is on target and accomplishing the desired goals.	

6.3.9 RECOMMENDATIONS – GENERAL RECYCLING

- Establish a proactive recycling management organization staffed by four to five professional staff;
- Begin with aggressive education on recycling and reducing waste, while also educating citizens on Local Law No. 4 of 1990, as amended, and give notice that enforcement and penalties will follow;
- Coordinate with municipalities to understand and publicize municipal recycling programs;
- After one to two years, begin aggressively enforcing Local Law No. 4 of 1990, as amended. Begin with one warning to a violator. Penalties should begin with the second violation;
- Develop an informative and user-friendly website on recycling and reduction of waste, as well as other aspects of integrated solid waste management;
- Consider regionalization of recycling services;
- Identify and coordinate procurement terms and strategies for use by municipalities, businesses and schools seeking recycling collection or recovery services;
- Target market development, in coordination with municipalities and with private sector organizations engaged in recycling; and

- Establish and encourage participation in recycling stakeholder meetings made up of citizens, businesses, and solid waste/recycling industry representatives, beginning with appointment of members to the Recyclables Oversight Committee, as mandated in Local Law 4-1990, as amended.

The LSWMP listed some additional recycling initiatives that are worth considering in the future, as part of the Office of Recycling responsibilities.

- Developing a new service for shredding of confidential records
- Adding new recyclables through special programs such as the recovery of hard cover books
- Exploring partnerships with private sector groups such as the chambers of commerce for both regular recycling and special programs such as E-Waste collections

6.4. RESIDENTIAL RECYCLING OPTIONS

6.4.1 ESTABLISH EXCLUSIVE, MANDATORY RESIDENTIAL CURBSIDE RECYCLING COLLECTION

In Dutchess County, there are significant opportunities to improve residential recycling programs. These strategies are tied to the County's future direction on managing collection systems. However, assuming the County supports regulated collection – which will reduce environmental impacts, reduce collection costs, and increase collection efficiency – then the following are options for residential recycling. While some of these options could be pursued without the County (or the municipalities) taking a more active role in collection, prospects for success increase if the County is managing collection through exclusive contracts.

Table 6-12 Advantages and Disadvantages of Exclusive, Mandatory Residential Recycling Collection

Advantages	Disadvantages
Most efficient routing, which in turn leads to lowest costs, lowest air emissions, and lowest pavement wear.	Residents will protest having their choice of hauler taken away (although this can be mitigated somewhat with appropriate public education).
Highest hauler accountability	Would increase recycling costs for households that do not currently opt to subscribe to curbside collection of recyclables.
Highest degree of service standardization, which in turn leads to more effective public education and recycling program compliance	County will need to retain staff and/or professional expertise to establish and manage an exclusive collection system.
Enables the County (or other public sector manager) to set full cost service rates that are directly tied to the collection, recycling and disposal services being offered.	Assuming curbside recycling collection is implemented in conjunction with refuse collection, only the most competitive hauler will retain collection business in the exclusively served area. Other haulers will be displaced.
Inserts the County as collection system manager/regulator, and allows County to control the recyclables processing location (either because they are collecting with public crews, or because they contractually obligate the hauler where to deliver).	
Most accurate tracking of recycling quantities	

6.4.2 MOVE TO SINGLE STREAM RECYCLING

While it is important to use best practices and provide serious public education, single stream recycling can increase recycling rates significantly. There are several reasons single stream recycling increases recycling rates:

- It simplifies recycling for residential households because separation of paper and containers is no longer required. This will increase participation rates and therefore material quantities.
- Single stream programs are typically accompanied by the distribution of larger carts – from 64 to even 96 gallons, compared to 18 or 20 gallon bins that are used in dual stream systems – so households seldom exceed recycling capacity. This means all recyclables are captured in the recycling program.
- With additional capacity to recycle, it is possible to expand the list of targeted recyclables beyond traditional limits in dual stream systems.

It is, however, important to ensure that the recyclables are free of contamination so that material is not being landfilled or incinerated by the end markets due to unusable items being mixed with the specific commodity. An example is broken glass being mixed in with old newspapers.

Table 6-13 summarizes the advantages and disadvantages.

Table 6-13 Advantages and Disadvantages of Single Stream Recycling

Advantages	Disadvantages
Single stream recycling has been shown to increase recycling rates.	Requires serious public education to prevent non-recyclables from being put in the recycling cart or bin.
This method is easier for residents than separating recyclable items by commodity, and therefore more residents will recycle.	Unless best practices are used in the collection and processing, contaminated material will be sent to the end user, resulting in lower revenue and a higher percentage of collected recyclables being landfilled or incinerated.
Single stream systems can be transitioned to be collected by automated collection trucks and standardized carts, which increases collection efficiency.	Requires higher cost processing because additional separation is needed compared to dual stream programs.
Single stream program are well suited to be implemented with pay-as-you-throw (PAYT) pricing, which further increases recycling rates.	

6.4.3 RECYCLING INCENTIVES, SUCH AS RECYCLE BANK

Recycling incentive programs provide rewards to individual waste generators for recycling. The most well known incentive program provider is Recycle Bank. The Recycle Bank program distributes carts or bins with embedded radio frequency identification (RFID) tags to residential households. Collection trucks have an onboard mounted load cell (scale) that can weigh individual carts. The RFID tag is recorded, so each household that recycles is credited with the weight of their recycled material. Recycle Bank offers reward coupons from its business partners – which span from national retailers to local shop owners – to recyclers through the Recycle Bank website. In short, the more a household recycles, the more rewards it can earn.

However, the RFID-embedded containers, the onboard weighing and recording equipment, and the back-office data management functions make this a costly system to implement.

Another incentive program that has been used by some local governments is to randomly inspect recycling containers and give a prize of some type to the "recycler of the week".

Table 6-14 Advantages and Disadvantages of Recycling Incentive Programs

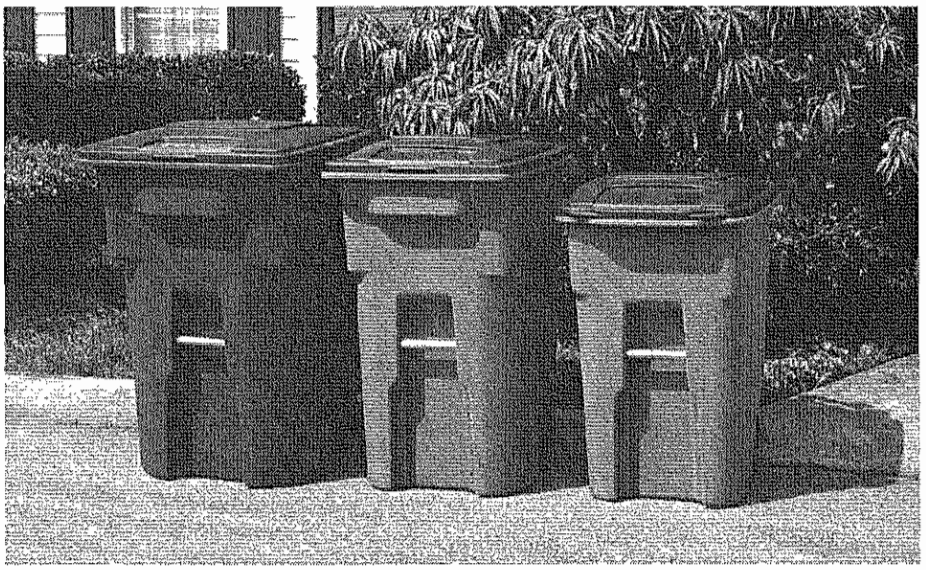
Advantages	Disadvantages
In communities where recycling participation is low or non-existent, incentive programs have been shown to increase recycling rates.	There is usually a higher cost to local government for providing the Recycle Bank program compared to PAYT programs.
The high cost of the program may be offset in regions with very high disposal costs.	Residents may put trash in the recycling cart or bin to appear to be recycling more, requiring inspection and enforcement.
	It is unclear how much of the increase is due to the incentive program, and how much is due to switching to a single stream system.
	Giving prizes to the "recycler of the week", through random inspections, has not been shown to significantly increase recycling.

Although not as formal, other forms of recognition and awards can also be employed to encourage recycling. In coordination with municipalities, home owner associations and local newspapers and other media, "super recyclers" can be recognized. Public Service Announcements (PSAs) in local media and articles in homeowner association newsletters can be used to announce upcoming searches for the best recycler in each area; signs can be made to place in yards of those who win the title, certificates can be made in-house, and PSAs and articles can be used to announce the winners.

6.4.4 PAY-AS-YOU-THROW (PAYT)

The LSWMP correctly identifies Pay-As-You-Throw (PAYT) as a strategy to change the behavior of waste generators and increase recycling by providing a financial incentive to recycle. In a PAYT system, waste generators are charged more for disposing of higher quantities of waste, but are allowed to recycle (and/or set out green waste) for free. As described in the Collection chapter, the most successful PAYT program offers three or four different refuse container sizes – 96 gallon, 65 gallon, 48 gallon, and 32 gallon, for example – with varying rates. Figure 6-1 shows three cart sizes.

Figure 6-1 3-Cart PAYT System



It should be noted that the County will have a significantly better ability to influence and structure a functional, effective PAYT system if the County is organizing and managing the collection system directly, rather than leaving this up to the private sector.

However, implementing PAYT requires there to be a direct billing mechanism so that waste generators understand the cost implications of their decision to recycle or not recycle. Nationally, some counties have successfully implemented PAYT systems via a "user fee" mechanism on the annual property tax bill; this mechanism is available for use by Dutchess County. It is equally important to note that such a "user fee," if implemented, would be charging residential households the direct cost of collection and disposal based on the level of collection service they choose. Such a user fee is significantly different from the generation-based user fee that has been previously analyzed and rejected by the County.

The County could encourage municipalities to institute PAYT collection systems, and assist in a county-wide procurement for those areas without municipal collection. This could be through one County-wide collection agreement or through separate agreements for a number of districts. It will also be important to coordinate with municipalities that currently provide curbside collection, and these may be the first locations for implementation of PAYT.

Table 6-15 summarizes the advantages and disadvantages of PAYT.

Table 6-15 Advantages and Disadvantages of PAYT

Advantages	Disadvantages
Proven best practice for maximizing recycling because residents have a direct mechanism influencing their waste generation and recycling behavior.	Requires a direct billing mechanism – either a utility bill or a special assessment on the property tax bill – to create closed loop between service and cost (PAYT pricing could be required as a condition of licensure, placing this burden on private haulers).
Highly appealing to pro-recycling movement.	There will be transition costs associated with cart acquisition and shifting towards appropriate collection vehicles to service the PAYT system.
Establishes platform and expectations for future new collection services that will further reduce waste disposal – such as green waste or organics, scrap metal, etc.	

6.4.5 RECOMMENDATIONS – RESIDENTIAL RECYCLING

- Take steps to implement mandatory, exclusive curbside recycling collection services wherever subscription services currently exist;
- Move to single stream recycling, once infrastructure is in place, provided best practices are followed;
- Provide significant public education on single stream recycling to reduce contamination issues;
- Recognition of "super recyclers" through PSAs in local media and articles in homeowner association newsletters to announce upcoming searches for the best recycler in each area and to announce the winners (yard signs and certificates can be given to those who win); and
- Implement PAYT collection systems, whether by requiring such a rate structure as a condition of licensure, or else through a direct billing capability to be developed by the County in conjunction with managing contracts for collection.

6.5. COMMERCIAL/INSTITUTIONAL RECYCLING OPTIONS

According to the US EPA, the Commercial/Institutional sector in the United States, not including apartment houses, generates approximately 35 to 45 percent of total municipal solid waste.[4] It is, therefore, very important that investment be made in programs to increase commercial and institutional recycling. Below are some options to increase recycling in this sector.

[4] Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2009, http://www.epa.gov/epawaste/nonhaz/municipal/pubs/msw2009-fs.pdf

6.5.1 PROVIDE WASTE AUDITS TO BUSINESSES AND INSTITUTIONS

Many governments around the country provide waste audits to businesses and institutions, including schools. This entails a trained individual arranging visits with businesses and institutions to audit the waste generated. The next step is to help the business or institution to develop a plan to first reduce the waste they produce and then to recycle a maximum amount of the materials that cannot be reduced. The trained individuals can be County staff, but engineering or environmental students can be used in an un-paid (or paid) internship program to supplement staff.

Table 6-16 Advantages and Disadvantages of Providing Waste Audits

Advantages	Disadvantages
By assisting the commercial sector to learn what is in their waste stream and how to reduce and recycle the discards, recycling rates will increase significantly.	Requires dedicated funding and staff, although interns can be trained and used to supplement staff.
When presented as a service to businesses and institutions, this is usually seen as a benefit provided by the local government.	
If fully utilized, this program can significantly reduce the need for enforcement.	

6.5.2 TECHNICAL ASSISTANCE AND MONITORING

Provision of waste and recycling technical assistance and monitoring for Dutchess County businesses and institutions would be the next step after providing waste audits and initial planning assistance. Workshops geared to various sectors, such as small businesses, large businesses, public agencies, apartment managers, and schools, would provide assistance in a cost effective way. Then, those entities who need additional technical assistance could receive it on an individual basis. Monitoring is necessary as the waste reduction and recycling are gearing up, to keep them moving in the right direction and to measure the success of these efforts.

This technical assistance, including workshops, can facilitate the exchange of information and the use of waste from one business as a resource for another business in the County. As an example, the Waste to Profit Network was begun in Chicago and is now being replicated in other parts of Illinois. The purpose is to "turn costly waste streams into productive revenue streams while reducing the impact on the environment."[5] A number of success stories are on the web site. One is "cullet to countertops",[6] where broken glass (cullet) from tempered glass appliance doors was unable to be recycled in the regular glass recycling process, but it became a useful feedstock for a nearby company making high end recycled glass countertops.

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[5] http://www.imec.org/imec.nsf/All/Waste_to_Profit?OpenDocument

[6] http://www.imec.org/imec.nsf/All/Waste_to_Profit_Success_Cullet_to_Countertops?OpenDocument

Table 6-17 Advantages and Disadvantages of Technical Assistance and Monitoring

Advantages	Disadvantages
This will build on the waste audit program and assure that the reduction and recycling rates continue to increase.	This requires a commitment of staff and funding.
When presented as a service to businesses and institutions, this is usually seen as a benefit provided by the government.	
By providing workshops geared to various sectors, those participating will be encouraged to share their successful ideas with each other.	
Through this exchange of ideas, it is possible that one business may discover that a resource they could use is currently waste to another business. By exchanging resources, both businesses could save both money and new resources.	
If fully utilized, this program can significantly reduce the need for enforcement.	

6.5.3 RECYCLING RECOGNITION AND AWARDS

If waste audits and waste and recycling technical assistance and monitoring are implemented, a natural progression would be to provide recognition to those businesses and institutions that are excelling in waste reduction and recycling. This can be done in a variety of ways, including stickers to go in windows of businesses that reach a certain recycling and reduction goal, awards presented in front of the Legislature, and recognition in local newspapers.

Table 6-18 Advantages and Disadvantages of Recycling Recognition and Awards

Advantages	Disadvantages
Providing recognition for waste reduction and recycling encourages competition among businesses and institutions to be the best, and therefore increases the recycling rate.	This requires a commitment of staff and funding, including cost of the recognition (stickers, plaques, newspaper ads, etc.).
While there will always be a need for enforcement, recognition for superior achievement generally increases compliance more than enforcement alone.	

6.5.4 RECOMMENDATIONS – COMMERCIAL RECYCLING

- Provide waste audits to businesses and institutions, including schools to assist them to know what is in their waste stream and how to reduce and recycle the discarded materials;
- Provide waste and recycling technical assistance and monitoring for Dutchess County businesses and institutions, after providing waste audits and initial planning assistance, including workshops geared to various sectors; and
- Provide recognition to those businesses and institutions that are excelling in waste reduction and recycling, through such methods as stickers to go in windows of businesses that reach a certain recycling and reduction goal, awards presented in front of the Legislature, and recognition in local newspapers.

6.6. SCHOOL RECYCLING OPTIONS

6.6.1 RECYCLING COORDINATOR PRESENTATIONS

The Recycling Coordinator should make regular presentations on reducing, recycling and proper disposal of solid waste to classes and other school groups. By recruiting and training a group of volunteers, the Recycling Coordinator will be able to provide more school programs. College environmental groups would be an excellent source of volunteers.

Table 6-19 Advantages and Disadvantages of Providing Waste Audits

Advantages	Disadvantages
By providing information on reducing and recycling material currently discarded, this will assist schools in increasing their recycling rates and help the students learn to responsibly manage solid waste.	Requires dedicated funding and staff, although volunteers can be trained and used to supplement staff.
When presented as a service to schools, this is seen as a benefit provided by the government.	
The need for enforcement of school recycling should be greatly reduced.	

6.6.2 RECYCLING CURRICULUM

Dutchess County could develop a recycling curriculum for the County's K-12 school system, in cooperation with the schools. The material should be written in such a way that the units could be integrated into the regular curriculum, rather than as stand-alone units. New York State has available resources, such as: the K-12 curriculum, "Trash Goes to School"[7], produced in 1991 by the Cornell Waste Management Institute. While some of this information needs to be updated, it would be a good resource for developing a solid waste curriculum. More recent information can be found at "NYC: recycle more, waste less! Info

[7] http://cwmi.css.cornell.edu/TrashGoesToSchool/TrashIntro.html

for K-12 Schools" [8]. While specifically for New York City, this has general K-12 resources as well. In addition, the DEC provides education resources on the DEC website.[9]

The US EPA also has resources for teachers, including the following web sites: "The Quest for Less: Activities and Resources for Teaching K-8"[10], "Wastes - Educational Materials" (for teachers)[11], and "Wastes - Educational Materials" (home page/index)[12].

Table 6-20 Advantages and Disadvantages of Development of K-12 Curriculum

Advantages	Disadvantages
Teaching reduction and recycling of solid waste to K-12 students means that the parents are also educated in these areas.	This requires a commitment of staff and funding.
More importantly, these programs educate the next generation to handle their solid waste in a responsible and environmentally sustainable way.	It is important to provide resources that can be integrated into and will enhance the regular curriculum. If this is not done, some teachers will not have time to teach the added material.
Through this cooperation with the schools, it will be easier to assist the schools in developing their recycling programs.	

6.6.3 Recycling Contests and Awards

In addition to schools being recognized through the recognition program for businesses and institutions, there are a number of contests that can be held to engage the students. These include an annual art contest for middle school, high school and college students for art made primarily from recycled materials. Poster contests can be held for K-12 students in the County. In addition, an annual New York Recycles! Poster Contest is held for K-12 public and private school students and youth groups, which is sponsored by DEC and the New York Recycles! Steering Committee.[13] Contests can also be held for school activities, such as recycling the most newspapers and office paper, as well as for replacing lunch ware with reusable or compostable ware, and composting and gardening.

[8] http://www.nyc.gov/html/nycwasteless/html/stuff/infofor_schools.shtml

[9] http://www.dec.ny.gov/26.html

[10] http://www.epa.gov/wastes/education/quest/pdfs/qfl_complete.pdf

[11] http://www.epa.gov/wastes/education/teachers.htm

[12] http://www.epa.gov/wastes/education/index.htm

[13] http://www.dec.ny.gov/education/1896.html

Table 6-21 Advantages and Disadvantages of Recycling Contests and Awards

Advantages	Disadvantages
These activities engage students and help them to learn the importance of environmental activities, including recycling.	This requires a commitment of staff and funding, including cost of the recognition and awards.
When students are engaged, it helps in engaging their parents in responsible handling of solid waste.	

6.6.4 "GREEN DIRECTIONS ECO TRAINING"

Dutchess County could opt to sponsor "Green Directions Eco Training" through the Hudson Valley Technology Development Center (HVTDC)[14] to bring a certified green business consultant into the schools. According to an article in the Poughkeepsie Journal on November 21, 2010, HVTDC has begun a program to go into schools and teach students environmental awareness. There is a cost for this program, but it apparently is negotiable.

6.6.5 PROVIDE WASTE REDUCTION AND RECYCLING LINKS ON THE NEWLY DESIGNED WEB SITE

Provide links on the newly designed web site to information on waste reduction and recycling for schools, including:

- Green Schools-Recycling and More, http://www.dec.ny.gov/chemical/8803.html
- *Conservationist for Kids*, magazine distributed to all fourth grade classes in New York State free-of-charge three times a year, http://www.dec.ny.gov/education/40248.html
- The "Green Schools" Challenge, sponsored by DEC. The program recognizes schools "working towards responsible solid waste management by developing waste reduction, reuse, recycling, composting and/or buy recycled products and packaging programs", http://www.dec.ny.gov/chemical/43349.html

6.6.6 RECOMMENDATIONS – SCHOOL RECYCLING

- Provide regular presentations by the Recycling Coordinator on reducing, recycling and proper disposal of solid waste to classes and other school groups;
- Train and use volunteers to assist the Recycling Coordinator with school presentations;
- Develop a recycling curriculum for the County's K-12 school system, in cooperation with the school system; and
- Hold recycling contests, with awards, for such events as poster contests, recycled art competitions, and contests for, as examples, the class or school that collects the most recycling or has the best organics composting and gardening program.

[14] http://hvtdc.org/index.php

6.7. OTHER WASTES

6.7.1 CONTINUED OUTREACH AND SUPPORT OF HHW COLLECTION EVENTS

Public outreach and education and County support of ongoing HHW collection events should continue. Currently, according to the DCRRA, eight (8) collection events are held annually at locations throughout the County for household hazardous waste (HHW). Items collected include paints, solvents, pesticides, herbicides, pool chemicals, photographic chemicals, batteries, mercury switches, florescent bulbs, and electronic items. This reduces the input, and therefore emissions, of heavy metals such as mercury and lead from the RRF. The reported cost of this program is $128,750 per year.

The County could also consider developing a program for Conditionally Exempt Small Quantity Generators of hazardous waste. Residential HHW collection events are provided free of charge by most jurisdictions in order to keep a maximum amount of HHW out of the disposal stream. Conditionally Exempt Small Quantity Generators, on the other hand, are usually charged a fee to cover the cost of that program.

Table 6-22 Advantages and Disadvantages of HHW Collection

Advantages	Disadvantages
Keeping these items out of the waste stream reduces the amount of heavy metals going to the RRF or to a landfill.	The reported cost of this program is $128,750 per year.
If some type of user fee were enacted in Dutchess County, the small cost of this program when shared by all residents would likely be considered a good investment by the citizens.	
If a Conditionally Exempt Small Quantity Generator program were developed, it could pay for itself and would reduce the amount of heavy metals going into the disposal stream even more.	

It should be noted that the current HHW program, which benefits residential households, is a candidate to be funded by a flat charge per household on a user fee.

6.7.2 CONTINUED OUTREACH AND SUPPORT OF PHARMACEUTICAL COLLECTION

The RRA currently provides a program to accept outdated and discarded pharmaceuticals. This service is for residents of Dutchess, Columbia, Delaware, Rockland, and Ulster Counties. This is an important program, which is being implemented in many areas across the country. These programs keep outdated and discarded medicine out of the waste stream and the wastewater stream. In addition, it keeps these medicines out of the hands of children and other individuals for whom it was not prescribed. This program should be continued.

Table 6-23 Advantages and Disadvantages of Pharmaceutical Collection

Advantages	Disadvantages
These outdated and discarded pharmaceuticals are kept out of the waste stream and the wastewater stream.	This requires a commitment of staff and funding.
These medicines are kept out of the hands of children and other individuals for whom it was not prescribed	

It should be noted that used pharmaceutical collection, which benefits residential households, is a candidate to be funded by a flat charge per household on a user fee.

6.7.3 CONTINUED OUTREACH AND SUPPORT OF E-WASTE RECYCLING LAW

Product stewardship responsibility for electronic waste was signed into law, which took effect January 1, 2011, with manufacturers required to provide programs for collection and recycling of covered electronics.[15] It is important that Dutchess County be sure that the law is followed by the manufacturers and that the citizens are aware of the law and how to properly dispose of their electronic waste.

6.7.4 OTHER PRODUCT STEWARDSHIP INITIATIVES

The New York Product Stewardship Council is working to standardize the approach to product waste in New York State, with the ultimate objective of adoption of the product stewardship approach in management of the state's solid waste. The council is addressing disposal of rechargeable batteries and mercury-containing thermostats, and will be addressing other product and packaging wastes in the future. As the work of the NY Product Stewardship Council will be important in the future direction of waste reduction and recycling, it is important that Dutchess County stay abreast of and involved in this effort.

6.7.5 RECOMMENDATIONS – OTHER WASTES

- Continue outreach and education and County support of ongoing HHW collection events;
- Continue program to accept outdated and discarded pharmaceuticals, and continue to serve residents of Dutchess, Columbia, Delaware, Rockland, and Ulster Counties;
- Continue outreach and support of New York State E-Waste Recycling Law; and
- Stay abreast of and involved in this effort of the New York Product Stewardship Council to standardize the approach to product waste in New York State.

[15] 2010 Electronic Equipment Recycling and Reuse Act, http://www.dec.ny.gov/chemical/8788.html

6.8. COUNTY/LOCAL GOVERNMENT RECYCLING

It is important that County government lead the way in reducing and recycling waste. According to the LSWMP, Duchess County Government has taken an impressive number of steps to increase its reduction, recycling and recovery efforts for all County buildings and parks and for County employees. These efforts include:

Saving Paper

- Print Conversion - from printing on large green bar paper to standard copier paper and duplexing reports.
- Electronic Documents – purchasing copy machines with the ability to scan documents and convert them to electronic files. Some departments can now send faxes directly from office computers.
- Electronic Patient Records - Mental Hygiene has implemented electronic patient records.
- Electronic Newsletters and Reports – instead of mailed newsletters. Departments also distribute meeting minutes electronically.
- Tax Map and Deed Printing Reduction - in 2007, the Real Property Tax Service Agency (RPT) instituted a practice of printing one set of tax maps for public use rather than two sets. In 2009, RPT began supplying assessors with printed copies of only tax maps that have been modified, and encourages report orders to be emailed or burned to a CD rather than printed on paper.
- Online Documents and Information – where possible.
- Paper Reuse - using paper twice whenever possible. Interoffice mail envelopes are also reused, as are handouts from presentations, if possible.
- E-mail - for communication, reducing the need for copying, faxing and mailing.
- Junk Mail - review of junk mail received to stop its receipt
- Hand Dryers – in the Health Department bathrooms as a green alternative to paper towels.

Reducing Waste/Recycling

- Recycling Equipment Webpage - Equipment and furniture that would otherwise be discarded, as well as extra un-used toner and printer cartridges, are reused throughout the County.
- Used toner & printer cartridges - collected and sold to companies for recycling.
- Tape library - thousands of backup tape drives have been consolidated into a single tape library device.
- E-Waste – printers, computers and monitors are recycled through a company claiming that 99.97% (by weight) of every machine is reused.
- Motor Oil - synthetic Motor Oil used for the County's police cars.
- Metal - all auto parts and components made of metal are recycled, as well as all used aerosol cans. Used oil filters are drained and recycled as well.

- Batteries - the Auto Center recycles all vehicle batteries.
- Tires - old tires from County vehicles are taken by a licensed tire recycler.
- Waste Oil - either burned in the Auto Center's waste oil heaters-thereby reducing the center's need for heating oil-or hauled away by a waste oil recycler at no charge
- Asphalt Recycling - the Public Works Engineering Division recycles asphalt for use in roadway pavement maintenance.
- Paper, Glass, Aluminum & Plastic Recycling - Bins provided by Public Works are used to recycle office paper as well as bottles, cans, and other materials. The Emergency Response Department recently installed recycling containers in public assembly areas, and the Public Works Parks Division provides recycling containers in County Parks.

Dutchess County should continue these efforts, and a staff member in each department should be asked to monitor and report on these efforts. A recognition program for County employees and departments should be considered.

The Recycling Coordinator could take information on these County initiatives to the municipalities within Dutchess County, and encourage their efforts to emulate the County program.

6.8.1 RECOMMENDATIONS – COUNTY/LOCAL GOVERNMENT RECYCLING

- Continue, measure and report on the initiatives currently in place;
- The following state initiatives could be added by ordinance to current local government initiatives to increase reduction and recycling:
  - Establish additional recycled-content commodity contracts with other states and jurisdictions through active involvement with the National Association of State Purchasing Officials Eastern Regional Purchasing Cooperative and other established regional purchasing cooperatives throughout the nation;
  - Increase the purchase and use of alternative fueled vehicles by local governments;
  - Promote the purchase of recycled commodities such as carpets, picnic tables, and waste containers; and
  - Recycle all fluorescent lamps and ballasts in government buildings.

6.9. CONCLUSIONS

Based on other communities nationally, the following combination of program elements would be expected to dramatically increase recycling in Dutchess County.

- Exclusive, mandatory curbside collection of wastes, recyclables and yard wastes from residential households in Dutchess County (eventually to include other organics, and optimally with a PAYT rate structure);
- Mandatory, enforced commercial recycling;
- Proactive public education and ongoing outreach;

- Sustainable funding mechanisms which may include per-household and disposal-based user fees, utility billing, and possibly even general fund taxes.

In all fairness, Dutchess County cannot be expected to implement such a large number of initiatives in a rapid manner. Many of these opportunities will require public debate, and will need to be analyzed in more detail to provide the cost and operating data that will be necessary to make informed decisions. Some of the most aggressive options would require support of the municipalities to be successful.

Dutchess County should, in the opinion of MSW Consultants, establish a legitimate recycling office and commit to a level of recycling management, reporting, monitoring, and enforcement as outlined in County law. Over time, the recycling office, with support from the Solid Waste Commissioner, should explore the prospects of implementing more aggressive recycling programs through coordinated collection systems and with appropriate revenue mechanisms to support the services provided. Long term, it is not unreasonable for the County to achieve a 50 to 60 percent recycling rate if the strategies discussed in this section are implemented.

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7. ORGANICS MANAGEMENT ALTERNATIVES

7.1. CURRENT SYSTEM SUMMARY

According to DEC, the percentage of organics (food scraps, non-recyclable paper and yard trimmings) in New York State's waste stream was 23 percent in 2008.[1] Table 7-1 estimates the quantity of organics that would be generated and available for composting or other recovery in Dutchess County in light of available data. This table suggests that there is a minimum of 38,000 tons of organics that are being disposed but could be recovered. In reality, the number might be higher as the geographic origin of composted materials could not be confirmed and some may have been generated out-of-county.

Table 7-1 Organic Waste Generation in Dutchess County

Reported Recovered Material, DCRRA Report	Total Tons Reported	Source
Estimated Waste Generation (tons)	291,510	DEC and DCRRA Disposal and Recycling Reports
Compostable Fraction (food, green waste, compostable paper)	23%	DEC
Estimated Generation of Organics (tons)	67,047	
Composted Wood, Vegetative and Food Wastes	29,000	2008 DCRRA Recycling Report
Implied Organics Recovery Rate	43%	
Remainder (tons)	38,047	

Dutchess County is already home to several entities that engage in composting of organic materials. These are shown in Table 7-2.

Table 7-2 Current Composting Facilities in Dutchess County

Facility	Type
Bard College	Food Waste
City of Beacon Transfer Station	Yard Waste
Cornell Cooperative Extension	Small Scale/Backyard Composting
Duffy Layton Contracting, Inc.	Manure
Dutchess County Dept. of Public Works	Deer Carcasses
Fishkill Correctional Facility	Food Waste
Green Haven Correctional Facility	Food Waste

[1] http://www.dec.ny.gov/chemical/65541.html

Facility	Type
McEnroe Organic Farm	Food Waste & Yard Waste
Town of Poughkeeepsie	Deer Carcasses
Tri-Municipal Sewer Commission	Biosolids
West Hook Sand and Gravel	Yard Waste

Note: Greenway Compost @ Vassar College did compost on site, but now takes organic waste to McEnroe Organic Farm, and is in the process of closing the on-campus facility.

In addition, the LSWMP listed small composting operations at Sweet Pea Farm, Adams Fairacre Farms and Migliorelli's. MSW Consultants has not confirmed the extent of composting occurring at these locations.

7.2. IMPLEMENTATION OF RRA'S LSWMP

The LSWMP indicates that composting is currently, and will continue to be, the responsibility of the private sector to own and operate organics processing and composting facilities. No public investment is contemplated.

Table 7-3 Advantages and Disadvantages of Maintaining the Status Quo

Advantages	Disadvantages
Would not require any effort to increase organics diversion	While successful private industry composting and marketing are occurring, if 2008 reports are accurate, less than half of the food and vegetative wastes are being composted.
	It will be difficult to reach the State recycling and reduction goals

7.3. INCREMENTAL ORGANICS DIVERSION OPPORTUNITIES

In contrast to the LSWMP, which advocates a laissez faire approach, Dutchess County could opt to increase organics diversion efforts.

7.3.1 REQUIRE CURBSIDE ORGANICS COLLECTION FOR RESIDENTIAL HOUSEHOLDS

At the current time, some municipalities provide yard waste collection on a seasonal basis, including leaf collection in the fall. However, curbside green waste collection is sporadic or nonexistent in many parts of the County.

Assuming Dutchess County becomes a more aggressive manager of collection services, the inclusion of yard waste (at a minimum) or full organics collection (yard waste plus food and compostable papers) would significantly increase diversion of these materials.

Table 7-4 Advantages and Disadvantages of Mandatory Curbside Organics Collection

Advantages	Disadvantages
Significantly increases diversion of these materials, as well as increase the County's overall recycling rate.	Increases costs borne by residential households that do not currently pay a direct fee for any form of green waste collection.
Increases jobs for the collection and incremental processing of organic materials.	
Places Dutchess County at the forefront of recycling and diversion in New York State	

7.3.2 SECURING COMPOSTING CAPACITY

Once again, Dutchess County has a decision to make about whether the public or private sector should own composting infrastructure. One option is for Dutchess County to develop a large central composting facility to handle the organics in the entire county. Alternatively, the County could procure composting capacity from the private sector.

There are significant capital costs to building a large composting facility. In addition to operating and maintenance costs, there would be a cost for collection and transportation to a centrally located facility. In addition, when organic materials are coming from a multitude of generators, it may be difficult to maintain the quality control necessary to produce high grade compost.

Table 7-5 Advantages and Disadvantages of County Building Central Composting Facility

Advantages	Disadvantages
Economies of scale for processing and marketing	Capital cost of facility
	Transportation costs to bring all organics to one central point
	Would be in competition with private industry, which is already composting in Dutchess County
	May be more difficult to obtain clean organics when it is coming from a multitude of places

Dutchess County is fortunate to have a number of private composting facilities available to residents. These facilities would lose business if the County went into competition with them. Currently, McEnroe Organic Farm is accepting less organic material than they are permitted to accept. The County could encourage and support the building of small local composting facilities, similar to the one in Beacon. By having small facilities that receive organics from a local area, the waste stream could be more easily managed so that only clean organics were composted. Transportation costs are also lower to a local facility.

Through public education, increased use of existing facilities can be encouraged, or else procured. If organic material is coming from all parts of the county, there are issues with transportation costs and a possible difficulty with maintaining quality control of the organics.

Table 7-6 Advantages and Disadvantages of Procuring Private Composting

Advantages	Disadvantages
Multiple facilities are already operating in Dutchess County	Private businesses will maintain strict quality standards to assure salable finished product and may not be able to accept all organic materials
Compost is currently being marketed successfully	May take time for private industry to raise finances and build or expand local facilities
Private sector bears capital costs	
Multiple private solutions may minimize transportation costs	

7.3.3 DEVELOP SCHOOL COMPOSTING PROGRAM

The Recycling Coordinator, when visiting schools, could provide information on small school composting projects in conjunction with school gardens. These projects can be incorporated into the solid waste management curriculum. Cornell's Waste Management Institute has extensive information on school composting on its website.[2] In addition, Duchess County has a large number of Master Gardener volunteers, who would be a good source of volunteer assistance in establishing school compost projects and gardens.

[2] http://compost.css.cornell.edu/schools.html

Table 7-7 Advantages and Disadvantages of Developing School Composting Program

Advantages	Disadvantages
Composting projects could be incorporated into the solid waste management curriculum.	Requires dedicated staff, but if Master Gardener volunteers, who are already trained, could be recruited to assist in this program, staff time would be minimal.
A number of resources are already available to schools, such as the Cornell Waste Management Institute website.	
Composting and gardening projects are hands-on projects that encourage all students to learn more about caring for the environment.	
If all of the schools in Dutchess County composted their food waste on-site, there would be an increase in school recycling, and a savings in school disposal costs.	

7.3.4 ENCOURAGE AND SUPPORT BACKYARD COMPOSTING

Backyard composting is a way for residents to manage their own organic waste, and then use the compost on-site. A number of communities support backyard composting by subsidizing compost bins, from simple wire bins for yard waste to enclosed compost bins for composting food waste. By recycling and composting, residents will reduce their solid waste significantly, and will be encouraged to find ways to reduce their waste generation. There are a number of backyard composting resources available on the Cornell Waste Management Institute website.[3]

Table 7-8 Advantages and Disadvantages of Encouraging Back Yard Composting

Advantages	Disadvantages
No transportation costs	Requires substantial public education
More environmentally sound, as waste is processed and compost used on-site	To be most effective, requires local government subsidy of compost bins – from simple wire bins for yard wastes to enclosed composting bins if food waste is included.
Individuals are taking responsibility for the management of their own organic waste.	
Less waste will need to be collected, transported and disposed.	

[3] http://cwmi.css.cornell.edu/smallscale.htm

7.4. RECOMMENDATIONS

The recommendation for optimizing organics management in Dutchess County is twofold. Initially, the County should task its new recycling office with the establishment of appropriate education and outreach programs to implement school composting and backyard composting projects. These represent relatively low cost efforts and can be started right away, within the framework of the recycling office described elsewhere in this report. Grants may be available for backyard composting bins.

More aggressive organics management will be driven by the County's decisions on how aggressively to pursue mandatory collection of green waste (at a minimum) or full organics (including food wastes and compostable papers) from the residential and commercial waste streams. If the County opts to mandate separate organics collection, then it may be necessary to procure or develop composting or processing capacity. In the opinion of MSW Consultants, current private infrastructure in Dutchess County provides a platform for future organics diversion initiatives, and it is recommended that these organizations be included in discussions and plans for increasing organics diversion. Development of a publicly owned compost facility is not recommended.

8. CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT ALTERNATIVES

8.1. CURRENT SYSTEM SUMMARY

According to the 2008 County recycling report, 46,367 tons of C&D debris and 43,903 tons of concrete were recycled in Dutchess County, for a total of 90,270 tons. It is assumed that not all of this tonnage was generated within the County, as this total is more than the reported C&D generation. The total C&D Debris reported to DEC as processed in 2008 by the two major C&D processors in the County, Recycle Depot and Blacktop Maintenance, was 77,034. Recycle Depot was reported to DEC as processing 39,330 tons of C&D from Dutchess County, and reported to the County that they recycled 19,629 tons of the total, or approximately 50%. (Blacktop Maintenance services Dutchess, Orange and Ulster Counties, and is not included on the 2008 Dutchess County recycling report.)

Currently, it is difficult to determine the total amount of C&D generated and recycled within the County. According to reports provided to and recorded by the County, about 40 to 45 percent of C&D in Dutchess County is being recycled. Table 8-1 lists the C&D facilities operating in Dutchess County.

Table 8-1 C&D Facilities in Dutchess County

Name	Location
Blacktop Maintenance Corp.	Poughkeepsie, NY
Duffy Layton Contracting	Stanfordville, NY
Sivulich Contracting, Inc	Rhinebeck, NY
Sun Up Properties LLC	Wappingers Falls, NY
Recycle Depot	Poughkeepsie, NY
Royal Carting	Hopewell Junction, NY
West Hook Sand & Gravel	Hopewell Junction, NY

In addition, in Ulster County, Waste Management of NY has a transfer station in Kingston, NY that takes C&D debris.

As with other recycling, reporting needs to be enforced, and accuracy assured. It is very important that the County enforce reporting requirements and determine how much of the C&D debris processed in Dutchess County is generated within the County, how much is from out of County and how much is recycled and landfilled in both categories. It is also important that C&D debris generated within the County but processed outside the County be quantified and reported, along with the recycling and landfilling of that material.

8.2. IMPLEMENTATION OF RRA'S LSWMP

The LSWMP indicates that C&D recycling and disposal is currently, and will continue to be, the responsibility of the private sector. Under this option, it is assumed that reporting will be improved so the County can track these activities.

Table 8-2 Advantages and Disadvantages of Maintaining the Status Quo

Advantages	Disadvantages
Would not require significant changes by any stakeholders	It will be difficult to reach the State recycling and reduction goals
Would not require funding from the County	

8.3. C&D DIVERSION OPPORTUNITIES

Once the County has a baseline for C&D processing, there are a number of options for the management of C&D waste in Dutchess County to increase recycling and reuse. The LSWMP mentions many of these, and they are summarized below.

8.3.1 JOB-SITE SEPARATION

The County could consider adoption of a local law requiring contractors, haulers, and do-it-yourselfers to separate C&D materials at the job site. Generally, this requires multiple containers (usually roll-off boxes) at the job site and making sure that all workers place materials in the appropriate containers. Similar laws in other municipalities have exempted sites based on size limitations, or else have required fewer materials to be separated. Development of an appropriate program will require input from the building community.

Table 8-3 Advantages and Disadvantages of Job-Site Separation

Advantages	Disadvantages
Source separation is the best way to assure that everything that can be recycled or re-used is removed from the waste stream.	Builders will generally oppose the idea. Space constraints on job sites impair source separation activities, and collection costs could increase. Further, small construction jobs may not generate sufficient materials to warrant separation.
This method also assures clean materials and decreases the chances of materials being disposed because of contamination.	Training and supervision of workers is necessary to assure that all materials are separated and placed in the correct container.
For the owner or contractor, this results in the maximum avoided disposal costs.	Containers need to watched to be sure household garbage is not placed there, and any contamination must be removed prior to transport to the recycling/processing facility
	This would probably require a dedicated inspector to educate property owners and contractors and to enforce the law.

8.3.2 BUILDING PERMIT MECHANISMS

Many municipalities have established building permit programs that require C&D recycling as a condition of the permit in order to minimize permit costs. The building permit process could include requirements for mandatory C&D recycling, including job-site separation. Another method would be to require a disposal deposit which would be refunded on a pro-rated basis when recycling receipts were submitted.

Table 8-4 Advantages and Disadvantages of Building Permit Mechanisms

Advantages	Disadvantages
Depending on the requirements, there should be less of a need for additional inspection and enforcement than adoption of a local law.	There may be initial resistance from the building community. It will be critical that any strategy treat all builders on a level playing field.
Requiring a disposal deposit upfront, would be an incentive to the owner and/or contractor to recycle and keep accurate records in order to receive the appropriate refund. This would improve reporting for the County.	If job-site separation is a requirement, inspection and enforcement will be needed.

8.3.3 ENFORCED, MANDATORY C&D RECYCLING

The County could adopt a local law requiring mandatory C&D recycling and reporting. This would then need to be enforced, with penalties assessed for violations.

Table 8-5 Advantages and Disadvantages of Enforced, Mandatory C&D Recycling

Advantages	Disadvantages
C&D recycling would increase, and, with enforcement, reporting would be more accurate.	Property owners and contractors prefer more incentives and fewer penalties.
	This would likely require a full time enforcement person.

C&D recycling efforts are generally driven by business incentives. Increasing incentives, with some regulation and enforcement, would likely be more productive than using the "hammer" of a local law with enforcement.

8.3.4 PRODUCTION OF ALTERNATIVE DAILY LANDFILL COVER (ADC)

C&D is being used as an alternative daily landfill cover in many areas in New York State. When used as ADC, there is a lower disposal cost for waste generators, especially if the C&D is not pre-processed. This use also insures that a waste stream that may be contaminated is going into a landfill for safe disposal.

Table 8-6 Advantages and Disadvantages of Production of ADC

Advantages	Disadvantages
Material does not have to be pre-processed. (It is run over by landfill equipment to crush it to the proper size.)	DEC does not count ADC in recycling rates.
Disposal costs are lower.	There are higher value uses for C&D debris than ADC

While there are some advantages to this method, it apparently does not count as recycling, and there are other methods of recycling C&D which result in a higher value product.

8.3.5 FULL-SCALE, STATE-OF-THE-ART C&D PROCESSING AND RECYCLING

Dutchess County could develop or procure capacity at a large-scale, state-of-the-art C&D processing and recycling facility. Such a facility would segregate, screen, clean, crush or shred materials to transform them into materials that can be marketed for recycling and reuse.

Currently, Taylor Recycling in Montgomery, New York is achieving full-scale C&D processing and recovery, and claims a 95% recycling rate.[1] Taylor Recycling has a proven track record and is achieving the planned results. It would cost in the range of $8-$10 million to build a similar facility. It should be noted that such a facility would require a significant tipping fee, which may or may not be less expensive than the disposal tipping fee for C&D wastes. As

[1] http://www.taylorrecycling.com/company/newyork.php?id=2&sid=3

there are existing C&D processors within the County, with appropriate incentives, the private sector could be encouraged to implement such a system.

Table 8-7 Advantages and Disadvantages of Full-Scale C&D Processing and Recovery

Advantages	Disadvantages
This is the most comprehensive approach to recycling C&D debris	The cost would likely be in the range of $8 to $10 million
The recycling rate for C&D debris would increase significantly.	There would likely be significant push back from private C&D recyclers if the County were to go into direct competition with them.
If the private sector were to provide a facility of this type, there would be no cost to the County	Mandated C&D recycling would likely increase the cost of building and demolition projects.

8.3.6 DECONSTRUCTION AND REUSE

Deconstruction employs crews to disassemble structures scheduled for demolition. In this way, a great deal of reusable salvage building materials can be collected for reuse. It is likely that selected deconstruction is already occurring in Dutchess County.

Table 8-8 Advantages and Disadvantages of Deconstruction and Reuse

Advantages	Disadvantages
Material is relatively clean and uncontaminated.	There is a cost, which may not be offset by revenue.
With older buildings, some of the material can be valuable to building restorers.	Workers must be trained to disassemble correctly and safely.
This is an opportunity for the creation of green jobs.	Deconstruction costs may be higher than demolition costs for many structures.

8.3.7 BUILDING MATERIALS REUSE CENTER

Centers to receive and re-sell used building materials have been implemented in 16 locations in New York State, according to DEC. One facility, the New Paltz Reuse Center (formerly Hudson Valley Materials Exchange) is near Dutchess County. At these centers, contractors and individuals may donate salvageable materials (with certain limitations) which are then re-sold for reuse in renovation or new construction projects, as well as for artistic and educational uses.

Table 8-9 Advantages and Disadvantages of a Building Materials Reuse Center

Advantages	Disadvantages
Materials can be re-used with minimal processing.	This would require capital and operating funds.
Much of the salvaged material is valuable to educators and artists.	Some processing would be required, especially for lumber, to meet building requirements.
	Revenues, especially at the beginning, would likely not be sufficient to offset costs.

