

Attendance Sheets

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

Date: 9/8/14

Regular Meeting
of the
Dutchess County Legislature

Monday, September 8, 2014

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

Roll Call by the Clerk of the Legislature

PRESENT: 22 Amparo, Bolner, Borchert, Farley, Flesland, Horton,
Hutchings, Incoronato, Jeter-Jackson, Johnson, Kelsey,
MacAvery, Nesbitt, Perkins, Pulver, Rolison, Serino,
Strawinski, Surman, Thomes, Tyner, Weiss

ABSENT: 3 Miccio, Roman, Sagliano

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Legislator MacAvery,
followed by a moment of silent meditation.

Commendations:

Proclamation: Recognizing September as Leukemia,
Lymphoma, & Myeloma Awareness Month

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.

No one 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 August 2014 minutes.

The August 2014 minutes were adopted.

COMMUNICATIONS RECEIVED FOR THE SEPTEMBER 2014 BOARD MEETING

Received from County Clerk, Summary of Mortgage Tax collected April 2014 – September 2014.

Received from Freedom Plains United Presbyterian Church, letter thanking Dutchess County employees for the generous school supply donations collected to support Christmas in August 2014.

Received from New York State Department of Taxation and Finance, list of certified 2014 state equalization rates.

Received from Doreen A. Tignanelli, Poughkeepsie, email in favor of privatization of the Dutchess County Airport.

Received from Evelyn Barosin, LaGrange, letter regarding the transit system.

Received from Dutchess County Comptroller, audit of Maintenance in Lieu of Rent for the period January 1, 2013 – December 31, 2013.

Received from Town of LaGrange Town Clerk, a Local Law to Amend Chapter 240 “Zoning” of the Town Code of the Town of LaGrange, Dutchess County.

RESOLUTION NO. 2014226

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

Legislators KELSEY, FLESLAND, SAGLIANO, HORTON, INCORONATO, JETER-JACKSON, MACAVERY, PERKINS, STRAWINSKI, JOHNSON, SERINO, and FARLEY offer the following and move its adoption:

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

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of PY 2014 Title 1B Administration funding for the period of 07/01/14 through 06/30/16, for the operation of PY 2014 Title 1B Adult funding for the period of 07/01/14 through 06/30/16, for the operation of PY 2014 Title 1B Dislocated Worker funding for the period of 07/01/14 through 06/30/16 and for the operation of FY 2013 TAA funding for the period of 10/01/12 through 09/30/15, and

WHEREAS, the New York State Department of Labor has as reduced Dutchess County's funding for the operation PY 2012 TAA funding for the period of 10/01/12 through 09/30/14 now, therefore be it

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

APPROPRIATIONS Increase (Decrease)

2012

CD6292.2012.4813	TAA Participant Funding	\$ (998)
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2013

CD6292.2013.4813	TAA Participant Funding	5,967
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2014

CD6292.2014.4801	T-1B Adult	40,631
CD6292.2014.4802	T-1B Dislocated Worker	116,281
CD6292.2014.4804	T-1B Administration	17,435

	\$179,316
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REVENUES Increase (Decrease)

2012

CD6292.2012.47910.22 TAA Participant Funding \$ (998)

2013

CD6292.2013.47910.22 TAA Participant Funding 5.967

2014

CD6292.2014.47910.01 T-1B Adult 40,631

CD6292.2014.47910.03 T-1B Dislocated Worker 116,281

CD6292.2014.47910.04 T-1B Administration 17,435

\$179,316

CA-142-14

LK/CRC/ca/G-1263

8/12/14

Fiscal Impact: See attached statement

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/17/2014

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 179,316

Total Current Year Revenue \$ 179,316
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Laraine Kautz, Executive Director - Dutchess County Workforce Investment Board

NOTICE OF OBLIGATIONAL AUTHORITY LWIA# 60

NOA #PY14-2

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

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

This NOA authorizes Program Year 2014 funding for the period (07/01/14
through 6/30/16), except Youth (04/01/14 through 6/30/16.)

NYSOOL Contact: Nancy Bell

TELEPHONE: (518) 457-0239

WIA GRANT	PRIOR LEVEL	CHANGE THIS NOA	NEW LEVEL
CFDA# 17.259 T-1B Youth	\$603,001.80	\$0.00	\$603,001.80
CFDA# 17.258,17.259,17.278 T-1B Admin	\$67,000.20	\$17,434.60	\$84,434.80
CFDA# 17.258 T-1B Adult	\$0.00	\$40,630.50	\$40,630.50
CFDA# 17.278 T-1B Dislocated Worker	\$0.00	\$116,280.90	\$116,280.90

Approved by:



Karen A. Coleman

Deputy Commissioner for Workforce Development

07/21/14



NYS Department of Labor
Trade Adjustment Act Report

NOTICE OF OBLIGATIONAL AUTHORITY

LWIA# 60

GRANTEE: LWIA: Dutchess

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