It should be noted that the New Paltz Reuse Center is near enough that Dutchess County could discuss a regional approach so that salvaged material could go the this center instead of Dutchess County building a center.

8.4. RECOMMENDATIONS

It is assumed that Dutchess County will form a recycling office and that at least one of the recycling staff will be tasked with outreach to the building community. First and foremost, the County must reach out to builders and establish baseline reporting of current C&D waste generation and recycling data.

Once the baseline is established, Dutchess County should at a minimum investigate, with the full participation of the building community as well as other County stakeholders, how best to implement initial C&D recycling initiatives that capitalize on the existing infrastructure that exists in the County. Existing C&D processors should be encouraged to continue their operations, but with accurate reporting of origin, recycling and disposal of materials. Once a dialog has been initiated, the County should consider most if not all of the options in this chapter. An appropriate priority might be:

- Encourage building deconstruction and reuse, which is an opportunity for the creation of green jobs.
- Consider discussions with New Paltz to regionalize the use of the New Paltz Reuse Center to include material from Dutchess County.
- Consider local regulation of building permits to integrate a C&D recycling deposit and/or require job site separation. An appropriate program for Dutchess County would need to be implemented with input from the building community, the municipalities, and business organizations such as the Chamber of Commerce.
- If the County opts to get aggressive with C&D recovery, it should consider requiring that all C&D be processed prior to disposal. If this objective were communicated over time, it is likely the private sector would be able to develop processing capacity to the extent it is not already available.

9. DISPOSAL ALTERNATIVES

9.1. INTRODUCTION

One of the overarching questions at the outset of this project was to identify the full range of disposal options. The LSWMP is clear in recommending an expansion of the RRF in conjunction with flow control and a direct revenue mechanism. However, while other alternatives are suggested, none are adequately analyzed.

This section will compare and contrast four basic options for disposal:

- Implementation of RRA's LSWMP (Status Quo);
- Waste Export;
- Siting and Developing a Local Landfill;
- Emerging Conversion Technologies.

9.2. WASTE TO ENERGY BENCHMARKING

A critical aspect of the LSWMP recommended plan is that the RRF can be upgraded to perform more efficiently, and in so doing will become more cost competitive. To test this hypothesis, MSW Consultants performed a benchmarking analysis on other WTE facilities in the US that are roughly the same size. Table 9-1 summarizes pertinent operating data for the Dutchess County RRF as well as four other facilities of roughly the same size and age. As shown, the most efficiently run plants cost between $76/ton and $100/ton to operate. The sum of operating costs plus debt service must be covered by a combination of tip fee revenues, energy revenues, and municipal subsidies.

Table 9-1 Waste-To-Energy Benchmarking Summary

Name of Facility	MacArthur - Islip, NY	Dutchess County RRF	Bristol RRF- Bristol, CT	Ecomaine - Portland, ME	WTE Facility, Marion, OR
Owner/Operator	Public/Private	Public/Private	Public/Private	Public/Public	Private/Private
Year Started Operations	1990	1989	1988	1988	1986
Tons per Day	435	456	543	507	501
Tons Per Year	158,892	150,641	198,086	185,655	182,716
Total 2009 Revenues	$22,233,339	$19,265,276	$21,133,799	$22,325,679	$16,975,136
Annual Debt Service	$5,872,278	$4,532,096	$5,952,650	$8,135,000	None - paid off 2008
Operating Cost/Ton (Ex-Debt Service)	$102.97	$97.80	$76.64	$76.44	$92.90

Appendix C contains detailed WTE benchmarking information from the research performed for this project.

9.3. IMPLEMENTATION OF RRA'S LSWMP (STATUS QUO)

This option would mean that the Resource Recovery Facility (RRF) would continue to be the primary disposal facility for Dutchess County. The RRF would be expanded at a cost of $70 million, and its capacity would be increased to roughly 750 tons per day from the current 500 tons per day. Annual capacity would expand to roughly 195,000 tons per year.

Table 9-2 summarizes the cost parameters for this alternative, based on information provided in the LSWMP and supplemented with additional information provided by MSW Consultants.

Table 9-2 Status Quo Operating and Cost Parameters

Parameter	Value
Projected RRF Annual Throughput	195,000 tons
Waste Requiring Local Transfer and Transportation (30%)	58,500 tons
RRF Upgrade/Expansion Capital Cost	$62 million
New Southern Transfer Station Capital Cost	$8 million
Local Transfer and Transportation Cost per Ton (assumes 20 mile one-way haul)	$11
Weight Reduction obtained from Incineration	70%
Industry Average KWh/Ton of Waste	500 Kwh/Ton
Market Rate for Energy Sales	6.4 cents/KWh
Average Operating Cost for WTE (see benchmarking section)	$75/ton
Ash Disposal	$50/ton
Metal Recovery	5%

Exhibit 1, at the end of this section, projects the annual debt service, costs and revenues associated with the LSWMP recommendation. Summary results are shown in Table 9-3. As shown, the tip fee at this upgraded, expanded WTE facility is projected to be over $107 per ton, which is still not competitive with the local market rate for disposal. While this is an improvement over the current full cost per ton, it is still an expensive system.

Table 9-3 Status Quo Total Cost and Tip Fee Projection

Annual Operating Cost + Debt Service	$27.5 million
Annual Energy + Metal Revenues	$6.6 million
Net Annual Cost	$20.9 million
Tons Processed	195,000
Facility Tip Fee	**$107/ton**

It is also worth noting that this system requires 195,000 tons of waste to be disposed in order to optimize RRF performance. Should incremental recycling programs be implemented, or should there be reductions in the pattern of waste generation, the plant economics would be worse than shown in this table.

Table 9-4 lists the advantages and disadvantages of the status quo system

Table 9-4 Advantages and Disadvantages of Maintaining the Status Quo

Advantages	Disadvantages
Would not require major changes to system governance or infrastructure ownership.	Would greatly expand the control borne by the RRA.
The total cost per ton will be lower than if the RRF is not upgraded and expanded.	Capital expenditures and associated debt service will increase significantly. This cost will remain on the County's books until retirement, regardless of plant performance.
Significant unforeseen increases in the price of energy – resulting in higher energy revenue – could improve facility economics and either reduce the NSF or bring full costs more in line with the tip fee.	Some subsidy of the tip fee is likely to achieve market competitive rates. The Net Service Fee will persist and NSF payments will continue to compete with other County programs, including recycling, enforcement and public education.
	Aggressive reduction and recycling of waste which results in the RRF falling below capacity will impair plant economics. So, the County will have to decide between maintaining WTE throughput and optimizing recycling, but cannot do both.

The option of maintaining the status quo will greatly expand the control over the solid waste management system borne by the RRA. As the RRA would need to contract to extend the operation of the RRF, this would commit the County to waste-to-energy for at least 20 years. Dutchess County would also be fully committed to a publicly-owned waste disposal infrastructure. Clearly, this option would increase system costs, which would in turn cause the Net Service Fee payments to continue to compete with other County programs.

9.4. WASTE EXPORT

Instead of continuing to incinerate waste in the RRF, Dutchess County could export wastes for landfill disposal elsewhere in New York State (or even out-of-state). This is the solution employed by almost 70 percent of NY counties, and by over 87 percent of municipalities nationwide.

Table 9-5 summarizes the cost parameters for waste export, based on an analysis of transfer station construction, operating, transportation, and landfill disposal costs.

Table 9-5 Waste Export Operating and Cost Parameters

Parameter	Value
Projected Annual Disposal	140,000 tons
Transfer Station Capital Cost	$8 million
Transfer and Transportation Cost (assumes 260 mile one-way haul) [1]	$45/ton
Landfill Disposal Cost (assumes multi-year agreement) [1]	$24/ton

[1] This expense is only incurred on the tons of waste that are processed. If waste quantities fall below the 140,000 tons currently received, transportation and disposal costs are reduced commensurately.

Table 9-6 summarizes the cost parameters for waste export, based on an analysis of transfer station construction, operating, transportation, and landfill disposal costs. As shown, the tip fee for this system is projected to be $74 per ton, which is lower than the current tip fee and in line with the negotiated rate secured with the County's largest hauler. Complete details of this scenario are included in Exhibit 2.

Table 9-6 Waste Export Total Cost and Tip Fee Projection

Annual Operating Cost + Debt Service	$12.0 million
Tons Processed	140,000
Facility Tip Fee	**$74/ton [1]**
Annual Stranded WTE Debt Service	*$1.67 million ($12/ton)*

[1] Excluding stranded debt service

It should be noted, however, that the County will still be obligated to pay for stranded WTE debt service until 2027 under this waste export option. The stranded debt has not been included in the facility tip fee because it is not related to the waste export system. Options for funding the stranded dent service are addressed in another section.

Table 9-7 summarizes the advantages and disadvantages of the waste export system.

Table 9-7 Advantages and Disadvantages of Waste Export

Advantages	Disadvantages
RRF would not need to be upgraded or expanded.	New transfer capacity would need to be built to consolidate wastes for transportation to a landfill for final disposal.
The resulting facility tip fee would be market competitive and sufficient to cover the full cost of the export operation.	Unforeseen rapid increases in the price of fuel could drive pricing higher than forecasted.
Most of the total cost of waste disposal is completely variable – meaning that if waste volumes decline, the total cost of waste disposal declines linearly.	Over the long term, the waste export system is reliant on the perpetuation of regional landfills with sufficient capacity to accept transferred wastes. While there is sufficient capacity now and in the next 10 years, it cannot be predicted how long this will last.
Both the RRF and one or more of the Town-owned transfer stations could be expanded/converted to serve as the transfer station	While the original RRF bonds will be retired as of January, 2014, the repayment of the 2005 bond issue for improvements required by the Clean Air Act will still be approximately $1.67 million per year.
The waste disposal system would provide an incentive to recycling and diversion, because of the avoided disposal cost.	
If the transfer station were publicly owned, then flow control would still be an option if it became necessary in the future.	

Waste export requires there to be local transfer stations where wastes can be consolidated for long-haul road or rail transportation to a landfill for final disposal. Note that a waste export system could be (a) entirely public (as described in the LSWMP), (b) partially public and partially private, or (c) entirely private.

It is also noted that the City of Poughkeepsie has a publically owned, permitted transfer station, with a scalehouse, that is capable of taking commercial trucks. There is reported to be room for expansion, and the City has indicated their willingness to discuss options for County use of this facility.

9.5. SITING AND DEVELOPING A LOCAL LANDFILL

Dutchess County could choose to site and develop an in-county landfill. This option would provide a viable alternative for waste disposal. Because of the siting and permitting challenges, which are aptly described in the LSWMP (to the concurrence of MSW Consultants), landfill development is not extensively addressed. If a permit could even be secured for a new facility in Dutchess County, it would take many years and this solution could not be timely implemented to meet near term system needs. Table 9-8 lists some of the advantages and disadvantages to building an in-county landfill.

Table 9-8 Advantages and Disadvantages of Siting and Developing a Local Landfill

Advantages	Disadvantages
Dutchess County would be taking care of their waste in their own backyard.	In most places, citizens strongly object to new landfills, which can lead to a very lengthy permit approval process.
Transportation costs would be eliminated.	Small landfills, like small WTE facilities, must charge higher tip fees to cover a relatively higher fraction of fixed costs per ton. Disposal cost per ton would be higher compared to the large regional landfills.
	It is difficult and costly to site a landfill, and once sited it is difficult and costly to obtain a permit.
	If a permit could be secured, the length of time involved would mean that this option could not be timely implemented to meet near term system needs.
	Dutchess County would be committing to a facility at the bottom of the waste management hierarchy.

9.6. EMERGING CONVERSION TECHNOLOGIES

At the current time, there are a variety of emerging technologies for processing of wastes that are in the testing and development stages, some of which are mentioned in the LSWMP. In the opinion of MSW Consultants, these technologies have not achieved proven commercial scale operating success at a cost-effective level. Similarly to the development of a local landfill, it is not believed any new, cost-effective technology will be available on a timely basis for adoption by Dutchess County in this planning cycle. Table 9-9 summarizes some advantages and disadvantages of emerging conversion technologies.

Table 9-9 Advantages and Disadvantages of Emerging Conversion Technologies

Advantages	Disadvantages
If successful, these technologies promise to recover a higher fraction of energy and/or resources from the disposed waste stream, compared to landfill disposal and traditional incineration.	None of these technologies have been proven to be successful on a commercial scale in the United States.
	Actual energy recovery and production of fuels or other recovered materials is unknown at this time.
	Actual capital and operating costs are unknown at this time.
	It is unlikely that any new, cost-effective conversion technology will be available on a timely basis.

9.7. SUMMARY

In the opinion of MSW Consultants, the decision of waste disposal is between retaining the waste-to-energy system that exists currently or converting to a waste export system. As shown above, an upgraded, expanded waste-to-energy facility is projected to require a tip fee of roughly $107 per ton in order to break even and avoid payment of an NSF by the County. This WTE must process its full capacity of 195,000 tons annually to achieve this cost performance.

Conversely, a transfer station system relying on waste export would require a break even tip fee of roughly $74 per ton. This cost would only be incurred on the actual tons generated – meaning that annual fluctuations or even steady decreases in waste disposal volumes because of enhanced recycling would result in lower overall costs because the pure variable costs (transportation and landfill disposal) would be avoided.

As a final comparison, MSW Consultants has projected the annual full costs of the LSWMP system compared to the waste export system. Figure 9-1 compares the annual cost of the two systems. As this figure shows, the annual cost of waste export is significantly lower than implementing flow control, securing local transfer station(s), and expanding the existing WTE facility.

Figure 9-1 Lifecycle Cost Comparison of Expanded WTE vs. Waste Export

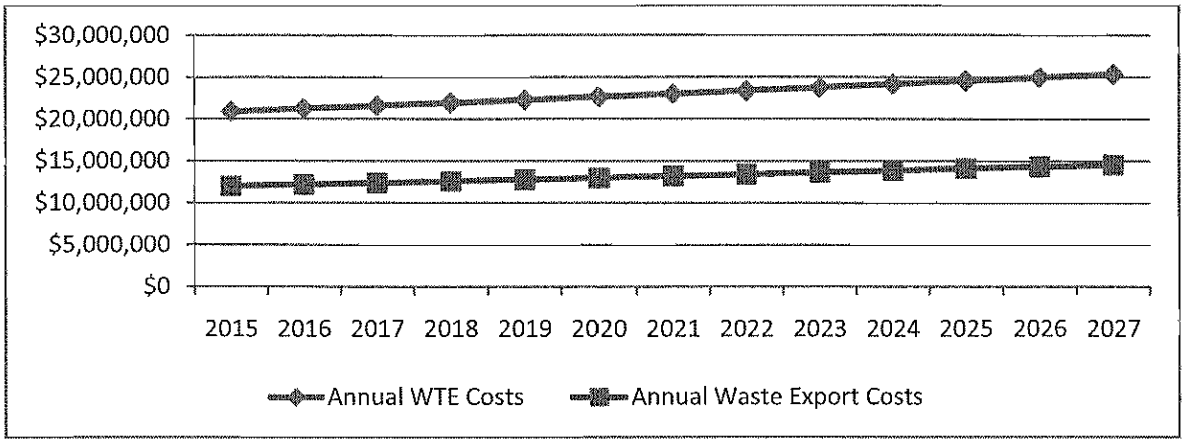
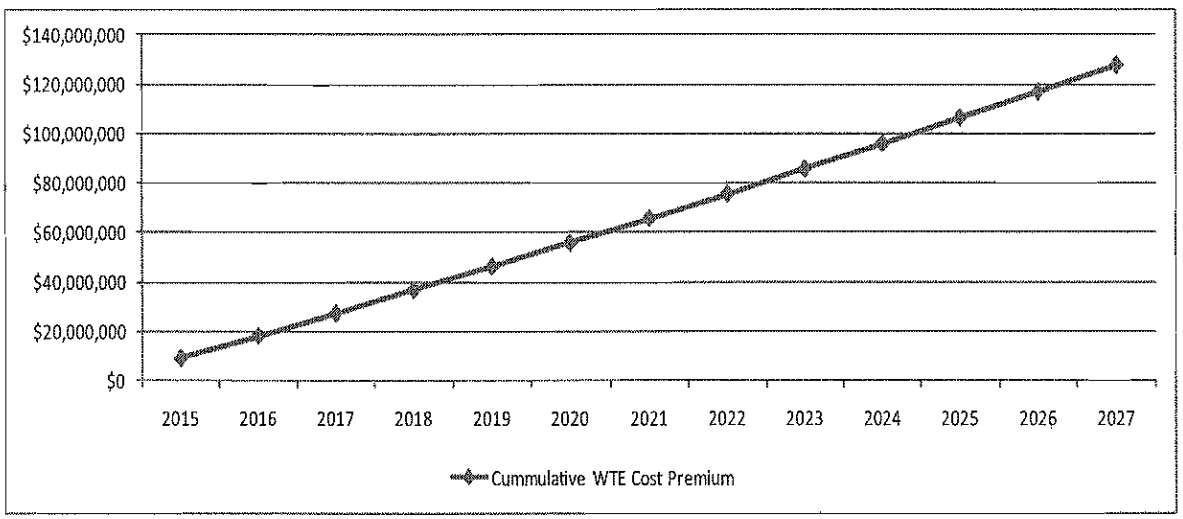


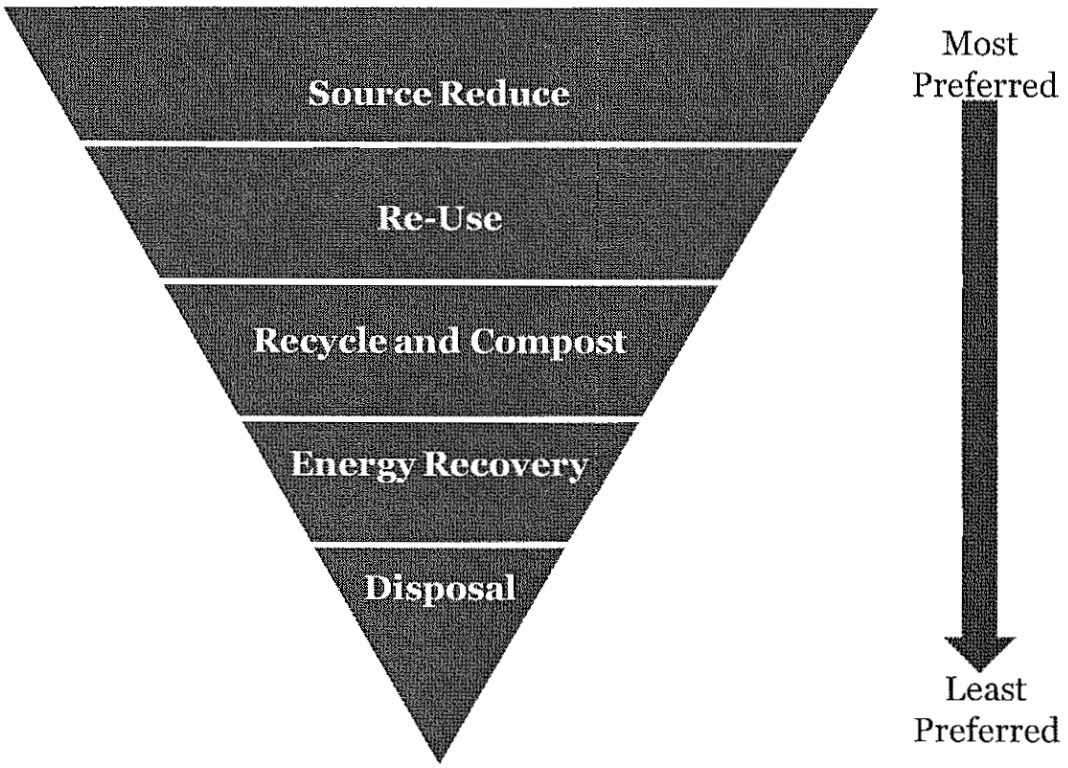
Figure 9-2 shows the cumulative cost of the WTE system compared to the waste export system from the time period of 2015 (when the RRA's current operating contract expires) to 2027 (when all debt service on the RRF is paid in full). As suggested in this figure, reasonable assumptions indicate that a system of waste export for disposal would save Dutchess County waste generators roughly $127.6 million between 2015 and 2027.

Figure 9-2 Cumulative Cost Impact of Expanded WTE over Waste Export



If nothing else, Dutchess County should consider how it wants to spend the $127.6 million cost differential. One option (the current LSWMP) is to recommit to waste-to-energy, which is higher than landfilling on the waste management hierarchy espoused by both the U.S. Environmental Protection Agency and the New York State DEC. The second option would be to save the $127.6 million disposal costs by implementing waste export, and instead redeploy these funds (or a fraction of the funds) to develop recycling and organics diversion and recovery programs. As shown in Figure 11-3 below, recycling is higher than waste-to-energy on the waste management hierarchy.

Figure 9-3 Waste Management Hierarchy



9.8. RECOMMENDATIONS

In the opinion of MSW Consultants, the only two viable disposal options for Dutchess County at this time are to retain the waste-to-energy system that exists currently or to convert to a waste export system. If cost control and recycling are deemed to be the highest priorities, then the waste export system would appear to better meet the County's needs. If committing to waste-to-energy, or if the County thinks that the value of energy will dramatically increase in the near term, then the LSWMP plan might be preferred.

It should be noted that making the switch to a waste export system in the near future does not forever prohibit the County from re-entering waste-to-energy. The waste industry may adopt improved and cost-competitive conversion technologies more rapidly than anticipated. However, even if this is the case, it seems plausible to expect such technologies to require: (a) a large volume of waste to achieve economies of scale, and (b) a commitment of waste quantities for a multiple year period over which to amortize capital costs. Such a solution may be best achieved with regional cooperation, which would expand the disposal quantity needs and also spread the capital costs.

The County should debate these options and decide between maintaining the status quo or changing to a less costly system of exporting waste and aggressively pursuing waste reduction and recycling.

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EXHIBIT 1
DUTCHESS COUNTY, NY
PROJECTED COSTS of OPTIMIZED WTE (LSWMP RECOMMENDATION), 2014-2024

	Assumptions	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
CPI	2%													
Existing Debt Service		$1,667,638	$1,671,388	$1,667,638	$1,666,638	$1,668,138	$1,666,888	$1,666,738	$1,669,463	$1,669,850	$1,669,550	$1,671,550	$1,670,625	$1,666,775
Estimated Capital Cost to Enhance Electric production	$7,000,000													
Industry Average Cap Cost per TDP Capacity	$220,000													
Estimated Capital Cost to Add 3rd, 250 TPD line	$55,000,000													
Estimated Capital Cost to Build Southern Transfer Station	$8,000,000													
Total New County Debt Required	$70,000,000													
Principal and Interest on New County debt @ 5%, 20 yrs		$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981	$5,616,981
Tons of Waste Combusted @ 90% Availability		195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000	195,000
Waste Requiring Transfer/Transportation	30%	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500
Estimated Transfer & Transport/Ton of Waste	$11													
Annual T & T Cost		$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500	$643,500
Industry Average WTE Operating Cost per Ton	$75													
Annual Operating Cost		$14,625,000	$14,917,500	$15,215,850	$15,520,167	$15,830,570	$16,147,182	$16,470,125	$16,799,528	$17,135,518	$17,478,229	$17,827,793	$18,184,349	$18,548,036
Industry Average Residue Generation (% of combusted)	30%													
Tons of Residue to be Disposed		58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500	58,500
Residue T&D cost/ton	$50													
Total Residue T&D		$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000	$2,925,000
Administrative Cost for RRA		$2,000,000	$2,040,000	$2,080,800	$2,122,416	$2,164,864	$2,208,162	$2,252,325	$2,297,371	$2,343,319	$2,390,185	$2,437,989	$2,486,749	$2,536,484
Industry Average KWH/Ton of Waste Combusted	500													
Net MWH to Sell		87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750	87,750
Current Market Rate for NY WTE Power ($/MWH)	$64													
Electric Sales Revenue		$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000	$5,616,000
Industry Average Metal Generation (% of combusted)	5%													
Tons of Metal to be Sold		9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750	9,750
Metal Price/ton	$100													
Total Metal Revenue		$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000	$975,000
Total Debt Service		$7,284,619	$7,288,369	$7,284,619	$7,283,619	$7,285,119	$7,283,869	$7,283,719	$7,286,444	$7,286,831	$7,286,531	$7,288,531	$7,287,606	$7,283,756
Total Operating and Admin Costs		$20,193,500	$20,526,000	$20,865,150	$21,211,083	$21,563,935	$21,923,843	$22,290,950	$22,665,399	$23,047,337	$23,436,914	$23,834,282	$24,239,598	$24,653,020
Total Electric and Metal Revenues		$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000	$6,591,000
Net Cost		$20,887,119	$21,223,369	$21,558,769	$21,903,702	$22,258,054	$22,616,712	$22,983,669	$23,360,843	$23,743,168	$24,132,445	$24,531,813	$24,936,204	$25,345,776
Total Cost 2015-2027		$299,481,645												
Net Cost per Ton		$107	$109	$111	$112	$114	$116	$118	$120	$122	$124	$126	$128	$130

Debt Service $/ton	$37
Ash Residue Disposal	$15
Local Transfer and Transportation	$3
RRF Operation Net of Revenues $/ton	$51
Total $/ton	$107
Stranded Debt $/ton	

EXHIBIT 2
DUTCHESS COUNTY, NY
PROJECTED WASTE EXPORT COSTS, 2014-2027

	Assumptions	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
CPI	2%													
Existing Debt Service		$1,667,638	$1,671,388	$1,667,638	$1,666,638	$1,668,138	$1,666,888	$1,666,738	$1,669,463	$1,669,850	$1,669,550	$1,671,550	$1,670,625	$1,666,775
Estimated Capital Cost for Central Transfer Station	$8,000,000	Assumes no Revenue from Sale of WTE Facility												
Total New County Debt Required	$8,000,000													
Principal and Interest on New County debt @ 5%, 20 yrs		$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941	$641,941
Tons of Waste Combusted @ 90% Availability		140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000
Estimated Transfer & Transport/Ton of Waste	$45													
Annual T & T Cost		$6,300,000	$6,426,000	$6,554,520	$6,685,610	$6,819,323	$6,955,709	$7,094,823	$7,236,720	$7,381,454	$7,529,083	$7,679,665	$7,833,258	$7,989,923
Assumed 15 yr landfill contract Cost per Ton	$24													
Annual OOC Landfill Cost		$3,360,000	$3,427,200	$3,495,744	$3,565,659	$3,636,972	$3,709,711	$3,783,906	$3,859,584	$3,936,776	$4,015,511	$4,095,821	$4,177,738	$4,261,292
Assumed Administrative Cost (included in Transfer Cost)		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Debt Service, Operating and Admin Costs		$11,969,579	$12,166,529	$12,359,843	$12,559,848	$12,766,373	$12,974,249	$13,187,408	$13,407,707	$13,630,020	$13,856,085	$14,088,977	$14,323,562	$14,559,931
Total Electric and Metal Revenues		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Cost		$11,969,579	$12,166,529	$12,359,843	$12,559,848	$12,766,373	$12,974,249	$13,187,408	$13,407,707	$13,630,020	$13,856,085	$14,088,977	$14,323,562	$14,559,931
Total Cost 2015-2027		$171,850,111												
Net Cost per Ton		$85	$87	$88	$90	$91	$93	$94	$96	$97	$99	$101	$102	$104

Debt Service $/ton	$5
Transfer & Transport $/ton	$45
Disposal $/ton	$24
Total $/ton	$74
Stranded Debt $/ton	$12

10. SYSTEM FUNDING ALTERNATIVES

10.1. INTRODUCTION

Historically, Dutchess County has provided solely waste disposal and recyclables processing infrastructure (through the DCRRA), and has funded this infrastructure through two mechanisms:

- Tip fees at the RRF and the MRF, which have been insufficient to cover the full cost of the operation, and
- General millage, which is drawn down to pay the Net Service Fee subsidy to the RRA.

There are other funding options available to the County that have been used successfully in other counties and municipalities to fund municipally-provided waste management and recycling services. This chapter describes the basic revenue mechanisms that are in use, and concludes with a delineation of the combination of revenue mechanisms that would best serve Dutchess County

10.2. DIRECT VERSUS INDIRECT REVENUE STRUCTURES

An important consideration in establishing appropriate revenue mechanisms for waste management and recycling is to align revenue mechanisms wherever possible to the services being received. This is a direct revenue structure (sometimes called an "unbundled" rate). An example of this is an unbundled tip fee at a disposal facility, i.e., where the tip fee is only covering the cost of the disposal facility and is not attempting to recoup additional revenues for other services (like the HHW program, for example). When haulers deliver their waste to the disposal facility, they know that they are paying for the disposal of their wastes. Another example of a direct fee is the fee charged by private haulers to provide subscription waste collection and recycling service. Residents know that they are paying for some standard level of collection service (e.g., weekly refuse collection plus the disposal of the wastes). It is the responsibility of the hauler to determine the full cost of collection plus disposal, and to charge residents a sufficient amount to cover this cost. The hauler is not charging for the costs of other services through this fee, as it would make their service less competitive.

Conversely, some revenue structures are indirect. In Dutchess County, the waste-generation-based user fee that was evaluated two years ago is an example of an indirect revenue mechanism. Under that proposed user fee structure, residents would have been charged an "infrastructure access fee" for disposal capacity, with the actual fee based on an *average* waste generation rate. Residents with especially low or high recycling rates – and conversely high or low disposal rates – would have been charged the same amount. Because the fee is based on waste generation potential, and not on actual services being provided, it is an indirect mechanism.

In Dutchess County, the Net Service Fee is also an indirect fee structure that essentially subsidizes all system costs above what can be recouped from facility tip fees.

In the opinion of MSW Consultants, residential and commercial customers in municipalities nationally have almost uniformly accepted direct revenue mechanisms that are tied to a level of service that is clearly understood. This is another important argument for a municipality to have an active hand at providing or managing collection, because collection service levels can be clearly understood and tied to an overall service fee for waste management and recycling. Residential

households usually will not complain if they are asked to pay a single fee for monthly trash and recycling service. However, they will complain if they are asked to pay a monthly fee to their hauler for trash service, and another "user fee" to the County or the DCRRA for "disposal infrastructure access." For this reason, Dutchess County should at least consider how to implement organized collection in regions of the County that currently rely on subscription service.

10.3. SOLID WASTE REVENUE MECHANISMS

While there are many variations and combinations of revenue mechanisms that may be employed by any one municipality, Table 10-1 summarizes the most common revenue mechanisms that are used for waste management, special waste, and recycling program funding.

Table 10-1 Waste Management Revenue Mechanisms

Revenue Mechanism	Description
Facility Tip Fees	Fees charged by disposal and processing facilities to accept materials for disposal or processing are the most widespread revenue mechanism in the industry. Customers that deliver materials understand that they are paying for the cost of disposal or processing at the particular facility. The RRA charges tip fees at both the RRF and the MRF.
General Funding	This mechanism relies on general property tax revenues to pay for waste management and recycling services, with no specific millage rate for solid waste. Dutchess County's Net Service Fee obligation is in fact a general funded obligation
Solid Waste Millage (Ad Valorem Taxes)	Some municipalities have established a specific solid waste and recycling millage rate. While perhaps an improvement on general funding because the revenues are dedicated in advance to the waste management program, taxes are an inequitable method to charge for solid waste services because service levels do not track with property values.
Utility Billing	Municipalities that have a local water/sewer or other utility use the utility bill as a means to charge for directly-provided solid waste services. Provision of collection is usually a prerequisite to utility billing, although it would be possible to include other services (such as a residential HHW program) on a utility bill.
Special Assessment on Tax Bill	Many municipalities in New York State and nationally have opted to establish solid waste and recycling costs to residential and commercial businesses that are charged through the local property tax bill. This is especially prevalent for jurisdictions (especially counties) that do not have a single utility with full geographic coverage of the county.

Revenue Mechanism	Description
Program Administration Fees	Some waste management and recycling programs are specific to certain generators and in such cases it is reasonable and appropriate to charge the specific group of generators for the cost of the program. For example, if the County establishes waste audits and mandatory recycling reporting for businesses that exceed a certain size threshold (e.g., more than 50 employees), then it may be appropriate to charge an administration fee to fund the County's monitoring and management of this program. Other examples of specific program fees include C&D recycling and conditionally exempt small quantity generator (CESQG) programs.

In Dutchess County, only tip fees and general funding (Net Service Fee) are used at the current time. One of the reasons for this is that Dutchess County does not manage any collection systems, so does not have any directly-provided services.

10.4. IMPLEMENTATION OF RRA'S LSWMP

Under the LSWMP plan, the County (through the DCRRA) will continue to own and manage the disposal and recyclables processing infrastructure, and will not be directly involved in collection. As described elsewhere in this report, the LSWMP plan will almost certainly require continuation of the Net Service Fee in order to cover system costs. The LSWMP advocates establishment of a broad-based user fee that would be used in place of the NSF in support of the entire RRA operation.

Table 10-2 summarizes the proposed funding mechanisms of the status quo system. As shown in the table, the proposed funding system keeps services bundled and difficult for waste generators to understand. Further, it limits accountability as costs for individual services cannot be readily evaluated. Although the tip fees are understandable, they are not sufficient to cover the full cost of the system, and the LSWMP advocates a catch-all revenue mechanism to cover any shortfall.

Table 10-2 Apparent Funding Mechanisms in RRA's LSWMP

Program	Not Provided by County	Tip Fee	Direct Service User Fee	Generation-Based User Fee to Cover NSF
Waste and Recycling Collection	✓			
Composting	✓			
C&D Recycling	✓			
Disposal		✓ [1]		✓
Recyclables Processing		✓ [1]		✓
HHW/Pharmaceutical Drop-offs				✓
Recycling Coordinator and Public Education				✓

[1] Assumes that the RRA will continue to set the RRF tip fee at whatever the market will bear, and that this will not generate sufficient revenue to eliminate the Net Service Fee.

10.5. FUNDING RECOMMENDATIONS

There are numerous ways to ultimately establish sustainable funding for waste management and recycling services. Whenever possible, fees should be tied to specific service levels that can be easily understood by the ratepayer. For example, it is better to charge a household a service fee that includes collection and disposal, because the household will know exactly what the fee is covering. Conversely, a user fee that is assessed to households or commercial businesses based on an average waste generation rate is less desirable because (a) ratepayers may not understand the basis for the user fee, and (b) this indirect rate mechanism does not provide the needed level of feedback to evolve the system over time with the help of incentive-based rates.

In Dutchess County, it is expected that a range of revenue mechanisms will ultimately be implemented to move the County towards sustainable waste management. In the near term, the County is tasked with the reality of covering the Net Service Fee as equitably as possible. Over the medium term and longer, the County will presumably take steps either to eliminate the need for the Net Service Fee, or else to replace this inequitable fee with a revenue mechanism that more closely aligns the cost of solid waste and recycling infrastructure to the generation of wastes.

If the County opts to convert to a system of waste export and more aggressive recycling, then Table 10-3 illustrates the range of funding mechanisms that might be implemented to support a more integrated and comprehensive waste management program.

Table 10-3 Recommended Funding Mechanisms for Long Term Plan

Program	Not Provided Directly by County	Tip Fee	Direct Service User Fee	Generation-Based User Fee [2]	Program Admin Fee
Residential Waste and Recycling Collection Managed by County [1]			✓		
Waste Export Disposal Program		✓			
Recyclables Processing	[2]				
Organics Composting	[2]				
Net Service Fee				✓	
Stranded WTE-Related Debt through 2027				✓	
HHW/Pharmaceutical Drop-offs			✓		
Waste Management and Recycling Public Education and Outreach				✓	
CESQG Program Administration					✓
Organics Diversion Program Administration					✓
C&D Permit/Recycling Program Administration					✓
Commercial Waste Audits and Recycling Program Administration					✓

[1] Assumes the County will take steps to impose mandatory, exclusive collection for areas of the County that currently have only subscription collection service
[2] To the extent the County is providing this service, it would procure such service from the private sector and either (a) mandate that the waste generator pay the cost, or (b) recoup the cost through direct service fees charged to generators.

Note that even the recommended revenue structures in the table above include the use of a waste-generation-based user fee as the preferred mechanism for recouping some costs. Specifically, MSW Consultants believes that establishment of a waste-generation-based user fee would be more equitable than the current Net Service Fee, simply because it would convert the revenue mechanism from one based on property value to one based on waste generation rates. We recognize that this recommendation may be controversial in light of the County's rejection of just such a recommendation last year. However, to make the recommendation more palatable, it would be imperative to include the following conditions:

- The County should reject the LSWMP plan and instead shift to a system of waste export and privatized program elements wherever possible, seeking low cost as a primary driver. This step will decrease the prospect for owing large NSFs (and ultimately shift to a self-supporting system).
- The County should determine how best to participate in collection of wastes and recyclables so that it has the opportunity to link service charges directly to services being

provided. With involvement in collection comes the ability to charge full cost rates for collection, disposal and recyclables processing services.

- Wherever possible, the County should unbundle services and costs so that residential and commercial stakeholders understand what they are paying for.
- Facility operations should strive to be funded by tip fees with no subsidy (which is another intended consequence of unbundling). Of particular importance, in the waste export system, the County would not be able to fund stranded WTE debt with tip fees.
- The remaining cost of the NSF and/or stranded waste-to-energy system debt should be legislated to sunset with the elimination of the need for the NSF and/or retirement of the stranded debt. The County should confirm with legal counsel that is it acceptable under NY State law to recoup stranded debt and/or the NSF via a user fee.

It is also critical to note that any waste-generation-based user fee established by the County be converted over time to rely on actual reported waste disposal for both residential and commercial generators, rather than on a statistical estimate of waste generation. This implies that the County will implement and enforce hauler reporting requirements that provide sufficient customer-specific disposal service level data to calculate a defensible, actual allocation of costs based on real disposal rates, rather than on an estimate of waste generation. This process will require cooperation from the County tax assessor and potentially from individual municipal tax assessors in order to provide sufficient data to align actual disposal service levels to individual tax parcels.

11. LEGAL ISSUES

11.1. BACKGROUND

Local Law 1 of 1984 provides for the management of solid waste generated in Dutchess County. Local Law 4 of 1990, as amended by Local Laws 8 and 9 of 1990 and Local Law 2 of 1991, provides for the mandatory collection and disposition of recyclables in Dutchess County. Both Laws are attached as Appendix D.

In addition, Article XVII of the Dutchess County Charter and Article XVII of the Administrative Code of the Dutchess County Government, attached as Appendix E, outline the duties and responsibilities of the Commissioner of Solid Waste and the Solid Waste Management Board. As there is currently no Solid Waste Commissioner in Dutchess County, there is no enforcement of the Local Laws regarding solid waste and recycling.

11.2. PLANNING UNIT AUTHORITY RECOMMENDATIONS

MSW Consultants was provided with citations from the County, stating that Resolution 427-1984 gave planning authority to the DCRRA, and that the 1992 LSWMP reiterated this authority. While it will be necessary for the County to obtain a qualified legal opinion on this issue, it appears that adoption of a resolution by the Legislature would be sufficient to bring the Planning Unit authority back to the County. MSW Consultants recommends:

- The Legislature should, after appropriate legal counsel, adopt a resolution to bring back the County's designation as the Planning Unit and to give the County authority for LSWMP Approval;
- As soon as practicable, the County should proceed with the formation of the Solid Waste Commissioner's Office and staff this office with sufficient personnel to re-assert County management of the solid waste and recycling system.
- Concurrent with (or even prior to) the establishment of a functional Solid Waste Commissioner's Office, the County should amend the LSWMP that was submitted to DEC by the DCRRA to reflect County-drive, rather than RRA-driven, objectives.

11.3. MANDATORY RECYCLING ENFORCEMENT

Local Law 4 of 1990, as amended, is clear on the requirements and penalties for mandatory recycling in Dutchess County. At this time, there doesn't appear to be a need for additional legislation in this regard. There is, however, a need to enforce this law, including reporting requirements.

- As soon as practical, the County should hire appropriate staff and develop appropriate education and outreach programs publicizing recycling requirements;
- Outreach and education should proceed for one to two years as a precursor to penalties being issued for violations.

- The County should retain enforcement personnel empowered to enforce the mandatory recycling law and should begin enforcing this law after public outreach has occurred for some period of time to prepare residential and commercial generators and haulers.

11.4. HAULER LICENSING

There are several problems with the current hauler licensing process:

- No-one is currently authorized to approve licenses or renewals. (Only the Commissioner of Solid Waste is authorized to do this, and no-one is currently filling that position.)
- Onerously long application process, reportedly up to 18 months in length.
- No-one currently in place to verify waste and recycling reports of haulers.
- Due to deficiencies in the licensing process, competition is virtually non-existent.
- Reporting of waste tonnages is not complete or accurate, so the County does not know how much waste is actually being collected and disposed or recycled.

In order to have more competition in private hauling in Dutchess County, it would be beneficial to shorten the length of time it takes to be licensed. While background checks are important, it is useful to look at the licensing requirement in Westchester County, which has specific concerns about the background of applicants and the importance of competition in the hauling of waste and recyclables. The Westchester County law in its entirety is attached to this document as Appendix F. Among the features that could be used to improve the Dutchess County licensing process, increase competition, and improve the timeliness, accuracy, and completeness of reports needed to measure the County's progress are:

- The Westchester County Solid Waste Commission, not one individual, is responsible for approving licenses and renewals.
- Westchester County requires extensive background information and fingerprinting of applicants, but the Commission is required to "issue its final written determination as to each application no later than six (6) months after the date on which the Commission deems the application to be complete." There should be no reason this could not be shortened to four months in Dutchess County. If haulers know that they will have an approval or denial no later than four months after they complete the application package, it should encourage them to feel that there is a level playing field.
- For renewals, applicants must submit their application at least 120 days prior to the expiration of their license or registration. If it is submitted on time and is complete, and if the Commission has not acted on it by the expiration date or a hearing is pending, it is considered to have been extended. If a hearing is pending, the license or registration is considered to be extended until the final determination is made

Dutchess County should retain appropriate personnel staff in the Solid Waste Commissioner's Office to enforce reporting requirements.

11.5. FLOW CONTROL

The LSWMP suggested *regulatory* flow control of wastes and recyclables to assure optimal utilization of the RRA's facilities and to maximize recycling. Under regulatory flow control,

the local municipality directs wastes to be delivered to local publicly owned facilities, and private haulers must comply with this directive. There is a good discussion of regulatory flow control in New York State in Appendix D to the NYSDEC Solid Waste Management Plan, "Beyond Waste: A Sustainable Material Management Strategy". This is attached as Appendix G to this report.

However, what has not been discussed extensively is that there are two other forms of flow control that have been used successfully in municipal solid waste programs in NY State and nationally:

- **Economic Flow Control**: Economic flow control is, very simply, when the municipal facility can offer the lowest cost tip fee and is therefore the most economically attractive facility for local haulers. In other words, no regulation is required because rational haulers will choose to use the facility. Note that economic flow control can be engineered if other revenue mechanisms are used to artificially reduce the tip fee. For example, if a waste generation-based user fee is used to recoup some percentage of the cost of disposal, then the tip fee could be reduced below the full cost of disposal, which could make that tip fee economically attractive. A number of municipalities have instituted waste generation based user fees in order to engineer market competitive tip fees.
- **Contractual Flow Control**: For municipalities that directly manage the collection of wastes and recyclables through contracts with haulers, such wastes and recyclables can be directed to be delivered to specific facilities. This is especially powerful because it allows a municipality to competitively procure the lowest cost disposal (or recyclables processing) provider, and then separately, to competitively procure the lowest cost collection provider. By splitting the collection and disposal procurement apart, it eliminates the advantage that may be held by vertically integrated companies (such as Royal Carting) that own both disposal and collection capabilities.

While no studies have been done to tabulate the data, it is the opinion of MSW Consultants that contractual and economic flow control strategies are used by the majority of municipalities with high-diversion, low-cost integrated waste management systems nationally. Further, economic and contractual flow control are typically less onerous to private hauling and disposal vendors compared to regulatory flow control because these vendors can still compete to provide collection and disposal services in the manner they believe are most cost effective.

It appears to MSW Consultants that Dutchess County could reasonably pursue an integrated waste management system that employs economic and contractual flow control over regulatory flow control. This will require steps to make the local hauling market more competitive, and to assure that there is a cost-competitive disposal option available. Regulatory flow control can and should be used as a tool of last resort, if it is not possible to increase competition in the local market, or if the initiatives put in place do not provide the County with the waste reduction and recycling needed to meet the local and state goals.

11.6. PACKAGING AND DISPOSAL BANS

While packaging bans or other material disposal restrictions would potentially increase recycling, such laws are best enacted on the state and federal level. As there are several landfills in reasonably close proximity to Dutchess County, disposal bans on materials,

including packaging, would be likely to drive waste out-of-county. As the New York Product Stewardship Council (web site: http://www.nypsc.org/) is looking into statewide product stewardship legislation, it would be advisable for Dutchess County to be involved in the council and its efforts.

Disposal bans have been proven to increase recycling. A part of the successful recycling rate in San Francisco, now at 77% landfill diversion, is due to disposal bans they were able to implement. Without state and federal legislation on packaging and product waste, however, it will be difficult for any local governments to successfully reduce packaging and product waste. For this reason, it is important to work with the New York Product Stewardship Council on these issues. Disposal bans should be considered only if recyclable commodities continue to be disposed at a high rate, and if political will exists to implement disposal bans.

11.7. ELECTRONIC WASTE (E-WASTE)

The New York State Electronic Equipment Recycling and Reuse Act (Environmental Conservation Law, Article 27, Title 26) took effect January 1, 2011. Under this act, manufacturers of covered electronic equipment have several responsibilities, including the requirement that no later than April 1, 2011 they must provide an electronic waste acceptance program to consumers at no cost to the consumers. "Manufacturers must provide at least one reasonably convenient method of collection within each county, and within each municipality with a population greater than 10,000."[1] Manufacturers must also provide a public education program beginning April 1, 2011. Dutchess County should coordinate with the manufacturers' program to be sure that these and other provisions of this Act are being followed. As NYSDEC will no longer reimburse counties for e-waste programs after April 1, 2011, the responsibility for collection and recycling of electronic wastes should be turned over to private industry.

11.8. PRODUCT STEWARDSHIP

In order to maximize reduction and recycling, products must not continue to be made in a way that produces waste. While product stewardship laws are difficult for local government to pass, as most products are manufactured outside of their jurisdiction, the New York Product Stewardship Council (web site: http://www.nypsc.org/) is looking into statewide product stewardship legislation. E-waste is now regulated under the Electronic Equipment Recycling and Reuse Act. Other products are being studied.

Dutchess County should be involved in the New York Product Stewardship Council and its efforts to standardize the approach to reducing product waste in New York State. If the County chooses to be aggressive on this type of initiative, local retail buy back legislation may be possible, as has been done in San Louis Obispo, California (web site: http://www.iwma.com/directory-kz/ordinances.html).

[1] http://www.dec.ny.gov/chemical/66845.html

11.9. LOCAL GOVERNMENT INITIATIVES

In April 2008, Governor Paterson signed Executive Order 4, outlining the responsibilities of all state agencies regarding reduction and recycling of waste. Dutchess County has implemented a number of government initiatives, which are listed in Section 6 of this report. These initiatives should be continued, measured and reported. They can be an example to other local governments within the county, and the Recycling Coordinator could make presentations to the other governments on these initiatives. Specifically, the County should:

- Continue, measure and report on the initiatives currently in place.
- Of the state initiatives listed in Governor Patterson's Executive Order 4, the following could be added by ordinance to current local government initiatives to increase reduction and recycling:
  - Establish additional recycled-content commodity contracts with other states and jurisdictions through active involvement with the National Association of State Purchasing Officials Eastern Regional Purchasing Cooperative and other established regional purchasing cooperatives throughout the nation;
  - Increase the purchase and use of alternative fueled vehicles by local governments;
  - Promote the purchase of recycled commodities such as carpets, picnic tables, and waste containers; and
  - Recycle all fluorescent lamps and ballasts in government buildings.

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12. PRIORITIZING LSWMP IMPLEMENTATION STEPS

Because of the number of decisions to be made by Dutchess County in the formulation of a long-term solid waste management plan, there is a significant amount of uncertainty as to the timing and even some of the initiatives to be implemented. Broadly, implementation of a viable solid waste management plan should proceed roughly as follows:

- **2011**: Re-establish the County as the Planning Unit and take steps to staff the Solid Waste Commissioner's office and recycling office;
- **2012**: Initiate all recycling and diversion related outreach and public education initiatives and establish accurate reporting mechanisms; begin preparing for the conversion to a waste export system; initiate exclusive collection.
- **2013**: Perform appropriate procurements for waste export system and initiate County-managed exclusive collection systems leading to PAYT.
- **2014 and beyond**: Incremental expansion of organics and C&D recycling and diversion.

The exhibits in this section attempt to summarize and identify the year in which certain initiatives should start. Exhibit 1 groups solid waste and recycling initiatives by topic. Exhibit 2 groups the initiatives by year of initiation. These exhibits are intended to serve as a starting point for discussion and debate in Dutchess County. They are subject to significant refinement as the County solidifies its mid and long-term strategies.

As a final note, these implementation guidelines are applicable in their entirety only if the County opts to switch to a waste export system. If the County prefers to remain committed to WTE, then the LSWMP schedule can be followed.

Exhibit 1 Implementation Plan
Sorted by Topic

	Topic	Task	Year Initiated
1	Planning	Restore the Planning Unit status to the County	2011
1	Planning	Submit revised LSWMP based on County-directed rather than RRA-directed judgements.	2011
1	Planning	Investigate potential for County-managed, exclusive collection program for areas of the County that currently have only subscription service	2013
2	Management	Fill the position of Commissioner of Solid Waste	2011
2	Management	Take steps to give County authority to approve any contractual arrangement that commits the County financially	2011
2	Management	Appoint the advisory Solid Waste Management Board	2011
2	Management	Establish a Solid Waste Commissioner's Office with initial support staff and resources	2011
2	Management	Revise hauler licensing process	2011
2	Management	Appoint the advisory Recyclables Oversight Committee	2012
2	Management	Establish a Recycling Office with sufficient staff and resources to develop meaningful public educatino and outreach programs.	2012
3	Disposal	Make determination on whether to expand current WTE system or else convert to a system of waste export with increased focus on recycling and composting	2013
3	Disposal	If exporting waste - plan for the development of transfer station capacity	2012
3	Disposal	If exporting waste - procure landfill disposal capacity	2013
4	Funding	Evaluate User Fee as an alternative to fund the Net Service Fee, which will better align the costs based on waste generation rather than property values for this subsidy.	2011
4	Funding	Establish waste management as an enterprise fund	2012
4	Funding	Unbundle HHW and recycling program administration costs and implement a flat per-household user fee to cover these costs	2012
4	Funding	In conjunction with county-managed collection, investigate utility billing and non-ad valorem billing alternatives for future solid waste and recycling system funding	2012
5	Collection	Implement mandatory curbside refuse collection	2012
5	Collection	Implement mandatory curbside recycling collection	2012
5	Collection	Implement mandatory curbside yard/organics collection	2013
5	Collection	In conjunction with analysis of exclusive collection, evaluate multi-municipality collection programs to standardize service and streamline collection efficiency	2013
5	Collection	Implement mandatory PAYT collection	2014
6	Recycling Office	Continue outreach and education and County support of ongoing HHW collection events	2011
6	Recycling Office	Continue program to accept outdated/discarded pharmaceuticals from residents of Dutchess, Columbia, Delaware, Rockland, and Ulster Counties.	2011
6	Recycling Office	Establish a proactive recycling management organization staffed by four to five professional staff	2011
6	Recycling Office	Coordinate with municipalities to understand and publicize municipal recycling programs	2011
6	Recycling Office	Continue outreach and support of New York State E-Waste Recycling Law	2012
6	Recycling Office	Stay abreast of and involved in effort of NY Product Stewardship Council to standardize the approach to product waste in NYS	2012
6	Recycling Office	Establish stakeholder meetings beginning with appointment of members to the Recyclables Oversight Committee	2012

Exhibit 1 Implementation Plan
Sorted by Topic

	Topic	Task	Year Initiated
6	Recycling Office	Develop an informative and user-friendly website on recycling and reduction of waste, and other aspects of integrated solid waste management	2012
6	Recycling Office	Continue, measure and report on the County government initiatives currently in place	2012
6	Recycling Office	Provide waste audits to businesses and institutions, including schools	2012
6	Recycling Office	Provide significant public education on single stream recycling	2012
6	Recycling Office	Presentations by Recycling Coordinator on reducing, recycling and proper disposal of solid waste to classes and other school groups	2012
6	Recycling Office	Develop recycling curriculum for the County's K-12 school system, in cooperation with school system	2012
6	Recycling Office	Begin education on recycling and reducing waste, and on requirements of Local Law No. 4	2012
6	Recycling Office	Provide waste and recycling technical assistance and monitoring for businesses and institutions	2012
6	Recycling Office	Recycling contests, with awards, for poster contests, recycled art competitions and other contests	2012
6	Recycling Office	Coordinate recycling collection/recovery services procurement terms and strategies for use by municipalities, businesses and schools	2012
6	Recycling Office	Train and use volunteers to assist the Recycling Coordinator with school presentations	2013
6	Recycling Office	Establish recognition programs for "super recyclers"	2013
6	Recycling Office	Recycling Coordinator contact other local governments and offer information on successful County initiatives and assistance in implementing them	2013
6	Recycling Office	Provide recognition to businesses and institutions excelling in waste reduction and recycling	2013
6	Recycling Office	Consider regionalization of recycling services	2015
7	Composting	Encourage increased use of McEnroe Organic Farm	2012
7	Composting	Encourage and support backyard composting	2012
7	Composting	Develop effective school composting projects	2015
8	C&D	Enforce accurate reporting of origin, recycling and disposal of materials by current C&D processors	2012
8	C&D	Encourage deconstruction and reuse	2012
8	C&D	Consider discussions with New Paltz to regionalize the use of the New Paltz Reuse Center	2012
8	C&D	Building permit mechanisms - require disposal deposit to be refunded on a pro-rated basis on submission of recycling receipts	2013
8	C&D	Building permit mechanisms - consider requiring job-site separation of recyclable materials	2015
8	C&D	Provide incentives to private sector to build full scale C&D processing and recycling center	2017
9	Legal Issues	Consider adding additional local government initiatives by ordinance	2012
9	Legal Issues	Enforce provisions of NYS Electronic Equipment Recycling and Reuse Act	2013
9	Legal Issues	Consider local retail buy back legislation	2014

Exhibit 1 Implementation Plan
Sorted by Topic

	Topic	Task	Year Initiated
9	Legal Issues	Empower County enforcement personnel to enforce mandatory recycling law, after 1-2 years of aggressive education	2014
9	Legal Issues	Consider disposal bans only if recyclable commodities continue to be disposed at a high rate	2015

Exhibit 2 Implementation Plan
Sorted by Year of Task Initiation

	Topic	Task	Year Initiated
1	Planning	Restore the Planning Unit status to the County	2011
1	Planning	Submit revised LSWMP based on County-directed rather than RRA-directed judgements.	2011
2	Management	Fill the position of Commissioner of Solid Waste	2011
2	Management	Take steps to give County authority to approve any contractual arrangement that commits the County financially	2011
2	Management	Appoint the advisory Solid Waste Management Board	2011
2	Management	Establish a Solid Waste Commissioner's Office with initial support staff and resources	2011
2	Management	Revise hauler licensing process	2011
4	Funding	Evaluate User Fee as an alternative to fund the Net Service Fee, which will better align the costs based on waste generation rather than property values for this subsidy.	2011
6	Recycling Office	Continue outreach and education and County support of ongoing HHW collection events	2011
6	Recycling Office	Continue program to accept outdated/discarded pharmaceuticals from residents of Dutchess, Columbia, Delaware, Rockland, and Ulster Counties.	2011
6	Recycling Office	Establish a proactive recycling management organization staffed by four to five professional staff	2011
6	Recycling Office	Coordinate with municipalities to understand and publicize municipal recycling programs	2011
2	Management	Appoint the advisory Recyclables Oversight Committee	2012
2	Management	Establish a Recycling Office with sufficient staff and resources to develop meaningful public educatino and outreach programs.	2012
3	Disposal	If exporting waste - plan for the development of transfer station capacity	2012
4	Funding	Establish waste management as an enterprise fund	2012
4	Funding	Unbundle HHW and recycling program administration costs and implement a flat per-household user fee to cover these costs	2012
4	Funding	In conjunction with county-managed collection, investigate utility billing and non-ad valorem billing alternatives for future solid waste and recycling system funding	2012
5	Collection	Implement mandatory curbside refuse collection	2012
5	Collection	Implement mandatory curbside recycling collection	2012
6	Recycling Office	Continue outreach and support of New York State E-Waste Recycling Law	2012
6	Recycling Office	Stay abreast of and involved in effort of NY Product Stewardship Council to standardize the approach to product waste in NYS	2012
6	Recycling Office	Establish stakeholder meetings beginning with appointment of members to the Recyclables Oversight Committee	2012
6	Recycling Office	Develop an informative and user-friendly website on recycling and reduction of waste, and other aspects of integrated solid waste management	2012
6	Recycling Office	Continue, measure and report on the County government initiatives currently in place	2012
6	Recycling Office	Provide waste audits to businesses and institutions, including schools	2012

Exhibit 2 Implementation Plan
Sorted by Year of Task Initiation

	Topic	Task	Year Initiated
6	Recycling Office	Provide significant public education on single stream recycling	2012
6	Recycling Office	Presentations by Recycling Coordinator on reducing, recycling and proper disposal of solid waste to classes and other school groups	2012
6	Recycling Office	Develop recycling curriculum for the County's K-12 school system, in cooperation with school system	2012
6	Recycling Office	Begin education on recycling and reducing waste, and on requirements of Local Law No. 4	2012
6	Recycling Office	Provide waste and recycling technical assistance and monitoring for businesses and institutions	2012
6	Recycling Office	Recycling contests, with awards, for poster contests, recycled art competitions and other contests	2012
6	Recycling Office	Coordinate recycling collection/recovery services procurement terms and strategies for use by municipalities, businesses and schools	2012
7	Composting	Encourage increased use of McEnroe Organic Farm	2012
7	Composting	Encourage and support backyard composting	2012
8	C&D	Enforce accurate reporting of origin, recycling and disposal of materials by current C&D processors	2012
8	C&D	Encourage deconstruction and reuse	2012
8	C&D	Consider discussions with New Paltz to regionalize the use of the New Paltz Reuse Center	2012
9	Legal Issues	Consider adding additional local government initiatives by ordinance	2012
1	Planning	Investigate potential for County-managed, exclusive collection program for areas of the County that currently have only subscription service	2013
3	Disposal	Make determination on whether to expand current WTE system or else convert to a system of waste export with increased focus on recycling and composting	2013
3	Disposal	If exporting waste - procure landfill disposal capacity	2013
5	Collection	Implement mandatory curbside yard/organics collection	2013
5	Collection	In conjunction with analysis of exclusive collection, evaluate multi-municipality collection programs to standardize service and streamline collection efficiency	2013
6	Recycling Office	Train and use volunteers to assist the Recycling Coordinator with school presentations	2013
6	Recycling Office	Establish recognition programs for "super recyclers"	2013
6	Recycling Office	Recycling Coordinator contact other local governments and offer information on successful County initiatives and assistance in implementing them	2013
6	Recycling Office	Provide recognition to businesses and institutions excelling in waste reduction and recycling	2013
8	C&D	Building permit mechanisms - require disposal deposit to be refunded on a pro-rated basis on submission of recycling receipts	2013
9	Legal Issues	Enforce provisions of NYS Electronic Equipment Recycling and Reuse Act	2013
5	Collection	Implement mandatory PAYT collection	2014
9	Legal Issues	Consider local retail buy back legislation	2014

Exhibit 2 Implementation Plan
Sorted by Year of Task Initiation

	Topic	Task	Year Initiated
9	Legal Issues	Empower County enforcement personnel to enforce mandatory recycling law, after 1-2 years of aggressive education	2014
6	Recycling Office	Consider regionalization of recycling services	2015
7	Composting	Develop effective school composting projects	2015
8	C&D	Building permit mechanisms - consider requiring job-site separation of recyclable materials	2015
9	Legal Issues	Consider disposal bans only if recyclable commodities continue to be disposed at a high rate	2015
8	C&D	Provide incentives to private sector to build full scale C&D processing and recycling center	2017

APPENDIX A

NYSDEC REQUIREMENTS VS. DCRRA LSWMP

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Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
General Information A Local SWM Plan must: (1) take into account the State SWM policy/hierarchy (ECL 27-0106) (2) provide for the management of all SW in the PU (3) cover at least a 10-year period (10-year plan is usually the best scope) (4) reflect and employ sound principles of SWM, natural resources conservation, energy production, and employment-creating opportunities		
	Introduction Green the system Level the Playing Field Optimize Waste-to-Energy	Keep pages 1-3 (6-9 in PDF file) & 1st 2 lines on page 4 (10 of PDF) and call it "Background" or "History". Add short intro to new plan – perhaps referencing 8/16/10 Working Group report. Note 9in letter accompanying report): "Long-term Dutchess County must look to make the RRA self-sufficient and solvent, and if by 2014 it is not, sale of the WTE facility should be considered."
Chapter 1 - Planning Unit description 1.1 size 1.2 municipalities, agencies, and authorities in PU 1.3 population 1.4 significant circumstances, such as major population centers, State or federal parks, seasonal usage, large or significant industries, etc. *(Check the original Local SWM Plan for data and sources. Did anybody leave the Planning Unit?)*	Chapter 1 - Dutchess County Planning Unit description 1.1 Planning Unit Size and Location 1.2 Planning Unit Constituent Municipalities 1.3 Planning Unit Unique Conditions 1.4 Informational Maps for Dutchess County 1.5 Changes to Planning Unit	Probably OK, if data is confirmed. Need better graphics.
Chapter 2 - SW quantity and types (including recyclables) 2.1 quantity of SW generated 2.1.1 residential 2.1.2 commercial and industrial 2.1.3 institutional 2.1.4 construction and demolition debris 2.2 quantity of recyclables generated 2.2.1 residential 2.2.2 commercial and industrial	Chapter 2 - Solid Waste Quantity and Type	Data needs checked. Information is inadequate. Even though total generation had to be extrapolated from other data, should have charts with break-down according to categories in first column. E-waste and CFLs are not discussed in the RRA draft.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
2.2.3 institutional 2.2.4 construction and demolition debris *(Use existing waste assessments from others, or review/revise the original SWM Plan waste assessment. – Don't forget about new streams such as e-waste and CFLs)*		
Chapter 3 - Existing program description *(Possible information sources: DEC, SWANA, ISRI, Yellow pages)* 3.1 SWM facility inventory proposed or existing SWM facilities used for, or have capacity to manage SW generated in the PU, and from outside the PU 1. expected life 2. current operating status	Chapter 3 - Existing program description 3.2 SWM Facility Inventory 3.4 Resource Recovery Facility 3.4.1 Background 3.4.2 Operations Including Tonnage Shortfalls 3.4.3 Energy Markets 3.4.4 Ash Disposal 3.5 Landfills 3.5.1 Municipal Solid Waste Landfills 3.5.2 Construction and Demolition Landfills 3.5.3 Ash Landfill	DEC's sample TOC seems to be logical. This chapter in RRA's draft is out of order. This needs untangled and re-written
3.2 existing efforts to recover recyclables 3.2.1 existing municipal, commercial, industrial and private efforts to recover recyclables. *(Data must include quantity and types of recyclables recovered, and a description of recyclables recovery programs used. – Surveys may be necessary for some of the commercial data.)* 3.2.2 Quantity and type of recyclables that could potentially be recovered 3.2.2.1 Composition *(i.e., quantity and characteristics)* of the SW presently generated and projections for future 3.2.2.2 types of SW contained in the	3.3 Recycling Facilities and Programs 3.3.1 DCRRA Materials Recovery Facility 3.3.2 Private and Out-of-County MRFs 3.3.3 Yard Wastes and Organics Composting 3.3.4 HHW 3.3.5 Pharmaceuticals and Other "Product Stewardship" Wastes 3.3.6 County Activities	Needs rewritten .

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
waste stream 3.2.2.3 strategies to achieve a reduction in SW destined for disposal 3.2.2.3.1 residential source separation/collection, intermediate processing 3.2.2.3.2 industrial/commercial recycling recovery 3.2.2.3.3 composting, 3.2.2.3.4 public education efforts *(Begin with current programs. Review the original Plan)*		
3.3 markets for recovered recyclables 3.3.1 current markets for recyclables 3.3.2 potential markets for recyclables 3.3.3 processing needed to assure market acceptance 3.3.4 market services available for assistance 3.3.5 restrictions to market development *(Start with www.empire.state.ny.us/recycle)*	3.5.4 Current and Future Market Restrictions	Appears to be missing 3.3.1 through 3.3.5 of DEC's list.
Chapter 4 - Future PU projections and SW changes 4.1 future population; waste generation; changes to the planning unit; special conditions that may affect any of these characteristics 4.2 projections of changes to the waste stream; effects of the changes on the current and proposed management practices in the PU *(A chart with notes works well here. What is going on in the area? Look at products in use today — they will be disposed of tomorrow.)*	Chapter 4 - Future Planning Unit Projections and Solid Waste Changes 4.1 Anticipated Changes to the Dutchess County Planning Unit 4.1.1 Expected Residential Development 4.1.2 Planned Commercial Development 4.1.3 Planned Industrial Development 4.2 Special Conditions 4.3 Projections of Changes to the Waste Stream 4.4 Waste and Recyclables Projections 4.5 Anticipated Effects of the Changes	Data needs checked, especially waste and recyclables projections. Note – 4.3 (page 72 – page 79 of PDF) states that the County plans to re-implement flow control. I believe that is incorrect, especially in regards to recyclables. Same section and page: "It is estimated that over 10,000 tons, of the estimated 24,000 tons of recyclable materials, are currently handled outside the County. A single stream facility would handle all recyclables generated within the County…. It is anticipated the recycling rate could be increased over 50%." Is this to over 50% recycling, or 50% increase over current rate? This is really lame. –

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
		The Plan also projects 6,000 tons could be diverted for composting, which is 9% of compostables available (food and vegetative waste only) *In 11/29/10 version – all references to flow control were removed or softened throughout the document so that it is mentioned as a possible option rather than a plan. In this chapter 4, the need to improve the web site was also added.*
Chapter 5 - Technology Evaluation 5.1 storage, treatment, disposal of solid waste *(evaluation of the various technologies for storage, treatment, and disposal of solid waste within the PU)* 5.1.1 sizing of SWM facilities, based on projected quantities and composition of the SW and waste generation minimization/recyclables recovery efforts 5.1.2 costs of the various alternatives 5.1.3 environmental, economic and social impacts of each technology *(Critical if newly planned facilities are anticipated during the planning period. Consider emerging technologies such as digestion, gasification.)*	Chapter 5 - Technology Evaluation 5.1 Current Technologies Used by DCRRA for Dutchess County 5.2 Capacity and sizing of SWM Facilities 5.3 Technology Options and Costs	Much appears to be missing. Section 5.1, Municipal Solid Waste, Recycling, and HHW – These sections can be used, but may need some additional info. Needs another subsection with <u>evaluation</u> of the various technologies for storage, treatment, and disposal of solid waste within the PU Section 5.2, Capacity and sizing of SWM Facilities – needs work Section 5.3, Technology Options and Costs – this probably needs completely re-written. Some of the info can be used, however.
5.2 alternative recovery programs 5.2.1 alternative source separation /recyclables recovery programs considered 5.2.2 the proposed program 5.2.3 reasons for selection of the proposed program 5.2.4 relationship between size and capacity of disposal facilities and size and capacity of recyclables recovery program	5.3.1 Recycling 5.3.2 Organics 5.3.3 Construction and Demolition Debris Processing 5.3.4 Emerging Technologies 5.3.5 Waste-to-Energy 5.4 Collection Options 5.4.1 Public collection 5.4.2 Pay As You Throw (PAYT)	*[Move section 5.2 to chapter 7]* Much appears to be missing. This probably needs to be completely rewritten.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
5.2.5 procedures for implementation of the recovery program 5.2.5.1 plan and scope of operation 5.2.5.2 equipment to be used 5.2.5.3 collection arrangements 5.2.5.4 processing and storage procedures 5.2.5.5 market agreements 5.2.5.6 funding sources 5.2.5.7 the entity responsible for program operation and management 5.2.5.8 the availability of staff for implementation 5.2.6 implementation schedule coordinated with milestone dates for progressively increasing percentages of the waste stream that will be recovered as recyclables 5.2.7 actions to maximize development and enhancement of markets 5.2.8specific public relations and education programs to be undertaken *(Should be combined with other sections. Should be combined with overall implementation schedule. Enforcement should be integrated with public education programs)*		
5.3 analysis of the costs of the system 5.3.1 capital investments 5.3.2 insurance 5.3.3 operation 5.3.4 maintenance 5.3.5 administration 5.3.6 financing 5.3.6.1 financing mechanisms that will meet the anticipated costs *(Consider PAYT/Quantity-based user fees*		This whole section appears to be missing. The costs in the RRA draft appear to be appropriate in DEC's listing, 5.1.2 "costs of the various alternatives", but there is no analysis as outlined by DEC.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
Should be combined with other sections/chapters)		
5.4 neighboring jurisdiction impacts 5.4.1 measures used to secure participation of neighboring jurisdictions 5.4.2 any limitations which the plan's implementation would impose on the neighboring jurisdictions' SWM programs 5.4.3 effects of including the jurisdiction in the plan, including additional viable alternatives *(Plan should include results of phone or mail contacts with the neighboring jurisdictions.)*	5.5 Neighboring Jurisdiction Impacts 5.5.1 Neighboring Planning Units 5.5.2 Measures to Secure Neighboring Jurisdiction Participation 5.5.3 Limitations on Neighboring Planning Units 5.6 Comprehensive Recycling Analysis	This is inadequate. 5.5.2 just says they maintain regular contact. *In 11/29/10 version, this was expanded slightly to note that the RRA will "expand its outreach and coordination with neighboring planning units" to address a number of solid waste issues, including single stream recycling and a regional approach.* Section 5.6 is not comprehensive, and I don't know why it is in this chapter.
Chapter 6 - Integrated system selection 6.1 management of each of the various types of waste to be treated, stored, or disposed. 6.1.1 RRA 6.1.2 County 6.1.3 Private Sector 6.1.3.1how waste stream to be managed by private sector will be managed if the private sector does not adequately manage this waste stream 6.1.3.2 how the private sector is to be notified of the responsibility for management of a specific waste stream 6.1.3.3 (if this is proposed by the PU) how the PU will provide technical, administrative and financial assistance to the private sector in meeting this responsibility *(Should be coordinated with other sections / chapters especially recycling recovery programs)*	Chapter 6 - Integrated System Selection 6.1 Overall Assessment and Program Goals 6.2 Program Goals A. Green the system B. Level the Playing Field C. Optimize Waste-to-Energy 6.2.1Program Administration: Flow Control as a Means to apply Integrated Waste Management Principles on a County-wide Basis 6.2.1.1 User Fee 6.2.2 Management of Source Separated Recyclables 6.2.2.1 Assessment of Current Infrastructure 6.2.2.2 Single Stream Processing 6.2.2.3 Impact of the Proposed Recyclables Recovery Effort on Existing Recyclables Recovery Programs 6.3 Yard Waste and Organics Composting 6.4 Disposal of Non-Recyclable Materials: Waste-to-Energy and Landfills 6.4.1 Comparative Environmental Impacts of Waste-to-Energy and Landfills	This needs to be rewritten. *In 11/29/10 version added a new section, "Summary of New Recycling Initiatives and Programs" (list of 17 initiatives). Throughout the 11/29/10 document, priorities were changed to put recycling and reduction before increasing capacity at the RRF.*

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
	6.4.2 Resource Recovery Facility Assessment 6.4.3 Resource Recovery Facility Recommended Improvements 6.4.4 Landfills Available for Interim or Permanent Use 6.4.4.1 For MSW 6.4.4.2 For Ash 6.4.4.3 For Construction and Demolition Debris 6.4.5 Transfer Capacity 6.5 Summary of Needed Facility Improvements 6.6 Collection Arrangements 6.7 Market Agreements 6.8 Funding Sources 6.9 Entity Responsible for Implementation 6.10 Availability of Staff for Implementation 6.11 Alternatives if Private Sector Management is not Functioning Adequately 6.12 Relationship Between Private Sector Management and the Planning Unit	
Chapter 7 - Implementation Schedule (with integrated recovery goals) 7.1 timetable for implementing the integrated system 7.1.1 Closure of existing inadequate SWMFs or schedule for bringing them into conformance with requirements 7.1.2 identification of major events and milestones to achieve implementation *Move 5.2 here* Note: According to DEC, this section is REALLY IMPORTANT *(Recycling program schedule is best integrated*	Chapter 7 - Implementation Schedule 7.1 Prevention-source Reduction 7.2 Recycling 7.3 Organics Recovery 7.4 Energy Recovery 7.5 Transfer and Disposal 7.6 Administrative/Legal/Financial	DEC noted that "this section is REALLY IMPORTANT" and it appears sorely lacking.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
with this section/chapter)		
Chapter 8 - New Laws and regulations / Legal/institutional analysis 8.1 identification of any: new local laws, ordinances, regulations, amendments to existing local laws, ordinances, or regulations 8.2 Legal/institutional analysis 8.2.1 identification of the laws, rules, regulations, or ordinances which could cause constraints to the selected recovery program 8.2.2 schedule and description of local laws or ordinances to implement the selected recovery program and to develop and enhance markets *(Revisit Flow Control, Districting, Hauler licensing. Consider plastic bag and e-waste local legislation. Should be combined with other sections/chapters. Consider hauler licensing and reporting, Districting, PAYT/Quantity-based user fees) [Also procurement of recycled products]*	Chapter 8 - New Laws & Regulations Legal/Institutional Analysis 8.1 Legal Constraints to the Selected Recovery Program 8.2 Schedule and Descriptions of Regulations Needed to Implement Programs 8.2.1 Local Law to Establish a Solid Waste User Fee 8.2.2 Flow Control Amendment 8.3 Analysis of Use in the LSWMP 8.3.1 Incentive Based Pricing (PAYT) 8.3.2 Hauler Licensing	This is RAA's agenda, not an appropriate analysis.
Chapter 9 - Interim SWM measures – identification of measures to manage each of the various types of SW to be treated, stored, or disposed of within the PU, until the integrated system is completely implemented *(Likely not applicable to most PUs with mature SW/Recycling programs)*	Chapter 9 - Interim Solid Waste Measures	This should be either re-written or omitted. RRA has one paragraph stating that it is a fully functional system and will have permanent improvements, but no interim measures.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
Chapter 10 - Export certification of capacity – certification of disposal capacity when exporting waste out of the P U. (Note: If exportation for less than 5 years is proposed, the PU must certify capacity for disposal or treatment for that entire time period. – When exportation for 5 or more years is proposed, the PU must certify a minimum 5 years of capacity for disposal or treatment) *(If the PU exports waste to another PU or State, get letters from 2-3 waste destination facilities, plus permits from out-of-State destinations.)*	Chapter 10 - Export Certification	States that only ash residue, for use as daily cover, is currently exported. The required letter and permit from that facility is missing. This may need rewritten *Update: According to NYSDEC, letter and permit is not required from facility taking ash residue.*
Chapter 11 - Administrative Structure and Financial Mechanisms – identification of the administrative structure that will be responsible for implementing EACH element of the integrated system and for operating the various portions of the integrated system Note: According to DEC, this is a critical section for multi-municipal PUs with or without Authority status *(Include considerations of hauler licensing and enforcement in this section.)*	Chapter 11 - Administrative Structure 11.1 Responsibilities 11.1.1 Implementation of Each Element of the Integrated System 11.1.2 Operating the Various Portions of the Integrated system 11.2 Organizational Chart	This is also considered very important by DEC, and, from my understanding, is also important to the County. It is sorely lacking.
Chapter 12 - Future actions to further the SWM hierarchy 12.1 scope of existing or new recovery programs 12.2 determination that facilities are properly sized, taking into account the potential for recovery and expanding the service area 12.3 other program enhancement to promote recovery 12.4 procurement practices to use recycled	Chapter 12 - Future Actions to Further the SWM Hierarchy 12.1 Prevention-Source Reduction 12.2 Recycling 12.3 Energy Recovery 12.4 Procurement Practices	This needs rewritten.

Appendix A - DEC Requirements for Draft Dutchess Co. LSWMP Table of Contents	RRA draft Table of Contents	Comments
products *(Include: Buy Recycled efforts to be undertaken by the PU; State/federal legislation that should be supported; Other actions beyond the immediate control of the PU or beyond the term of the local Plan)*		
Appendix A - Public comment summary This is to be an accounting, to the maximum extent practicable, for the comments and views expressed by concerned governmental, environmental, commercial, and industrial interests, the public and neighboring jurisdictions. *(Use website to further publicize the Plan and solicit public comments. – This can be an Appendix to the final iteration of the Plan)*		This presumably is to be added after all the public comments are in. *Update: Was added to 11/29/10 version.*
Other Chapters or Appendices as needed (surveys, background data, etc)	Appendix B – draft legislation to implement flow control.	Apparently the County is not keen on flow control. *This was deleted from 11/29/10 version.*

APPENDIX B

2008 DUTCHESS COUNTY RECYCLING REPORT

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2008	COM-MINGLED	NEWS-PAPER	MIXED PAPER	OFFICE PAPER	COR-RUGATED CARD-BOARD	TOTAL TONS
MUNICIPAL						
Amenia	30.01	9.38				39.39
Beacon City					5.00	5.00
DCRRA	11.08		24.70			35.78
Town of Dover	16.69	8.86	13.05		5.20	43.80
Town of Clinton	62.55		30.79			93.34
LaGrange, Town	55.84		38.05			93.89
Town of Milan	47.17		20.80			67.97
Pawling, Town	132.69		122.25		52.93	307.87
Pawling, Village	34.87	17.34			25.06	77.27
Pleasant Valley	106.50	104.40	81.99		58.60	351.49
Pine Plains						0.00
Poughkeepsie, City	520.71		789.17		49.91	1,359.79
Pok City Schools	0.94			0.75	18.23	19.92
Poughkeepsie Twn						0.00
Red Hook Town	75.00	91.00	75.00		46.00	287.00
Red Hook Village	61.42		69.63		22.74	153.79
Rhinebeck, Town	81.45		133.31		14.74	229.50
Rhinebeck, Village	32.81	64.48				97.29
Stanford, Town	57.41	54.23				111.64
Tivoli, Village	58.74	54.94				113.68
Unionvale	98.41		126.97		42.01	267.39
Wappingers, Town	41.55	79.54			21.97	143.06
Wappingers, Village	61.92	52.26				114.18
Town of Washington	30.84		84.20			115.04
PRIVATE CARTER						
Hudson Baylor	2,200.99					2,200.99
Liberta Bros. Inc.						0.00
LaMela Sanitation					881.81	881.81
Royal Carting	5,564.65	6,275.96	41.72		4,975.86	16,858.19
Taylor Recycling						0.00
Waste Mgmt.	455.84		427.90		1,041.32	1,925.06
INDIVIDUAL BUSINESS						
Advanced Recovery						0.00
American Lamp						0.00
Casings, Inc.						0.00
Darling International						0.00
Deep Green of NY						0.00
Dutchess Ag Society	1.20		2.68			3.88
Don Stevens Tire						0.00
Effron & Son						0.00
Duffy Layton						0.00
ESMI of New York						0.00
IBM Fishkill	22.70		103.00		120.40	246.10
IBM Pok	8.91		130.79		437.21	576.91
RCT						0.00
Gap Distribution				12.60	1,162.00	1,174.60
Greenway Topsoil						0.00
McEnroe Org Farm						0.00
Northeast Lamp						0.00
Recycle Depot					525.02	525.02
Raymour & Flannigan					17.00	17.00
Shop & Stop					1,546.56	1,546.56
Tri County Muni Was						0.00
Prison-Green Haven	11.99				57.55	69.54
Price Chopper	87.50			2.50	278.34	368.34
Bard						0.00
Vaz Co						0.00
						0.00
Total Year to Date	9,972.38	6,812.39	2,316.00	15.85	11,405.46	30,522.08

2008	TIRES IN TONS	TIRES BY COUNT	C&D	CON-CRETE	TOTAL TONS
MUNICIPAL					
Amenia					0.00
Beacon City	12.00		551.97		563.97
DCRRA					0.00
Town of Dover					0.00
Town of Clinton					0.00
LaGrange, Town			1.61		1.61
Town of Milan					0.00
Pawling, Town					0.00
Pawling, Village					0.00
Pleasant Valley			444.92		444.92
Pine Plains					0.00
Poughkeepsie, City		310 tires	89.58		89.58
Pok City Schools					0.00
Poughkeepsie Twn		1,132 tires	847.80		847.80
Red Hook Town					0.00
Red Hook Village					0.00
Rhinebeck, Town	1.94				1.94
Rhinebeck, Village					0.00
Stanford, Town	8.83				8.83
Tivoli, Village					0.00
Unionvale	2.50				2.50
Wappingers, Town	25.16		60.56		85.72
Wappingers, Village					0.00
Town of Washington	6.80				6.80
PRIVATE CARTER					
Hudson Baylor					0.00
Liberta Bros. Inc.			1,078.46		1,078.46
LaMela Sanitation	115.10		6,752.51	1,564.19	8,431.80
Royal Carting	185.43		18,007.00	2,730.87	20,923.30
Taylor Recycling			2,025.87	546.99	2,572.86
Waste Mgmt.					0.00
INDIVIDUAL BUSINESS					
Advanced Recovery					0.00
American Lamp					0.00
Casings, Inc.	1,236.71				1,236.71
Darling International					0.00
Deep Green of NY					0.00
Dutchess Ag Society		75 tires	18.22		18.22
Don Stevens Tire					0.00
Effron & Son					0.00
Duffy Layton					0.00
ESMI of New York					0.00
IBM Fishkill			500.00	345.30	845.30
IBM Pok			244.35	252.22	496.57
RCT				37,703.64	37,703.64
Gap Distribution					0.00
Greenway Topsoil				580.00	580.00
McEnroe Org Farm					0.00
Northeast Lamp					0.00
Recycle Depot	804.00		15,744.00	180.00	16,728.00
Raymour & Flannigan					0.00
Shop & Stop					0.00
Tri County Muni Was					0.00
Prison-Green Haven					0.00
Price Chopper					0.00
Bard					0.00
Vaz Co					0.00
					0.00
Total Year to Date	2,398.47		46,366.85	43,903.21	92,668.53

2008	SCRAP METAL	APPLIANCES	TOTAL TONS
MUNICIPAL			
Amenia			0.00
Beacon City	118.06	59.03	177.09
DCRRA			0.00
Town of Dover			0.00
Town of Clinton	3.20		3.20
LaGrange, Town	18.14		18.14
Town of Milan	13.11		13.11
Pawling, Town	124.59		124.59
Pawling, Village			0.00
Pleasant Valley	96.87		96.87
Pine Plains	120.00	55.00	175.00
Poughkeepsie, City	41.75		41.75
Pok City Schools	11.00		11.00
Poughkeepsie Twn	150.79		150.79
Red Hook Town	33.00		33.00
Red Hook Village			0.00
Rhinebeck, Town	8.81		8.81
Rhinebeck, Village	4.00		4.00
Stanford, Town			0.00
Tivoli, Village			0.00
Unionvale	87.65		87.65
Wappingers, Town	219.10		219.10
Wappingers, Village			0.00
Town of Washington		62.50	62.50
PRIVATE CARTER			
Hudson Baylor			0.00
Liberta Bros. Inc.			0.00
LaMela Sanitation	1,626.37		1,626.37
Royal Carting	1,476.53		1,476.53
Taylor Recycling	61.92		61.92
Waste Mgmt.	12.10		12.10
INDIVIDUAL BUSINESS			
Advanced Recovery			0.00
American Lamp			0.00
Casings, Inc.			0.00
Darling International			0.00
Deep Green of NY			0.00
Dutchess Ag Society	60yd		0.00
Don Stevens Tire			0.00
Effron & Son	16,400.00		16,400.00
Duffy Layton			0.00
ESMI of New York			0.00
IBM Fishkill	677.70		677.70
IBM Pok	758.97		758.97
RCT			0.00
Gap Distribution	30.00		30.00
Greenway Topsoil			0.00
McEnroe Org Farm			0.00
Northeast Lamp			0.00
Recycle Depot	960.00		960.00
Raymour & Flannigan			0.00
Shop & Stop			0.00
Tri County Muni Was			0.00
Prison-Green Haven			0.00
Price Chopper			0.00
Bard			0.00
Vaz Co			0.00
			0.00
Total Year to Date	23,053.66	176.53	23,230.19

2008	YARD-WASTE WOOD	FOOD	COMPOST	TOTAL TONS
MUNICIPAL				
Amenia				0.00
Beacon City				0.00
DCRRA				0.00
Town of Dover				0.00
Town of Clinton				0.00
LaGrange, Town				0.00
Town of Milan				0.00
Pawling, Town				0.00
Pawling, Village				0.00
Pleasant Valley				0.00
Pine Plains				0.00
Poughkeepsie, City			1,017.47	1,017.47
Pok City Schools				0.00
Poughkeepsie Twn	416.00			416.00
Red Hook Town				0.00
Red Hook Village				0.00
Rhinebeck, Town				0.00
Rhinebeck, Village	117.00			117.00
Stanford, Town				0.00
Tivoli, Village				0.00
Unionvale				0.00
Wappingers, Town	317.93			317.93
Wappingers, Village				0.00
Town of Washington	125.00			125.00
PRIVATE CARTER				
Hudson Baylor				0.00
Liberta Bros. Inc.		696.00		696.00
LaMela Sanitation	357.86			357.86
Royal Carting	348.77	75.32	216.23	640.32
Taylor Recycling	116.87			116.87
Waste Mgmt.				0.00
INDIVIDUAL BUSINESS				
Advanced Recovery				0.00
American Lamp				0.00
Casings, Inc.				0.00
Darling International				0.00
Deep Green of NY				0.00
Dutchess Ag Society				0.00
Don Stevens Tire				0.00
Effron & Son				0.00
Duffy Layton	10,781.00			10,781.00
ESMI of New York				0.00
IBM Fishkill	385.70	934.00		1,319.70
IBM Pok	356.51			356.51
RCT				0.00
Gap Distribution				0.00
Greenway Topsoil	5,631.00	215.00		5,846.00
McEnroe Org Farm	1,770.00	3,228.00		4,998.00
Northeast Lamp				0.00
Recycle Depot	1,416.20			1,416.20
Raymour & Flannigan				0.00
Shop & Stop				0.00
Tri County Muni Was			25.40	25.40
Prison-Green Haven		190.02		190.02
Price Chopper	57.50			57.50
Bard			205.00	205.00
Vaz Co				0.00
				0.00
Total Year to Date	22,197.34	5,338.34	1,464.10	28,999.78

2008	ELEC-TRONICS	FREON	BATTERIES	SLUDGE	MOTOR OIL	FLUOR-ESCENTS	ANTI-FREEZE	TOTAL TONS
MUNICIPAL								
Amenia								0.00
Beacon City								0.00
DCRRA								0.00
Town of Dover								0.00
Town of Clinton								0.00
LaGrange, Town								0.00
Town of Milan								0.00
Pawling, Town								0.00
Pawling, Village								0.00
Pleasant Valley								0.00
Pine Plains								0.00
Poughkeepsie, City	29.30	157unit				316		29.30
Pok City Schools						0.41		0.41
Poughkeepsie Twn	3.90							3.90
Red Hook Town		26.00						26.00
Red Hook Village								0.00
Rhinebeck, Town								0.00
Rhinebeck, Village								0.00
Stanford, Town								0.00
Tivoli, Village								0.00
Unionvale	7.28	0.20			14.40	0.30		22.18
Wappingers, Town								0.00
Wappingers, Village								0.00
Town of Washington					4.00			4.00
PRIVATE CARTER								
Hudson Baylor								0.00
Liberta Bros. Inc.								0.00
LaMela Sanitation								0.00
Royal Carting	239.00	678unit		267.46	6848gal			506.46
Taylor Recycling								0.00
Waste Mgmt.								0.00
INDIVIDUAL BUSINESS								
Advanced Recovery	67.30							67.30
American Lamp	8.50					8.10		16.60
Casings, Inc.								0.00
Darling International								0.00
Deep Green of NY								0.00
Dutchess Ag Society						20bulbs		0.00
Don Stevens Tire								0.00
Effron & Son					865 gal			0.00
Duffy Layton				3,619.00				3,619.00
ESMI of New York								0.00
IBM Fishkill			2.50			2.30		4.80
IBM Pok	58.15							58.15
RCT								0.00
Gap Distribution	8.50		204.00		110gal	0.68		213.18
Greenway Topsoil								0.00
McEnroe Org Farm								0.00
Northeast Lamp	27.13					5.67		32.80
Recycle Depot								0.00
Raymour & Flannigan								0.00
Shop & Stop								0.00
Tri County Muni Was				200.40				200.40
Prison-Green Haven								0.00
Price Chopper								0.00
Bard								0.00
Vaz Co					63,000g		2,775 gallons	0.00
								0.00
Total Year to Date	449.06	26.20	206.50	4,086.86	18.40	17.46	0.00	4,804.48

2008	FURN-ITURE	FILM	COOKING OIL	ANIMAL RENDERINGS	TOTAL TONS
MUNICIPAL					
Amenia					0.00
Beacon City	621.90				621.90
DCRRA					0.00
Town of Dover					0.00
Town of Clinton					0.00
LaGrange, Town					0.00
Town of Milan					0.00
Pawling, Town					0.00
Pawling, Village					0.00
Pleasant Valley					0.00
Pine Plains					0.00
Poughkeepsie, City					0.00
Pok City Schools					0.00
Poughkeepsie Twn					0.00
Red Hook Town					0.00
Red Hook Village					0.00
Rhinebeck, Town					0.00
Rhinebeck, Village					0.00
Stanford, Town					0.00
Tivoli, Village					0.00
Unionvale					0.00
Wappingers, Town	656.10				656.10
Wappingers, Village					0.00
Town of Washington					0.00
PRIVATE CARTER					
Hudson Baylor					0.00
Liberta Bros. Inc.					0.00
LaMela Sanitation					0.00
Royal Carting					0.00
Taylor Recycling					0.00
Waste Mgmt.					0.00
INDIVIDUAL BUSINESS					
Advanced Recovery					0.00
American Lamp					0.00
Casings, Inc.					0.00
Darling International			388.06	496.46	884.52
Deep Green of NY					0.00
Dutchess Ag Society			1000gal		0.00
Don Stevens Tire					0.00
Effron & Son					0.00
Duffy Layton					0.00
ESMI of New York					0.00
IBM Fishkill	96.90				96.90
IBM Pok	214.19				214.19
RCT					0.00
Gap Distribution					0.00
Greenway Topsoil					0.00
McEnroe Org Farm					0.00
Northeast Lamp					0.00
Recycle Depot					0.00
Raymour & Flannigan		8.00			8.00
Shop & Stop		8.93			8.93
Tri County Muni Was					0.00
Prison-Green Haven					0.00
Price Chopper		3.28			3.28
Bard					0.00
Vaz Co					0.00
					0.00
Total Year to Date	1,589.09	20.21	388.06	496.46	2,493.82

Dutchess County Estimated Recycling Rate, 2008

2008	Total Tons	MSW Tons
RECYCLING		
Commingled & Fiber	30,522	30,522
Scrap Metal & Appliances	23,230	4,404
C&D, Tires & Concrete	92,669	-
Compost Materials [1]	29,000	29,000
Compost Materials [2]	27,204	-
HHW [3]	4,804	718
Other [4]	2,494	1,997
TOTAL	209,923	66,640

[1] Yard Waste, Food Waste & Compost

[2] Manure & Subsoil

[3] Includes sludges, electronics, and a variety of households hazardous wastes

[4] Furniture, Film, Cooking Oil & Animal Renderings

MSW processed by RRA	142,844	142,844.00
Recycling processed by MRF	10,630	10,630.00
Reported Disposal (DEC)	224,870	224,870
MSW + Reported Recycling	434,793	291,510
2008 recycling rate	48.3%	22.9%

APPENDIX C

WASTE-TO-ENERGY (WTE) BENCHMARKING

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BRISTOL RESOURCE RECOVERY FACILITY, BRISTOL RESOURCE RECOVERY FACILITY OPERATING COMMITTEE (BRRFOC), BRISTOL CT

When Plant Started Operations: 1988

Population Served: 310,495

Technology: Mass Burn— Zurn Boilers and Martin Grates

Waste Processed:

Annual-Tons Per Year: 198,086
Per Day- Tons Per Day: 543

Air Pollution Control Technology:

Type	When Installed
Dry Scrubber	1988
Baghouse	1988
SNCR	2001
Dry Sorbent Injection	2001
CEMS	1995

Owner: Covanta Bristol Inc.

Operator: Covanta Bristol Inc.

Waste Stream/Wasteshed:

Category	Percent of Waste
14 Member Contracted Communities	93.4%
Spot Market-Short Term Commercial	6.6%

Annual Operating Costs: $14,845,964 (includes ash handling and pass-throughs)–BRRFOC Financial Statements, 6/30/2010

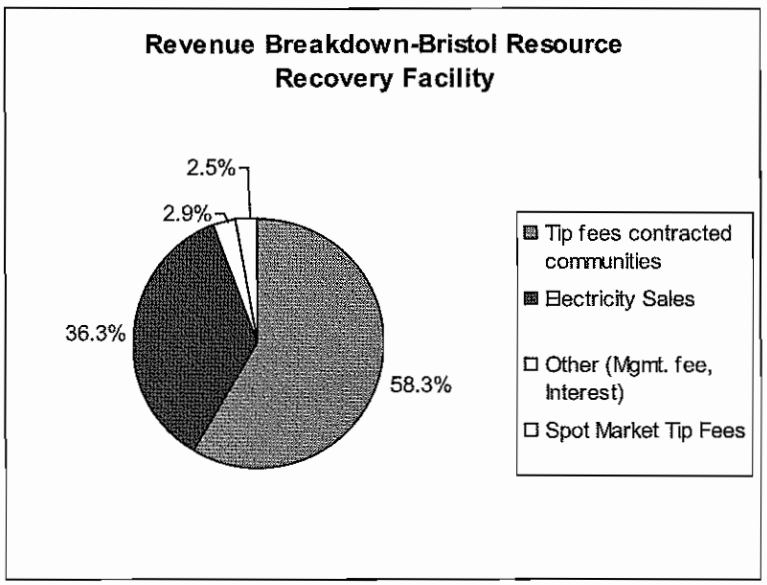
Annual Debt Service: $5,952,650

FY 2010 (ended 6/30/2010) WTE Cost/Ton = $105.00

Tip Fees: $65.50/ton

Total FY 2010 Plant Revenues: $21,133,799

How is Facility Funded:



Notes:

The Bristol Resource Recovery Operating Committee is an inter-community structure created in 1985 by agreement between the towns and cities of Bristol and New Britain and the towns of Berlin, Burlington, Plainville, Plymouth, Southington and Washington, which was amended to include the towns of Wolcott, Warren, Hartland, Branford, Seymour, and Prospect. The contracting communities, under the terms of the Agreement, have committed to deliver to the waste-to-energy facility minimum tonnages of acceptable waste on an annualized basis and to pay the requisite tip fee for this waste. Each town has voting shares depending on the proportion of waste sent to the WTE facility. The 25 year contract with Covanta expires by 2014 and is in the process of being renegotiated. Excess plant revenues go towards a reserve fund, which is used to maintain stable tip fees. Tip fees for member communities have remained stable over the last decade; in fact, as of FY 2011 they have been reduced $1.00/per ton. Standard and Poor's has recently (September 2010) upgraded its rating of BRRFOC's outstanding revenue refinancing bond debt from A+ to AA due to its long history of competitive tip fees and stability of its member towns.

Dutchess County Resource Recovery Facility

When Plant Started Operations: 1989

Population Served: 298,745

Technology: Mass Burn - 2 O'Connor rotary waterwall combustors, reversed drum grate

Waste Processed:

Annual-Tons Per Year: 150,641
Per Day- Tons Per Day: 456

Air Pollution Control Technology:

Type	When Installed
Spray Dry Absorber	2005
Fabric Filter	1986
Carbon Injection	2005
Continuous Emission Monitor	1986/1996/2005 (with upgrades)
Combustion Controls	1986

Owner: Dutchess County Resource Recovery Agency

Operator: Covanta Energy

Waste Stream/Wasteshed:

Category	Percent of Waste
Municipalities	10%
Contracts with major hauler	85%
Other haulers	5%

Annual Operating Costs: $14,146,215 (including ash and residual handling/disposal)

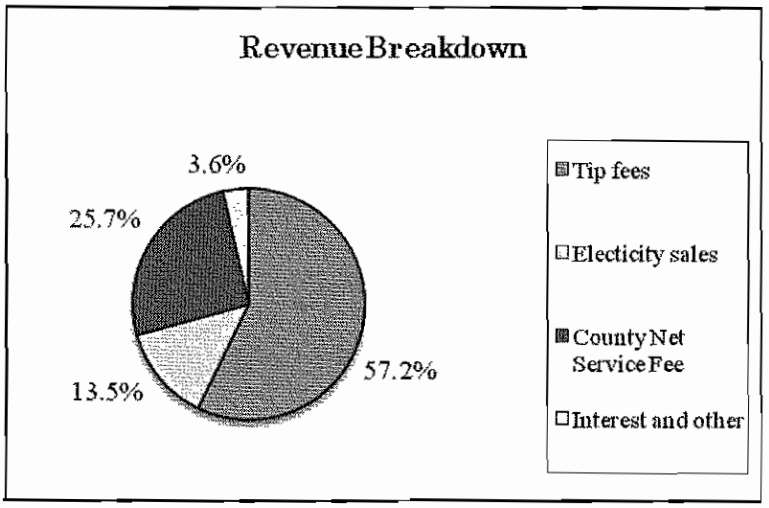
Annual Debt Service: $4,532,096

FY 2009 WTE Cost/Ton = $124.00 total operating cost per ton
Of that, taxpayers pay $32.83 per ton through Net Service Fee

Tip Fees: Gate rate: $80.00 per ton
Contract waste rate: $74.00 per ton

Total FY 2009 Plant Revenues: $19,265,276

How is Facility Funded:



Source	Amount	Percent
Tip fees	$11,019,285	57.2%
Electricity sales	$ 2,596,053	13.5%
County Net Service Fee	$ 4,946,199	25.7%
Interest and other	$ 703,739	3.6%
Total	$19,265,276	100.0%

Notes:
There were no metal sales revenues in 2009, as all revenue went to the contractor. Due to a new metals contract, revenue from metal sales in 2010 is anticipated to be $1 million.

Total budgeted expenditures for 2009 of $21,444,208 were allocated as follows: operations and residue disposal, $14,146,215.00, or 67%; debt service, $4,532,096.00 or 21 %; operation of the MRF, the HHW program, and all other system management, $2,765,897.00, or 12%.

Annual debt service is for two Agency bond issues. $3.8 million of the annual debt service payment is for repayment of the original RRF bonds, which will be retired on January 1, 2014. The 2005 bond issue for the implementation of air pollution control improvements mandated by the Clean Air Act will be approximately $1.66 million per year as of January 2014.

Agency revenue from tipping fees has decreased in recent years as delivered tonnage has decreased, and the County Net Service Fee payments have correspondingly increased.

Year	Tonnage received	Tip fees received	County Net Service Fee
2005	152,802	$11.8 million	$1.24 million
2006	154,020	$12.1 million	$2.12 million
2007	144,473	$11.4 million	$2.92 million
2008	142,844	$10.5 million	$3.49 million
2009	150,641	$11.2 million	$4.90 million

ECOMAINE, PORTLAND MAINE

When Plant Started Operations: 1988

Technology: Mass Burn—L & C Steinmuller Boilers and Grates

Waste Processed:

Annual-Tons Per Year: 185, 655
Per Day- Tons Per Day: 507

Air Pollution Control Technology:

Type	When Installed
ESP	1988
Dry Scrubber	1988
SNCR	1999
Carbon Injection	2001
CEMS	1995
CO2 Monitor	2009

Owner: Ecomaine (formerly Regional Waste Systems). This is a non-profit waste management company owned and operated by 21 municipalities in southern Maine, including Portland, South Portland, Cape Elizabeth, Scarborough.

Operator: Ecomaine

Waste Stream/Wasteshed:

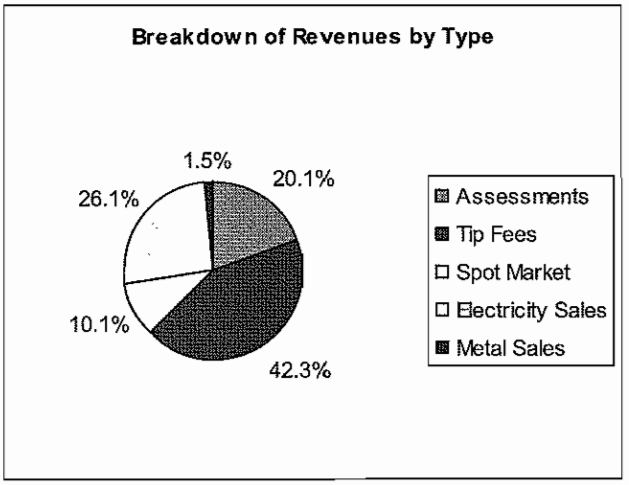
Category	Percent of Waste
Member or 20 yr Contract	34%
Commercial Haulers – 1-5 yr contract	31%
Spot Market	35%

Annual Operating Costs: $10,000,966 (includes ashfill)

Annual Debt Service: $8,135,000

Total Revenues: $23,325,679

How is Facility Funded:



Notes:

21 member communities are owners of Ecomaine and its facilities, which include the WTE plant, ashfill, MRF, household hazardous drop center as well as various trucks and all equipment needed to run these facilities. These 21 communities, which provide about 61% of the waste, pay both a tip fee of $88.00/ton and an assessment which averages about $35.00 per ton, but varies by community. Other communities which signed up later but are under long term contract pay about $78.00/ton tip fee. The spot market has been in the $40 to $60 range. Existing debt will be paid off by 2014. Assessments also cover costs of the recycling facility, overhead, etc.

MACARTHUR RENEWABLE ENERGY FACILITY, TOWN OF ISLIP, NEW YORK

When Plant Started Operations: 1990

Population Served: 330,000

Technology: Mass Burn— Deltak Boiler, Westinghouse/O'Connor Grates

Waste Processed:

Annual-Tons Per Year: 158,892
Per Day- Tons Per Day: 435

Air Pollution Control Technology:

Type	When Installed
Wet Scrubber	2004
Baghouse	1990
Dry Sorbent Injection	2004
CEMS	1996

Owner: Islip Resource Recovery Agency

Operator: Covanta Renewable Energy Inc.

Waste Stream/Wasteshed:

Category	Percent of Waste
Town of Islip-Public and Franchise Collection	94.1%
Commercial Establishments--Condition Of License	5.9%

Annual Operating Costs: $14,593,845 (includes ash handling and pass-throughs)--Islip RRA Financial Statement 12/31/2009

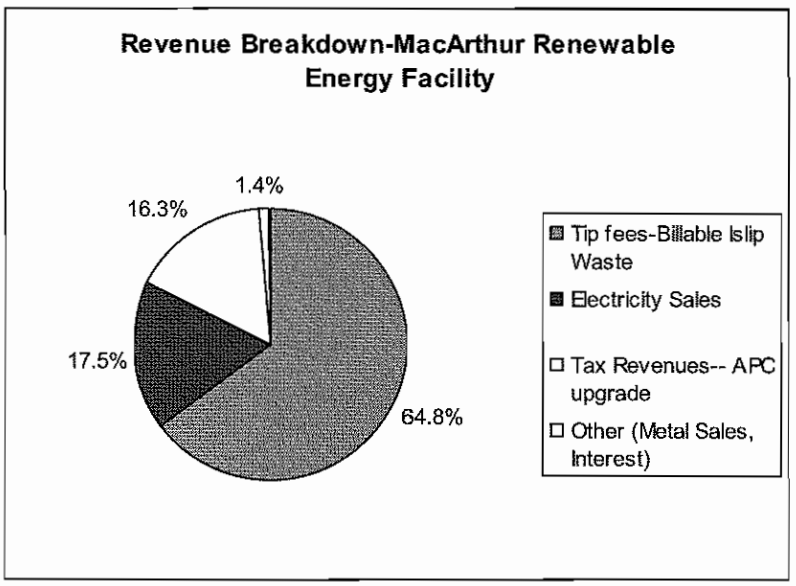
Annual Debt Service: $5,872, 278-Town of Islip Financial Statement 12/31/2009

CY 2009 (ended 12/31/2009) WTE Cost/Ton = $128.81

Tip Fees: $85.00/ton paid on incoming commercial processible waste.

Total CY 2009 Apportioned WTE Plant Revenues: $22,233,339

How is Facility Funded:



Notes:

The plant is owned by the Islip Resource Recovery Agency, which is an enterprise fund and a component part of the Town of Islip. It has responsibility for the Waste to Energy facility, a MRF, a yard waste composting facility, a clean fill and a non-operating landfill, which is in the midst of being closed under a state consent order. All activities are essentially funded by a dedicated ad valorem tax, which has two components: 1) solid waste collection and disposal ($472.80/housing unit) and 2) Federal EPA Clean Air Act upgrade ($44.75/unit). These taxes pay for refuse collection and disposal for residential units within the Town of Islip. Haulers serving commercial establishments must take processible waste to the WTE facility as a condition of their hauling license. They pay a $85/ton tip fee. The Town pays franchised refuse haulers directly and remits to the IRRA "tip fee" monies for the WTE facility, as well as the MRF, C&D landfill, and yard waste composting facilities. In addition, the IRRA also receives monies for debt service, landfill closure costs and other miscellaneous expenses. All these monies are allocated from the dedicated taxes that are collected. The IRRA remits back to the Town about $10,000,000 to pay for administrative fees and to help fund the operations of the various solid waste facilities, other than the WTE plant.

The original WTE operating contract began in 1990, between Montenay Islip Inc. (later became Veolia Environmental Services) and the IRRA for twenty years with a renewal option for five years. The current operations agreement runs through March 2015. In August 2009, Covanta acquired this and other plants from Veolia. The operations agreement has continued under Covanta.

WASTE TO ENERGY FACILITY (WTEF), MARION COUNTY, OREGON

When Plant Started Operations: 1986

Technology: Mass Burn— Zurn Boilers and Martin Grates

Waste Processed:

Annual-Tons Per Year: 182, 716
Per Day- Tons Per Day: 501

Air Pollution Control Technology:

Type	When Installed
Dry Scrubber	1986
Baghouse	1986
SNCR	1998
Dry Sorbant Injection	1998
CEMS	1994

Owner: Covanta Energy Inc.

Operator: Covanta Energy Inc.

Waste Stream/Wasteshed:

Category	Percent of Waste
Franchised Residential and Commercial Haulers—Marion County	90%
Spot Market-On call from Portland	10%

Annual Operating Costs: $9,293,291(includes ashfill plus fee to Covanta) –Actual FY2009-Marion County FY2011 Budget by Department

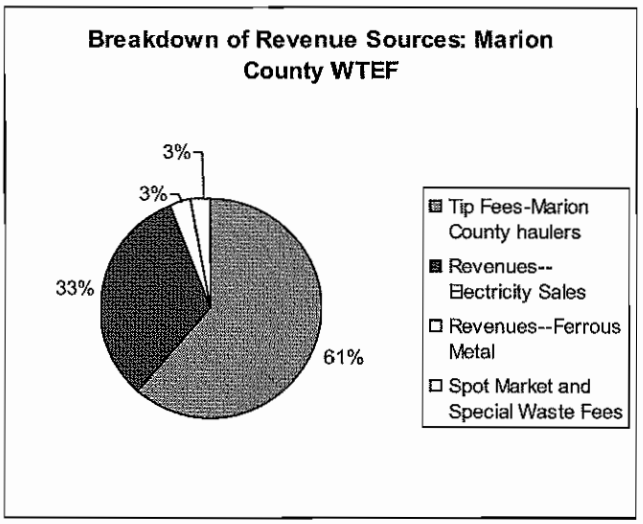
Annual Debt Service: No debt service—Paid off in 2008

FY 2009 (ended 6/30/2009) WTE Cost/Ton = $50.86

Tip Fees: $67.45/ton

Total FY 2009 Plant Revenues: $16,975,136

How is Facility Funded:



Notes:

Plant services residences and commercial establishments in Marion County. In addition, about 11,000 to 12,000 tons per year are taken from nearby Portland and Linn County on a contractual basis. On an annual basis the county generates an additional 55,000 tons of MSW per year, which is trucked to an out of county landfill for disposal, since the WTEF is at capacity. The tip fee, which is set at $67.45 is paid for solid waste disposal at all county facilities, i.e. transfer stations and the WTEF. This fee has held steady since 1992. Of that amount, about $48.28/ton was paid to Covanta in FY2009 to operate the WTEF. The remaining monies go towards the ashfill, overhead, landfill closure, event recycling, recycling education, hazardous waste pickup and disposal and other activities of the Environmental Services Department. Debt service as of 2008 was $4,200,000 or about $23.00 per ton. When it was paid off, the Department had the option of lowering tip fees. It decided not to lower tip fees, but to put excess funds in a reserve. The contract with Covanta terminates in 2014. The county is in negotiations with Covanta currently, but it is anticipated that costs will rise in the future and that the air pollution control system will have to be upgraded. There is some discussion about expanding this facility to accommodate all the MSW of Marion County.

Summary of WTE Facilities Benchmarked

Name of Facility	MacArthur - Islip, NY	Dutchess County RRF	Bristol RRF- Bristol, CT	Ecomaine - Portland, Maine	WTE Facility, Marion, Oregon
Owner/Operator	Islip Resource Recovery Agency/ Covanta Renewable Energy, Inc.	Dutchess County RRA/ Covanta Energy	Covanta Bristol Inc./ Covanta Bristol Inc.	Ecomaine/ Ecomaine	Covanta Energy Inc./ Covanta Energy Inc.
Public, Private?	Public/Private	Public/Private	Private	Public	Private
Year Started Operations	1990	1989	1988	1988	1986
Tons Per Year	158,892	150,641	198,086	185,655	182,716
Tons Per Day	435	456	543	507	501
Annual Operating Cost	$14,593,845	$14,146,215	$14,845,964	$10,000,966	$9,293,291
Operating Cost Per Ton	**$128.81**	**$124.00**	**$105.00**	**$53.87**	**$50.86**
Annual Debt Service	$5,872,278	$4,532,096	$5,952,650	$8,135,000	None - paid off 2008
Total 2009 Plant Revenues	$22,233,339	$19,265,276	$21,133,799	$22,325,679	$16,975,136
% Tipping Fee Revenues	64.8%	57.2%	58.3%	42.3%	61.0%
% Electricity Revenues	17.5%	13.5%	36.3%	26.1%	33.0%
% Assessments, Net Service Fees	16.3%	25.7%		20.1%	
% Metal Sales	(included with interest)	0.0%		1.5%	3.0%
% Interest, Spot Markets, etc.	1.4%	3.7%	5.4%	10.1%	3.0%
Tipping Fee (Gate)	$85.00	$80.00	$65.50	$88.00 *	$67.45
Tipping Fee (Contract Waste)		$74.00		$78.00	
Other				* Plus assessment which averages $35 per ton	
Total Operating Less Debt Service	$16,361,061	$14,733,180	$15,181,149	$14,190,679	$16,975,136
Operating Cost/Ton (excl. impact of debt service)	$102.97	$97.80	$76.64	$76.44	$92.90

APPENDIX D

LOCAL LAW NO. 1-1984 AND NO. 4-1990

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LOCAL LAW NO. 1 1984

A LOCAL LAW PROVIDING FOR THE MANAGEMENT OF SOLID WASTE GENERATED WITHIN THE COUNTY OF DUTCHESS

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

SECTION 1. Short Title. This local law shall be known and may be cited as the solid waste management law.

SECTION 2. Purposes. This local law is adopted pursuant to Chapter 675 of the Laws of 1982 of the State of New York for the purpose of (1) effectuating the management on a county-wide basis of all solid waste generated within or coming into from outside of the County of Dutchess in order to protect the public health and safety and to improve the environment by control of air, water and land pollution, and (2) carrying out the expressed policy of the State to displace competition with regulation or monopoly public service.

SECTION 3. Definitions. As used or referred to in this local law, unless the context otherwise requires:

1. "Agency" shall mean the Dutchess County Resource Recovery Agency created under Chapter 675 of the Laws of 1982 of the State of New York.

2. "Commissioner of Solid Waste Management" shall mean the Commissioner of Solid Waste Management of the County of Dutchess.

3. "County of Dutchess" shall mean the entire County of Dutchess as constituted and existing under the Laws of the State of New York.

4. "Disposal of Solid Waste" shall mean the transporting or delivery of solid waste to a solid waste facility.

5. "Municipality" shall mean any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency, department or bureau of the state or federal government.

6. "Person" shall mean any natural person, individual, partnership, co-partnership, association, joint venture, corporation form, trust, estate or any other legal entity inclusive of a "municipality."

7. "Solid Waste" shall mean all materials or substances discarded or rejected within the County of Dutchess as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the United States Atomic Energy Act of 1954, as amended, and waste which

appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law of the State of New York.

8. "Solid Waste Management-Resource Recovery Facility" shall mean any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in subdivisions four and five of Section 51-0903 of the Environmental Conservation Law of the State of New York.

SECTION 4. Disposal of Solid Waste. The Commissioner of Solid Waste Management is hereby authorized and directed to designate in writing, from time to time, one or more solid waste management-resource recovery facilities to be used for the disposal of solid waste generated within the County of Dutchess, which designation may include a determination that a particular solid waste management-resource recovery facility shall be the only facility used for the disposal of solid waste generated within all of, or a described area within, the County of Dutchess or by a particular person or persons. In making any such designation the Commissioner of Solid Waste Management shall give due consideration to the capacity of any facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Commissioner of Solid Waste Management to determine that the public interest is served by such designation. No person shall dispose of solid waste generated within or coming into from outside of the County of Dutchess, except at a solid waste management-resource recovery facility designated by the Commissioner of Solid Waste Management in accordance with this Section. The Commissioner of Solid Waste Management is hereby authorized and directed to promulgate such rules and regulations as he shall determine to be necessary to effectuate the purposes of this local law, including the requirement that all private haulers of solid waste be licensed by the Commissioner of Solid Waste Management. All acts and proceedings taken by the Commissioner of Solid Waste Management pursuant to this local law shall, in all respects, be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto.

SECTION 5. Enforcement. It shall be the responsibility of the Commissioner of Solid Waste Management, in consultation with the County Attorney, to enforce the provisions of this local law and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including without limitation a proceeding for specific performance, brought in the name of the County of Dutchess as may be provided or authorized by law.

SECTION 6. Penalties. Any person who violates this local law shall be guilty of an offense and subject to a fine of not more than Five Hundred

Dollars ($500.00) and/or imprisonment for not more than fifteen (15) days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Dutchess. Each and every act of disposal committed which is prohibited by Section 4 hereof shall constitute a separate violation of this local law.

SECTION 7. Priority. Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State of New York, this local law takes precedence over and shall supercede any inconsistent provisions of any local law enacted by any municipality within the County of Dutchess.

SECTION 8. Separability. If any section, provision, or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the remainder of the local law or the validity of the local law as a whole or any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

SECTION 9. Effective Date. This local law shall take effect immediately.

RESOLUTION NO. 339 1983

RE: LOCAL LAW NO. 1 OF 1984; A LOCAL LAW PROVIDING FOR THE MANAGEMENT OF SOLID WASTE GENERATED WITHIN THE COUNTY OF DUTCHESS

Government Services Committee

COMMUNITY SERVICES COMMITTEE offers the following and moves its adoption:

RESOLVED, that the County Legislature of the County of Dutchess does hereby adopt Local Law No. of 1983 which is being presented herewith.

CA-236-83
SJW:ld
8/22/83

APPROVED
Lucille P Pattison
LUCILLE P. PATTISON
County Executive
Date 1/16, 19 84

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 day of 19 , 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 day of 19

DEC 29 1983

Patricia M. Strand
Deputy CLERK OF THE LEGISLATURE

BR.3

LOCAL LAW NO. 4 OF 1990

A LOCAL LAW PROVIDING FOR THE MANDATORY COLLECTION AND DISPOSITION OF RECYCLABLES IN DUTCHESS COUNTY

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

Section 1. Purpose.

Whereas, the conservation, recovery, and reuse of recyclable materials is now a necessity in order to conserve natural resources, reduce the impact of the ever increasing cost of solid waste disposal, ensure safe processing of solid waste, help maximally reduce the quantity of solid waste that must be disposed of and preserve capacity at the solid waste management/resource recovery facilities, it is the intent of the Dutchess County Legislature to establish a resource recovery system which includes the mandatory separation of recyclable material from solid waste in the county.

The purpose of this local law of the County of Dutchess is to regulate as a proper governmental function, the separation of recyclable material from the solid waste by persons within the county.

Section 2. Statutory Authority for Local Law.

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law, (Section 2047-t(3) of the Public Authorities Law) and Local Law #1 of 1984, it being the intent of this Legislature that both Local Laws should provide a comprehensive regulation of the solid waste stream in the county. Nothing in this local law shall be deemed to conflict with or supersede Local Law #1 of 1984.

Section 3. Definitions.

As used in this local law, the following terms shall have the following meanings:

"Agency" shall mean the Dutchess County Resource Recovery Agency created under Chapter 675 of the Laws of 1982 of the State.

"Aluminum Products" shall mean uncontaminated aluminum packaging, such as pie plates and frozen dinner trays.

"Cans" shall mean containers comprised of aluminum, tin, steel, or a combination thereof, which contain or formerly contained only food and/or beverage substances.

"Cardboard" shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled cardboard.

"Commingled" shall mean source separated, non-putrescible, non-contaminated recyclable materials that have been placed in the same container.

"Commissioner" shall mean the Commissioner of Solid Waste Management of the County.

"County" shall mean the entire County of Dutchess as constituted and existing under the Laws of the State.

"Economic Markets" shall mean instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said material.

"Garbage" shall mean putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

"Glass" shall mean all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for the packaging or bottling of various matter and all other material commonly known as glass excluding, however, ceramics, light bulbs, blue and flat glass and glass commonly known as window glass.

"Major appliances" shall mean large and/or bulky household appliances (refrigerator, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

"Municipality" shall mean any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public benefit corporation, municipal corporation, political subdivision, government agency, department or bureau of the state of federal government.

"Newspaper" shall mean all uncontaminated paper commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinion and containing advertisements and other matter of public interest, and shall include supplements, comics and enclosures.

"Office paper" shall mean all bond paper including computer print-outs, stationery, photo copy, and ledger from commercial waste generators.

"Person" shall mean any natural person, individual, partnership, co-partnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate or any other legal entity inclusive of a municipality or any other waste generator.

"Plastic" shall mean all containers made from high density polyethylene or polyethylene terephthalate (PET) including, but not limited to bottles having contained the following products: milk, water, juice, detergent, bleach, antifreeze and soda; or other resins that may be designated as a recyclable material in accordance with this law once economic markets exists.

"Recyclable commercial and industrial by-products" shall include all materials which are by-products of production utilized in production or sale after sale by a commercial enterprise or industrial enterprise.

"Recyclable material" shall mean office paper, cardboard, newspaper, cans, glass, and plastic, aluminum products, tires, major appliances and such

other materials as may be designated by the Commissioner and the Recyclables Oversight Committee in accordance with this law.

"Recyclables Oversight Committee" means the committee established and appointed pursuant to this local law.

"Recyclers" shall mean those who deal with recyclable material both as collectors, separators and marketers. This definition shall include not-for-profit corporations and charitable corporations which collect recyclables for fund raising purposes.

"Recycling" shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Solid waste" shall mean all materials or substances discarded or rejected within the County of Dutchess as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form special nuclear or by-product material within the meaning of the United States Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law of the State.

"Solid waste management-resource recovery facility" shall mean any facility, plant, works, system, building, structure, improvement machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmissions facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in subdivisions four and five of Section 51-0903 of the Environmental Conservation Law of the State of New York.

"Source separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

"State" shall mean the State of New York.

"Uncontaminated" shall mean free of materials that are not recyclable or free of materials that, if present, either reduce the value of a recyclable material or render it unrecyclable.

"Vehicular tires" shall mean tires from cars and trucks and their casings.

"Yard Waste" shall mean grass clippings, leaves, and cuttings from shrubs, hedges, trees, brush and garden debris.

Section 4. Designation or Removal of Recyclable Materials.

In addition to the recyclable materials defined in Section 3 of this law, the Commissioner, subject to Section 17 of this local law, shall be authorized to designate recyclable materials to be separated from other solid waste or to remove previously designated recyclable materials from the list of recyclable materials.

If removal of the recyclable material is based upon the lack of an economic market for the material in accordance with Section 120-aa of the General Municipal Law, then the Commissioner shall conduct such studies as he deems necessary and proper to establish the lack of an economic market, and shall state specifically in the notice of his action removing the recyclable material and the grounds for his action and shall make all studies upon which his determination is based. Such designation or removal shall be made in writing, published in the Environmental News Bulletin and the official newspapers of the County, and shall take effect thirty (30) days after such publication.

Section 5. Program Established.

A program is hereby established for the mandatory source separation of recyclable materials within the County. All persons shall separate recyclable materials from solid waste before either setting out solid waste for collection pursuant lawful procedure or disposing of it at an authorized solid waste management/resource recovery facility.

Section 6. Preparation, Separation, and Ownership of Recyclable Materials.

(a) The commissioner, from time to time, may promulgate rules and regulations specifying requirements for preparation of recyclable materials. Such rules and regulations shall be promulgated in accordance with Section 16 hereof. All persons shall prepare recyclable materials in accordance with the Commissioner's rules and regulations.

(b) All recyclable materials shall be placed in a separate container or containers.

(c) Once deposited in the containers, all recyclable materials become the property of the county.

Section 7. Recycling of source separated materials.

(a) Upon the effective date of this Local Law after adequate notice has been published, posted and publicized for a garbage and refuse district or for a particular collection area, all persons in the county shall separate recyclable materials for the purposes of collection and recycling. Where permitted by the rules or regulations of a municipality or private hauler, different types of recyclable materials may be commingled.

(b) No person shall dispose of recyclable materials except as directed by the Commissioner pursuant to this Local Law, or if the Commissioner has not acted, the Municipality.

(c) The Commissioner may, from time to time, as required, alter, delete, or add designated recyclables based on market availability, technology or other factors, subject to Section 17 of this law.

(d) Source separated recyclable material placed for collection shall be collected and retained separately from garbage and shall be transported to a solid waste management-resource recovery facility/or facilities as designated by the Commissioner of Solid Waste Management, as more fully set forth herein.

(e) All collectors of designated source separated solid waste shall be responsible for proper collection of recyclable materials that have been separated at the point of generation and the collector of such recyclable materials shall be responsible for transporting such recyclable materials to a designated solid waste management/resource recovery facility as shall be determined by the Commissioner.

(f) All solid waste management/resource recovery facilities, whether municipal or private, shall provide adequate facilities for the acceptance of recyclable materials and further, no such facility or collector shall accept solid waste unless the materials designated by the Commissioner as recyclable materials are separated therefrom.

(g) Nothing in this Local Law shall be deemed to make it unlawful to dispose of recyclables by means of donating them to a recycler.

Section 8. Private Drop-off Program for Multi-Domicile Buildings and Complexes.

(a) There is hereby established a program ("private drop-off program") for the source separation and delivery to a recycling drop-off of recyclable materials from all residents of apartment complexes, condominium complexes, cooperative apartments, hotels, motels, bungalow or resort colonies.

(b) The owner of and manager of every multi domicile building or complex, within the county shall provide and maintain, in a neat and sanitary condition, recycling drop-off(s) to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop-off(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the facilities provided by the owner.

(c) The owner or manager of every multi domicile building or complex shall arrange for the collection for recycling of all recyclable materials from said drop-offs.

Section 9. Reporting to Commissioner.

All collectors of recyclables shall be required to keep and maintain records reflecting the tons of recyclable materials collected and to report the results of such collection to the Commissioner on a quarterly basis.

Section 10. Regulated Waste Haulers and Collectors.

Any waste hauler licensed under the provisions of Local Law #1 of 1984 and the Rules and Regulations of the Commissioner of Solid Waste Management shall be subject to the provisions of this Local Law.

Section 11. Designated Solid Waste Management Facilities.

The Commissioner is hereby delegated the authority to designate appropriate solid waste management/resource recovery facilities for the purposes of recyclable materials processing and disposition. A person shall deliver recyclable materials only to a solid waste management/resource recovery facility designated by the Commissioner. However, if no facility is designated, the collector of a particular recyclable material may deliver recyclable material to an appropriate facility.

Section 12. Separation and Collection of Tires and Major Household Appliances.

Deleted.

Section 13. Preparation and Disposal of Residential Yard Waste.

(a) All yard waste shall be separated from solid waste. It shall be unlawful to place such material in a solid waste management-resource recovery facility.

(b) Each city, town and/or village within the county may provide, or obtain rights in, a site for the disposal of residential yard waste.

(c) Yard Waste may be composted at a site or sites designated by the municipality or at a facility as may from time to time be designated by the Commissioner of Solid Waste Management.

(d) This section shall not prohibit private composting, or onsite disposal in compliance with any existing law, of yard waste by any individual.

Section 14. Unlawful Activities; Nuisances.

It shall be unlawful for:

(1) Any person, other than those persons authorized, to collect any recyclable material which has been placed at the curb or roadside for collection or within a recycling drop-off pursuant to this law or to scavenge or remove any articles from any containers.

(2) Any person to violate or to assist in the violation of any provision of this law.

(3) Any person to place or to cause to be placed any material other than a recyclable material in or near a recycling drop-off.

(4) Any person to hinder, to obstruct, to prevent or to interfere with the county or any other authorized persons in the performance of any duty under this local law or in the enforcement of this local law.

(5) Any person to commingle in a landfill or other solid waste management-resource recovery facility, any designated recyclable with solid waste.

(6) Any person to operate a landfill or other solid waste management-resource recovery facility without adequate provisions for the collection of source separated recyclable materials.

(7) Any person to dispose of or place tires, yard waste or household appliances (white goods) in a landfill or other solid waste management-resource recovery facility.

Section 15. Enforcement: Penalties for Persons Violating.

(a) Any person who violates this Local Law shall be guilty of an offense and subject to a fine. Conviction of a first offense provided by this article shall be punishable by a fine of fifty dollars ($50), and in addition, anyone convicted of a first offense hereunder shall be liable to pay a civil penalty of fifty dollars ($50). Conviction of a second offense within a year of the first defense shall be punishable by a fine of one hundred dollars ($100), and in addition anyone convicted of a second offense thereunder shall be liable to pay a civil penalty of one hundred ($100), and in addition anyone convicted of a subsequent offense thereunder shall be liable to pay a civil penalty of one thousand dollars ($1000). Where applicable, a person who violates this Local Law may be subject to suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste disposed within the county.

(b) Each and every act of disposal committed which is prohibited hereunder shall be deemed a separate violation of this Local Law.

County of Dutchess
Local Law No. 8 of the year 1990

A Local Law Amending Local Law No. 4 of 1990, Providing for the Mandatory Collection and Disposition of Recyclables in Dutchess County.

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

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, NEW YORK, AS FOLLOWS:

SECTION 1. The intent of this Local Law shall be to amend Section 15 of Local Law No. 4 of 1990, as follows:

Section 15. Enforcement and Penalties.

(a) All provisions of this local law are enforceable by the Dutchess County Commissioner of Solid Waste or his designees.

(b) Any person who violates this Local Law shall be guilty of an offense and subject to a fine. Conviction of a first offense provided by this article shall be punishable by a warning. Conviction of a second offense within a year of the first offense shall be punishable by a fine of fifty dollars ($50), and in addition anyone convicted of a second offense thereunder shall be liable to pay a civil penalty of fifty dollars ($50), and in addition anyone convicted of a subsequent offense thereunder shall be liable to pay a civil penalty of five hundred to one thousand dollars ($500 - $1000). Where applicable, a person who violates this Local Law may be subject to suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste disposed within the county.

(c) Each and every act of disposal committed which is prohibited hereunder shall be deemed a separate violation of this Local Law.

(d) The Commissioner of Solid Waste or his designees shall enforce all the provisions of this Local Law.

(e) The following shall be excluded from penalties: Infirmed, blind, handicapped or otherwise incapable of physically separating materials for recycling, such infirmity to be certified by a medical doctor.

SECTION 2. Local Law No. 4 of 1990 is hereby ratified and confirmed in all other respects.

SECTION 3. This Local Law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

Section 16. Rules and Regulations.

The commissioner may from time to time by resolution promulgate rules and regulations consistent with the provisions of this Local Law in order to effect the purposes thereof. The procedure for rule making shall be as follows:

(a) The proposed rules or synopsis thereof shall be published twice in the official newspapers of the County. Such publications shall contain a notice of public hearing, which shall be held by the Commissioner at a convenient facility open to the public on no less than 30 days notices;

(b) the Commissioner shall prepare the record of the public hearing and shall prepare a document responding to the comments received by the Commissioner at the public hearing. The record of public comment and the response document shall be made available for public review;

(c) the final rules, or synopsis thereof, shall be published in the same manner as the proposed rules no less than 10 days after the response document is made available for public review. The final rules shall take effect 20 days after publication.

Section 17. Recyclables Oversight Committee.

A committee consisting of not more than seven (7) members to be appointed by the Dutchess County Legislature and the County Executive is hereby created and established for the purpose of advising the Commissioner of Solid Waste Management regarding adding or removing materials from the definition of recyclable materials; establishing procedures and operating standards for municipal recyclable material collection points; monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law; and such other matters as the commissioner or committee may suggest. Three members shall be appointed by the County Executive; three members shall be appointed by the County Legislature and one member shall be appointed jointly by the County Executive and County Legislature. The members of the oversight committee shall consist of an appointee from the following:

(1) Resource Recovery Agency Ad Hoc Recycling Committee;

(2) Town Supervisor's Association;

(3) Environmental Committee of the County Legislature;

(4) Carting Industry;

(5) Environmental Management Council;

(6) County Mayor's Association

(7) Group of Local Recycling Coordinators in the County.

The above mentioned appointments shall be for a three year term from the date of appointment. No member shall serve more than two full three year terms. A chairman shall be elected by the members of the oversight panel at its first regular meeting and the panel shall adopt operating by-laws as they deem appropriate. The committee shall meet at least quarterly and the majority of the members shall constitute a quorum. Any recommendation issued by the committee shall be approved by a majority of its membership. The commissioner shall request and receive the recommendation and approval of the committee before he orders the removal or the addition of any material from designation as a recyclable material, except that if such recommendation and approval is not received within thirty days after request by the commissioner he may act without such recommendation.

County of Dutchess
Local Law No. 9 of the year 1990

A Local Law Amending Local Law No. 4 of 1990, Providing for the Mandatory Collection and Disposition of Recycling in Dutchess County.

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

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, NEW YORK, AS FOLLOWS:

SECTION 1. The intent of this Local Law shall be to amend Section 17 of Local Law No. 4 of 1990, as follows:

Section 17. Recyclables Oversight Committee.

A committee consisting of not more than seven (7) members to be appointed by the Dutchess County Legislature and the County Executive is hereby created and established for the purpose of advising the Commissioner of Solid Waste Management regarding adding or removing materials from the definition of recyclable materials; establishing procedures and operating standards for municipal recyclable material collection points; monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law; and such other matters as the commissioner or committee may suggest. Three members shall be appointed by the County Executive; three members shall be appointed by the County Legislature and one member shall be appointed jointly by the County Executive and County Legislature. The members of the oversight committee shall consist of an appointee from the following:

(1) Resource Recovery Agency Ad Hoc Recycling Committee; appointed by the County Executive
(2) Town Supervisor's Association; appointed by the County Legislature
(3) Environmental Committee of the County Legislature; appointed by the County Legislature
(4) Carting Industry; appointed by the County Executive and County Legislature
(5) Environmental Management Council; appointed by the County Legislature
(6) County Mayor's Association; appointed by the County Executive
(7) Group of Local Recycling Coordinators in the County; appointed by the County Executive.

The above mentioned appointments shall be for a three year term from the date of appointment. No member shall serve more than two full three year terms. A chairman shall be elected by the members of the oversight panel at its first regular meeting and the panel shall adopt operating by-laws as they deem appropriate. The committee shall meet at least quarterly and the majority of the members shall constitute a quorum. Any recommendation issued by the committee shall be approved by a majority of its membership. The commissioner shall request and receive the recommendation and approval of the committee before he orders the removal or the addition of any material from designation as a recyclable material, except that if such recommendation and approval is not received within thirty days after request by the commissioner he may act without such recommendation.

SECTION 2. Local Law No. 4 of 1990 is hereby ratified and confirmed in all other respects.

SECTION 3. This local Law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

County of Dutchess
Local Law No. 2 of the year 1991

A Local Law Amending Local Law No. 4 of 1990 and Amending Local Law No. 9 1990 Providing for the Mandatory Collection and Disposition of Recyclables in Dutchess County.

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

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, NEW YORK, AS FOLLOWS:

SECTION 1. The intent of this Local Law shall be to amend Section 17 of Local Law No. 4 of 1990 as amended by Local Law No. 9 of 1990 as follows:

Section 17. Recyclables Oversight Committee.

A committee consisting of not more than nine (9) members to be appointed by the Dutchess County Legislature and the County Executive is hereby created and established for the purpose of advising the Commissioner of Solid Waste Management regarding adding or removing materials from the definition of recyclable materials; establishing procedures and operating standards for municipal recyclable material collection points; monitoring the progress toward meeting the percent reduction goals established in the 1988 State Law; and such other matters as the commissioner or committee may suggest. Four members shall be appointed by the County Executive; four members shall be appointed by the Chairman of the County Legislature; one member shall be appointed jointly by the County Executive and the Chairman of the County Legislature. The members of the Oversight Committee shall consist of an appointee from the following:

(1) Resource Recovery Agency Ad Hoc Recycling Committee; appointed by the County Executive
(2) Town Supervisor's Association; appointed by the Chairman of the County Legislature
(3) Environmental Committee of the County Legislature; appointed by the Chairman of the County Legislature
(4) Carting Industry; appointed by the County Executive and Chairman of the County Legislature
(5) Environmental Management Council; appointed by the Chairman of the County Legislature
(6) County Mayor's Association; appointed by the County Executive
(7) Group of Local Recycling Coordinators in the County; appointed by the County Executive
(8) the County Legislature; appointed by the Chairman of the County Legislature
(9) the general public; appointed by the County Executive

The above mentioned appointments shall be for a three year term from the date of appointment. No member shall serve more than two full three year terms. A chairman shall be elected by the members of the Oversight panel at its first regular meeting and the panel shall adopt operating by-laws as they deem appropriate. The Committee shall meet at least quarterly and the majority of the members shall constitute a quorum. Any recommendation issued by the Committee shall be approved by a majority of its membership. The commissioner shall request and receive the recommendation and approval of the Committee before he orders the removal or the addition of any material from designation as a recyclable material, except that if such recommendation and approval is not received within thirty days after request by the commissioner he may act without such recommendation.

SECTION 2. Local Law No. 4 of 1990, as amended by Local Law No. 9 of 1990, is hereby ratified and confirmed in all other respects.

SECTION 3. This Local Law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

Section 18. Separability.

If any section, provision, or part thereof, in this Local Law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the remainder of the Local Law or the validity of the Local Law as a whole of any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional and the application of the Local Law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

Section 19. Priority.

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State of New York, this local law takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the county.

Section 20. Effective Date.

This local law shall be effective throughout the county on January 1, 1991, except that this local law shall not be effective with regard to recyclable materials generated by commercial establishments until July 1, 1991. For the purposes of this section, the term "commercial establishments" means businesses which are operated for profit.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1990 of the County of Dutchess was duly passed by the County Legislature on June 11, 1990 and was approved by the County Executive on: July 5, 1990. Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of August 20, 1990 in accordance with the applicable provisions of law.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County of , State of New York, having been submitted to the Electors at the General Election of November , 19 , pursuant to the subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 above.

Patricia J. Hohmann

Clerk of the Legislative Body

Date: August 20, 1990

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other Authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Ian MacDonald
County Attorney
Title

Date: August 20, 1990

County
~~City~~
~~Town~~
~~Village~~ of Dutchess

APPENDIX E

DUTCHESS COUNTY CHARTER AND CODE – SOLID WASTE

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ARTICLE XVII
DEPARTMENT OF SOLID WASTE MANAGEMENT

Section 17.01. Department of Solid Waste Management; Commissioner; Appointment; Qualifications; Term.

There shall be a Department of Solid Waste Management under the direction of a Commissioner of Solid Waste Management, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 17.02. Powers and Duties.

The Commissioner of Solid Waste Management shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall be responsible for the formulation and implementation of a workable program for the collection and sanitary disposal of solid waste in the County, including the integration of both public and private facilities for accepting, hauling, processing, and disposing of solid waste generated within the County. He shall be responsible for the construction and operation of any such facilities owned or managed by the County, shall maintain a continuing physical and economic analysis of the operation, and shall regularly report the same with appropriate recommendations to the County Executive. He shall have all the powers and perform all the duties imposed upon him by law, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 17.03. Solid Waste Management Board.

There shall be within the department an advisory Solid Waste Management Board whose members, except as otherwise provided herein, shall be appointed by the County Legislature. Its membership shall include the Commissioners of Health, Finance, Planning and Development and Public Works. The Board shall consider matters relating to solid waste disposal within the County and shall advise the Commissioner thereon either at his request or upon its own initiative, and from time to time make recommendations to him thereupon.

Section 17.04. Deputy Commissioner and Staff.

The Commissioner of Solid Waste Management shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. Except as otherwise provided by this Charter, the Administrative Code or applicable law, all such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner.

Section 17.05. Acting Commissioner.

The Commissioner of Solid Waste Management, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Solid Waste Management in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Solid Waste Management shall have all the powers and perform all the duties of the Commissioner.

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CHARTER AND CODE OF DUTCHESS COUNTY, NEW YORK
ADMINISTRATIVE CODE OF THE DUTCHESS COUNTY GOVERNMENT
ARTICLE XVII DEPARTMENT OF SOLID WASTE MANAGEMENT

ARTICLE XVII
DEPARTMENT OF SOLID WASTE MANAGEMENT

Section 17.01. Commissioner of Solid Waste Management; Powers and Duties.

The Commissioner of Solid Waste Management shall:

(a) have jurisdiction, direction and control over, administer, maintain, manage and operate all solid waste management facilities required by the County;

(b) recommend for adoption by the County Legislature regulations for the handling and disposal of solid waste including but not limited to the maintenance of order and safety with respect to and for the utilization of all solid waste management facilities and appurtenances owned by and under the control of the County, and affixing penalties for violation thereof, pursuant to law;

(c) conduct negotiations with respect to the granting of leases, concessions, licenses and permits for use of solid waste management facilities, lands, structures and appurtenances; and to recommend the appropriate action thereon by the County Legislature. The County Legislature shall not be precluded from acting upon its own initiative upon such matters;

(d) recommend to the County Legislature for its action, schedules of charges for use of solid waste management facilities, lands, structures and appurtenances. All funds collected or received by the Commissioner in the discharge of his official duties or by the Department of Solid Waste Management shall be deposited by the Commissioner with the Commissioner of Finance and credited by him to the general fund;

(e) prepare for and upon request by the Commissioner of Finance such reports as will accurately reflect the costs and performance of the functions of the department by necessary or desirable categories;

(f) be responsible for and have the duty of maintaining liaison with all County, State, and Federal Agencies and for compliance with all rules and regulations of such County, State and Federal Agencies in reference to the operation, maintenance and safety of solid waste facilities; and

(g) have the power to delegate by designation to one or more persons within his department the specific duties and powers which he has as Commissioner of Solid Waste Management; such designation setting forth the specific powers and duties granted shall be filed with the County Executive and County Clerk; it may be revoked in whole or in part by written notice, filed with the County Executive and County Clerk.

Section 17.02. Deputies, Assistants and Staff.

The Commissioner of Solid Waste Management shall have the power to appoint such Deputy Commissioners, assistants and employees of his department, as shall be authorized by the County Legislature. Such appointment shall be contingent upon the adoption of a County Solid Waste Program by the County Legislature.

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APPENDIX F

WESTCHESTER COUNTY LICENSING LAW

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CHAPTER 826-a
OF THE LAWS OF WESTCHESTER COUNTY

A LOCAL LAW to repeal Chapter 826 of the Laws of Westchester County, the Westchester County Solid Waste and Recyclables Collection Licensing Law, and to amend the Laws of Westchester County to add a new Chapter 826-a so as to implement the Solid Waste Management Act and address the influence and the threat of the influence of organized crime in the Solid Waste and recycling industries operating in Westchester County.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. Chapter 826 of the Laws of Westchester County, enacted by Local Law 15-1992, is hereby repealed in its entirety, effective March 31, 2002

Section 2. The Laws of Westchester County are hereby amended to add a new Chapter 826-a to read as follows:

ARTICLE I.
SHORT TITLE & STATEMENT OF PURPOSE

Section 826-a.100. Short Title.
Section 826-a.101. Purpose.

ARTICLE II.
GENERAL PROVISIONS

Section 826-a.200. Definitions.
Section 826-a.201. Westchester County Solid Waste Commission.
Section 826-a.202. Powers and Duties of the Westchester County Solid Waste Commission.
Section 826-a.203. Executive Director.

ARTICLE III.
LICENSING AND REGISTRATION REQUIREMENTS

Section 826-a.300.	License and Registration - Applicability.
Section 826-a.301.	License and Registration - Requirement.
Section 826-a.302.	General License and Registration Application Requirements.
Section 826-a.303.	Application Requirements - Class A, Class B, Class C-2, Class D and Class L Licenses.
Section 826-a.304.	Application Requirements - Class C-1 and Class E Licenses.
Section 826-a.305.	Application Requirements - Solid Waste Broker Registration.
Section 826-a.306.	Fees.

ARTICLE IV.
STANDARDS FOR DENIAL, SUSPENSION, REVOCATION, NON-RENEWAL, DENIAL OF MODIFICATION OR OTHER ACTION AGAINST THE PRIVILEGES OF A LICENSEE OR REGISTRANT

Section 826-a.400.	Standards for Refusal to Issue a License or Registration.
Section 826-a.401.	Standards for Suspension, Revocation, Non-renewal, Modification or Other Action Against The Privileges of a Licensee or Registrant.
Section 826-a.402.	Conduct of Licensees and Registrants: Record Keeping; Service Contracts; Labeling of Containers; Labeling of Vehicles; Complaints.
Section 826-a.403.	Assignment of service contracts; Subcontracting of services.
Section 826-a.404.	Mergers, Acquisitions & Sales of Licensed or Registered Entities.
Section 826-a.405.	Prohibited Practices.

ARTICLE V.
REPORTING REQUIREMENTS

Section 826-a.500.	Reporting Requirements for all Licensees and Registrants.
Section 826-a.501.	Class A Licensee.
Section 826-a.502.	Class B Licensee.
Section 826-a.503.	Class C Licensee.
Section 826-a.504.	Class D and Class L Licensees.
Section 826-a.505.	Class E Licensee.
Section 826-a.506.	Transfer Station/Ultimate Disposal Site Operators.
Section 826-a.507.	Solid Waste Broker.

ARTICLE VI.
PENALTIES AND ENFORCEMENT

Section 826-a.600. License Suspension/Denial of Renewal.
Section 826-a.601. Violation of License or Registration.
Section 826-a.602. Right to a Hearing.

ARTICLE VII.
INDEPENDENT AUDITING AND INDEPENDENT MONITORING

Section 826-a.700. Independent Auditing.
Section 826-a.701. Independent Monitoring.

ARTICLE VIII.
IMPLEMENTATION

Section 826-a.800. Effective Date.
Section 826-a.801. Implementation – Class C Licensees.
Section 826-a.802. Implementation - Class A, Class B and Class C-2 Licenses.
Section 826-a.803. Implementation - Class C-1, Class D and Class E Licenses.
Section 826-a.804. Implementation - Solid Waste Brokers.
Section 826-a.805. Implementation - Service Contracts.
Section 826-a.806. Implementation - Municipal Enforcement.
Section 826-a.807. Reporting to Board of Legislators.

ARTICLE IX.
TERM OF LICENSE OR REGISTRATION

Section 826-a.900. Term of License.
Section 826-a.901. Term of Registration.

ARTICLE X.
CONFIDENTIALITY

Section 826-a.1000. Confidentiality of Information.

ARTICLE XI.
SEVERABILITY

Section 826-a.1100. Severability.

ARTICLE I
SHORT TITLE & STATEMENT OF PURPOSE

Section 826-a.100. Short Title.

1. This Chapter shall be known as the "Westchester County Solid Waste and Recyclables Collection Licensing Law."

Section 826-a.101. Purpose.

The purpose of this Chapter is two-fold.

1. a. The first purpose is to implement existing state Solid Waste management policy, as declared in Title One of Article 27 of the New York State Environmental Conservation Law, pursuant to which the County was designated as the official planning unit, and to develop and implement an integrated, comprehensive and long-term plan to manage all Solid Waste and Recyclables generated and collected within the County's borders. The requirements outlined in this Chapter are necessary to: (1) enable Westchester County to promote the general health, welfare and safety of the people of Westchester County; (2) ensure that Solid Waste generated within the County is disposed of or recycled in an environmentally safe and sound manner; (3) implement and then evaluate the effectiveness of the County's State-approved Solid Waste management plan; and (4) to develop any necessary future Solid Waste management options by providing comprehensive and detailed information about non-municipal Solid Waste management and recycling.

b. The second purpose of this Chapter is to address the influence and the threat of the influence of organized crime in the Solid Waste and recycling industries operating in Westchester County. The Westchester County Board of Legislators has found that organized crime permeates the Solid Waste hauling industry in Westchester County and constitutes a significant problem and matter of public concern within the County. The existence of cartels has produced anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. To address this problem and matter of public concern, the Westchester County Board of Legislators has, through this Local Law, sought to, inter alia, expand the license application process; to modify the standard by which licenses for Solid Waste and recycling collection businesses are issued by the County in order to ensure the good character, honesty and integrity of licensees; to institute a registration process for those Solid Waste brokers which may operate in the County; to encourage new entry into the industry; to encourage competition; to regulate and monitor customer contracts for solid waste and recyclables collection; and to expand the penalties for violation of the standards established herein. It is the

intent of the Westchester County Board of Legislators to eliminate the influence of organized crime in the Solid Waste and Recyclables collection industry; and, thereby, eliminate this significant problem and matter of public concern, as referenced above, from Westchester County.

ARTICLE II.
GENERAL PROVISIONS

Section 826-a.200. Definitions.

Unless otherwise expressly stated or unless the context or subject matter specifically requires a different meaning, the meanings of the following terms which are used in this Chapter shall be as follows:

1. "Applicant" means any person, as defined herein, who applies for a license or for a registration pursuant to this Chapter or who, after issuance of such a license or registration pursuant to this Chapter, applies for renewal of a license or registration pursuant to this Chapter.

2. "Class A" refers to all haulers except those whose hauling business is limited solely to Class C, Class D, Class E or Class L activities or whose recycling business is limited to Class B activities. Class A Licensees may also conduct Class B, Class C, Class D, Class E and Class L activities.

3. "Class B" refers to Recyclables brokers. Class B Licensees may also conduct Class C, Class D, Class E and Class L activities.

4. "Class C" refers to haulers who exclusively handle construction and demolition debris. With respect to Class C haulers, the following shall apply:

a. Class "C-1" shall refer to a business or subsidiary which generates construction and demolition debris, as defined herein, and which, incidental to such business, transports, stores, processes, transfers or disposes of the construction and demolition debris generated by the operations of such business or subsidiary. Those persons who would otherwise qualify as Class "C-1" haulers but who are licensed by the County of Westchester as: (1) electricians pursuant to Article XVII of Chapter 277 of the Laws of Westchester County, and whose business operations are limited exclusively thereto; (2) plumbers pursuant to Article XV of Chapter 277 of the Laws of Westchester

County, whose business operations are limited exclusively thereto; and/or (3) home improvement contractors, including landscapers, pursuant to Article XVI of Chapter 863 of the Laws of Westchester County, whose business operations are limited exclusively to providing home improvements as that term is defined in Section 863.312 of the Laws of Westchester County; and whose licenses are in effect and in good standing pursuant to such authority, shall be exempt from complying with the requirements of this Chapter. Class C-1 Licensees may also conduct Class E activities;

b. Class "C-2" shall refer to all other businesses which otherwise transport, collect, store, transfer, process, or dispose of construction and demolition debris. Class C-2 haulers may also conduct Class C-1, Class D, Class E and Class L activities.

5. "Class D" refers to (i) haulers who collect, store, transport, transfer, process or dispose of garden & yard waste generated, originated or brought within the County where such garden & yard waste was previously generated by a person or entity other than the Applicant/Licensee and/or (ii) haulers who collect, store, transport, transfer, process or dispose of garden & yard waste and which own, lease, or control one or more vehicles having three (3) or more axles which vehicles will be used in the collection, storage, transfer, transportation, processing or disposal of garden & yard waste generated, originated or brought within the County. Class D haulers may also conduct Class L activities.

6-A. "Class E" refers to haulers who exclusively conduct a scrap peddler business.

6-B Class L refers to haulers who exclusively handle seasonal organic waste, including leaves, solely on behalf of the County and/or its local municipalities during the leaf season, which includes the months of October, November, December and January.

7. "Commission" means the Westchester County Solid Waste Commission ("Commission"), or its duly authorized designee.

8. "Construction and Demolition Debris" means uncontaminated Solid Waste resulting from the construction, remodeling, repair and demolition of structures and roads, and uncontaminated Solid Waste consisting of vegetation resulting

from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquids, metals, and trees or tree limbs that are incidental to any of the above.

9. "County" means the County of Westchester.

10. "Hauler" means any person excluding Municipalities, the County and any County district including, but not limited to, Refuse Disposal District No. 1 and all County sewer and water districts, who, for a fee or other consideration, collects, stores, processes, transfers, transports or disposes of Solid Waste, Recyclables or construction and demolition debris that is generated or originated within the County or brought within the boundaries of the County for disposal, storage, transfer or processing.

11. "Licensee" means any person holding a license issued pursuant to this Chapter.

12. "Municipality" shall mean the cities, towns, villages, school districts and fire districts located within the County of Westchester.

13. "Person" shall mean any individual, firm, company, association, society, corporation, partnership, co-partnership, joint-stock company, trust, estate, governmental entity or any other legal entity or legal representatives, agents or assigns thereof. The masculine gender shall include the feminine, and the singular shall include the plural, where indicated by context.

14. "Predecessor Solid Waste Business" shall mean any business or entity engaged in the removal, collection or disposal of Solid Waste in which one or more Principals of the business or entity is also a Principal(s) of the Applicant, or any business or entity which engaged in activities which are now required to be licensed or registered pursuant to this Chapter and which was purchased or otherwise acquired by the Applicant, in the five (5) year period preceding the application.

15. "Principal" means the following: (a.) of a sole proprietorship, the proprietor; (b.) of a corporation, including a limited liability company, every officer and director and every stockholder holding ten percent (10%) or more of the outstanding shares of the corporation; (c.) of a partnership, including a limited liability partnership or a general or special partnership, all the partners; (d.) if another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons or entities having an ownership interest of ten percent (10%) or more; and (e.) with respect to all business entities, all other persons participating directly and indirectly in the control of such business entity. Where a partner or stockholder holding ten percent (10%) or more of the outstanding shares of a corporation is itself a partnership, or a corporation, a "Principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten percent (10%) or more of the outstanding shares of such corporation, as is appropriate.

For the purposes of this chapter: (a.) an individual shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such individual; (ii) the spouse of such individual (other than a spouse who is legally separated from such individual pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such individual is domiciled); (iii) the children, grandchildren and parents of such individual; and (iv) a corporation in which any of such individual, the spouse, children, grandchildren or parents of such individual in the aggregate own fifty percent (50%) or more in value of the stock of such corporation; (b.) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (c.) a corporation shall be considered to hold stock in a corporation that is an Applicant for a license or Licensee as defined in this Section where such corporation holds fifty percent (50%) or more in value of the stock of a third corporation that holds stock in the Applicant or Licensee corporation.

16. "Recyclables" means those materials defined as "Recyclables" under Section 825.30(8) of the Westchester County Source Separation Law.

17. "Recyclables brokers" means any person, excluding Municipalities, the County and any County district including, but not limited to, Refuse Disposal District No. 1 and all County sewer and water districts, who, for a fee or other consideration, collects, separates, processes, markets, stores, transports or otherwise handles Recyclables exclusively, if those Recyclables were generated or originated within the County or brought within the boundaries of the County for disposal, storage, transfer or processing, excluding those persons who are required to accept beverage containers under § 27-1007 of the New York State Environmental Conservation Law, persons who redeem containers under said law and those persons required to accept used motor oil or vehicular batteries free of charge for recycling under applicable state law, provided that this exclusion shall only apply to the aforementioned activities which are governed by state law. A Recyclables broker may collect, separate, process, store, transport or otherwise handle Solid Waste contaminants that are collected with Recyclables, provided that the Recyclables broker has taken reasonable precautions to prevent the introduction of such contaminants into the environment.

18. "Registrant" shall mean any person who obtains registration as a Solid Waste Broker pursuant to this Chapter.

19. "Scrap Peddler" shall mean any person who collects scrap materials for sale to a Recyclables broker using no more than one vehicle for collection and transportation of such materials.

20. "Separate collection" means that any person who collects, transports or stores Solid Waste or Recyclables shall keep source separated Recyclables separate from Solid Waste during collection, transportation and storage, except for Recyclables that are mixed with Solid Waste in construction and demolition debris and identifiable bagged Recyclables mixed with bagged Solid Waste, provided that Recyclables are later separated for recycling.

21. "Service Contract" means any contract entered into by a Licensee or a Registrant, or any person licensed pursuant to the former Chapter 826, and a third party (herein "customer") to conduct any activity for which a license or registration must be issued pursuant to this Chapter.

22. "Solid Waste" means all putrescible and non-putrescible materials or substances, except as described in Paragraph 4 of 6 NYCRR Part 360-1.2(a), and/or regulated under 6 NYCRR Part 364, that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection including, but not limited to, garbage, refuse, commercial waste, rubbish, ashes, incinerator residue and construction and demolition debris. "Solid Waste" shall not be understood to include Recyclables as defined in this chapter.

23. "Solid Waste Association" means a person or entity having as a primary purpose the promotion, advancement or self-regulation of businesses that remove, collect or dispose of Solid Waste, including but not limited to a corporation, unincorporated association, partnership, trust or limited liability company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes.

24. "Solid Waste Broker" means a person or entity who, for a fee, brokers agreements between commercial establishments and providers of Solid Waste removal, collection or disposal services or conducts evaluations or analysis of the waste generated by such commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices, and for whom registration is required.

25. "Source separation" means the segregation of Recyclables from Solid Waste at the point of generation for separate collection, sale or other disposition.

26. "Subsidiary" means a corporation of which over fifty (50.0%) percent of the ownership interest or the number of shares of stock, entitling the holders thereof to vote for the election of directors and trustees, is owned by the Applicant.

27. "Transfer Stations" means those facilities located in Westchester County where Solid Waste, garden and yard waste, Recyclables and Construction and Demolition Debris are received and transported off-site to a destination for final disposal, regardless of whether the materials are processed and regardless of the duration and frequency of operation of such facility.

Section 826-a.201. Westchester County Solid Waste Commission.

1. There shall be a Westchester County Solid Waste Commission which shall implement and administer the Solid Waste and Recyclables Collection Licensing Law. This Commission shall consist of seven (7) members: the Deputy County Executive; the Commissioner of Finance; the Commissioner of Environmental Facilities; the Commissioner of Public Safety; the Director of Consumer Protection; an individual qualified by experience to serve as a representative of the officials of the local Municipalities within Westchester County; and an individual, who shall be appointed as Chair of the Commission, with notable relevant professional experience.

2. Pursuant to § 110.21 of the Westchester County Charter, the County Executive shall appoint, subject to confirmation by the Board of Legislators, those two (2) Commission members, referenced above, who are not ex officio members of the Commission by virtue of their appointment to other Westchester County administrative positions. Those two (2) Commission members shall serve at the pleasure of the County Executive. The County Executive shall make such initial appointments within forty-five (45) days of the Effective Date of this Local Law. No member of the Commission shall be compensated for the services to be provided pursuant hereto, but may be reimbursed for any reasonable expenses that may be personally incurred in the conduct of the official duties of such members, to the extent that funds are appropriated for such purpose.

3. A majority of the Commission shall constitute a quorum for the transaction of business.

Section 826-a.202. Powers and Duties of the Westchester County Solid Waste Commission.

1. The general powers and duties of the Commission shall be to implement and enforce the provisions of this Chapter, which shall include but not be limited to, licensing, registration, regulation of businesses that conduct activities which require a license or registration pursuant to this Chapter.

2. The specific powers and duties of the Commission shall be:

a. To issue licenses and registrations for the performance of activities for which a license or registration is required under this Chapter, and to enforce the standards set forth in this Chapter, provided that, unless otherwise specified herein, the Commission may, by resolution, delegate to the Executive Director the authority to make individual determinations with regard to: (i.) the issuance, suspension, modification and revocation of such licenses and registrations; (ii.) background investigations and determinations of fitness with regard to the Principals and employees of Licensees and Registrants; and (iii.) the

appointment of independent auditors and monitors in accordance with the provisions of this Chapter; (iv.) the appointment of employees to perform the duties prescribed in this Chapter; and (v.) such other duties as the Commission deems necessary and efficient to carry out the purposes of this Chapter. Any such delegation to the Executive Director shall be subject to the duty of the Executive Director to make full and complete reports to the Commission on the conduct of all such delegated duties.

The Commission may, in its sole discretion and after preliminary investigation, issue a Permit To Operate to those persons who submitted completed applications for licensure or registration to the Commission after September 30, 2000, but for whom no definitive licensing and/or registration decision has yet been made. The services which a person may be authorized to perform pursuant to such a Permit To Operate shall be limited to those services for which licensure or registration are sought pursuant to the application submitted by such person in accordance with this Chapter. Such a Permit To Operate shall have a nonrenewable one (1) year term, which shall be superceded by any final licensing or registration decision by the Commission. The Permit To Operate shall also terminate immediately upon the withdrawal of the person's application submitted pursuant to this Chapter. Any person issued such a Permit To Operate shall be required to pay to the Commission, in addition to all application and background fees, all annual fees and vehicle fees generally applicable to the class of services, as outlined in this Chapter, which the person will be authorized to provide in Westchester County pursuant to such Permit To Operate. In the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to the withdrawal of the permittee's application for licensure or registration, the Permit To Operate shall remain in effect for ninety (90) days after such termination or, for good cause shown, for a term which shall not exceed one hundred eighty (180) days only for purposes of the permittee's performance of its municipal contracts, or until the expiration of the permittee's existing contracts with such municipalities, whichever occurs sooner. In the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to withdrawal of the application for licensure or registration, a pro rata refund shall be calculated from the date the permittee discontinues its Westchester County operations in accordance with the provisions of this Chapter.

The Permit To Operate shall take substantially the following form:

"Westchester County Solid Waste Commission
100 East First Street, 8th Floor
Mount Vernon, New York 10550
(914) 813-6850

PERMIT TO OPERATE
PURSUANT TO CHAPTER 826-A OF THE LAWS OF
WESTCHESTER COUNTY

Pursuant to the authority granted under Section 826-a.202(2)(a) of the Laws of Westchester County, the Westchester County Solid Waste Commission ("Commission") hereby grants permission to _____, hereinafter the "Permittee," to operate as a _____, as defined in Chapter 826-a of the Laws of Westchester County
(Class/hauler, Solid Waste Broker)

("Chapter 826-a"), and to operate the named transfer stations: _____
_____
_____,
pending the complete and final review of the Permittee's application for licensure/registration pursuant to Chapter 826-a, and the issuance of a final determination by the Commission as to same. This Permit To Operate shall be for the term commencing on _____ and terminating upon the sooner of _____, or the date on which the Westchester County Solid Waste Commission issues a final determination as to the Permittee's application for licensure/registration. It is understood and agreed that any withdrawal of the Permittee's Chapter 826-a application for licensure or registration shall result in immediate termination of this Permit To Operate, effective on the date of such withdrawal.

The Permittee hereby agrees that it, its officers, and its employees shall abide by all provisions of Chapter 826-a of the Laws of Westchester County in connection with its operations under this Permit To Operate, and, in addition, agrees to be bound by the following terms and conditions:

1. PLEASE TAKE NOTICE: This Permit To Operate is NOT a license or registration to operate as a hauler or solid waste broker pursuant to Chapter 826-a of the Laws of Westchester County, but is issued by the Commission to allow the Permittee to operate in Westchester County while its application for licensure or registration thereunder is being reviewed and while background investigations are undertaken by the Commission pursuant thereto. Therefore, this Permit To Operate shall not operate as a grant of any of the rights or privileges as may be provided to Licensees or Registrants under Article VI of Chapter 826-a of the Laws of Westchester County, such rights being granted only after a final determination by the Commission that Permittee has met the standards of good character, honesty and integrity as specified in Chapter 826-a and has been issued a license or registration pursuant thereto.

2. Any failure of the Permittee to comply with the provisions of Chapter 826-a of the Laws of Westchester County during any term of this Permit To Operate, including, but not limited to, the failure to cooperate with the Commission regarding its review of Permittee's application, shall be grounds for immediate termination of this Permit To Operate, upon written notice to the Permittee by the Commission.

3. The Permittee hereby acknowledges and agrees that it shall assume any and all business and financial risks associated with its commencement of operations pursuant to this Permit To Operate. Permittee hereby acknowledges and agrees that, despite the issuance of this Permit To Operate, no determination has been made by the Commission in any respect as to the Permittee's good character, honesty and integrity pursuant to Chapter 826-a of the Laws of Westchester County or Permittee's fitness to operate in Westchester County pursuant to Chapter 826-a. Permittee acknowledges and agrees that its Permit To Operate in Westchester County as a _____, as defined in
(Class/hauler, Solid Waste Broker)

Chapter 826-a may be immediately terminated upon the completion of the review of the Permittee's application for licensure and/or registration, and the issuance of such a determination by the Commission, or pursuant to the conditions set forth in Section 2, above.

4. The following additional conditions have been imposed upon the Permittee and its operations in Westchester County pursuant to this Permit To Operate:
_____

_____
_____
_____
_____
_____.

5. The Permittee hereby acknowledges and agrees that it is under no obligation to execute this Permit To Operate, and that its refusal to execute same shall have no impact on the Commission's review of Permittee's pending application under Chapter 826-a.

6. The Permittee hereby acknowledges and agrees that, as a condition of this Permit To Operate, it shall comply, at its own expense, with all applicable federal, state and local laws, rules, regulations and ordinances which may be applicable to the Permittee in connection with its performance of the activities for which it has been issued this Permit To Operate hereunder, and, in particular those antitrust or other laws relating to the restraint of trade.

7. The Permittee hereby acknowledges and agrees that, in the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to the withdrawal of the Permittee's application for licensure or registration, the Permit To Operate shall remain in effect for ninety (90) days after such termination or, for good cause shown, for a term which shall not exceed one hundred eighty (180) days only for purposes of the Permittee's performance of its municipal contracts, or until the expiration of the Permittee's existing contracts with such municipalities, whichever occurs sooner.

Agreed to on this ____ day of _____, 20___.

PERMITTEE:

_____
Name & Title

On this _____ day of _____, 20__, before me personally came _____
to me known, and known to me to be the _____ of _____,
(Title) (Corporation)
the Permittee described herein and who being by me duly sworn did depose and say that the said
_____ resides at _____ and that s/he
is_____ of said Permittee.

Authorized on this ____ day of _____. 20__.

WESTCHESTER COUNTY SOLID WASTE COMMISSION

_____
Executive Director
Westchester County Solid Waste Commission";

b. To establish and/or modify, as the Commission may in its discretion deem necessary, fees for all licenses and registrations, including all application fees, required under this Chapter. The Commission shall maintain a written record of all proceedings relating to the establishment or modification of fees. The Commission shall set such fees to fund the Commission, its staff, salaries, fringe benefits and all of the Commission's other costs and expenses. With regard to fees for background investigations, the costs assessed by independent contractors and government agencies associated with such investigations shall be charged directly to the Applicant, Licensee or Registrant based on the average cost of such investigation for the standard investigation and based on the actual cost of investigation for all supplemental investigations. With regard to standard background investigations, the Applicant's fee shall be based upon the total number of principals in the entity;

c. To create a database for customers to be known as the Customer Availability Service Hotline ("CASH") which shall serve as a registry for those customers who are seeking to obtain solid waste and recyclables collection services. Each such customer shall be listed on the CASH Registry for a period of thirty (30) days after notifying the Commission of the customer's desire to be listed, and shall be required to re-register with the Commission, every thirty (30) days, in order to maintain its listing on the CASH Registry thereafter. The CASH registry shall be internet accessible;

d. To investigate any matter within the jurisdiction conferred by this Chapter and to have full power to compel the attendance of witnesses, the examination of witnesses, to take testimony under oath of such persons as it may deem necessary in relation to such investigation, to require the production of books, accounts, papers and other evidence relevant to such investigation, to issue subpoenas to compel the attendance of such witnesses, and to issue subpoenas to compel the production of books, records and documents;

e. To initiate actions based upon alleged violations of this Chapter;

f. As the Commission may deem necessary to carry out the purposes of this Chapter, and to establish standards for service and for the regulation and conduct of Licensees and Registrants pursuant to this Chapter;

g. To appoint within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein;

h. Subject to all necessary legal approvals, to enter into such agreement(s) on behalf of the County as may be necessary to carry out the purposes of this Chapter, including agreement(s) with the New York State Department of Criminal Justice Services, or any successor organization which may subsequently be charged with the duty of performing the services thereof pursuant to state law ("CJS"), for the processing of background checks and

fingerprinting analysis. Pursuant to any agreement between the County and CJS, the Executive Director shall be required to transmit the fingerprint cards directly to CJS, along with the payment of fees as may be required by the CJS for the processing of such fingerprint cards. Pursuant thereto, the Executive Director, or his designee, is hereby designated as the Commission representative who will be responsible to review the reports issued by the CJS pursuant to its analysis of the fingerprint cards submitted by the Commission;

i. To inform the public of its rights under this law;

j. To provide the Department of Environmental Facilities of the County of Westchester with all information and records which may be necessary to assist the Department of Environmental Facilities in its compliance with Article 27 of the New York Environmental Conservation Law;

k. To refer all evidence of or information concerning violations of any law, rule or regulation by any person licensed or registered under this Chapter, or by any person which has applied for a license or registration under this Chapter, that the Commission has or becomes aware of to the appropriate governmental agency charged with enforcing such law, rule or regulation;

l. As the Commission may deem necessary to carry out the purposes of this Chapter, to conduct lawful inspections to ensure compliance with this Chapter. Such inspections may include, but need not be limited to, the inspection of the facilities of a Licensee or Registrant, and audit of records required to be kept pursuant to this Chapter. Such inspections may also include the accompanying of a Licensee on its collection routes, and the accompanying of a Licensee or Registrant to transfer stations, recycling facilities, and landfills, or when transferring waste to other vehicles. A Licensee shall, upon request by the Commission, provide the Commission with a list of its collection routes and schedules;

m. To issue an annual report of the Commission's activities in the previous year to the County Executive and the Board of Legislators on or before February 15th of the following year, beginning on February 15th of the first full calendar year after the Effective Date;

n. To issue emergency suspension orders immediately suspending, without a prior hearing, a license or registration, where the Commission has obtained clear and convincing evidence that a Licensee or Registrant is conducting its licensed or registered activities in such a manner that has a serious and immediate adverse impact on the life, health, safety environment or welfare of residents of, or property located in, Westchester County; and

o. To take such steps, as the Commission deems appropriate, to determine the accuracy and truth of statements made in the application for a license and/or registration.

Section 826-a.203. Executive Director.

1. The County Executive shall appoint an Executive Director who shall have suitable professional experience. The County Executive shall appoint such Executive Director within forty-five (45) days of the Effective Date of this Local Law, subject to confirmation by the Board of Legislators.

2. The Executive Director's duties shall include all duties specifically delegated to the Executive Director by the Commission. The Executive Director shall direct and manage the activities of any and all such employees as may be appointed by the Commission, and shall be entitled to compensation for his services, which compensation shall be fixed by the Board of Legislators.

ARTICLE III.
LICENSING AND REGISTRATION REQUIREMENTS

Section 826-a.300. License and Registration - Applicability.

1. The licensing and registration requirements set forth in this Chapter shall apply to all persons who conduct Class A, Class B, Class C, Class D, Class E or Class L activities in Westchester County and to all persons who intend to operate as Solid Waste Brokers within the County, except where such activities are conducted by the County, a County district or by a Municipality.

Section 826-a.301. License and Registration - Requirement.

1. Notwithstanding any provisions to the contrary and subject to the Implementation procedure outlined in Article VIII, it shall be unlawful for any person to conduct Class A, Class B, Class C, Class D, Class E or Class L activities in Westchester County without having first obtained a license therefor from the Commission pursuant to the provisions of this Chapter.

2. Notwithstanding any provisions to the contrary, commencing September 30, 2000, it shall be unlawful for any person to operate as a Solid Waste Broker unless registered therefor by the Commission pursuant to the provisions of this Chapter.

3. Any license or registration shall be in the nature of a privilege subject to the terms and conditions set forth in this Chapter, and shall not be deemed to create a property interest or right with respect to the persons who conduct Class A, Class B, Class C, Class D, Class E or Class L activities, or who operate as Solid Waste Brokers, in Westchester County. Such licenses and/or registrations are not transferable upon sale or transfer of ownership of a licensed or registered business, except with the prior written approval of the Commission, after submission of a completed license application or registration application by the purchaser or transferee, pursuant to the provisions of this Chapter. The granting of a license or registration shall not operate as an authorization for regionally or wholly-owned subsidiaries of such Licensee and/or Registrant to conduct licensed or registered activities. All such subsidiaries shall be required, in all cases, to apply separately for licensing and/or registration pursuant to the provisions of this Chapter.

4. The Commission shall refuse to issue or renew a license or registration in the event that such issuance or renewal conflicts with or is prohibited by any other applicable provision of Federal or State law. Such denial or non-renewal shall not be subject to the notice and hearing procedures of Section 826-a.602 of this Chapter.

5. a. Notwithstanding any provision of this Chapter to the contrary, any Applicant which holds a valid license or registration issued by the Trade Waste Commission of the City of New York to conduct activities similar to those activities for which the Applicant seeks to obtain or renew a license or registration pursuant to this Chapter, shall be initially relieved from the disclosure obligations to the extent that such disclosure has already been made to the New York City Trade Waste Commission pursuant to such licensing or registration determination, but not the general application requirements, outlined in this Article, and the Commission may determine that the Applicant has met the standards of good character, honesty and integrity necessary to be licensed or registered pursuant to this Chapter based upon the issuance of the license or registration in New York City. This provision shall not apply to an Applicant which is a regional or wholly-owned subsidiary of an entity licensed or registered by the Trade Waste Commission of the City of New York, and such subsidiaries shall, in all cases, be subject to all disclosure requirements as set forth in this Article.

b. In the event that a license or registration to haul solid waste and/or recyclables issued by a licensing authority of any federal, state or local jurisdiction is ever suspended or revoked, or if an application for a license or for the renewal of a license to haul solid waste and/or recyclables is ever denied by a licensing authority of any such jurisdiction, the licensee or registrant shall inform the commission of same within 10 days of receiving notice of such action, and the commission may, at its discretion, immediately take any action available to it pursuant to this chapter.

c. Nothing provided in this subsection shall be intended to relieve any Licensee or Registrant from its ongoing obligation to disclose information as required by this Chapter or as may be required by the Commission, in its discretion, subsequent to the issuance of a license or registration. Such Licensee or Registrant shall also be required to provide the Commission with any and all information necessary to enable the County to comply with its reporting requirements pursuant to Article 27 of the Environmental Conservation Law, as specified by the Commission.

6. To renew a license or registration issued pursuant to this Chapter, an Applicant must submit the appropriate application to the Commission no later than (120) days prior to the expiration of the license or registration. A Licensee or Registrant must comply fully with all application requirements outlined in Article III., hereof, in order to renew such license or registration. Review of each such application for renewal by the Commission shall be based upon a consideration of the standards for issuance of a license or registration as set forth in Section 826-a.400. An expired license or registration shall be deemed to have been extended, if a complete application to renew the license or registration has been timely submitted and has not been acted upon by the Commission, or if a hearing on a determination not to renew the license or registration is pending, until the Commission either grants renewal or denies renewal at the completion of the hearing process set forth in Article VI. of this Chapter.

Section 826-a.302. General License and Registration Application Requirements.

1. a. An Applicant for a Class A, Class B and Class C, Class D, Class E or Class L License or an Applicant for registration as a Solid Waste Broker shall submit an application in writing on a form prescribed by the Commission, along with the required fees. Such application shall contain a letter of certification sworn, and certified under penalty of criminal prosecution that the information disclosed in conjunction with the application is complete and accurate to the best of the Applicant's knowledge and belief and has been prepared based upon a diligent search of all business and other records in its possession or control. Such application shall require the disclosure of information regarding the financial, contractual or employment relationships, if any, which may exist between such Applicant and any business engaged in the collection, removal or disposal of Solid Waste or a Predecessor Solid Waste Business. Any and all such relationships shall be indicated on the license or registration, if any, subsequently issued to such Applicant. Such application shall also require that the Applicant provide a business telephone number and a business address in the County of Westchester where notices may be delivered and legal process may be served, and where records which may be required pursuant to this Chapter or by the Commission shall be maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process. The

Applicant shall also specify its Federal or State tax identification number in each application submitted to the Commission. Each Applicant and Principal, and any other party which is required to comply with the disclosure requirements set forth in this Article, shall also be required to provide to the Commission all such releases as may be necessary for the Commission, or its designee, to verify all information disclosed, at the time of application submission.

b. All Applicants, except Applicants for Class "C-1" Licenses, and each Principal thereof, shall submit to fingerprinting and background investigation by the Commission or the Commission's designee, at the Applicant's sole cost and expense, and shall execute a written consent to such fingerprinting and criminal background check. At the Commission's discretion, key employees, contractors and agents of the Applicant which serve the Applicant in a managerial capacity may also be required to submit to fingerprinting and background investigation at the Applicant's sole cost and expense.

2. Upon the written request of an Applicant, the Commission shall supply the Applicant with appropriate applications for licensing or registration. The Commission shall also supply copies of this law and the County Source Separation Law to the Applicant. Upon submission by the Applicant, the Commission shall determine whether the application submitted is complete. If the Commission determines that the application is incomplete, it shall notify the Applicant in writing and shall list the insufficiencies of the application. If the Applicant does not submit the additional application materials within thirty (30) days of the date of the Commission's notice of incomplete application, the Commission may deny the application. The Commission shall issue its final written determination as to each application no later than six (6) months after the date on which the Commission deems the application to be complete. Notwithstanding the above, the application process during the first effective year of this Chapter shall be governed by the Implementation procedures which are outlined in Article VIII. hereof.

3. An applicant shall have a continuing obligation to inform the commission within 10 days of any changes in the ownership composition of the applicant; the addition or deletion of any principal; the revocation and/or modification of any license or registration to haul solid waste and/or recyclables granted by the licensing authority of any federal, state or local jurisdiction, or the denial of an application for a license or renewal by a licensing authority of any such jurisdiction ; the arrest or criminal conviction of the applicant or any principal of the applicant; or any other material change in the information submitted on the application for the license or registration, which occurs subsequent to the making of the application or the issuance of the license or registration.

4. a. Notwithstanding any provision of this Chapter, the Commission may, at its discretion, require that such Applicant provide, within a reasonable time, any

additional information which the Commission may deem necessary, and may, after notice and the opportunity to be heard, refuse to license or register such Applicant for the reasons set forth in Section 826-a.400 of this Chapter.

b. At any time subsequent to the licensing or registration of any Applicant, the Commission may, at its discretion, require the provision, within a reasonable time, by a Licensee or Registrant of any additional information which the Commission may deem necessary.

Section 826-a.303. Application Requirements - Class A, Class B, Class C-2, Class D and Class L Licenses.

1. For the purpose of assisting the Commission in determining the good character, honesty and integrity of Applicants, all Applicants for Class A, Class B, Class C-2, Class D and Class L licenses must submit:

a. A list identifying all vehicles, by Vehicle Identification Number, owned, leased, operated or controlled by the Applicant which will be used in the collection, storage, transfer, transportation, processing or disposal of Solid Waste, garden and yard waste, construction and demolition debris, and/or Recyclables generated, originated or brought within the County. Applicants shall provide a copy of the state registration documentation for each such vehicle. Only those vehicles which are identified in conjunction with the application may be utilized by the Licensee pursuant to that license, unless subsequently approved in writing by the Commission.

b. The names of the Municipalities in Westchester County in which the Applicant presently conducts business, if applicable, and the quantities of Solid Waste, garden and yard waste, construction and demolition debris and/or Recyclables delivered during the previous year to each and every disposal, transfer, collection, storage or processing facility therefor. The Applicant shall list each disposal, transfer, collection, storage or processing facility that it has utilized during the prior year and all such facilities that is utilizing at the time of application or intends to utilize upon becoming licensed.

c. The following information: (i) a list of the names, dates of birth and home addresses of all Principals of the Applicant and of any manager or other person who has policy or financial decision-making authority in the business; (ii) a list of the names and job titles of all employees and prospective employees of the Applicant who are or will be engaged in the operation of the business; (iii.) the notarized Certificate of Business if a sole proprietorship; the partnership papers if a partnership; or the

Certificate of Incorporation if a corporation; and (iv) such other information as the Commission shall determine will properly identify such employees and prospective employees.

d. The following information:

(i.) a listing of the names and addresses of any person having a beneficial interest in the Applicant, and the amount and nature of such interest;

(ii.) a listing of the amounts in which both the Applicant and its Principals, personally, are indebted, including mortgages on real property, and the names and addresses of all persons to whom such debts are owed;

(iii.) a listing of the real property holdings or mortgage or other interest in real property held by such Applicant and by all Principals of such Applicant other than a primary residence and the names and addresses of all co-owners of such interest;

(iv.) a listing of mortgages, loans, and instruments of indebtedness held by such Applicant and by all Principals of such Applicant, the amount of such debt, and the names and addresses of all such debtors;

(v.) the name(s) and address(es) of any business in which such Applicant or any Principal of such Applicant holds an equity or debt interest, excluding any interest in publicly traded stocks and bonds, including any and all bank accounts. Applicant shall provide documentation of all such accounts as follows:

(1.) Passbook Savings Accounts - Applicant and its Principals shall provide a copy of name page and all pages of passbook, and shall highlight and explain all unusual deposits and withdrawals. If funds transferred into that account from another passbook account, provide a copy of name page and all other pages of such passbook going back two (2) years;

(2.) Checking and/or Cash Management Accounts - Applicant and its Principals shall provide copies of monthly statements going back two (2) years, and shall highlight and explain all unusual deposits or withdrawals;

(3.) Stock Accounts - Applicant and its Principals shall provide copies of broker statements going back two (2) years to prove ownership and reflect all purchases and sales;

(vi.) the names and addresses of all persons or entities from whom such Applicant and Principals of such Applicant has received gifts valued at more than one thousand ($1,000) dollars in any of the past three years, and the name of all persons or entities, excluding any organization recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code, to whom such Applicant has given gifts exceeding one thousand ($1,000) dollars;

(vii.) a list of all criminal convictions, in any jurisdiction, of the Applicant and each of its Principals;

(viii.) a listing of all pending civil, criminal or administrative actions or proceedings to which such Applicant or any of its Principals is a party, including but not limited to, indictment and arrests;

(ix.) a listing of any determination by a federal, state or County regulatory agency of a violation by such Applicant or any of its employees or Principals of laws or regulations relating to the conduct of the Applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief in excess of threshold amounts;

(x.) a listing of any criminal or civil investigation by federal, state, or local prosecutorial agency, investigative agency or regulatory agency in the five year period preceding the application, wherein such Applicant or any of its Principals has (i.) been the subject of such investigation or (ii.) received a subpoena requiring the production of documents or information in connection with such investigation;

(xi.) a certification that the Applicant has paid all federal, state and local income taxes related to the Applicant's business for which the Applicant is responsible for three (3) years preceding the date of the application or documentation that the Applicant is contesting such taxes in a pending judicial or administrative proceeding;

(xii.) the name of any Solid Waste Association in which the Applicant or any Principal thereof is or has been a member or held a position and the time period during which such membership or position was held;

(xiii.) the names and addresses of the Principals of any Predecessor Solid Waste Business of the Applicant;

(xiv.) a listing of accounts held by the Applicant during the five (5) year period preceding the filing of an application for a license or registration pursuant to this Chapter, with banks, credit unions, brokerage firms, and similar entities, and of the amounts held therein in the form of an identification of range of dollar value;

(xv.) a listing of any bankruptcy proceedings in which Applicant or any Predecessor Solid Waste Business of Applicant, as such term is defined herein, was a debtor or any proceedings involving forfeiture, receivership, or independent monitoring in which Applicant or any Predecessor Solid Waste Business of Applicant was a party or participated in during the ten (10) year period preceding the filing of an application for a license or registration pursuant to this Chapter;

(xvi.) any documents or records concerning the acquisition, sale, assignment or loss of routes or customers by the Applicant during the ten (10) year period preceding the filing of the application for a license or registration pursuant to this Chapter;

(xvii.) such additional information concerning good character, honesty and integrity of the Applicant and the Principals and employees of the Applicant that the Commission may deem appropriate and reasonable. An Applicant may submit to the Commission any information or explanation which the Applicant believes demonstrates that any adverse information submitted as part of the application process does not accurately reflect upon the Applicant's good character, honesty and integrity;

(xviii.) a listing of any determination in any administrative, civil or criminal proceeding that the Applicant or Principal of the Applicant has violated any provision of this Chapter, any related order or determination of the Commission, any emergency regulation promulgated pursuant to this Chapter, a material condition of any license issued thereunder or any substantially similar statute, regulation, order or permit condition of the federal, New York State or other state government relating to the handling, storing, treating, disposing or transporting of solid, hazardous, infectious, medical or regulated waste as those terms may be defined under New York State Law, or that the Licensee has subcontracted work within Westchester County, which requires a license or registration under this Chapter, to an unlicensed or unregistered subcontractor;

(xix.) a certification that the Applicant or Predecessor Solid Waste Business, if applicable, has not been denied a license for the same or substantially similar activity based upon one or more of the provisions of this Chapter;

(xx.) a listing of any determination in a civil proceeding that the Applicant or any Principal or employee of the Applicant has committed a negligent or intentionally tortious act in relation to the handling, storing, treating, disposing or transporting of solid, hazardous, infectious, medical or regulated waste, as those terms may be defined under New York State law, or has been convicted in a criminal proceeding of a crime involving the handling, storing, treating, disposing or transporting of solid, hazardous, infectious, medical or regulated medical waste;

(xxi.) a listing of any conviction of the Applicant or any of its employees or Principals for racketeering in connection with the Solid Waste and recycling industry and of any association with a person who has been convicted for the referenced racketeering activity, including but not limited to the offenses listed in Section 1961(1.) of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C.§ 1961 et seq.) or of an offense listed in subdivision one of Section 460.10 of the Penal Law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;

(xxii.) a listing of any determination in an administrative, civil or criminal proceeding that the Applicant or any of its Principals or employees has violated any environmental law, including, but not limited to, the Federal Water Pollution Control Act (a/k/a the Clean Water Act), 33 U.S.C. Sections 1251 et seq.; the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 8601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901 et seq.; the Oil Pollution Act 33 U.S.C. Sections 2701 et seq.; Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. Sections 136 et seq.; Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq.; the New York State Public Health Law; the New York State Environmental Conservation Law; the New York State Navigation Law; the Westchester County Source Separation Law; and the Westchester County Solid Waste and Recycling Collection Licensing Law;

(xxiii.) a listing of any adjudication by a court of competent jurisdiction that the Applicant has committed unfair trade practices or conduct in restraint of competition, including but not limited to

violation of the provisions of the Sherman Anti-Trust Act (15 U.S.C. §1, §2), the Clayton Act (15 U.S.C. § 18), the Robinson Patman Act (15 U.S.C. §12 et seq.), the Federal Trade Commission Act (15 U.S.C. §45 et seq.), Section 340 et seq. of the New York State General Business Law or equivalent violation of the laws of any other jurisdiction; and

(xxiv.) where the Applicant has purchased or otherwise acquired a Predecessor Solid Waste Business, or any part thereof, the Applicant must provide a listing of any persons, previously employed by or affiliated with the entity so acquired, which are to be retained by the Applicant, whether as an employee or independent consultant, or otherwise under any agreement, and shall specify the capacity in which such person shall serve the Applicant. The Commission may require that the Applicant provide any supplemental information which it may, in its discretion, require with regard to such persons.

e. Notwithstanding the foregoing, disclosure of information relating to the Principals and employees of any Applicant shall be limited to information relating to the activities or conduct of such Principal or employee in connection with the Applicant's business, the business of any Predecessor Solid Waste Business or the Solid Waste and recycling industry, except for the information required pursuant to subsections (d.)(vii.), (viii.), (x.), and (xiv.), above.

f. Applicants for Class L licenses must submit the names of the municipalities in Westchester County in which the applicant presently conducts business, if applicable, and the quantities of seasonal organic waste, including leaves, handled during the preceding year exclusively on behalf of the County and/or its local municipalities.

g. Notwithstanding anything contained herein to the contrary, Class L applications, including all required information and materials in connection therewith, must be received by the commission on or before July 15th of the year for which the Class L license is being requested in order to be considered.

2. Notwithstanding any other provision of this Chapter, for purposes of this section: (a.) in the case of an Applicant which is a regional subsidiary of or otherwise owned, managed by or affiliated with a business that has national or international operations, (i.) disclosure under this Section shall also be required of, and fingerprinting may be required of, any person not employed by the Applicant who has a direct managerial or supervisory responsibility for the operations or performance of this Applicant; and (ii.) the chief executive officer, chief operating officer and chief financial officer, or any person exercising comparable responsibility

and functions with regard to any regional subsidiary or of the equivalent in relation to such Applicant over which any person subject to fingerprinting and disclosure under item (i.) of this clause exercises similar responsibilities may be fingerprinted and shall submit the information required pursuant to subparagraphs (1.)(d.)(vii.) and (1.)(d.)(viii.) of this Section, as well as additional information pursuant to this paragraph as the Commission may find necessary; and (b.) the listing specified under subparagraph (1.)(d)(x.) of this Section shall also be provided for any regional subsidiary or similar entity of the national or international business for which fingerprinting and disclosure by Principal thereof is made pursuant to subsection (a.) of this Section.

3. In addition to the standards set forth in Section 826-a.400 of this Chapter, if an Applicant fails to provide the information, the fees and/or the certification required under this Section, the Commission may deny an Applicant a license.

4. The Applicant is required to submit a signed letter of certification that the Applicant has read and is familiar with the requirements of the license and the provisions of all laws enacted by the County to date which pertain to the collection, transportation and disposition of Solid Waste, yard waste, Construction and Demolition Debris and Recyclables including, but not limited to, this Chapter and the Westchester County Source Separation Law.

5. Upon payment of the license fee(s) and compliance with all other applicable requirements and the commission's determination that the applicant has met the standards outlined in Article IV, the commission will issue a license together with two decals for each vehicle covered under the license. The decals issued shall be securely fastened and conspicuously displayed on both the driver side and passenger side doors of each vehicle for which they are issued, according to the directions of the commission. The license shall be securely fastened and conspicuously displayed in the principal office or location where the licensee conducts business. Copies of the license shall be conspicuously displayed at any other office or location where the licensee conducts business in the county.

6. The Applicant may be required to submit to investigations by or on behalf of the Commission with respect to the qualifications of the Applicant and with regard to the verification of information provided by the Applicant in any application submitted pursuant to this Chapter. The Applicant shall cooperate with any such investigation by submitting to any requested interviews and submitting any documents requested by the Commission in a timely manner, and shall, upon demand of the Commission, pay to the Executive Director an amount to be determined by the Commission as sufficient to reimburse the Commission for the costs of any such investigation. The failure to cooperate with the investigations provided for in this Section, or to provide such funds for investigation, may be considered grounds for denial of the license or registration application.

7. Applications to modify any existing license shall follow the same procedures required for an application for a license, except that the Commission shall require only that the Licensee supplement information not supplied in the original license application and to pay fees only for any collection vehicles in addition to those for which fees were paid under the original license.

Section 826-a.304. Application Requirements - Class C-1 and Class E Licenses.

1. For the purpose of assisting the Commission in determining the good character, honesty and integrity of Applicants, any Applicant which intends to operate as a Class C-1 or Class E Licensee must submit the following information:

a. A list identifying all vehicles, by Vehicle Identification Number, owned, leased, or controlled by the Applicant which will be used in the collection, storage, transfer, transportation, processing or disposal of construction and demolition debris or scrap waste generated, originated or brought within the County. Applicant shall provide a copy of the state registration documentation for each such vehicle. Only those vehicles which are identified in conjunction with the application may be utilized by the Licensee pursuant to that license, unless subsequently approved in writing by the Commission.

b. The names of the Municipalities in Westchester County in which the Applicant presently conducts business, if applicable, and the quantities of construction and demolition debris and/or scrap waste delivered during the previous year to each and every disposal, transfer, collection, storage or processing facility. The Applicant shall list each disposal, transfer, collection, storage or processing facility that it has utilized during the prior year and all such facilities that is utilizing at the time of application.

c. All applications shall include (i.) a list of the names, dates of birth and home addresses of all Principals of the Applicant and of any manager or other person who has policy or financial decision-making authority in the business; and (ii.) a list of the names and job titles of all employees and prospective employees of the Applicant who are or will be engaged in the operation of the Solid Waste business; (iii.) such other information as the Commission shall determine will properly identify such employees and prospective employees.

2. In addition to the standards set forth in Article IV. of this Chapter, if an Applicant fails to provide the information and the certification required under this Section, the Commission may deny an Applicant a license.

3. The Applicant is required to submit a signed letter of certification that the Applicant has read and is familiar with the requirements of the license and the provisions of all laws enacted by the County to date which pertain to the collection, transportation and disposition garden and yard waste and scrap waste including, but not limited to, this Chapter and the Westchester County Source Separation Law.

4. Upon payment of the license fee(s) and compliance with all other applicable requirements and the commission's determination that the applicant has met the standards outlined in Article IV, the commission will issue a license together with two decals for each collection vehicle covered under the license. The decals issued shall be securely fastened and conspicuously displayed on both the driver side and passenger side doors of each vehicle for which they are issued, according to the directions of the commission. The license shall be securely fastened and conspicuously displayed in the principal office or location where the licensee conducts business. Copies of the license shall be conspicuously displayed at any other office or location where the licensee conducts business in the county.

5. Applications to modify any existing license shall follow the same procedures required for an application for a license, except that the Commission shall only require a Licensee to supplement information not supplied in the original license application and to pay fees only for any collection vehicles in addition to those for which fees were paid under the original license.

Section 826-a.305. Application Requirements - Solid Waste Broker Registration.

1. The application for registration as a Solid Waste Broker shall be signed by all persons participating directly or indirectly in the control of the Applicant. The application shall be certified under penalty of criminal prosecution.

2. For the purpose of assisting the Commission in determining the good character, honesty and integrity of Applicants, all Applicants for registration as Solid Waste Brokers shall provide the following information:

a. The names and addresses of all Principals of the Applicant and a description of the position occupied or ownership interest held by each such Principal;

b. If such Applicant is doing business under an assumed name, Applicant shall provide a Certificate of Assumed Name, or its equivalent, certified by the County Clerk if a sole proprietorship or partnership or by the Secretary of State if a corporation;

c. The notarized Certificate of Business if a sole proprietorship; the partnership papers if a partnership; or the Certificate of Incorporation if a corporation;

d. A business telephone number and a business address in the County of Westchester where notices may be delivered and legal process may be served, and where the records required by this Chapter are maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process;

e. A Federal or State tax identification number;

f. Where any Principal of an Applicant holds, or has held at any time in the ten (10) years preceding the date of application, a license for Solid Waste removal in the County of Westchester, a listing of such license number(s);

g. Where any Principal of an Applicant is, or has been at any time during the ten (10) years preceding the date of application, a Principal of a Solid Waste business required to be licensed in the County of Westchester, a listing of such Solid Waste removal business(es) and the nature of the involvement of such Principal in each such business;

h. A listing of any contractual or other business relationship, at any time during the ten (10) years preceding the date of application, between the Applicant business and a Solid Waste removal business required to be licensed pursuant to this Chapter or the former Chapter 826, as repealed by this Chapter;

i. A listing of any criminal convictions of the Applicant or its Principals;

j. A listing of any pending civil or criminal actions with respect to the Applicant or its Principals in any jurisdiction; and

k. A listing of any suspensions or revocations of licenses, registrations or permits held by the Applicant for the removal or recycling of Solid Waste in any jurisdiction or any judgments or orders finding liability of the Applicant in a civil or administrative action related to the conduct of a business that removes or recycles Solid Waste, a Solid Waste broker business or the operation of a dump, landfill or transfer station.

3. Following receipt of the application materials and all materials required to be disclosed pursuant thereto, the Commission may require that the Applicant provide supplemental information as the Commission may deem necessary.

4. The Applicant is required to submit a signed letter of certification that the Applicant has read and is familiar with the requirements of the registration and the provisions of all laws enacted by the County to date which pertain to the collection, transportation and disposition of Solid Waste and Recyclables including, but not limited to, this Chapter and the Westchester County Source Separation Law.

5. Upon payment of the registration fee(s) and compliance with all other applicable requirements and the Commission's determination that the Applicant has met the standards outlined in Article IV., the Commission will issue a registration. The registration shall be securely fastened and conspicuously displayed in the Principal office or location where the Registrant conducts business. Copies of the registration shall be conspicuously displayed at any other office or location where the Registrant conducts business in the County.

Section 826-a.306. Fees.

1. a. For Applicants for Class A, Class B, and Class C-2 licenses, the application fee shall be: $ 350 per Applicant, plus $350 per principal thereof. These fees may be modified by the Commission pursuant to Section 826-a.202(2) of this Chapter, any time after the first anniversary of the Effective Date of this Chapter.

b. The application fees do not include the cost of standard background investigations, the cost of which shall be borne solely by the Applicant as set forth in Section 826-a.202(2.)(b.), and shall be submitted by the Applicant along with the basic application fee. Such investigational fees shall be specified in the application document.

c. The investigational fees to be submitted at the time of application, as referenced in subsection (b.), above, is intended to cover the costs of a standard background investigation only. In the event that it shall become necessary, in the Commission's reasonable discretion, to require the production of supplemental or additional information from the Applicant, or to undertake a more comprehensive investigation of the Applicant, the Applicant shall bear all costs of the additional investigation Applicant as set forth in Section 826-a.202(2.)(b.).

d. The application and investigation fees for Class C-1, Class D and Class E licensees and for solid waste brokers shall be determined by the commission within 110 days of the effective date, hereof, and for Class L licensees within 45 days of the effective date, hereof.

2. a. The annual fee for Class A, Class B and Class C-2 Licenses issued pursuant to this Chapter shall be as follows: One Thousand ($1,000) Dollars, plus an additional One Thousand ($1,000) Dollars for each collection vehicle to be operated by a Class A Licensee in connection with the licensed activities, plus an additional One Thousand ($1,000) Dollars for each collection vehicle to be operated by a Class C-2 Licensee in connection with the licensed activities, plus an additional Five Hundred ($500) Dollars for each collection vehicle to be operated by a Class B Licensee in connection with the licensed activities. The annual fee for Class C-1 and Class E licenses issued pursuant to this chapter shall be as follows: $100.00, plus an additional $100.00 for each collection vehicle to

be operated by a Class C-1 licensee in connection with the licensed activities, plus an additional $100.00 for each collection vehicle to be operated by a Class E licensee in connection with the licensed activities. In consideration of the seasonal timeframe, which is limited to the months of October, November, December and January, the annual fee for Class L licenses issued pursuant to this chapter shall be $400.00, plus an additional $400.00 for each collection vehicle to be operated in connection with the licensed activities. The aforementioned fees may be modified by the commission pursuant to section 826-a.202 2. of this chapter.

b. In addition to the fees specified above, any licensee which owns, leases, operates or controls a transfer station which processes materials, including without limitation solid waste and/or recyclables shall pay an annual transfer station operators fee which shall be equal to $20,000.00 per transfer station operated, less any applicable credit issued by the Commission pursuant to subsection c below.

c. (i) In the interest of managing the level of solid waste generated and collected within the county's borders and encouraging recycling and/or re-use of materials, the transfer station fee specified in subsection b. above shall be reduced in proportion to the percentage of materials re-used and/or recycled by a transfer station in relation to the amount of materials processed by that transfer station, as follows:

$7,500.00 reduction for 76% to 100% materials re-used and/or recycled.
$3,500.00 reduction for 51% to 75% materials re-used and/or recycled.
$2,000.00 reduction for 31% to 50% materials re-used and/or recycled.
$1,000.00 reduction for 21% to 30% materials re-used and/or recycled.
$500.00 reduction for 11% to 20% materials re-used and/or recycled.
$0.00 reduction for 0 to 10% materials re-used and/or recycled.

(ii) For purposes of this section 826-a.306 (2)(c) the phrase "the percentage of materials re-used and/or recycled by a transfer station" shall mean the percentage of materials separated for re-use or reintroduction into economic markets for alternate uses, where such markets exist and are identified by the licensee in its reports required under section 826-a.500 hereof.

(iii) Upon timely receipt of a licensee's reports, the commission shall in its sole and reasonable discretion make the determination as to whether and to what extent a reduction of the transfer station fee is warranted. In making this determination the commission may consider among other things, regulations and guidance issued by the New York State Department of Environmental Conservation, the United States Environmental Protection Agency and any other applicable statutory and/or regulatory source. The licensee shall provide any additional information required by the commission to substantiate the percentage

of materials re-used and/or recycled. The commission's determination shall be final.

(iv) Reductions to be made in applicable transfer station fees, pursuant to this section 826-a.306(c), for a given year shall be based upon the percentage of materials re-used and/or recycled by the transfer station in the previous year.

(v) The credits outlined herein shall not be available to transfer stations and final disposal sites owned by the County or any County district including, but not limited to, Refuse Disposal District No. 1, and/or operators thereof

d. In addition to the fees specified above, any Licensee which owns, leases, operates or controls a facility, located in Westchester County, which is deemed to be a final solid waste disposal site shall pay an annual fee which shall be equal to Fifty Thousand ($50,000) Dollars per facility operated.

e. The fees referenced above may be modified by the Commission pursuant to Section 826-a.202(2) of this Chapter, any time after the first anniversary of the Effective Date of this Chapter.

f. The aforementioned transfer station fees shall not apply to transfer stations owned exclusively by a Municipality.

ARTICLE IV.
STANDARDS FOR APPLICATION DENIAL, SUSPENSION, REVOCATION, NON-RENEWAL, DENIAL OF MODIFICATION OR OTHER ACTION AGAINST THE PRIVILEGES OF A LICENSEE OR REGISTRANT

Section 826-a.400. Standards for Refusal to Issue a License or Registration.

1. The Commission may, after notice and the opportunity to be heard, refuse to issue a license or registration to an Applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal.

2. In making the determination to refuse to issue a license or registration, the Commission, may consider, but is not limited to:

a. failure by such Applicant or any of its Principals to provide truthful information in connection with the application or the failure of the Applicant or any of its Principals to provide truthful information in connection with any duty outlined in this Chapter;

b. a pending indictment or criminal action against such Applicant for a crime which under this Article would provide a basis for the refusal to issue such license or registration, or a pending civil or administrative action to which such Applicant, or any Principal of such Applicant, is a party and which directly relates to the fitness to conduct the business or perform the work for which the license or registration is sought. Notwithstanding any other provisions of this Chapter to the contrary, in lieu of refusing to issue a license or registration, the Commission may defer consideration of an application until such time as a decision has been reached by the court or administrative tribunal before which such indictment, criminal or civil action is pending;

c. conviction of such Applicant, or any Principal of such Applicant, for a crime which would provide a basis under Section 753 of the Correction Law for the refusal to issue such license or registration;

d. a finding of liability against an Applicant or any Principal of such Applicant in a civil or administrative action that bears a direct relationship to the fitness of the Applicant or any of its Principals to conduct the business for which the license or registration is sought;

e. association with a person known to the Applicant or any of its Principals to have been convicted of racketeering activity, including but not limited to the offenses listed in Section 1961(1.) of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of Section 460.10 of the Penal Law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;

f. association by the Applicant or by any of its Principals with any member or associate of an organized crime group which has a connection to the Solid Waste or recycling industry or to any activity for which a person is required to be licensed or registered pursuant to this Chapter, as previously identified by a federal, state, city or county law enforcement or investigative agency, when the Applicant knew or should have known of the organized crime associations of such person;

g. having been or being a Principal in a Predecessor Solid Waste Business as such term is defined in this Chapter where the Commission has denied or has revoked a license or registration; or would have been authorized to deny or revoke a license or registration to such Predecessor Solid Waste Business pursuant to this subdivision;

h. current membership in or holding a position in a Solid Waste Association where such membership or position would be prohibited pursuant to Section 826-a.402 unless the Commission has determined, pursuant to this subdivision, that such association does not operate in a manner inconsistent with the purposes of this Chapter;

i. failure of the Applicant or any Principal of the Applicant to pay any tax, fine, penalty, or fee related to the business of the Applicant for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; or

j. failure of the Applicant to respond to the Commission's inquiries within a reasonable period of time.

3. The Commission may refuse to issue a license or registration where the Applicant, or any Principal of the Applicant, has knowingly failed to provide the information and/or documentation required by the Commission pursuant to this Chapter, or who has otherwise failed to demonstrate eligibility for such license or registration under this Chapter.

4. The Commission may refuse to issue a license or registration to an Applicant when such Applicant or any Principal of the Applicant (a.) was previously issued a license, registration or other Solid Waste permit pursuant to this Chapter or the former Chapter 826 and such license, registration or permit was revoked pursuant to the provisions of this Chapter or revoked or not renewed pursuant to the provision of such former Chapter 826 or any rules promulgated thereto; or (b.) was previously denied a license or registration pursuant to this Chapter or the former Chapter 826 within the past eighteen (18) months; or (c.) has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license or registration pursuant to this Chapter.

Section 826-a.401. Standards for Suspension, Revocation, Non-renewal, Modification or Other Action Against The Privileges of a Licensee or Registrant.

1. The Commission may, subject to Section 826-a.602 of this Chapter and consistent with Articles Twenty-Three and Twenty-Three-A of the New York State Correction Law and the provisions of this Article, deny renewal of a license, revoke or suspend a license or take appropriate action against the privileges of a Licensee or a Registrant, including but not limited to, a modification of its terms over the objection of the Licensee or Registrant, when the Licensee or Registrant and/or any of its Principals, employees and/or agents:

a. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have violated any provision of this Chapter, or of the former Chapter 826, any related order or determination of the Commission, a material condition of any license or registration issued thereunder or any substantially similar statute, regulation, order or license or registration condition of any federal, New York state or other local government;

b. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have subcontracted work within Westchester County to an unlicensed

subcontractor, where such work requires a license pursuant to this Chapter;

c. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have committed a negligent or intentionally tortious act in relation to the handling, storing, treating, disposing or transporting of solid, hazardous, infectious, medical or regulated waste, as those terms may be defined under New York State law, or has been convicted in a criminal proceeding of a crime involving the handling, storing, treating, disposing or transporting of solid, hazardous, infectious, medical or regulated medical waste;

d. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have committed any act which in the judgment of the Commission has an adverse impact on a Licensee's or Registrant's ability or fitness to perform any licensed activity;

e. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have committed practices or conduct in restraint of competition, including but not limited to violation of the provisions of the Sherman Anti-Trust Act, the Clayton Act, the Robinson Patman Act, the Federal Trade Commission Act, Section 340 et seq. of the New York State General Business Law or equivalent violation of the laws of any other jurisdiction;

f. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have repeatedly failed to obey lawful orders of any person authorized by this Chapter to enforce the provisions hereof;

g. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have failed to pay, within the time specified by the Commission, a court, or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this Chapter;

h. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have been in persistent or substantial violation of any local, state or federal law, rule or regulation regarding the handling of solid waste or recyclables, or laws prohibiting deception, unfair, or unconscionable business practices;

i. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to lack good character, honesty and integrity, after consideration of the factors set forth in Section 826-a.400 of this Chapter, in relation to an investigation conducted pursuant to this Chapter;

j. have been found by a court or an administrative tribunal of competent jurisdiction, or by the Commission itself, to have made any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based or in any other document submitted pursuant to any on-going reporting duty under this Chapter;

k. are convicted of a crime which would provide a basis under Section 753 of the Correction Law for the Commission's refusal to issue a license and/or registration;

l. associates with a person known to the licensee or registrant or any of its Principals to have been convicted of racketeering activity, including but not limited to the offenses listed in Section 1961(1.) of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of Section 460.10 of the Penal Law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;

m. Licensee or registrant, or by any of its principals, associates with any member or associate of an organized crime group which has a connection to the solid waste or recycling industry or to any activity for which a person is required to be licensed or registered pursuant to this chapter, as previously identified by a federal, state, city or county law enforcement or investigative agency, when the [applicant] licensee or registrant knew or should have known of the organized crime associations of such person;

n. Licensee or registrant, or any principal thereof, fails to pay any tax, fine, penalty, or fee related to the business of the licensee or registrant for which liability has been admitted by the person or entity liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; or

o. Licensee or registrant fails to respond to the commission's inquiries within a reasonable period of time.

2. In making the decision as to the effective date of a suspension or revocation, except in the case of an emergency suspension order, or in taking any other action against the privileges of a Licensee or Registrant, the Commission shall provide adequate time for the customers of a Licensee or Registrant to find alternative service providers if its decision would cause such customers' services to be interrupted or terminated.

Section 826-a.402. Conduct of Licensees and Registrants: Record Keeping; Service Contracts; Labeling of Containers; Labeling of Vehicles; Complaints.

1. All Licensees and Registrants shall maintain audited financial statements, records, ledgers, receipts, bills and such other written records as the Commission shall determine are necessary or useful for carrying out the purposes of this Chapter. Such records shall be maintained for a period of time of not less than five (5) years, provided however, that the Commission may, in specific instances and in its sole discretion, require that records be retained for a period of time exceeding five (5) years. In those instances where the Commission shall require that such records shall be maintained for an extended period, the Commission shall notify the Licensee or Registrant of same, in writing. Such records shall be made available for inspection and audit by the Commission upon the Commission's request at either place of business of such Licensee or Registrant or at a location within Westchester County designated by the Commission.

2. All Licensees and Registrants shall be required to maintain compliance with all applicable state, federal, and Local Laws, ordinances, rules and regulations pertaining to the collection, removal and disposal of Solid Waste and Recyclables for the duration of any term of the license or registration issued pursuant to this Chapter.

3. a. All Licensees, and any Registrant if applicable, shall enter into written Service Contracts for the collection, hauling and disposal of Solid Waste and Recyclables with all residential and non-residential customers, including those Municipalities which provide for the collection, hauling and disposal of residential Solid Waste and/or Recyclables. The Licensee shall comply with all provisions of such Service Contracts including, where applicable, the terms relating to the agreed-upon time, place and frequency of the collection of waste.

b. All Registrants shall enter into written Service Contracts with all customers where the Registrant is conducting activities on behalf of such customer for which registration is required pursuant to this Chapter. All such Service Contracts must be easily readable, in plain understandable language, and clearly labeled "Contract for Solid Waste Services" or "Service Contract."

c. All Service Contracts shall contain the following provisions to which all Licensees shall adhere, which cannot be waived by agreement and which shall be memorialized in each such Service Contract under the heading entitled "Customer Bill of Rights," which shall take the following form:

"CUSTOMER BILL OF RIGHTS
CONTRACT FOR SOLID WASTE SERVICES

between _____
"Service Provider"
and _____
"Customer"

Pursuant to Section 826-a.402(3)(c) of the Laws of Westchester County, the Customer shall be entitled to the following rights which cannot be waived:".

1. This Service Contract shall not exceed (2) years in duration unless the Customer is a Municipality which, after establishing good cause for such waiver, has received a formal waiver of the contract term limit from the Commission.
2. A Service Contract which provides for automatic renewal shall be terminable by the Customer, without penalty, on thirty (30) days written notice to the Service Provider at any time during any renewal term of the Service Contract.
3. The Customer shall not be required to give the Service Provider more than (30) days notice of its intent to exercise its option to terminate or its option to renew an existing Service Contract prior to the expiration of such existing Service Contract.
4. All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term or for the thirty (30) day period following any and all proposals made to a Customer by the Service Provider with whom the Customer currently contracts, where such proposal includes a proposal for a new Service Contract which will commence prior to the end of the regular term of the existing Service Contract.
5. Any notice of Service Contract termination from the Service Provider to the Customer shall be in writing, unless otherwise specifically requested by the Customer.
6. Any notice of Service Contract termination from the Customer to the Service Provider may be made by the Customer or the Customer's Agent either: (i.) in writing by facsimile or regular mail; or (ii.) orally by a telephone call to the Service Provider's office.
7. In the event that the Service Provider's license or registration to provide solid waste services is suspended or revoked by the Westchester County Solid Waste Commission, the Service Provider shall notify the Customer, in writing, within (5) business days of the suspension or revocation.
8. A Customer who is notified, by the Service Provider or otherwise, of the suspension or revocation of its Service Provider's license or registration may, immediately and without penalty, terminate this Service Contract.

9. In the event of Service Contract termination prior to the end of any regular contract term, the Service Provider shall not require the Customer to pay liquidated damages.
10. The Customer shall not be required to inform the Service Provider of competitive offers which it may receive for the removal, collection or disposal of refuse and recyclable materials.
11. The Customer shall not be required to give the Service Provider an opportunity to match the terms of any competitive offer which may be made to a Customer by any potential competitor.
12. The Customer shall not be required to contract exclusively with the Service Provider named herein for the removal of the Customer's refuse and recyclable materials. However, a municipal Customer may request such an exclusivity provision in its Service Contracts pursuant to its procurement policy.
13. The Service Provider herein shall not discontinue service to the Customer unless at least thirty (30) days advance written notice has been given to such Customer.
14. The Service Provider shall give the Customer no less than (i.) thirty (30) days advance written notice of proposed rate increases or (ii.) sixty (60) days notice of subcontracting or contract assignment. Upon receipt of such written notice, a Customer may terminate its Service Contract, without penalty, by giving fourteen (14) days notice to the Service Provider. Such notice may be given by the Customer at any time prior to the commencement of the rate increase or the implementation of the assignment or subcontracting.
15. The Service Provider shall promptly provide the Customer with any and all informational notices which the Westchester County Solid Waste Commission may develop or prescribe.
16. In the event that the Service Provider herein shall fail to comply with any of the requirements provided in Paragraphs 1-15, above, in connection with this Contract for Solid Waste Services, or shall integrate provisions into this Service Contract which impairs the Customer's rights as outlined in Paragraphs 1-15, above, the Customer shall be entitled to, immediately and without penalty, terminate this Service Contract. In the event that the Customer believes that such a failure to comply has occurred, the Customer is urged to consult with the Westchester County Solid Waste Commission in order to clarify the Customer's rights and obligations pursuant thereto.
17. All Customers have the right and are encouraged to contact the Westchester County Solid Waste Commission to register a complaint against a Service Provider in the event that the Service Provider (a.) fails to provide the services as agreed under the Service Contract, (b.) fails to comply with the requirements outlined in this Customer Bill of Rights or (c.) engages in any of the following prohibited practices:

    (i.) Makes a false or misleading statement to the Customer or a prospective Customer;
    (ii.) Threatens or attempts to intimidate a Customer or a prospective Customer;
    (iii.) Imposes or attempts to impose liquidated damages upon a Customer for termination of a Service Contract;

(iv.) Retaliates against a Customer or prospective Customer that has made a complaint to the Westchester County Solid Waste Commission or has exercised or attempted to exercise a right under Chapter 826-a of the Laws of Westchester County; or
(v.) Discourages a Customer or prospective Customer, who has a question or inquiry concerning the Customer's or the prospective Customer's rights or obligations concerning solid waste, from contacting the Westchester County Solid Waste Commission."

4. No Licensee or Registrant or Principal thereof shall be a member or hold a position in any Solid Waste Association; (i.) where such association, or a predecessor thereof as determined by the Commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime; (ii.) where a person holding a position in such Solid Waste Association, or a predecessor thereof as determined by the Commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime; (iii.) where a person holding a position in such Solid Waste Association, or a predecessor thereof as determined by the Commission, is a member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency; and (iv.) where the Solid Waste Association has failed to cooperate fully with the Commission in connection with any investigation conducted pursuant to this Chapter. The Commission may determine, for purposes of this subdivision, that a Solid Waste Association is a predecessor of another such Solid Waste Association by finding that transfers of assets have been made between such associations or that all or substantially all of the persons holding positions in the two associations are the same. A Licensee or Registrant shall be in violation of this paragraph when the Licensee or Registrant knows or should have known of a violation, conviction, association with organized crime or failure to cooperate as set forth herein.

5. Labeling of containers.

a. Any container(s) provided by a licensee for the collection, transportation and/or storage of solid waste and/or recyclables within Westchester County, shall be prominently labeled with the licensee's company name and phone number, along with the accurate true measurement of the volume of the container's capacity in Arabic numerals and followed by the indication "cu. yd." when the volume of the container is measured in cubic yards or "gal." when the volume of the container is measured in gallons.

b. For the purposes of this section, a container is defined as any receptacle that is used for the collection, transportation and/or storage of solid waste and/or recyclables and which is not generally disposed of after such use.

6. Labeling of vehicles.

Any vehicle(s) used by a licensee to haul solid waste and/or recyclables into, out of or within Westchester County shall be prominently labeled with the licensee's company name and phone number.

7. Investigation of Complaints.

a. The Commission may conduct an investigation into any complaint alleging that a Licensee or Registrant has violated any provision of this Chapter, or does not meet the standards for licensing or registration as set forth in this Chapter.

b. Where the Commission determines that evidence exists to support a complainant's allegations that a violation of this Chapter has occurred, the Commission may impose penalties designed to redress the injury to the complainant, the customers of such Licensee or Registrant, or any other person who the Commission determines has been injured by such violation(s), and shall in addition impose the penalties as provided in Article VI. of this Chapter. Prior to the imposition of the penalties outlined herein, the Licensee or Registrant shall be entitled to a hearing pursuant to Section 826-a. 602 of this Chapter.

c. Any resolution of a complaint by a complainant prior to a hearing or proceedings on the complaint shall be submitted by the Licensee or Registrant to the Commission for its review and approval. The resolution shall be in writing and signed and notarized by all parties to the proceedings. Where the Commission disapproves such a resolution, the Commission may continue to seek penalties regarding any violation by the Licensee or Registrant underlying the complaint as provided above.

Section 826-a.403. Assignment of Service Contracts; Subcontracting of Services.

1. A Licensee or Registrant who arranges for the provision of services by a subcontractor or an assignee for the removal, collection or disposal of Solid Waste, or for Solid Waste brokering services related thereto, shall give notice of such subcontracting or assignment to all customers of the Licensee or Registrant who will be required to utilize the services of such subcontractor or assignee, or whose services will otherwise be impacted by such subcontracting or assignment, prior to the provision of services by such subcontractor or assignee. Such notification of subcontracting or assignment shall be upon a form prescribed by the Commission, and shall be made by certified mail, with the receipt of delivery thereof maintained by the Licensee or Registrant.

2. No subcontracting or assignment of services by the Licensee or Registrant shall eliminate any obligation on the part of such Licensee or Registrant to maintain compliance with the provisions of this Chapter.

Section 826-a.404. Mergers, Acquisitions & Sales of Licensed or Registered Entities.

1. A Licensee or Registrant shall apply for review of a proposed purchase, sale or merger transaction by the Commission before acquiring, selling or merging with another business no later than ninety (90) days before such acquisition, sale or merger is to take effect. Such review shall, at a minimum, include a determination by the Commission as to whether such transaction may have a substantial impact on the Westchester County operations of the Licensee or Registrant in accordance with the purposes of this Chapter. If such a determination is made, fingerprinting and background investigation of non-licensed or non-registered entities in the transaction and the Principals of such entities will be conducted. After such review, the Commission may issue any order with respect to the transaction consistent with the purposes of this Chapter. The Commission may, in its reasonable discretion, require that either the purchaser or seller post a bond or place money in escrow with the Commission in an amount that the Commission believes, in its discretion, is needed to cover any outstanding or potential fines or penalties owed or that may be owed to the Commission, any complaints that have been heard pursuant to this Article of this Chapter in regard to which a final determination has not been rendered, and any restitution ordered by the Commission which the selling or dissolving Licensee or Registrant has failed to make to a complainant. In the event that the seller fails to post such bond or place money in escrow as set forth in this paragraph, the Commission may seek from the purchaser any and all outstanding fines or penalties for violations of this Chapter, and any outstanding restitution.

2. The fee for investigation and review of any proposed asset sale, assignment of contract, merger, acquisition, or similar transaction, shall be determined by the Commission. After submission to the Commission of an appropriate request for review of such a transaction, the Commission shall notify the parties to the transaction of the total fee amount due and owing, which shall be paid in full within ten (10) days after such notification. The Commission, in its discretion, may waive or reduce fees upon written request based upon one or more of the following :

a. Specified persons or entities have recently undergone complete background investigations by the Commission;

b. The value of the transaction under review is minimal;

c. Specified persons or entities need not undergo background investigations because of their attenuated connection to the transaction;

d. The transaction does not involve the sale, assignment, or other transfer of any account or customer contracts (e.g. trucks or other non-customer assets);

e. The transaction involves less than 5 customers; or

f. The transaction involves unique characteristics or other mitigating factors that would warrant a reduction or waiver of fees.

Section 826-a. 405. Prohibited Practices.

1. In addition to any other standard or prohibition set forth in this Article, a Licensee or Registrant, or any Principal or employee thereof shall not :

a. Violate or fail to comply with an applicable provision of this Chapter;

b. Associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

c. Refuse to answer any reasonable inquiry from the Commission;

d. Make a false or misleading statement to the Commission;

e. Make a false or misleading statement to a customer or prospective customer;

f. Threaten or attempt to intimidate a customer or prospective customer;

g. Impose or attempt to impose liquidated damages upon a customer for termination of a Service Contract;

h. Retaliate against a customer or prospective customer that has made a complaint to the Commission or has exercised or attempted to exercise a right under this Chapter;

i. Engage in a deceptive trade practice;

j. Discourage a customer or prospective customer who has a question or inquiry concerning the customer or prospective customer's rights or obligations concerning solid waste from contacting the Commission;

k. Request, participate in, or comply with, a resolution, consideration, hearing, mediation or adjudication by a trade association or any person holding a position in a trade association concerning a dispute between two or more licensees or solid waste removal businesses relating to a customer, route or stop;

l. Pay any money to a trade association or any person holding a position in a trade association for any activity relating to a sale, purchase, acquisition, or loss of a customer, route, or stop;

m. Falsify any business record;

n. Make, file, or submit a false statement or claim to a government agency or employee;

o. Violate any law concerning payments to labor unions or labor representatives;

p. Give or offer any money or other benefit to an official or employee of a private business with intent to induce that official or employee to engage in an unethical or illegal business practice;

q. Give or offer any money or other benefit to any public employee whose duties relate in any way to contracting with or regulating the solid waste or recyclables industry with the exception of funds that must be paid in accordance with a statute, rule, agency order, or court order;

r. Solicit business from a customer for any person who, or entity that, provides goods or services related to the removal, collection or disposal of solid waste and is not licensed by, or registered with, the Commission;

s. Agree with another solid waste business to divide or allocate customers or respect an existing division or allocation of customers by geography, territory or otherwise;

t. Agree upon, with another private hauler, the prices to be submitted on a bid for a solid waste contract;

u. Fail to timely pay taxes related to a solid waste business;

v. Operate a transfer station in violation of any federal, state, or local law or regulation;

w. Fail to properly display the required decals on both the driver side and passenger side doors of each vehicle[s] operated by the Licensee or Registrant;

x. Attempt to or conspire to engage in any act proscribed by this section; or

y. Fail to comply with the Service Contract requirements outlined in Section 826-a.402(3)(c) hereof.

2. Failure of the Licensee or Registrant to comply with any of the provisions of this Chapter shall act as an affirmative defense for any customer in an action to enforce that customer's Service Contract.

3. Where the Licensee or Registrant engages in any action which is identified as a Prohibited Practice under this Section 826-a.405, such conduct may be utilized by a customer as an affirmative defense in an action to enforce that customer's Service Contract.

ARTICLE V.
REPORTING REQUIREMENTS

Section 826-a.500. Reporting Requirements for all Licensees and Registrants.

1. A Licensee or Registrant shall inform the Commission of:

a. membership in a Solid Waste association in addition to an association identified in the application submitted pursuant to this Chapter;

b. the arrest for or conviction of a crime or offense or a finding of civil liability against the Licensee or the Registrant or any Principal thereof;

c. any other material change in the information submitted on the application for the license or registration; or

d. any changes in the ownership composition of the Licensee or Registrant, the addition or deletion of any Principal at any time subsequent to the issuance of the license or registration.

2. A Licensee or Registrant shall provide the Commission with at least thirty (30) business days prior written notice of the proposed addition of a new Principal to the business of such Licensee or Registrant. Such notice shall be hand-delivered to the Commission or its authorized designee. The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period based upon information available to it, that the addition of such new Principal may have a result inimical to the purposes of this Chapter, the Licensee or Registrant may add such new Principal pending the completion of review by the Commission. The Licensee or Registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new Principal would not have a result inimical to the purposes of this Chapter. If upon the completion of such review, the Commission determines that such Principal lacks good character, honesty and integrity, the license or registration shall be suspended until such time as that Principal divests his or her interest or discontinues his or her involvement in

the business of such Licensee or Registrant, as the case may be, within the time period prescribed by the Commission.

3. A Licensee or Registrant shall have a continuing duty to immediately disclose and/or update the information provided to the Commission in its application annually, on the anniversary date of the issuance or renewal of the license or registration.

4. All reports, requests, notices and determinations issued pursuant to this Section shall be made in writing and shall be issued separately for each Class or type of activity engaged in by the Licensee or Registrant.

Section 826-a.501. Class A Licensee.

1. On forms to be provided by the Commission after issuance of a license pursuant to this Chapter, the Class A Licensee shall be required to provide written quarterly reports to the Commission.

2. The Licensee shall be required to provide the following information in such quarterly reports:

a. In cubic yards or tons, as specified on the Commission's reporting forms, the total quantity of Solid Waste and Recyclables collected during that quarter ended; the total quantity of materials that were processed, recycled, disposed of or delivered to a recycling facility, including the quantities of each of the specific Recyclables, defined in Section 826-a.200 of this Chapter that were recycled or delivered to a recycling facility during that quarter ended; at the request of the Commission, the quantities of Recyclables that are delivered to each facility that transfers, stores, collects or processes Recyclables; the quantities of such Recyclables that could not be recycled or marketed but were disposed as of Solid Waste during that quarter ended; the total quantity of construction and demolition debris collected and the quantities that were recycled or delivered to a recycling facility or Recyclables broker during that quarter ended.

b. Any subcontracting of any portion of the Licensee's business, identifying the subcontractor by name and address, and describing the nature of the business that was subcontracted during that quarter ended.

3. Quarterly reports for the quarter ending March 31 are due no later than June 30 of that calendar year. Quarterly reports for the quarter ending June 30 are due no later than September 30 of that calendar year. Quarterly reports for the quarter ending September 30 are due no later than December 31 of that calendar year. Quarterly reports for the quarter ending December 31 are due no later than March 31 of the following calendar year.

4. The Commission must be notified within thirty (30) days of any changes in the disposal, transfer, collection, storage or processing facilities used by the Licensee, if different from those listed in the Licensee's license application as the facilities that it was utilizing and/or intended to utilize at the time of application.

5. The Commission must be notified within five (5) business days of the issuance or filing of any criminal indictment or information against the Licensee or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Licensee or any of its Principals.

6. The Licensee must also provide any other information which the Commission shall, from time to time, reasonably require.

Section 826-a.502. Class B Licensee.

1. On forms to be provided by the Commission after issuance of a license pursuant to this Chapter, the Class B Licensee shall be required to provide written quarterly reports to the Commission.

2. The Licensee shall be required to provide the following information in such quarterly reports:

a. In cubic yards or tons, as specified on the Commission's reporting forms, the total quantity of Recyclables collected directly from waste generators or Municipalities within the County of Westchester during the quarter ended; as specified on the Commission's forms, the percentage of that total quantity that was received from scrap peddlers during that quarter ended in cubic yard or tons; the total quantity of construction and demolition debris Recyclables that was collected separately and the quantities of the construction and demolition debris materials that were recycled or delivered to another Recyclables broker or recycling facility during that quarter ended.

b. The type and quantity of each of the specified Recyclables as defined in Section 826-a.200 of this Chapter that was collected during the quarter ended.

c. Any subcontracting of any portion of the Licensee's business, identifying the subcontractor by name and address, and describing the nature of the business that was subcontracted during that quarter ended.

3. Quarterly reports for the quarter ending March 31 are due no later than June 30 of that calendar year. Quarterly reports for the quarter ending June 30 are due no later than September 30 of that calendar year. Quarterly reports for the quarter ending September 30 are due no later than December 31 of that calendar

year. Quarterly reports for the quarter ending December 31 are due no later than March 31 of the following calendar year.

4. The Commission must be notified within thirty (30) days of any changes in the disposal, transfer, collection, storage or processing facilities used by the Licensee, if different from those listed in the Licensee's license application as the facilities that it was utilizing and/or intended to utilize at the time of application.

5. At the request of the Commission, a Recyclables broker that has collected Recyclables must document the quantities of such materials that are delivered to each facility that transfers, stores, collects, or processes Recyclables, and the quantities of such materials that cannot be recycled or marketed but are disposed of as Solid Waste during that quarter ended.

6. The Commission must be notified within five (5) business days of the issuance or filing of any criminal indictment or information against the Licensee or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Licensee or any of its Principals.

7. The Licensee must also provide any other information which the Commission shall, from time to time, require.

Section 826-a.503. Class C Licensee.

1. On forms to be provided by the Commission, after issuance of a license pursuant to this Chapter, all Class C Licensees shall be required to provide written quarterly reports to the Commission.

2. The Licensee shall be required to provide the following information in such quarterly reports:

a. In cubic yards or tons, as specified on the Commission's reporting forms, the total quantity of construction and demolition debris collected during that quarter ended; the total quantities of construction and demolition debris materials that were recycled or delivered to a recycling facility or Recyclables broker and the quantities of specific construction and demolition debris materials that were recycled during that quarter ended.

b. Any subcontracting of any portion of the Licensee's business, identifying the subcontractor by name and address, and describing the nature of the business that was subcontracted during that quarter ended.

3. Quarterly reports for the quarter ending March 31 are due no later than June 30 of that calendar year. Quarterly reports for the quarter ending June 30 are due no later than September 30 of that calendar year. Quarterly reports for the quarter ending September 30 are due no later than December 31 of that calendar year. Quarterly reports for the quarter ending December 31 are due no later than March 31 of the following calendar year.

4. The Commission must be notified within thirty (30) days of any changes in the location of the disposal, transfer, collection, storage or processing facilities it is using, if different from those listed in the Licensee's license application as the facilities that it was utilizing or intended to utilize at the time of application.

5. The Commission must be notified within five (5) business days of the issuance or filing of any criminal indictment or information against the Licensee or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Licensee or any of its Principals.

6. The Licensee must also provide any other information which the Commission shall, from time to time, reasonably require.

Section 826-a.504. Class D and Class L Licensees.

1. Those persons holding a Class D or Class L License shall be required to provide written annual reports to the Commission on forms to be provided by the Commission.

2. All Class D and Class L Licensees shall be required to provide the following information in such annual reports:

a. In cubic yards or tons, as specified on the Commission's reporting forms, the total quantity of garden and yard waste or for Class L licensees the total quantity of seasonal organic waste, including leaves collected separately during the preceding year, and locations where the materials were disposed of and for Class L licensees or registrants, the names of the municipalities in Westchester County in which such licensee or registrant presently conducts business.

b. An estimate of the type and quantity of each type of yard waste collected during the preceding year.

c. Documentation of the total quantity of such waste that either was delivered to a facility for composting, chipping or other recycling or reuse or was sold or marketed for such purposes.

3. Annual reports shall be submitted by March 31 of each year.

4. All Class D and Class L Licensees shall be required to notify the Commission within five (5) business days of the issuance or filing of any criminal indictment or information against the Licensee or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Licensee or any of its Principals.

5. All Class D and Class L Licensees must also provide any other information which the Commission shall, from time to time, reasonably require.

Section 826-a.505. Class E Licensee.

1. All Class E Licensees shall be required to provide the Commission with any information which the Commission may, from time to time, reasonably require.

2. All Class E Licensees shall be required to notify the Commission within five (5) business days of the issuance or filing of any criminal indictment or information against the Licensee or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Licensee or any of its Principals.

Section 826-a.506. Transfer Station/Ultimate Disposal Site Operators.

1. In addition to all other applicable reporting requirements for Licensees as set forth in this Chapter, a Licensee who operates a Transfer Station located within the County of Westchester shall be required to make a written, quarterly report to the Commission for each transfer station operated by the Licensee, which report shall include, at a minimum:

a. the prices charged to haulers which utilized the transfer station during the reporting period on a week-to-week basis;

b. the costs associated with operation of the transfer station during the reporting period; and

c. the costs associated with disposal of the Solid Waste, Recyclables, garden and yard waste and construction and demolition debris during the reporting period.

Section 826-a.507. Solid Waste Broker.

1. All registered Solid Waste Brokers shall be required to provide the Commission with any information which the Commission may, from time to time, reasonably require.

2. All registered Solid Waste Brokers shall be required to notify the Commission within five (5) business days of the issuance or filing of any criminal indictment or information against the Registrant or any Principal thereof. The Commission shall also be notified within five (5) business days of any judgment or determination of any civil court or administrative tribunal of competent jurisdiction against the Registrant or any of its Principals.

ARTICLE VI.
PENALTIES AND ENFORCEMENT

Section 826-a.600. License Suspension or Revocation/Denial of Renewal or Modification.

1. a. No Licensee or Registrant shall have its license or registration suspended, modified or revoked by the Commission, nor shall the Commission refuse to renew or modify a license or registration, without the Licensee or Registrant having first been granted the opportunity for a hearing in accordance with the procedures set forth in Section 826-a.602, below; unless the Licensee or Registrant waives its right to notice and hearing in writing.

b. Notwithstanding the above, the Commission may, without hearing and at its sole discretion, immediately suspend a license or registration, without a hearing, provided that the Commission serves the Licensee or Registrant with a Notice of Hearing along with a written notice of such suspension, and provides a post-suspension hearing within seventy-two hours of the Commission's issuance of the emergency suspension.

Section 826-a.601. Violation of License or Registration.

1. a. Any person found guilty by a court of competent jurisdiction of conducting Class A, Class B, Class C, Class D, Class E or Class L activities without a duly-issued license, or operating as a Solid Waste broker without a duly-issued registration, or any Licensee or Registrant found guilty by a court of violating any of the terms and conditions of its license or registration, or violation of any provision of this Chapter or any emergency suspension order of the Commission, shall be guilty of an offense punishable by a fine or not less than $10,000 per offense and/or by imprisonment not exceeding six (6) months. In

lieu of, or in addition to, such criminal penalties, each person found to be in violation of any provision of this Chapter shall be subject to a civil penalty of not less than a formal written warning and not more than $5,000.00 per violation which may be imposed at the discretion of the Commission, after hearing as provided in Section 826-a.602 of this Article. Each day of a continuing violation shall constitute a separate offense or violation and shall be subject to a separate fine and/or civil penalty.

2. In addition to any other penalties prescribed in this Section, the County Attorney may maintain an action in a court of competent jurisdiction to compel compliance with or restrain by injunction any violations of the provisions of this Chapter.

3. The civil penalties recited in subsection (1.)(a.), above, shall be imposed only by a court of competent jurisdiction or by the Commission after a hearing held in accordance with the requirements of this Article VI. The Commission may impose such civil penalties in addition to any other action that it is entitled to take against the privileges of a Licensee or Registrant pursuant to this Chapter.

4. a. Notwithstanding the above, municipalities in the County of Westchester may enforce the requirement, pursuant to this Chapter, or pursuant to Section 826.51(7) of the former Chapter 826 until the repeal of same as provided for in this Chapter, that all vehicles operated by a person conducting activities which are required to be licensed or registered be identified by two decals issued by the commission and properly displayed on both the driver side and passenger side doors of such vehicle. A municipality which chooses to enforce this requirement shall designate a local enforcement official who shall have all the powers of the Commission and the County Attorney related to enforcement under this Article.

b. A municipality which enforces this requirement and undertakes the entire enforcement of a particular offense, shall be entitled to retain one hundred (100%) percent of the fines collected, which fines shall be:

(i.) For persons conducting Class A, Class B, Class C-2, Class D and/or Class L activities: One Thousand ($1,000) Dollars per violation; and

(ii.) For persons conducting Class C-1 and Class E activities: Two Hundred ($200) Dollars per violation.

Section 826-a.602. Right to a Hearing.

1. Upon an initial determination by the Commission that, under the standards set forth in this Article and in Article IV. of this Chapter, the Commission is entitled to suspend a license or registration; to revoke a license or registration; to

deny a license or registration modification request; to deny a license or registration renewal; or to take any other appropriate action against the privileges of a Licensee or Registrant, the Commission shall cause to be held a hearing before a hearing officer selected by the Commission.

2. In all such cases, the Commission shall issue and serve a written Notice of Hearing, by personal service or by certified mail return receipt requested to the Licensee or Registrant at the last known business address of such Licensee or Registrant, except for a Notice of Violation for a vehicle required to be licensed, but which does not display the decals on both the driver side and passenger side doors of such vehicle as required by this Chapter, which may be issued in the form of a standardized traffic ticket by a police officer within Westchester County.

a. The hearing shall be held as soon as possible, but in no case later than sixty (60) days after service of the Notice of Hearing upon the Licensee or Registrant. Notwithstanding the above, a hearing required pursuant to the Commission's determination to suspend or revoke a license or registration shall be held not later than fifteen (15) days after service of the Notice of Hearing. A Licensee or Registrant may acknowledge its acceptance of the Commission's initial determination by signing the Notice of Hearing where indicated and returning same to the Commission in advance of the specified hearing date, together with payment of the proposed penalty, if any. In the case of a suspension, at the discretion of the Commission, the Licensee or Registrant may sign an agreement with the Commission whereby the Licensee or Registrant will commit to remedy the condition which endangers the health, safety or welfare of the public or to otherwise remedy the condition which is the basis of such determination of suspension by a date certain; the reinstatement of the respondent's license being conditioned upon such performance.

b. The Notice of Hearing shall include the following:

(i.) the time, place, and nature of the hearing;

(ii.) a statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to particular sections of statutes and rules where possible;

(iii.) a statement outlining the matters asserted, including alleged facts supporting the initial determination, the license violation, or the license suspension;

(iv.) a notice that, upon application of the respondent, a more detailed and definite statement of the matters being asserted will be provided. The Commission shall make the determination as to

whether the initial statement of the matters asserted is not sufficiently definite. Such determination by the Commission shall not be subject to judicial review.

(v.) the respondent's right to present evidence;

(vi.) the respondent's right to examine and cross-examine witnesses;

(vii.) the respondent's right to be represented by counsel;

(viii.) a statement that the respondent's failure to appear shall constitute a default by the respondent and that the hearing may proceed in the respondent's absence and a determination made based solely upon evidence submitted by the Commission;

(ix.) that a respondent may waive his right to a hearing and accept the initial determination of the Commission without objection, by signing where indicated on and returning the Notice of Hearing to the Commission together with any fine which was assessed by the Commission in conjunction with such determination Upon the receipt of such a properly completed acknowledgment by the Commission, the Commission shall file same with the hearing officer along with a notice of cancellation of hearing;

(x.) a statement that interpreter services will be made available to non-English speaking or hearing-impaired persons at no cost; and

(xi.) the name and address of the hearing officer for the filings of any notices or papers pursuant to such proceedings.

3. a. The hearing officer may grant an adjournment upon the request of any party to the proceeding, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a date certain. In the case of a hearing initiated due to an initial determination by the Commission to suspend or revoke a license or registration, only the Licensee or Registrant shall be entitled to request an adjournment, and such hearing shall not be adjourned for more than seven (7) days, unless both parties agree.

b. If an adjournment is to be requested in advance of the hearing date, such request shall be presented to the hearing officer in writing at least three (3) business days in advance of such hearing, and shall specify the reason for such request.

c. In considering an application for adjournment of a hearing, the hearing officer shall consider whether the purpose of the hearing will be affected by the granting of such adjournment.

4. a. To aid in the administration of this law, the Commission or any hearing officer designated by it in a particular proceeding, may issue subpoenas in the Commission's name requiring the attendance of and the giving of testimony by witnesses, and the production of books, papers and other evidence for any hearing or proceeding conducted pursuant to this Section. Service of such subpoena(s), enforcement of obedience thereto, and punishment for disobedience thereof, shall be had as and in the manner provided by the New York State Civil Practice Law and Rules relating to the enforcement of any subpoena issued by a board or committee.

b. It shall be the responsibility of the party requesting the issuance of a subpoena to effect service thereof.

5. The hearing officer may add a party to the proceeding upon due and adequate notice to both the party to be added and the parties named in the proceedings.

6. On the return date of a hearing, the hearing officer shall note the appearances of the persons attending the hearing. All hearings shall be open to the public.

7. Witnesses shall be sworn and testimony shall be taken and recorded by use of either a court reporter or an electronic recording device. Testimony shall be transcribed upon the request of any interested party. The party requesting the transcript shall pay the costs and expenses in connection therewith.

8. The hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing initiated pursuant to this Chapter, but his or her findings of fact and conclusions of law shall be founded upon a fair preponderance of the evidence presented at the hearing. The hearing officer shall admit and consider any evidence of mitigation offered by the Licensee or Registrant.

9. After the conclusion of a formal hearing, the hearing officer shall prepare and issue a report containing a summary of the evidence, findings of fact, conclusions of law and recommendation(s) to the Commission.

10. The recommendations of the hearing officer may include, but shall not be limited to, a recommendation as to whether the Commission's initial determination should be rescinded, affirmed, or modified and/or whether a suspended or revoked license or registration should be reinstated unconditionally or upon the condition that the threat to the health or safety or welfare of the public

is remedied by the Licensee or Registrant in a specified manner according to a specified timetable.

11. Upon the conclusion of a formal hearing and after consideration of the hearing officer's report and recommendations, and any evidence of mitigation, the Commission shall make a final determination based on a fair preponderance of the evidence, and shall execute an administrative order implementing such decision.

12. If the Commission determines that the hearing record is not sufficient to make a final determination, the Commission may direct a rehearing or require the taking of additional evidence.

13. The Commission shall cause to be served upon the respondent, copies of the hearing officer's report and the Commission's final determination and order. Service shall be made in the manner prescribed for the service of notices of hearing.

14. a. In the case of license or registration violations, the order of the Commission may include but shall not be limited to: the assessment of civil penalties, as provided by this law; the approval of a stipulation of settlement which shall include, but not be limited to, a plan and schedule to remedy the condition which caused the violation, if such measures are necessary and appropriate to correct the violation; and suspended penalties.

b. The failure to pay any such criminal fines or civil penalties as may be assessed pursuant to this law shall constitute separate grounds for suspension, revocation or non-renewal of a license or registration. The only issue to be resolved at a hearing which is conducted pursuant thereto is whether or not the penalty was paid.

15. a. The Commission shall maintain an index, which shall be accessible by computer or otherwise, which lists by name and subject all final written decisions, determinations and orders rendered through such hearing proceedings. Such index shall also include by name and subject all written decisions, determinations and orders rendered pursuant to a statute providing any party an opportunity to be heard other than rule making. Such index and the text of any such written final decision, determination or order shall be available for public inspection and copying. Copying services shall be provided at a reasonable fee to be determined by the Commission. Each decision, determination and order shall be indexed within sixty (60) days after having been rendered.

b. The Commission may, upon good cause and the request of a party to a hearing, delete from any such index, decision, determination or order any information that, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the Public Officers Law and may also delete at the request of any person all

references to trade secrets that, if disclosed, would cause substantial injury to the competitive position of such person. Information which would reveal confidential material protected by federal or state statute shall also be deleted from such index, decision, determination or order.

16. Where any violation of this Chapter by a Licensee or Registrant has caused the Commission or the County to incur any expenses with respect to enforcement, such expenses may be charged to the Licensee or Registrant. In the discretion of the Commission, such expenses may be separately collected in a civil suit against the Licensee or Registrant, brought by the County Attorney in the name of the County in a court of competent jurisdiction, in the event that the Licensee or Registrant refuses to pay such charges voluntarily.

ARTICLE VII.
INDEPENDENT AUDITING AND INDEPENDENT MONITORING

Section 826-a.700. Independent Auditing.

1. The Commission may, in the event that the information disclosed and reported by an Applicant, Licensee or Registrant pursuant to this Chapter produces adverse information which may indicate a violation of the standards set forth in this Chapter and specifically with regard to the standards outlined in Article VI hereof, require, without a hearing and as a condition of the issuance, reinstatement and/or renewal of a license or registration, that the Applicant, Licensee or Registrant enter into a contract with an independent auditor approved or selected by the Commission, all at the sole cost and expense of the Applicant.

2. In conjunction with the operation of such contract, the Applicant, Licensee or Registrant shall cooperate with such auditor in the performance of the responsibilities set forth in such contract and in this Section.

3. The Applicant, Licensee or Registrant shall pay all costs associated with such contract, in addition to any costs associated with the resulting audit. The Commission may require the Applicant, Licensee or Registrant to deposit a sufficient amount of money, as may be determined by the Commission, into an escrow account as security for the payment of such costs. With respect to Applicants which have existing escrow accounts pursuant to the application requirements outlined herein, such funds will be deposited into that account, but shall be utilized only for those expenses specified in this Section.

4. The Commission shall be authorized to prescribe in any contract required herein such reasonable terms and conditions as the Commission deems necessary to effectuate the purposes hereof. Such terms and conditions may include the following:

a. That the auditor shall investigate the activities of the Applicant, Licensee or Registrant with respect to its compliance with the provisions of this Chapter, other applicable federal, state and Local Law;

b. That the auditor may audit the books and records of the Applicant, Licensee or Registrant;

c. That the auditor shall have the authority to verify employees and capital equipment of the Applicant, Licensee or Registrant, where applicable;

d. That the auditor shall be authorized to accompany trucks operated by the Applicant, Licensee or Registrant, where applicable, in order to verify amounts of Solid Waste collected and the disposal of such waste, at the discretion of the Commission;

e. That the auditor shall verify the costs and revenues relating to business arrangements of the Applicant, Licensee or Registrant with truckers, transfer stations, landfills, recyclers, trade waste brokers an manufacturers, where applicable; and

f. That the auditor shall have such additional duties and responsibilities as the Commission determines are necessary in the case of a Licensee or Registrant in order to ensure that such Licensee or Registrant performs in a manner consistent with the purposes of this Chapter.

5. An auditor shall report on its activities conducted pursuant to this Section to the Commission.

Section 826-a.701. Independent Monitoring.

1. Notwithstanding any other provision of this Chapter to the contrary, in the case of an Applicant, Licensee or Registrant which is the subject of a pending indictment or criminal action for a crime that would provide a basis for the refusal to issue or renew a license or registration, or which would provide a basis to take action against the privileges of a Licensee or Registrant, including but not limited to the modification of a license or registration as provided under this Chapter, the Commission, in its sole discretion, may (a.) in the case of an Applicant, refrain from making a determination to issue the license or registration indefinitely until final disposition of the criminal case, or may require as a condition of the license or registration to be issued that the Applicant enter into a contract with an independent monitor approved or selected by the Commission, and (b.) in the case of a Licensee or Registrant, may require as a condition of the license or registration that the Licensee or Registrant

enter into a contract with an independent monitor approved or selected by the Commission.

2. The cost of the independent monitoring contract shall be paid by the Applicant, Licensee or Registrant. The Commission may require the Applicant, Licensee or Registrant to deposit a sufficient amount of money, as may be determined by the Commission, into the escrow account as security for the payment of such costs. With respect to Applicants which have existing escrow accounts pursuant to the application requirements outlined herein, such funds will be deposited into that account, but shall be utilized only for those expenses specified in this Section.

3. The Commission shall be authorized to prescribe in any contract required herein such reasonable terms and conditions as the Commission deems necessary to effectuate the purposes hereof. Such terms and conditions may include the following:

a. That the monitor will review and either approve or disapprove certain actions proposed to be taken by the Applicant, Licensee or Registrant, where such actions fall within a category identified in this Section or by rule of the Commission as having a particular bearing on the fitness of an Applicant or Licensee to hold a license under this Chapter. Such actions shall include, without limitation,

(i.) any decision to assign contracts for any activity licensed or registered under this Chapter;

(ii.) any decision to transfer an ownership interest or substantial assets to another person or entity where such interests or assets exceed a threshold established in such rule of the Commission;

(iii.) any significant expenditure by the business as defined in rules of the Commission;

(iv.) the initiation of any litigation against a Service Contract customer or another Solid Waste removal business or Solid Waste broker or its customer;

(v.) the involvement in the business of a Principal who is a defendant in the criminal action for which the Applicant, Licensee or Principal has been indicted in any particular aspect of the business of the Applicant, Licensee or Registrant where the monitor has reasonable cause to

believe that such involvement would be inconsistent with the purposes of this Chapter;

(vi.) membership in a trade association;

(vii.) the hiring or firing of personnel when the monitor has reasonable cause to believe that such actions are inconsistent with the purpose of this Chapter.

b. That the monitor may prohibit persons from entering upon the premises of the Applicant, Licensee or Registrant or from involvement in the business of the Applicant, Licensee or Registrant, when the monitor determines that such prohibition is necessary to effectuate the purposes of this Chapter;

c. That the monitor investigate the activities of the Applicant, Licensee or Registrant with respect to compliance with the provisions of any court order to which the Applicant, Licensee or Registrant is subject; the provisions of this Chapter; compliance with all federal, state and Local Laws applicable to Solid Waste removal and any rules and regulations promulgated thereunder; any transfer or ownership interest in the business of the Applicant, Licensee or Registrant; any litigation entered into by the Applicant, Licensee or Registrant against a Service Contract customer or another Applicant, Licensee or Registrant or its customer; any assignment or purchase of Service Contracts; and any activity of the Applicant, Licensee or Registrant that may violate laws or regulations prohibiting anti-competitive activities or unfair trade practices, and any membership in a trade association;

d. That the monitor may audit the books and records of the Applicant, Licensee or Registrant;

e. That the monitor have authority to verify employees and capital equipment of the Applicant, Licensee or Registrant, where applicable;

f. That the monitor may accompany trucks operated by the Applicant, Licensee or Registrant, where applicable, in order to verify amounts of Solid Waste collected and the disposal of such waste;

g. That the monitor may verify the costs and revenues relating to business arrangements of the Applicant, Licensee or Registrant with truckers, transfer stations, landfills, and Recyclables brokers, where applicable;

h. That the monitor have such additional duties and responsibilities as the Commission determines are necessary in the case of

the Applicant, Licensee or Registrant in order to ensure that such the Applicant, Licensee or Registrant performs in a manner consistent with the purpose of this Chapter.

4. The monitor shall report to the Commission concerning its activities under this Section.

5. The Applicant, Licensee or Registrant shall cooperate with such monitor in the performance of the responsibilities set forth in such contract and this Section.

6. Where an Applicant, Licensee or Registrant is subject to a receivership or court ordered monitor, the Applicant, Licensee or Registrant shall furnish the monitor with the relevant orders of the court regarding such receivership or monitorship.

7. Independent monitors shall possess the skills required by the Commission. The independent monitors may hire consultants who possess those skills to perform the services on behalf of the independent monitor. The types of skills that the Commission may require of the independent monitor shall be reasonably related to the services to be required of the Independent Monitor. Those skills may include but are not limited to the following:

a. Fraud detection;

b. Detection of organized crime, anti-trust violations, racketeering or other crimes;

c. An understanding of business ethics;

d. The ability to detect noncompliance with the law, including but not limited to, environmental laws, prevailing wage laws, the Westchester County Source Separation Law and the Westchester County Solid Waste and Recycling Collection Licensing Law;

e. Accounting skills; and

f. Legal analysis skills.

ARTICLE VIII.
IMPLEMENTATION

Section 826-a.800. Effective Date.

1. The Effective Date shall be the date on which this Local Law is signed by the County Executive.

Section 826-a.801. Implementation – Class C Licensees.

1. Any person which holds, or expects to hold, a valid Class C License pursuant to the former Chapter 826 on March 15, 2000 shall apply to the Commission, on a form to be provided by the Commission, on or before January 15, 2000, for a determination as to whether such person's activities constitute Class "C-1" activities or Class "C-2" activities pursuant to this Chapter. The Commission shall issue its written determination as to a person's Class C classification on or before February 15, 2000. The March 15, 2000 deadline for the submission of such person's Class C-2 license application, as set forth in this Article, shall be tolled after February 15, 2000 and until such time as the Commission informs the person, in writing, as to its appropriate Class C licensing classification pursuant to this Chapter, provided that the Licensee submits the application required by this Section to the Commission on or before January 15, 2000.

Section 826-a.802. Implementation - Class A, Class B and Class C-2 Licenses.

1. On or before August 31, 2000, the Commission shall publish notice at least once in one or more newspapers of general circulation which shall be selected by the Clerk of the Board of Legislators, and thereby notify all persons which hold, or expect to hold, valid Class A, Class B or Class C licenses pursuant to the former Chapter 826 on September 30, 2000, excepting those persons who the Commission has determined will conduct activities which require a Class C-1 License pursuant to this Chapter, that they must submit an application for licensing under this Chapter on or before September 30, 2000, and that the failure to submit such application on or before September 30, 2000 shall result in the termination of the person's license issued pursuant to the former Chapter 826, effective November 30, 2000, except that the termination date with regard to that person's performance of its municipal contracts shall be January 31, 2001. Such public notice shall also notify all persons that they shall be subject to fines and/or civil penalties of up to Ten Thousand ($10,000) Dollars per day for conducting unlicensed activities in accordance with the provisions of this Chapter. The public notice shall notify those persons performing activities, or intending to perform activities, in Westchester County which require a license pursuant to this Chapter that a license is required. The public notice shall also state all application and other fees which shall be due and payable in connection with the submission of such application.

2. By September 30, 2000 all persons who hold valid licenses pursuant to the former Chapter 826 and who intend to conduct Class A, Class B or Class C-2 activities must submit an application to the Commission and provide all of the information required of license Applicants under Article III of this Chapter. The failure to submit such an application on or before September 30, 2000 shall result in the termination of the person's license issued pursuant to the former Chapter 826, effective November 30, 2000, generally, and effective January 31, 2001, only for purposes of the person's performance with respect to its municipal contracts. The Commission shall send notices of this requirement by certified mail, return receipt requested, to all current holders of Class A, Class B and Class C licenses issued pursuant to the former Chapter 826, within one hundred ten (110) days of the Effective Date of this Local Law. With regard to applications submitted to the Commission during the period beginning on the Effective Date of this Chapter and ending on September 30, 2000, the Commission shall issue its final written determination as to each such application no later than March 31, 2002.

a. With respect to persons holding valid Class A or Class B licenses pursuant to the former Chapter 826 or those persons which hold valid Class C licenses pursuant to the former Chapter 826, and require a Class C-2 license pursuant to this Chapter, which are valid on September 30, 2000, the licenses held by such persons shall, unless revoked earlier pursuant to the provisions of the former Chapter 826, remain valid through March 31, 2002, subject to the provisions of subsections (b.) and (c.) below.

b. With respect to those persons referenced in subsection (a.), above, licenses held by those persons which have submitted a license application, including all required application materials, including the application and background check fees, on or before September 30, 2000, shall remain valid beyond September 30, 2000 and until (i.) ninety (90) days after such application has been denied by the Commission, or for good cause shown for a term which shall not exceed one hundred eighty (180) days after such application has been denied only for purposes of the Licensee's performance with respect to its municipal contracts, or until the expiration of the Licensee's existing contracts with such municipalities, whichever occurs sooner, or (ii.) until a new license has been issued pursuant to the provisions of this Chapter, whichever occurs sooner. Notwithstanding the above, no license issued pursuant to the former Chapter 826 shall be extended beyond March 31, 2002.

c. With respect to those persons referenced in subsection (a.), above, licenses, held by persons which have not submitted the required application materials, including all fees, on or before September 30, 2000 shall expire on November 30, 2000, except that the termination date with regard to that person's performance of its municipal contracts shall be January 31, 2001.

d. Any person whose license issued pursuant to the former Chapter 826 is terminated prior to its regularly scheduled termination date by operation of this Section shall be responsible only for that pro rata share of the license fee attributable to such license through the date of termination. The Commission shall issue refunds of any such fees within sixty (60) days of the termination date. Any person whose license issued pursuant to the former Chapter 826 is extended beyond its regularly scheduled termination by operation of this Section shall be required to pay a pro rata share of the license fee attributable to such license on a month-to-month basis, payable to the Commission on the first day of each month during the period of such extension. The Commission may terminate the license, by written notice, for failure to pay such fees on a timely basis.

e. New licenses issued after the Effective Date and pursuant to this Chapter shall be valid as of the date of issue.

f. For so long as licenses issued under the former Chapter 826 remain valid, the standards for enforcement of such licenses shall be those standards set forth in the former Chapter 826.

g. The Commission may issue licenses to haulers pursuant to Chapter 826 of the Laws of Westchester County through December 31, 2000 so long as the hauler has also submitted an application pursuant to Chapter 826-a and provided, however, that licenses may not be issued to a hauler, pursuant to this subsection, where (i.) the hauler's application pursuant to Chapter 826-a has been reviewed and rejected by the Commission or (ii.) that hauler's privilege to operate in Westchester County has been terminated pursuant to the provisions of subsection (c.), above.

Section 826-a.803. Implementation Class C-1, Class D and Class E Licenses.

1. On or before August 31, 2000, the Commission shall publish notice at least once in one or more newspapers of general circulation which shall be selected by the Clerk of the Board of Legislators, and thereby notify all persons which hold, or expect to hold Class C, Class D or Class E licenses pursuant to the former Chapter 826 on September 30, 2000, excepting those persons who the Commission has determined conduct activities which require a Class C-2 License issued pursuant to this Chapter, that they must submit an application for licensing under this Chapter on or before September 30, 2000, and that the failure to submit such application on or before September 30, 2000 shall result in the termination of the person's license pursuant to the former Chapter 826, effective November 30, 2000, except that the termination date with regard to that person's performance of its municipal contracts shall be January 31, 2001. Such public notice shall also advise all persons that they shall be subject to fines and/or civil penalties of up to Ten Thousand ($10,000) Dollars per day for conducting unlicensed activities. The public notice shall notify those persons performing

activities, or intending to perform activities, in Westchester County which require a Class C-1, Class D or Class E license pursuant to this Chapter that a license is required. The public notice shall also state all application and other fees which shall be due and payable in connection with the submission of such application.

2. By September 30, 2000 all persons who hold valid licenses pursuant to the former Chapter 826 and who intend to conduct Class C-1, Class D or Class E activities pursuant to this Chapter must submit an application and provide all of the information required of license Applicants under Article III. of this Chapter. The failure to submit such an application on or before September 30, 2000 shall result in the termination of the person's license issued pursuant to the former Chapter 826 on November 30, 2000, except that the termination date with regard to that person's performance of its municipal contracts shall be January 31, 2001. The Commission shall send notices of this requirement by certified mail, return receipt requested, to all current holders of Class C, Class D and Class E licenses issued under the former Chapter 826, within one hundred ten (110) days of the Effective Date of this Local Law. With regard to applications submitted to the Commission during the period beginning on the Effective Date of this Chapter and ending on September 30, 2000, the Commission shall issue its final determination as to each such application no later than March 31, 2002.

a. With respect to persons holding valid Class D or Class E licenses pursuant to the former Chapter 826, and those persons which hold Class C licenses pursuant to the former Chapter 826 and require a Class C-1 license pursuant to this Chapter, which are valid on September 30, 2000, the licenses held by such persons shall, unless revoked earlier pursuant to the provisions of the former Chapter 826, shall remain valid through March 31, 2002, subject to the provisions of subsections (b.) and (c.) below.

b. With respect to those persons referenced in subsection (a.), above, licenses, held by those persons which have submitted a application, including all required application materials and application and background check fees, on or before September 30, 2000, shall remain valid beyond September 30, 2000, and until (i.) ninety (90) days after such application has been denied by the Commission or for good cause shown for a term which shall not exceed one hundred eighty (180) days, only for purposes of the Licensee's performance with respect to its municipal contracts, or until the expiration of the Licensee's existing contracts with such municipalities, whichever occurs sooner, or (ii.) until a new license has been issued pursuant to the provisions of this Chapter, whichever is sooner. Notwithstanding the above, no license issued pursuant to the former Chapter 826 shall be extended beyond March 31, 2002.

c. With respect to those persons referenced in subsection (a.), above, licenses, held by persons which have not submitted the required application materials on or before September 30, 2000 shall expire on November 30, 2000,

except that the termination date with regard to that person's performance of its municipal contracts shall be January 31, 2001.

d. Any person whose license issued pursuant to the former Chapter 826 is terminated prior to its regularly scheduled termination date by operation of this Section shall be responsible only for that pro rata share of the license fee attributable to such license through the date of termination. The Commission shall issue refunds of any such fees within sixty (60) days of the termination date. Any person whose license issued pursuant to the former Chapter 826 is extended beyond its regularly scheduled termination date by operation of this Section shall be required to pay a pro rata share of the license fee attributable to such license on a month-to-month basis, payable to the Commission on the first day of each month during the period of such extension. The Commission may terminate the license, by written notice, for failure to pay such fees on a timely basis.

e. New licenses issued after the Effective Date and pursuant to this Chapter shall be valid as of the date of issue.

f. For so long as licenses issued under the former Chapter 826 remain valid under this Section, the standards for enforcement of such licenses shall be those standards set forth in the former Chapter 826.

g. . The Commission may issue licenses to haulers pursuant to Chapter 826 of the Laws of Westchester County through December 31, 2000 so long as the hauler has also submitted an application pursuant to Chapter 826-a and provided, however, that licenses may not be issued to a hauler, pursuant to this subsection, where (i.) the hauler's application pursuant to Chapter 826-a has been reviewed and rejected by the Commission or (ii.) that hauler's privilege to operate in Westchester County has been terminated pursuant to the provisions of subsection (c.), above.

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Section 826-a. 804. Implementation - Solid Waste Brokers.

1. On or before August 31, 2000, the Commission shall publish notice at least once in one or more newspapers of general circulation which shall be selected by the Clerk of the Board of Legislators, and thereby notify all persons who conduct, or intend to conduct, activities which shall require registration under this Chapter that they must submit an application for registration on or before September 30, 2000, or be subject to fines and/or civil penalties of up to Ten Thousand ($10,000) Dollars per day for conducting unregistered activities thereafter. The public notice shall notify those persons performing activities or intending to perform activities in Westchester County which require a registration pursuant to this Chapter that a registration is required, and that all such persons must apply for a such registration on or before September 30, 2000 in accordance with the provisions of this Chapter. The public notice shall also state all

application and other fees which shall be due and payable in connection with the submission of such application.

2. a. By September 30, 2000, all persons who operate, or intend to operate, as Solid Waste Brokers in the County must submit an application for registration to the Commission and provide all of the information required of registration Applicants under Article III. of this Chapter, in order to be considered for issuance of a registration. With regard to applications submitted to the Commission during the period beginning on the Effective Date of this Chapter and ending on September 30, 2000, the Commission shall issue its final determination as to each such application no later than March 31, 2002.

b. With respect to those persons who have submitted a timely application for registration, and have paid the required fee, as determined by the Commission, the Commission shall issue such person a temporary registration, which temporary registration shall be valid beginning on the date of issuance and until either (i.) ninety (90) days after such application has been denied or (ii.) until a registration has been issued pursuant to the provisions of this Chapter, whichever occurs sooner. Notwithstanding the above, all temporary registrations issued pursuant to this subsection shall terminate on or before March 31, 2002.

c. With respect to Solid Waste Brokers, registrations issued pursuant to this Chapter shall be valid as of the date of issue.

Section 826-a.805. Implementation - Service Contracts.

1. Within one hundred ten (110) days after the Effective Date of enactment of this Chapter, the Commission shall publish notice at least once in one or more newspapers of general circulation which shall be selected by the Clerk of the Board of Legislators, and thereby notify all persons who conduct or intend to conduct activities which shall require a license or registration under this Chapter that any and all Service Contracts which are entered into prior to March 15, 2000 must be amended on or before March 15, 2000 so that each such Service Contract complies with the requirements set forth in Section 826-a.402. The public notice shall also state that all Service Contracts entered into before March 15, 2000 shall be terminable at will upon written notice by the customer.

2. Notwithstanding any other provision of this Local Law:

a. As of the Effective Date, a Service Contract to provide Solid Waste collection, removal or disposal entered into prior to March 15, 2000 shall (i.) be terminable at will by the customer, upon written notice by such customer and (ii.) terminate on the date provided therein or two (2) years from the date of execution, whichever is earlier, subject to the provisions of this Chapter.

b. Upon the integration of the Customer Bill of Rights into those Service Contracts which were entered into prior to March 15, 2000, (i.) the absolute right of the customer to terminate those Service Contracts at will, as outlined in subsection (a)(i) above, shall survive for the duration of the term of such pre-March 15, 2000 Service Contracts; and (ii.) the provision of the Customer Bill of Rights which provides that "All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term" shall be superceded by the absolute termination right referenced herein for those Service Contracts entered into prior to March 15, 2000, and shall continue until such time as a new Service Contract is executed by such customer. All haulers shall be required to notify all customers of Service Contracts entered into before March 15, 2000, of their continuing right to terminate their Service Contracts, at will, until a new Service Contract is executed. The integration of the Customer Bill of Rights into any Service Contract which was entered into prior to March 15, 2000, and any written acknowledgement thereof by the customer, shall not by itself constitute the execution of a new Service Contract for purposes of this subsection (ii.).

Section 826-a.806. Implementation - Municipal Enforcement.

1. Within one hundred ten (110) days after the Effective Date of enactment of this Chapter, the Commission shall issue notice to each municipality in Westchester County, and request that each such municipality enforce the provisions of this Chapter and the former Chapter 826 relating to the display of County-issued decals on vehicles which conduct activities which are required to be licensed or registered pursuant to this Chapter. Such notice shall include a copy of this Chapter, as enacted, and a copy of the former Chapter 826, and shall invite such municipal officials to undertake such enforcement without further notice or delay.

Section 826-a.807. Reporting to Board of Legislators.

Beginning in April of 2001 and concluding in April of 2002, the Executive Director of the Westchester County Solid Waste Commission shall transmit a written status report to the Clerk of the Westchester County Board of Legislators on or about the 15th day of each month, which report shall outline the general status of the Commission's investigation of haulers who submitted applications to the Westchester County Solid Waste Commission on or before September 30, 2000, pursuant to the provisions of this Article, and the general statistics regarding approval and/or disapproval of such applications.

ARTICLE IX.
TERM OF LICENSE OR REGISTRATION

Section 826-a.900. Term of License.

1. The term of any license issued pursuant to this Chapter shall be two (2) years from the date of issuance, noting that during such two year license term Class L licenses shall be in effect only during the months of October, November, December and January .

Section 826-a.901. Term of Registration.

1. The term of any registration issued pursuant to this Chapter shall be two (2) years from the date of issuance.

ARTICLE X.
CONFIDENTIALITY

Section 826-a.1000. Confidentiality of Information.

1. Public access to government records is mandated by the New York State Freedom of Information Law (FOIL), Public Officers Law, Article 6, Section 84-90. It is recognized that information contained in license applications and the quarterly or annual reports required hereunder may include technical, financial, or other information which a license Applicant, Licensee or Registrant believes is not required to be disclosed under FOIL.

2. Applicants, Licensees or Registrants who believe that any information contained in license or registration applications, quarterly or annual reports, or any other information required to be provided by the Commission is not required to be disclosed under FOIL shall underline all such information in red ink and shall provide a separate written explanation of the grounds for their belief, which clearly identifies each underlined section of the application or report to which such explanation applies. Neither the Commission nor Westchester County shall have any liability for disclosure of information that is not properly identified in the manner required by this subsection.

3. In the event that a third party requests information that has been properly identified as outlined in subsection (2), above, the Applicant, Licensee or Registrant shall be advised of such request.

4. The County shall review any written explanation of grounds for nondisclosure submitted by the Applicant, Licensee or Registrant pursuant to

subsection (2) above, prior to making its determination concerning whether disclosure is proper under FOIL.

5. If the County determines that disclosure is required under FOIL, it shall notify the Applicant, Licensee or Registrant of its decision, prior to making such disclosure.

6. Nothing herein shall be construed as imposing any liability upon the Commission or upon Westchester County where disclosure has been made in good faith pursuant to a reasonable interpretation of applicable law, or where disclosure was mandated by the order or judgment of a court of competent jurisdiction or the order of any government agency or authority having lawful jurisdiction.

7. Consistent with all provisions of applicable law, the Commission shall make every effort to preserve the confidentiality of information or evidence relating to on-going criminal investigations, including but not limited to, immediately turning over information concerning actual or suspected criminal activity to the appropriate governmental law enforcement agency.

ARTICLE XI.
SEVERABILITY

Section 826-a.1100. Severability.

1. If any provision of this Chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without regard to the invalid provision or application and to this end provisions of this law are declared to be severable.

Section 3. This Local Law shall take effect immediately.

APPENDIX G

NYSDEC SWMP-BEYOND WASTE-APPENDIX D-FLOW CONTROL

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Source: Beyond Waste: A Sustainable Material Management Strategy, NYSDEC
http://www.dec.ny.gov/chemical/41831.html

BEYOND WASTE: A SUSTAINABLE MATERIAL MANAGEMENT STRATEGY

APPENDIX D FLOW CONTROL

Thirty-five states (including New York) as well as the District of Columbia and the Virgin Islands directly authorize flow control, while four additional states authorize flow control indirectly through mechanisms such as local solid waste management plans or home rule authority. In New York State, a municipality is usually specifically authorized by the State Legislature to adopt flow-control legislation. Unlike several other states, New York explicitly states that flow control may cover source-separated recyclable materials. Currently, there are 37 New York municipalities (i.e., districts, towns counties, authorities) authorized by the State Legislature to enact flow-control legislation covering approximately 80 percent of the state's population.

New York State has been a primary stage for the legal battles on flow control. In 1994, in *C&A Carbone v Town of Clarkstown*, the Supreme Court's decision struck down the flow-control ordinance adopted by the Town of Clarkstown as unconstitutional because it violated the Commerce Clause of the U.S. Constitution. In this case, the town hired a private contractor to build a waste transfer station and enacted a flow-control ordinance requiring all solid waste generated within the town be directed to that transfer station. The basis of the decision was that solid waste is a commodity in commerce and that the Commerce Clause supersedes laws that discriminate against such commerce on the basis of its origin or destination.

At the time, this decision was widely viewed as invalidating most flow-control models, thus the impact on solid waste management in New York was significant. The results of a 1995 survey of planning units, conducted by DEC, indicated that 16 planning units had significant solid waste debt financing, and most respondents to the survey indicated that they anticipated modifications to several elements of their in-place or planned recycling programs because of the decision regarding flow control. Two-thirds of the respondents reported that a decrease in waste receipts of 10 percent or more would occur, with more than half the respondents reporting a loss of greater than 25 percent of waste flow.

It was reported at that time that few legal challenges to flow control laws had been pursued, but in response to the *Carbone* decision and fear of similar action, many municipalities simply chose not to enforce their flow-control laws. Several planning units reported that they would no longer be able to compete with the private sector due to lower tipping fees offered by private facilities. Planning units called on the state to re-evaluate its solid waste management legislation, regulations and enforcement to ensure a level playing field with the private sector. Many planning units claimed that in the absence of flow control, they would be unable to continue implementing their local solid waste management plans (LSWMPs).

Subsequent to the *Carbone* decision, private waste collectors challenged both the Town of Smithtown's and Town of Babylon's flow-control ordinances. In these cases, after lengthy legal proceedings, both of the towns' ordinances were ultimately upheld as constitutional. In the Town of Smithtown's case, the town enacted a local flow-control ordinance that required any authorized hauler that collected acceptable waste within Smithtown to dispose of such waste at a designated solid waste management facility. Smithtown established municipal garbage collection and disposal for all town residents by

contracts with two waste-hauling companies to collect residential garbage and deliver it to the designated facility. In 1996, it was ruled that the contracts were constitutional as the contractual agreement fell within the "market participant" exception to the Commerce Clause. This was because Smithtown was acting as a market participant in the solid waste management market by operating the town's solid waste facilities and was merely contracting out private haulers for waste transportation services rather than providing those services themselves. Smithtown was not regulating commerce and, thus, could dictate by contract which waste disposal services must be used.

In the Town of Babylon's case, the town established commercial garbage improvement districts within which a private hauling company, under contractual agreement with Babylon, agreed to collect the commercial garbage and deliver recyclables to the town's recycling facility and dispose of the remainder at the town's municipal waste combustor. Babylon paid the private hauler a monthly fee for the collection and disposal of such wastes. To finance the collection and disposal services, the town imposed an annual assessment against each commercial property within the district. In 1996, it was ruled that Babylon participates in the garbage collection market by purchasing garbage collection services from a private hauler. Thus, the court distinguished and upheld the town's waste management districts as a valid plan of a local government providing garbage collection services to its residents. Accordingly, this fell within the "market participant" exception to the Commerce Clause. Both the Smithtown and Babylon decisions cleared the way for contractual flow control.

After years of protracted legal battles, in 2007, in the case of *United Haulers Association v Oneida-Herkimer Solid Waste Management Authority,* the US Supreme Court ruled that local governments are permitted to engage in flow control to government-owned and operated facilities in specific circumstances. In this case, both Oneida and Herkimer counties' ordinances required that all solid waste generated within county boundaries be directed to processing facilities controlled by the Authority. It is important to note that in the majority opinion, it was reasoned that the counties had adopted an expensive waste disposal system that accepted recyclables and household hazardous waste for free to promote separation of these materials, and that the system they had devised enhanced their ability to enforce recycling laws. These provided public benefits that the justices viewed as overriding any burden that had been placed on interstate commerce.

The court found that the challenged ordinances in this case, unlike the ordinance in the Carbone case, conferred a benefit on a public facility rather than a private one, and that the ordinances treated all private companies the same. A significant note in the majority opinion was that local government plays a vital role in the collection and disposal of solid waste, that the State of New York had adopted a policy of displacing competition with regulation or monopoly control, and that nothing in the Commerce Clause vests the responsibility for that policy judgment with the federal judiciary. Consequently, the court held that flow-control ordinances, which treat in-state private business interests exactly the same as out-of-state ones, do not discriminate against commerce for purposes of the Commerce Clause.

The United Haulers decision is expected to modify the development and implementation of the programs for several, local, solid waste management programs. Although some municipalities have begun to again enforce their flow-control ordinances, a significant impact has not yet been seen.

Discussion on the foregoing Resolution No. 2011165 resulted as follows:

Legislator Goldberg moved to amend the foregoing Resolution title from Adopting to Accepts duly seconded by Legislator Kuffner and unanimously adopted.

Legislator Miccio moved to "Call the Question" duly seconded.

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

AYES: 10 Cooper, Flesland, Hutchings, Incoronato, Miccio, Roman, Sadowski, Surman, Weiss, White.

NAYS: 15 Bolner, Borchert, Doxsey, Forman, Goldberg, Horn, Horton, Jeter-Jackson, Kelsey, Kuffner, MacAvery, Rolison, Thomes, Traudt, Tyner.

ABSENT: 0

Motion defeated.

Legislator MacAvery moved to amend the foregoing Resolution's 5th WHEREAS to delete the words "findings and recommendations" duly seconded by Legislator Kuffner.

Legislator MacAvery moved to withdraw her amendment.

Legislator Bolner moved to amend the 5th WHEREAS to delete "and the" and replace with "of" duly seconded and unanimously carried.

Roll call vote on the foregoing Resolution No. 2011165 resulted as follows:

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

NAYS: 2 Doxsey, Tyner.

ABSENT: 0

Resolution adopted.

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

Environment Committee Roll Call

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

Present: 12 **Resolution:** ___ **Total :** 8 (Yes) 4 (No)

Absent: 0 **Motion:** X

Vacant: 0 **Abstentions:** 0

Call Question

Res # 2011165

Date: 7/7/11

Environment Committee Roll Call

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

Present: 12 **Resolution:** ___ **Total :** 12 (Yes) 0 (No)

Absent: 0 **Motion:** X

Vacant: 0 **Abstentions:** 0

Goldberg, Kuffner

Delete Last Resolved

2011165

Date: 7/7/11

Environment Committee Roll Call

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

Present: 12 **Resolution:** ___ **Total :** 5 (Yes) 7 (No)

Absent: 0 **Motion:** X

Vacant: 0 **Abstentions:** ___

Defeated

Kuffner, Goldberg

5th Whereas, delete "... and the findings and recommendations..."

Res. #2011165

Date: 7/7/11

165

Amended

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 10 (Yes) 2 (No)

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011165 Adopting findings of Mid-Atlantic Solid Waste Consultants regarding local Solid Waste Management Plan

Date: 7/7/11

Roll Call Sheets

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

Present: ____ **Resolution:** ____ **Total :** 10 15

Absent: ____ **Motion:** ____ Yes No

Vacant: ____ **Abstentions:** ____

Calling Question

7-11-11

2011165

Roll Call Sheets

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

Withdrawn

Present: ____ **Resolution:** ____ **Total :** _____ _____

Absent: ____ **Motion:** ____ **Yes** **No**

Vacant: ____ **Abstentions:** ____

Mc Avery, Kuffner

Withdrew

5th Whereas delete -

accepts the report and findings and recommendations / issued by MSW

Amendment

7-11-11

2011165

Roll Call Sheets

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

Unanimous

Present: ____ **Resolution:** ____ **Total :** _____ _____

Absent: ____ **Motion:** ____ **Yes** **No**

Vacant: ____ **Abstentions:** ____

Bolner, Kuffner

accepts the Report of findings - 5th Whereas

2011165

7-11-11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 23 Yes 2 No

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011165 Adopting findings of Mid-Atlantic Solid Waste Consultants regarding local Solid Waste Management Plan

Date: 7/11/11

ENVIRONMENT

RESOLUTION NO. 2011166

RE: AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE SHELTER PLUS CARE PROGRAM

Legislators Roman, Weiss, Flesland, Borchert, Horton, Kelsey, and Thomes offer the following and moves its adoption:

WHEREAS, the County has been notified by the U. S. Department of Housing and Urban Development that funding is available to the County in the sum of $589,344 under the 2010 Shelter Plus Care Program authorized by Title IV of the McKinney-Vento Homeless Assistance Act, and

WHEREAS, the Continuum of Care (CoC) Homeless Assistance Program is designed to promote the development of supportive housing and supportive services to homeless persons to enable them to live as independently as possible, and provides grants to be used for supportive housing facilities or supportive services for the homeless, and

WHEREAS, for internal control it is necessary to assign a Community Development account to receive and disburse the funds, now, therefore, be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to establish Community Development accounts for the Shelter Plus Care Program as follows:

APPROPRIATIONS

Increase

CD.8676.4400.4425	Contract Agency - Hudson River Housing	$ 70,512
CD.8676.4400.4425	Contract Agency - Hudson River Housing	81,864
CD.8676.4400.4425	Contract Agency - Hudson River Housing	129,132
CD.8676.4400.4466	Contract Agency - Rehabilitation Support Services	169,920
CD.8676.4400.4645	Contract Agency - Mid-Hudson Addiction Recovery Center	84,384
CD.8676.4400.4645	Contract Agency - Mid-Hudson Addiction Recovery Center	53,532
		$ 589,344

REVENUES

Increase

CD.8676.49890.02	Special Grant Provision for Public Services Other HD Shelter Plus Care (#14.238)	$ 589,344

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

CA-84-11 ADR/ca/C-4836-B 6/15/11
Fiscal Impact: See attached statement

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

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

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 589,344

Total Current Year Revenue and Source $ 589,344

2010 U.S. Department of Housing and Urban Development's Shelter Plus Care Program.

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

Identify Line Items(s):

See Attached Detail

Related Expenses: Amount $ 0

Nature/Reason:

Anticipated Savings to County:

Net County Cost (this year): $0

Over Five Years: $0

Additional Comments/Explanation:

This resolution will enable Finance to accept $589,344 for the 2010 U.S. Department of Housing and Urban Development's Shelter Plus Care Program.

Prepared by: Patricia Longbard, Department of Planning and Development

State

CoC Name

Project Name	Program	Awarded Amount
Vincent Cyrus Plaza, Building A	S+CR	$321,816
Vincent Cyrus Plaza, Building B	S+CR	$559,680
Warren Street SRO	SHPR	$404,974
West 74th Street Home	SHPR	$155,715
West Harlem Outreach	SHPR	$153,696
West Harlem Transitional Services Program	SHPR	$1,302,539
Weston TLC	SHPR	$224,900
White Plains Road CR/SRO	SHPR	$595,000
Willow TLC (VOA)	SHPR	$676,767
WISH Families	SHPR	$325,270
WISH Moms and Children	SHPR	$405,062
WISH Stars	SHPR	$327,681
Women In Need, Families in Recovery 1995 S+C	S+CR	$134,688
Women In Need, Triangle House	S+CR	$121,728
Women With Children Program 2010	SHPR	$184,553
Women's Recovery Works	SHPR	$291,244
Woodycrest	S+CR	$632,748
YMP2 - Veritas	SHPR	$102,678
Young Mothers - Veritas	SHPR	$273,347
NY-600 - Total:		**$102,168,114**
NY-601 - Poughkeepsie/Dutchess County CoC		
Dutchess County HMIS	SHPR	$45,120
Grace Smith House,Inc.	SHPR	$11,209
HRH COACH	SHPR	$133,663
HRH Hillcrest House	SHPR	$138,842
HRH Home Base I	S+CR	$70,512
HRH Home Base II	S+CR	$81,864
HRH River Haven Independent Living	SHPR	$34,913
HRH River Haven Transitional Living	SHPR	$40,274
HRH Shelter Plus Care	S+CR	$129,132
MARC Shelter Plus Care	S+CR	$84,384
MARC Shelter Plus Care II	S+CR	$53,532

Roll call vote on the foregoing Resolution No. 2011166 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 Yes 0 No

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011166 Authorizing the Finance Department to receive and disburse funds allocated to Dutchess County under the Shelter Plus Care Program

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011166 Authorizing the Finance Department to receive and disburse funds allocated to Dutchess County under the Shelter Plus Care Program

Date: 7/11/11

Environment

RESOLUTION NO. 2011167

RE: AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY, AS AN URBAN COUNTY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR 2011

Legislators Horn, Kelsey, Surman, Forman, Bolner, Sadowksi, Horton, Kuffner, and MacAvery offer the following and move its adoption:

WHEREAS, pursuant to Resolution No. 209168, this Legislature authorized the County's participation, as an Urban County, in the Community Development Block Grant (CDBG) Program pursuant to the Housing and Community Development Act, approving the filing of applications for federal assistance for said program, and

WHEREAS, the application for 2011 was accepted and approved by the U.S. Department of Housing and Urban Development in the amount of $1,329,744, and

WHEREAS, for internal control it is necessary to assign a Community Development account to receive and disburse the 2011 funds, now, therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to establish a Community Development account for the 2011 Community Development Block Grant (CDBG) as follows:

COMMUNITY DEVELOPMENT BLOCK GRANT
2011 FUNDING LLOCATIONS

INCREASE	MUNICIPALITY AND PROJECT	AMOUNT
CD8662.2700.2000	TOWN OF AMENIA **Willow Lane Stormwater & Road Improvement**	**$134,300**
CD8662.2700.2600	TOWN OF DOVER **Cart Road Improvements/Phase 2**	**$94,800**
CD8662.2700.3200	TOWN OF HYDE PARK **Pinewoods Park Water Line**	**$98,200**
CD8670.2700.4400	TOWN OF PLEASANT VALLEY **Town Hall Handicapped Accessibility Improvements**	**$100,000**
CD8670.2700.5400	TOWN OF UNION VALE **Tymor Park Handicapped Improvements**	**$95,500**

CD8662.2700.4801	VILLAGE OF RED HOOK **Village Sidewalk Improvements**	**$126,799**	
CD8662.2700.4803	VILLAGE OF TIVOLI **Memorial Park Improvements**	**$100,000**	
	Municipality Subtotal		**$749,599**
CD8662.2700.0200	CITY OF BEACON **Dutchess Terrace Drainage**	**$159,566**	
	Beacon Subtotal		**$159,566**
	MUNICIPAL FUNDING TOTAL *		**$909,165**

INCREASE	HUMAN SERVICE AGENCY AND PROJECT	AMOUNT	
CD.8676.4400.4453	CATHOLIC CHARITIES COMMUNITY SERVICES Strengthening Families and Resolving Crises	**$13,322**	
CD8676.4400.4407	CHILD ABUSE PREVENTION CENTER Child Advocacy Center	**$21,000**	
CD8676.4400.4559	FAMILY SERVICES, INC. Teen Parent Program	**$21,000**	
CD8676.4400.4451	FRIENDS OF SENIORS OF DUTCHESS COUNTY CORP. Friends of Seniors of Dutchess County Corp.	**$21,000**	
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. Support Services	**$21,000**	
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. River Haven	**$21,000**	
CD8676.4400.4690	LITERACY CONNECTIONS - DC Adult & Family Literacy	**$21,000**	
CD8676.4400.4645	MID HUDSON ADDICTION RECOVERY CENTER Residential Recovery & Intensive Case Mgmt.	**$21,000**	
CD8676.4400.4658	NORTH EAST COMMUNITY COUNCIL Youth Enrichment	**$21,000**	
	HUMAN SERVICE TOTAL**		**$181,322**

INCREASE	ADMINISTRATION	AMOUNT

CD8686.4408.1313	DUTCHESS COUNTY - ADMINISTRATION	**$224,257**	
CD8686.4400.4425	HUDSON RIVER HOUSING - NEIGHBORWORKS	**$15,000**	
	ADMINISTRATION TOTAL		**$239,257**
	TOTAL		**$1,329,744**

INCREASE	**REVENUE**	
CD8670.49100.01		$195,500
CD8662.49100.01		$713,665
CD8676.49100.01		$181,322
CD8686.49100.01		$239,257
	TOTAL	**$1,329,744**

CA-85-11
ADR/ca/G-179
6/15/11
Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 1,329,744

Total Current Year Revenue $ 1,329,744
and Source
2011 Community Development Block Grant Program (CDBG)

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

Identify Line Items(s):
See Attached Detail

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Patricia Longbard, Department of Planning and Development 486-3635

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

2011 JUN -7 AM 9:59
DUTCHESS COUNTY EXECUTIVE RECEIVED

June 3, 2011

Mr. William R. Steinhaus
County Executive
County of Dutchess
County Office Building
22 Market Street
Poughkeepsie, NY 12601-3297

Dear Mr. Steinhaus:

I am pleased to inform you of your community's Fiscal Year (FY) 2011 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country. President Obama signed Public Law 112-10 on April 15, 2011, a Continuing Resolution, which includes FY2011 funding for these programs. Your community's FY2011 available amounts are:

Community Development Block Grant (CDBG)	$1,329,744
HOME Investment Partnerships (HOME)	$989,690
Housing Opportunities for Persons with AIDS (HOPWA)	$ 0
Emergency Shelter Grants (ESG)	$ 0

The FY2011 Continuing Resolution significantly reduced funding for the CDBG and HOME programs compared to the FY2010 levels. The CDBG overall funding was reduced by more than $600 million, resulting in allocation reductions of approximately 16.5 percent--reduction percentages may vary by grantee due to the use of updated population estimates and other factors. HOME program funding was reduced by more than $200 million--approximately 11.7 percent. Grantees that have already submitted their annual Action Plan based on an anticipated amount higher than the FY2011 allocations for these programs must revise their Action Plan consistent with the allocation and applicable amendment requirements. Your local CPD field office is available to provide additional information regarding amendment requirements.

The Department will allocate ESG funds in a two-stage process: (1) $160 million will be immediately allocated under the existing Emergency Shelter Grants regulations; and (2) $65 million, at least, will be allocated once the new Emergency Solutions Grant regulations are published for effect. HUD is advising ESG grantees that are developing their 2011 annual Action Plan to assume funding based upon their 2010 allocation and to follow the existing ESG regulations. At the time of the second allocation, ESG grantees will be required to complete a substantial amendment to their Consolidated Plan/Action Plan, as necessary.

There are several important program priorities I would like to highlight for the upcoming year.

First, CPD is working on enhancements to the Consolidated Plan. The "Con Plan" has been effectively unchanged since its inception in the mid-1990s, and there is general agreement that the content must be improved to make it more relevant and meaningful to decision makers and the public. Further, both CPD and its program partners understand that the consolidated planning process must be simplified, and unnecessary burden reduced or eliminated through better use of technology, including linking the Consolidated Plan to the Integrated Disbursement and Information System (IDIS) and eliminating the need to prepare a separate Consolidated Annual Performance Evaluation Reports (CAPERS). CPD will be previewing the Consolidated Plan revisions throughout the summer and fall through webinars, stakeholder meetings, and at www.hud.gov/cpd. I urge you and your staff to review the proposed changes and to provide feedback as CPD looks to launch the revised Consolidated Plan in the spring of 2012.

Second, CPD is moving rapidly to implement the OneCPD technical assistance process. Under OneCPD, technical assistance will adopt a place-based strategy with the goal of improving the ability of grantees to understand their local market conditions, set goals, and design and effectively carry out their housing and community development programs. This is particularly important as many local governments continue to struggle with budgetary pressures resulting from the economic downturn.

Finally, HUD again urges grantees to consider the needs of returning veterans and their families in the design and administration of these formula programs. Our fellow Americans have served our nation on the battlefields of Iraq and Afghanistan and seemingly countless other places around the globe. Many veterans are returning to our communities with wounds and injuries that may make it difficult for them to find housing or support themselves and/or their families. I ask that you consider their sacrifice and ensure that these men and women receive every appropriate consideration in the use of these funds at the local level.

CPD looks forward to working with you in a true partnership to successfully meet the challenges we face in FY2012. Please contact your local CPD office director if you or your staff have questions or comments.

Sincerely,

Mercedes Márquez
Assistant Secretary

Roll call vote on the foregoing Resolution No. 2011167 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 (Yes) 0 (No)

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011167 Authorizing the Finance Department to receive and Disburse funds allocated to Dutchess County, as an Urban County, Under the Community Development Block Grant (CDBG) Program for 2011

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011167 Authorizing the Finance Department to receive and Disburse funds allocated to Dutchess County, as an Urban County, Under the Community Development Block Grant (CDBG) Program for 2011

Date: 7/11/11

RESOLUTION NO. 2011168

RE: AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Legislators Horn, Flesland, Borchert, and Horton offer the following and move its adoption:

WHEREAS, as a result of the County's participation in Community Development Block Grant Programs pursuant to the Housing and Community Development Act, the U.S. Department of Housing and Urban Development has notified the County that funding is available to the County under the HOME Investment Partnership Program, and

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

WHEREAS, Dutchess County's 2011 HOME Investment Partnership allocation has been established at $989,690, now therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to establish a Community Development account for this Program as follows:

APPROPRIATIONS
Increase

CD8692.4402.4404	Grants to Coop Municipalities HOME Program 2011	$989,690

REVENUES
Increase

CD8692.49100.02	CD Act. HOME Program 2011	$989,690

CA-83-11
ADR/ca/G-179
6/15/11
Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 989,690

Total Current Year Revenue $ 989,690
and Source

Federal HOME Investment Partnership Program

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

Identify Line Items(s):
CD8692.4402.4404

Related Expenses: Amount $ 0
Nature/Reason:

Anticipated Savings to County:

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

Additional Comments/Explanation:
The resolution will enable Finance to accept $989,690 for the 2011 Federal HOME Investment Partnership Program.

Prepared by: Patricia Longbard, Department of Planning and Development

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

June 3, 2011

Mr. William R. Steinhaus
County Executive
County of Dutchess
County Office Building
22 Market Street
Poughkeepsie, NY 12601-3297

Dear Mr. Steinhaus:

I am pleased to inform you of your community's Fiscal Year (FY) 2011 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country. President Obama signed Public Law 112-10 on April 15, 2011, a Continuing Resolution, which includes FY2011 funding for these programs. Your community's FY2011 available amounts are:

Community Development Block Grant (CDBG)	$1,329,744
HOME Investment Partnerships (HOME)	$989,690
Housing Opportunities for Persons with AIDS (HOPWA)	$ 0
Emergency Shelter Grants (ESG)	$ 0

The FY2011 Continuing Resolution significantly reduced funding for the CDBG and HOME programs compared to the FY2010 levels. The CDBG overall funding was reduced by more than $600 million, resulting in allocation reductions of approximately 16.5 percent–reduction percentages may vary by grantee due to the use of updated population estimates and other factors. HOME program funding was reduced by more than $200 million–approximately 11.7 percent. Grantees that have already submitted their annual Action Plan based on an anticipated amount higher than the FY2011 allocations for these programs must revise their Action Plan consistent with the allocation and applicable amendment requirements. Your local CPD field office is available to provide additional information regarding amendment requirements.

The Department will allocate ESG funds in a two-stage process: (1) $160 million will be immediately allocated under the existing Emergency Shelter Grants regulations; and (2) $65 million, at least, will be allocated once the new Emergency Solutions Grant regulations are published for effect. HUD is advising ESG grantees that are developing their 2011 annual Action Plan to assume funding based upon their 2010 allocation and to follow the existing ESG regulations. At the time of the second allocation, ESG grantees will be required to complete a substantial amendment to their Consolidated Plan/Action Plan, as necessary.

There are several important program priorities I would like to highlight for the upcoming year.

2011 HOME Investment Partnership Program

Date: 6/10/2011

	Total Allocation	Breakdown of Allocations
2011 Allocation	$989,690	
Distribution of Allocation		
Administrative Expenses (10%)	$98,969	
County Admin (70%)		$69,278
City Admin (30%)		$29,691
CHDO Operating		$39,000
Total Admin/CHDO Operating		$137,969
Available for County and City Projects	$851,721	
Distribution of Funds Available for Projects		
County Set-Aside (64.4%)	$548,508	
County CHDO Project Set-Aside (15%)		**$82,276**
County Project Set-Aside		**$466,232**
City Poughkeepsie Set-Aside (35.6%)	$303,213	
City Poughkeepsie CHDO Set-Aside (15%)		$45,482
City Poughkeepsie Project Set-Aside		$257,731

2011 Applications

Development Name/Address/Description	*Developer*	*Recommendation*	*Type*	*Units*	*HOME Units*
1. Rebuilding Together - throughout Dutchesss County *Rehabilitation of single family homes by volunteers*	Rebuilding Together	$52,000	Owner	20	20
2. Poughkeepsie Commons - Hudson Ave., Poughkeepsie *Construction of 71 units of rental housing for frail elderly and veterans.*	Kearney Realty	$295,000	Rental	71	10
3. DC First Time Homebuyer	Dutchess County	$100,000	Owner	10	10
4. Unallocated balance - to be allocated in Summer 2011 application cycle		$101,508	TBD	TBD	TBD
5. City of Poughkeepsie Set-Aside		$303,213	TBD	TBD	TBD
6. Administrative Funds		$98,969	Admin	N/A	N/A
7. CHDO Operating Funds		$39,000	CHDO	N/A	N/A
	Total	**$989,690**		101	40

Roll call vote on the foregoing Resolution No. 2011168 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

168

Environment Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 (Yes) 0 (No)

Absent: 0 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2011168 Authorizing the Finance Department to receive and disburse funds allocated to Dutchess County under the Federal Home Investment Partnership Program

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011168 Authorizing the Finance Department to receive and disburse funds allocated to Dutchess County under the Federal Home Investment Partnership Program

Date: 7/11/11

RESOLUTION NO. 2011169

RE: AMENDING THE 2011 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE SHERIFF/JAIL (A.3150)

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

WHEREAS, the Sheriff has advised that the population of inmates housed in other counties is continuing to rise and based on the current trend, additional funds are needed to ensure payments to these counties, and

WHEREAS, it is expected that the sum of $1,600,000 will be needed to cover these expenses; and

WHEREAS, it is now necessary to amend the 2011 Adopted County Budget to provide funds to meet the County's obligations for the aforesaid period, now therefore, be it

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

APPROPRIATIONS

Increase

A.3150.4428	Inmates Housed in Other Institutions	$1,600,000

Decrease

A.1990.4007	General Contingency	$1,600,000

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 1,600,000

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):
A3150.4428

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:
The population of inmates housed in other counties is continuing to increase.

Prepared by: Vickie D. Byrd, Jail Business Manager

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Inmates Housed in other Institutions

The Dutchess County Jail requests a resolution to add $1,600,000 to the A3150.4428 Inmates Housed in Other Institutions line.

JUSTIFICATION:

We originally requested $3,200,000 for inmates housed out to other county facilities in our proposed 2011 budget. $2,600,000 was appropriated for FY2011. We are currently experiencing an average of 55 more inmates a month (January thru May) housed out compared to the same period last year. These additional inmates translate to a $1,686,300 above the approved appropriations for FY2011. The average monthly expenditure for "Inmates Housed in other Institutions" in FY2011 is $399,500.00.

We are requesting another $1,600,000 to be added to this line due to the unforeseen number of inmates that continue to be incarcerated with the Sheriff of Dutchess County.

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Inmates Housed in other Institutions

The Dutchess County Jail requests a resolution to add $1,600,000 to the A3150.4428 Inmates Housed in Other Institutions line.

JUSTIFICATION:

We originally requested $3,200,000 for inmates housed out to other county facilities in our proposed 2011 budget. $2,600,000 was appropriated for FY2011. We are currently experiencing an average of 55 more inmates a month (January thru May) housed out compared to the same period last year. These additional inmates translate to a $1,686,300 above the approved appropriations for FY2011. The average monthly expenditure for "Inmates Housed in other Institutions" in FY2011 is $399,500.00.

We are requesting another $1,600,000 to be added to this line due to the unforeseen number of inmates that continue to be incarcerated with the Sheriff of Dutchess County.

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Inmates Housed in other Institutions

The Dutchess County Jail requests a resolution to add $1,600,000 to the A3150.4428 Inmates Housed in Other Institutions line.

JUSTIFICATION:

We originally requested $3,200,000 for inmates housed out to other county facilities in our proposed 2011 budget. $2,600,000 was appropriated for FY2011. We are currently experiencing an average of 55 more inmates a month (January thru May) housed out compared to the same period last year. These additional inmates translate to a $1,686,300 above the approved appropriations for FY2011. The average monthly expenditure for "Inmates Housed in other Institutions" in FY2011 is $399,500.00.

We are requesting another $1,600,000 to be added to this line due to the unforeseen number of inmates that continue to be incarcerated with the Sheriff of Dutchess County.

Roll call vote on the foregoing Resolution No. 2011169 resulted as follows:

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

NAYS: 1 Tyner.

ABSENT: 0

Resolution adopted.

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

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Public Safety Roll Call

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

Present: 11 **Resolution:** X **Total :** 10 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 1

2011169 Amending the 2011 adopted County Budget as it pertains to the Sheriff/Jail (A.3150)

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 24 1

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011169 Amending the 2011 adopted County Budget as it pertains to the Sheriff/Jail (A.3150)

Date: 7/11/11

Public Safety

RESOLUTION NO. 2011170

RE: AMENDING THE 2011 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE SHERIFF (A.3150)

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

WHEREAS, the Sheriff has advised that there are insufficient funds necessary to cover authorized overtime expenses for the balance of 2011; and

WHEREAS, an increase in overtime related to inmates with medical and mental issues has necessitated the need for additional funding; and

WHEREAS, it is expected that the sum of $1,000,000, will be needed to cover these expenses; and

WHEREAS, it is now necessary to amend the 2011 Adopted County Budget to provide funds to meet these expenses for the aforesaid; now, therefore be it

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

APPROPRIATIONS:

Increases:	Description:	Amount:
A.3150.1050	Overtime	$1,000,000
Decreased:		
A.1990.4007	General Contingency	$1,000,000

Fiscal Impact: See attached statement

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

Patricia J. Hohmann

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 1,000,000

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):
A3150.4428

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:
The population of inmates housed in other counties is continuing to increase.

Prepared by: Vickie D. Byrd, Jail Business Manager

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Overtime

The Dutchess County Jail requests a resolution to add $1,000,000 to the A3150.1050 overtime line.

JUSTIFICATION:

The Dutchess County Jail projected $3,596,000 for the overtime budget A3150.1050 line, for FY2011. $2,500,000 was adopted.

Over the past couple of years the Dutchess County Jail has implemented many cost saving initiatives trying to stay within the adopted budget. Unfortunately due to the overwhelming disparity between the projected and adopted budget, and overtime escalating related to inmates with medical and mental issues; we will need additional monies.

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Overtime

The Dutchess County Jail requests a resolution to add $1,000,000 to the A3150.1050 overtime line.

JUSTIFICATION:

The Dutchess County Jail projected $3,596,000 for the overtime budget A3150.1050 line, for FY2011. $2,500,000 was adopted.

Over the past couple of years the Dutchess County Jail has implemented many cost saving initiatives trying to stay within the adopted budget. Unfortunately due to the overwhelming disparity between the projected and adopted budget, and overtime escalating related to inmates with medical and mental issues; we will need additional monies.

DUTCHESS COUNTY JAIL

Memorandum

To: Robert Rolison, Chairman – Dutchess County Legislature

From: George V. Krom Jr., Correction Administrator

Date: June 13, 2011

Subject: Resolution Request – Additional Monies needed for Overtime

The Dutchess County Jail requests a resolution to add $1,000,000 to the A3150.1050 overtime line.

JUSTIFICATION:

The Dutchess County Jail projected $3,596,000 for the overtime budget A3150.1050 line, for FY2011. $2,500,000 was adopted.

Over the past couple of years the Dutchess County Jail has implemented many cost saving initiatives trying to stay within the adopted budget. Unfortunately due to the overwhelming disparity between the projected and adopted budget, and overtime escalating related to inmates with medical and mental issues; we will need additional monies.

Roll call vote on the foregoing Resolution No. 2011170 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

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

Public Safety Roll Call

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

Present: 11 **Resolution:** X **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2011170 Amending adopted County Budget as it pertains to the Sheriff (A.3150)

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011170 Amending adopted County Budget as it pertains to the Sheriff (A.3150)

Date: 7/11/11

Family and Human Services

RESOLUTION NO. 2011171

RE: AUTHORIZING CENTRAL SERVICES TO SELL THE DUTCHESS COUNTY HEALTH DEPARTMENT CERTIFIED HOME HEALTH AGENCY (CHHA) OPERATING CERTIFICATE

Legislators Horn, Cooper, Rolison, Borchert, and Horton offers the following and moves its adoption:

WHEREAS, the Dutchess County Health Department's Certified Home Health Agency (CHHA) was eliminated in the 2011 Adopted County Budget after Michael C. Caldwell, M.D., MPH, Dutchess County Commissioner of Health, provided an overview of the program status with his recommendation for the county to withdraw from CHHA operations, and

WHEREAS, the Dutchess County Commissioner of Health after consultation with the New York State Department of Health has stated that, consequently, the Dutchess County Health Department Certified Home Health Agency Operating Certificate is no longer of value to the County, and

WHEREAS, a search has been conducted for qualified organizations to purchase the operating certificate in accordance with laws of the State of New York State and the County's Procurement Policy, and

WHEREAS, the Dutchess County Health Department is committed to a transition to a qualified organization to bring to the community a seamless continuum of care and evidence based clinical program development supported by quality initiatives and experience, and

WHEREAS, it is in the best interests of the citizens of Dutchess County that the County now sell the Dutchess County Health Department Home Health Agency Operating Certificate which is no longer of value to the County, and now therefore, be it

RESOLVED, that the Director of Central Services is hereby authorized to sell and transfer the Dutchess County Health Department Home Health Agency Operating Certificate to a qualified organization in accordance with the criteria discussed herein.

APPROVED

CA-92-11
CRC/ca/H-0781
6/20/11
Fiscal Impact: See attached statement

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Project Cost $ -0-

Projected Revenue $ 425,000

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

Identify Line Items(s): A.4050.32.26550.03-Sale of CHHA

Related Expenses: Amount $ _____ Nature/Reason: _____

Anticipated Savings to County: $639,582 (2011 net to county savings)

Net County Cost:: _____
Over Five Years: _____

Additional Comments/Explanation: _____

Prepared by: Mimi Heslin, Director of Budget & Finance

Roll call vote on the foregoing Resolution No. 2011171 resulted as follows:

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

NAYS: 1 Tyner.

ABSENT: 0

Resolution adopted.

Family and Human Services Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 (Yes) 0 (No)

Absent: 0 **Motion:** ___ **Abstentions:** 0

Vacant: 0

2011171 Authorizing Central Services to sell the Dutchess County Health Department Certified Home Health Agency (CHHA) Operating Certificate

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 24 1

Absent: 0 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011171 Authorizing Central Services to sell the Dutchess County Health Department Certified Home Health Agency (CHHA) Operating Certificate

Date: 7/11/11

Family and Human Services

RESOLUTION NO. 2011172

RE: AMENDING THE 2011 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF SOCIAL SERVICES (A.6055)

Legislators Flesland, Borchert, Horn, Cooper, and Horton offer the following and move its adoption:

WHEREAS, the Commissioner of Social Services has advised Dutchess County has been given an increased daycare allocation, and

WHEREAS, this increased daycare allocation increases the amount of money the County can spend on daycare at 100% reimbursement, and

WHEREAS, it is necessary to amend the 2011 Adopted County Budget to provide for the receipt and expenditure of said funds, now therefore, be it

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

APPROPRIATIONS

Increase		
A.6055.4451	Daycare	$812,157

REVENUES

Increase		
A.6055.36550	Daycare	$812,157

CA-80-11
ca/G-0198
6/14/11
Fiscal Impact: See attached statement

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost $ 812,157

Total Current Year Revenue $ 812,157
and Source

Child Care Block Grant

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

Identify Line Items(s):
See Attached

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Peter C. Simon

Roll call vote on the foregoing Resolution No. 2011172 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

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Family and Human Services Committee Roll Call

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

Present: 12 **Resolution:** X **Total :** 12 (Yes) 0 (No)

Absent: 0 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2011172 Amending the 2011 Adopted County Budget as it pertains to the Department of Social Services

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ___ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011172 Amending the 2011 Adopted County Budget as it pertains to the Department of Social Services

Date: 7/11/11

Budget, Finance, and Personnel

RESOLUTION NO. 2011173

RE: DESIGNATION OF DUTCHESS COUNTY ECONOMIC DEVELOPMENT CORPORATION AS THE TOURISM PROMOTION AGENCY FOR THE COUNTY OF DUTCHESS

Legislators Cooper, Flesland, Borchert, Hutchings, Weiss, and Horton offer the following and move its adoption:

WHEREAS, by Resolution No. 335 of 1985, the Dutchess County Legislature designated the Dutchess County Economic Development Corporation as the Tourism Promotion Agency for Dutchess County, and

WHEREAS, it is the intent of this Legislature that the Dutchess County Economic Development Corporation continue as the Tourism Promotion Agency for Dutchess County, and

WHEREAS, the Dutchess County Economic Development Corporation requires the authority of this Legislature to apply for up to $325,000 in state matching funds, now, therefore, be it

RESOLVED, that the Dutchess County Economic Development Corporation is hereby designated the Tourism Promotion Agency for Dutchess County for the state fiscal year April 1, 2011, through March 31, 2012, and is hereby authorized to apply for state matching funds up to $325,000, and, be it further

RESOLVED, that if the application for such funding is approved, the Dutchess County Economic Development Corporation shall submit the grant agreement to this Legislature for approval and appropriation prior to commencing any work.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011173 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

Budget, Finance, and Personnel Committee Roll Call

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

Present: 12
Absent: 0
Vacant: 0

Resolution: X
Motion: ___

Total : 12 (Yes) 0 (No)
Abstentions: 0

2011173 Designation of Dutchess County Economic Development Corporation as the Tourism Promotion Agency for the County of Dutchess

Date: 7/7/11

Roll Call Sheets

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

Present: 25 **Resolution:** X **Total :** 25 0

Absent: 0 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2011173 Designation of Dutchess County Economic Development Corporation as the Tourism Promotion Agency for the County of Dutchess

Date: 7/11/11

Budget, Finance, and Personnel

RESOLUTION NO. 2011174

RE: ADOPTION OF DUTCHESS COMMUNITY COLLEGE BUDGET

Legislators FLESLAND, FORMAN, WEISS, and KUFFNER offer the following and move its adoption:

WHEREAS, the Annual Operating Budget Request of Dutchess Community College for the period September 1, 2011, to August 31, 2012, has been developed in accordance with guidelines furnished by the State University of New York, and,

WHEREAS, the requirement for operating expenditures has been determined to be $60,254,477 of which $58,759,695 is from Unrestricted Funds and $1,494,782 is from Restricted Funds, and

WHEREAS, by Resolution No. 2011-44, the Board of Trustees of Dutchess Community College did approve such budget, now, therefore, be it

RESOLVED, that the Operating Budget for Dutchess Community College for the fiscal year September 1, 2011 through August 31, 2012 in the amount of $60,254,477 with anticipated funding from the County of Dutchess by appropriation from fiscal year 2012 of $10,837,898 is hereby approved.

APPROVED

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date July 14, 2011

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of July 2011, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of July 2011.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

Roll call vote on the foregoing Resolution No. 2011174 resulted as follows:

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

NAYS: 0

ABSENT: 0

Resolution adopted.

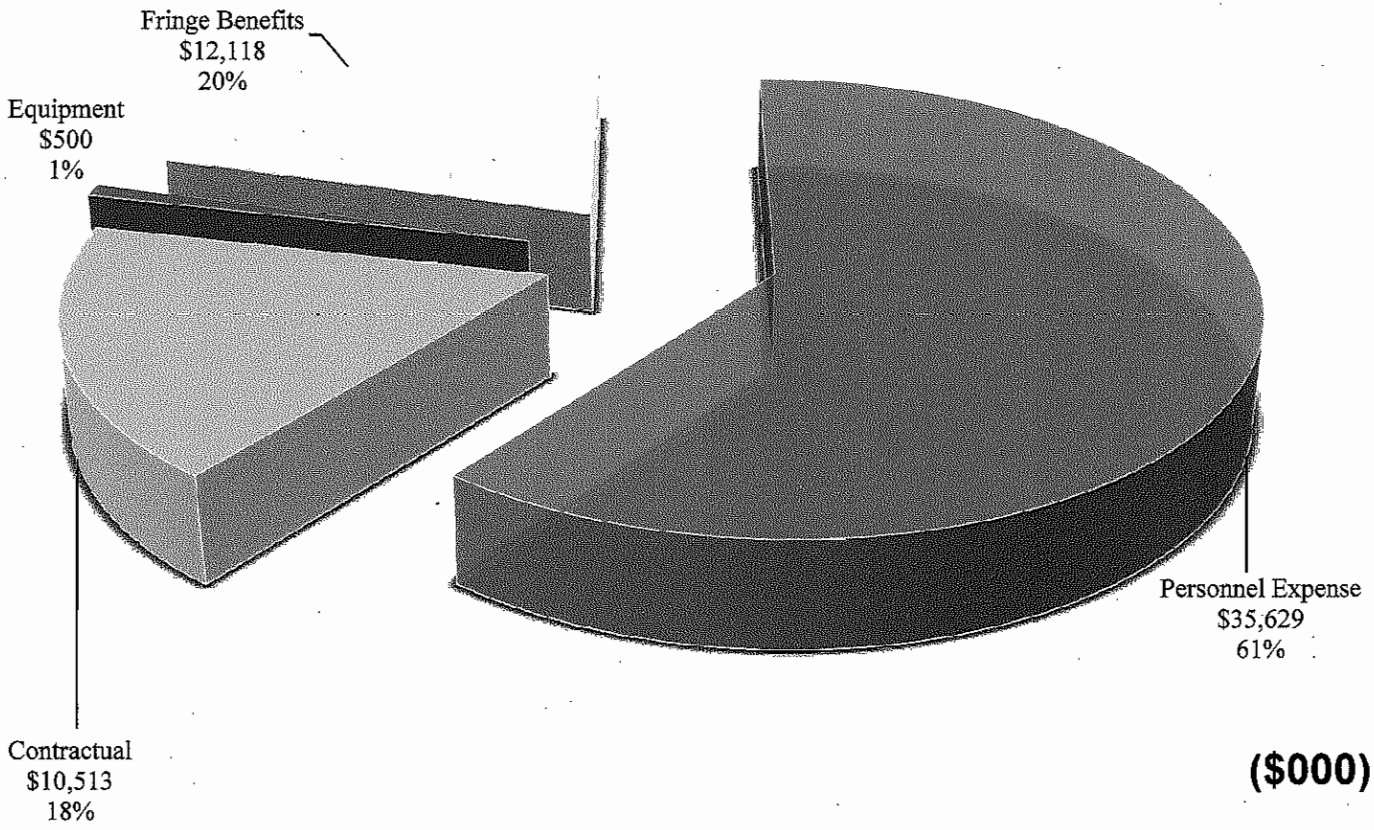
DUTCHESS
COMMUNITY COLLEGE

Budget Summary 2011 – 2012

DUTCHESS COMMUNITY COLLEGE
Budget Expense Summary 2011-2012

	Actual 2009/2010	Adopted Budget 2010/2011	Request 2011-2012	Increase (Decrease)	% Change
DCC FUNDED:					
Salaries:	$ 32,020,210	$ 35,067,609	$ 35,628,691	$ 561,082	1.6
Fringe Benefits:	11,298,785	11,822,354	12,117,913	295,559	2.5
Equipment:	756,874	500,000	500,000	-	0.0
Contractual Expenses:	10,148,181	10,256,674	10,513,091	256,417	2.5
Subtotal, DCC Funded:	$ 54,224,050	$ 57,646,637	$ 58,759,695	$ 1,113,058	1.9
GRANTS AND CONTRACTS: Outside funding for specialized programs, mostly training programs for local industry.	1,416,510	1,894,782	1,494,782	(400,000)	(21.1)
GRAND TOTAL:	$ 55,640,560	$ 59,541,419	$ 60,254,477	$ 713,058	1.2

DUTCHESS COMMUNITY COLLEGE
Budget Appropriations 2011-2012
DCC Funded

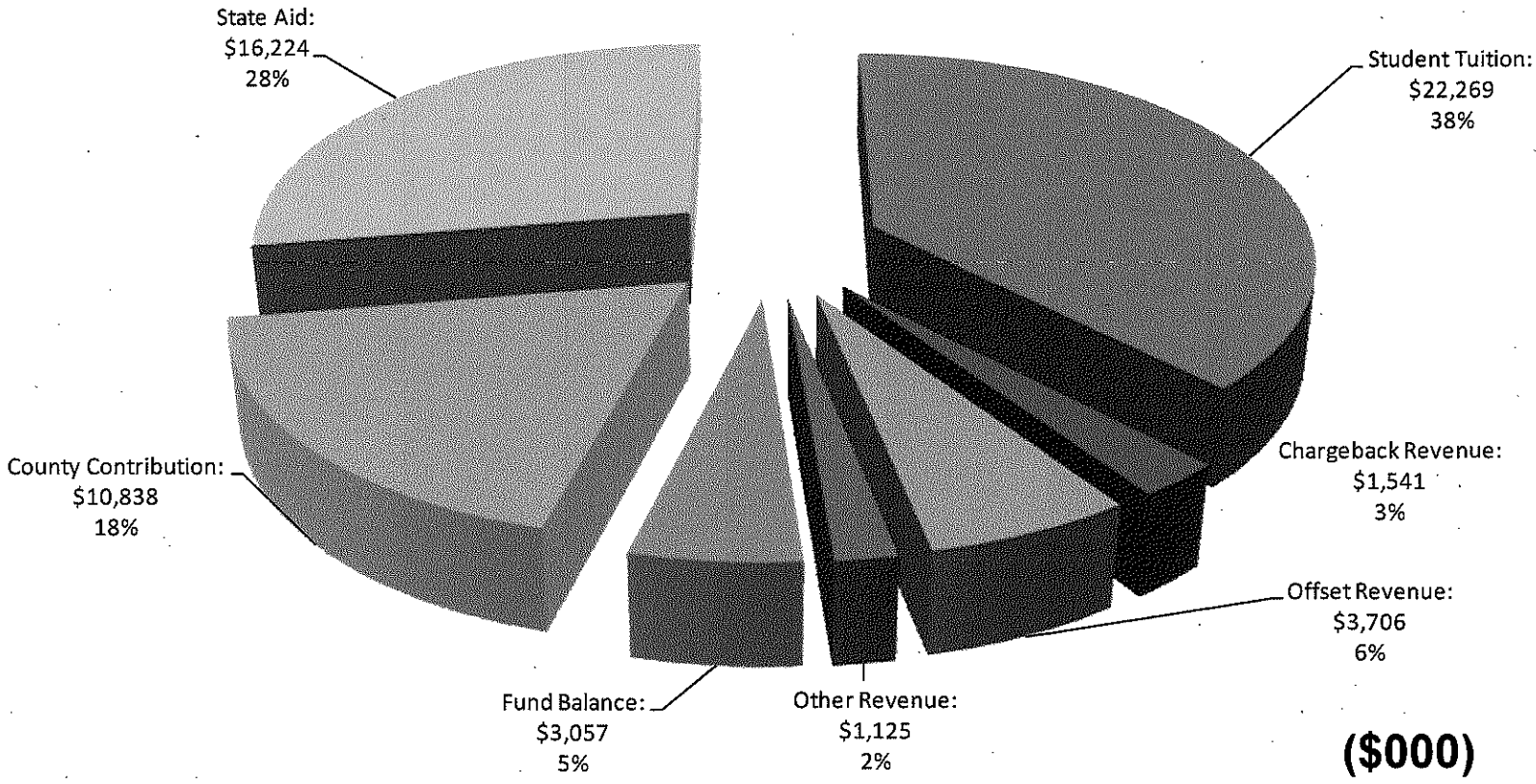


Total DCC Funded Budget $58,760

DUTCHESS COMMUNITY COLLEGE
Budget Revenue Summary 2011-2012

	Actual 2009/2010	Adopted Budget 2010/2011	Request 2011/2012	Increase (Decrease)	% Change
Student Revenue:	$ 22,323,818	$ 21,903,550	$ 22,269,300	365,750	1.7
Sponsor's Contribution:	10,837,898	10,837,898	10,837,898	0	0.0
Chargeback Revenue:	2,103,929	1,514,044	1,541,081	27,037	1.8
State Aid - Basic & Supplemental:	16,953,052	16,872,900	16,223,484	-649,416	(3.8)
Offset Revenue:	3,983,049	3,605,620	3,605,620	0	0.0
Other Revenue:	1,251,243	1,225,000	1,225,000	0	0.0
Appropriated Fund Balance:		1,687,625	3,057,312	1,369,687	81.2
Total Operating Revenue:	$ 57,452,989	$ 57,646,637	$ 58,759,695	$ 1,113,058	1.9
Grant & Non DCC Funded:	1,368,188	1,894,782	1,494,782	(400,000)	(21.1)
Total Revenues:	$ 58,821,177	$ 59,541,419	$ 60,254,477	$ 713,058	1.2

DUTCHESS COMMUNITY COLLEGE
Revenue Projection 2011-2012
DCC Funded



Total DCC Funded Budget 58,760

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Dutchess Community College — Budget 2011-2012

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1100 President's Office					
Fund 1110	***Salaries/Benefits***				
6202	Managerial Confidential	297,362.98	301,232.00	216,113.63	301,232.00
Total Salaries/Benefits		***297,362.98***	***301,232.00***	***216,113.63***	***301,232.00***
Fund 1110	***Contractual***				
7102	Postage	214.05	500.00	151.63	500.00
7103	Telephone	207.12	1,000.00	0.00	0.00
7106	Books & Periodicals	160.08	250.00	33.58	250.00
7107	Subscriptions	89.10	750.00	89.10	750.00
7108	Dues	23,588.36	14,360.00	23,463.64	20,000.00
7109	License Agreements	0.00	1,000.00	0.00	0.00
7113	Duplicating	2,493.40	1,000.00	51.16	1,000.00
7114	Book Allowance	700.00	1,050.00	700.00	1,050.00
7115	Prof Support Travel	3,823.89	5,000.00	1,799.08	5,000.00
7121	Legal	16,209.20	28,000.00	66,146.37	40,000.00
7125	Other Professional	5,000.00	10,000.00	60.00	1,000.00
7147	Maintenance Contract Ofc Machinery	936.33	500.00	455.45	500.00
7151	Office Supplies	2,616.89	2,000.00	1,354.18	2,000.00
7176	Food Service	6,978.22	4,500.00	2,660.57	4,500.00
7178	Gasoline	7.28	0.00	0.00	0.00
7185	Miscellaneous Expenses	395.00	2,000.00	69.98	0.00
Total Contractual		***63,418.92***	***71,910.00***	***97,034.74***	***76,550.00***
Department Total: 1100	**President's Office**	**360,781.90**	**373,142.00**	**313,148.37**	**377,782.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1110 Fiftieth Anniversary					
Fund 1110	***Contractual***				
7114	Book Allowance	340.00	0.00	0.00	0.00
7118	Mileage Reimbursement	14.00	0.00	0.00	0.00
7152	Educational Supplies	4.99	0.00	0.00	0.00
Total Contractual		***358.99***	***0.00***	***0.00***	***0.00***
Department Total: 1110	**Fiftieth Anniversary**	**358.99**	**0.00**	**0.00**	**0.00**

Department: 1200 Board of Trustees

Fund 1110 Contractual

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
7107	Subscriptions	801.90	1,000.00	801.90	1,000.00
7151	Office Supplies	139.00	500.00	0.00	500.00
7176	Food Service	2,208.55	2,500.00	1,869.75	2,500.00
7185	Miscellaneous Expenses	0.00	200.00	0.00	200.00
Total Contractual		***3,149.45***	***4,200.00***	***2,671.65***	***4,200.00***
Department Total: 1200	**Board of Trustees**	**3,149.45**	**4,200.00**	**2,671.65**	**4,200.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1300 Legal					
Fund 1110	***Salaries/Benefits***				
6202	Managerial Confidential	24,597.80	30,000.00	0.00	0.00
Total Salaries/Benefits		***24,597.80***	***30,000.00***	***0.00***	***0.00***
Department Total: 1300	**Legal**	**24,597.80**	**30,000.00**	**0.00**	**0.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1400 Community Relations & Graphics					
Fund 1110 Salaries/Benefits					
6202	Managerial Confidential	76,685.83	87,550.00	61,385.70	87,550.00
6203	Specialists Sup Professional 12 mos	52,970.93	54,534.00	39,233.11	54,534.00
6205	Part Time Technical	0.00	0.00	0.00	0.00
6402	Clerical	103,613.76	97,076.00	70,408.11	97,076.00
6453	Overtime	999.33	0.00	566.14	0.00
6454	Longevity	7,095.26	7,206.00	4,914.44	7,206.00
6501	Student Aides Regular	180.10	1,000.00	0.00	1,000.00
6502	Student Aides Work Study On-Campu	448.33	0.00	468.04	0.00
Total Salaries/Benefits		***241,993.54***	***247,366.00***	***176,975.54***	***247,366.00***
Fund 1110 Contractual					
7101	Advertising	0.00	0.00	51.00	0.00
7102	Postage	365.67	675.00	46.83	675.00
7105	Display Advertising	150,873.00	157,500.00	98,726.00	157,500.00
7107	Subscriptions	786.90	1,980.00	381.30	1,980.00
7111	Printing - Off Campus	93,305.81	219,000.00	59,706.02	149,000.00
7113	Duplicating	186.80	3,150.00	155.60	3,150.00
7114	Book Allowance	337.33	630.00	945.67	630.00
7115	Prof Support Travel	1,680.22	1,125.00	991.80	1,125.00
7118	Mileage Reimbursement	37.50	675.00	0.00	675.00
7125	Other Professional	26,395.56	18,000.00	6,480.82	18,000.00
7147	Maintenance Contract Ofc Machinery	19.32	0.00	5.89	0.00
7149	Services Contracts	5,500.00	0.00	0.00	0.00

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
7150	Maintenance Contract Other	-790.00	0.00	0.00	0.00
7151	Office Supplies	1,150.59	2,700.00	2,349.77	5,000.00
7159	Medical Supplies	0.00	0.00	8,200.00	0.00
7183	Discount Fees	35.00	0.00	0.00	0.00
Total Contractual		***279,883.70***	***405,435.00***	***178,040.70***	***337,735.00***
Department Total: 1400	**Community Relations & Graphics**	**521,877.24**	**652,801.00**	**355,016.24**	**585,101.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1500 Institutional Development					
Fund 1110	***Salaries/Benefits***				
6202	Managerial Confidential	104,780.63	105,594.00	76,715.60	105,594.00
6203	Specialists Sup Professional 12 mos	55,858.96	58,464.00	40,992.00	58,464.00
6402	Clerical	88,589.19	37,851.00	54,862.68	38,798.00
6453	Overtime	70.88	0.00	422.17	0.00
6501	Student Aides Regular	8,300.71	2,000.00	2,398.32	2,000.00
Total Salaries/Benefits		***257,600.37***	***203,909.00***	***175,390.77***	***204,856.00***
Fund 1110	***Contractual***				
7102	Postage	29.79	500.00	0.00	0.00
7107	Subscriptions	2,139.76	250.00	77.76	250.00
7108	Dues	600.00	1,000.00	100.00	1,000.00
7114	Book Allowance	406.36	700.00	951.78	700.00
7115	Prof Support Travel	1,784.69	1,500.00	1,102.76	1,500.00
7118	Mileage Reimbursement	700.00	1,000.00	0.00	1,000.00
7147	Maintenance Contract Ofc Machinery	687.48	600.00	322.78	600.00
7151	Office Supplies	2,938.56	3,500.00	1,158.93	3,500.00
7153	Computer Supplies	1,091.23	145.00	541.63	145.00
7176	Food Service	0.00	500.00	0.00	500.00
Total Contractual		***10,377.87***	***9,695.00***	***4,255.64***	***9,195.00***
Department Total: 1500	**Institutional Development**	**267,978.24**	**213,604.00**	**179,646.41**	**214,051.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 1600 Institutional Research and Planning					
Fund 1110 Salaries/Benefits					
6202	Managerial Confidential	75,529.68	84,460.00	59,219.17	84,460.00
6402	Clerical	74,669.78	68,000.00	49,687.05	72,680.00
6453	Overtime	1,180.09	0.00	275.50	0.00
6454	Longevity	4,164.68	3,000.00	2,802.54	3,475.00
Total Salaries/Benefits		***155,544.23***	***155,460.00***	***111,984.26***	***160,615.00***
Fund 1110 Contractual					
7107	Subscriptions	81.00	100.00	409.64	100.00
7108	Dues	67.50	755.00	0.00	755.00
7113	Duplicating	1,186.60	770.00	312.00	770.00
7114	Book Allowance	116.64	350.00	525.00	350.00
7115	Prof Support Travel	1,307.37	2,500.00	521.00	4,000.00
7151	Office Supplies	899.75	750.00	621.81	750.00
7178	Gasoline	16.31	0.00	0.00	0.00
7185	Miscellaneous Expenses	416.00	0.00	0.00	0.00
Total Contractual		***4,091.17***	***5,225.00***	***2,389.45***	***6,725.00***
Department Total: 1600	**Institutional Research and Planning**	**159,635.40**	**160,685.00**	**114,373.71**	**167,340.00**

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
Department: 4001 Dean of Academic Affairs Office					
Fund 1110	***Salaries/Benefits***				
6101	Professor	175.00	0.00	0.00	0.00
6102	Associate Professor	1,575.00	0.00	0.00	0.00
6105	Temporary Instructor	150.00	0.00	0.00	0.00
6202	Managerial Confidential	153,947.42	154,334.00	108,211.19	214,334.00
6203	Specialists Sup Professional 12 mos	175.00	0.00	0.00	0.00
6453	Overtime	0.00	500.00	0.00	500.00
6501	Student Aides Regular	0.00	2,500.00	0.00	2,500.00
Total Salaries/Benefits		***156,022.42***	***157,334.00***	***108,211.19***	***217,334.00***
Fund 1110	***Contractual***				
7102	Postage	44.99	100.00	0.00	100.00
7106	Books & Periodicals	0.00	0.00	0.00	800.00
7107	Subscriptions	1,065.70	1,500.00	644.22	1,500.00
7108	Dues	595.00	0.00	0.00	0.00
7113	Duplicating	240.15	1,200.00	511.16	1,000.00
7114	Book Allowance	0.00	350.00	0.00	350.00
7115	Prof Support Travel	2,007.06	2,500.00	871.90	2,500.00
7118	Mileage Reimbursement	0.00	100.00	0.00	200.00
7125	Other Professional	0.00	2,000.00	0.00	1,000.00
7147	Maintenance Contract Ofc Machinery	601.49	700.00	449.81	1,284.00
7151	Office Supplies	1,918.03	2,000.00	1,035.68	2,000.00
7153	Computer Supplies	0.00	0.00	0.00	500.00
7176	Food Service	587.75	600.00	18.98	1,000.00

		2009-10 Actual	2010-11 Original	2010-11 Yr. to Date	2011-12 Request
7185	Miscellaneous Expenses	157.02	200.00	37.72	500.00
7188	Faculty Development	68.92	0.00	0.00	0.00
7193	Assessment	919.00	0.00	0.00	2,000.00
Total Contractual		***8,205.11***	***11,250.00***	***3,569.47***	***14,734.00***
Department Total: 4001	**Dean of Academic Affairs Office**	**164,227.53**	**168,584.00**	**111,780.66**	**232,068.00**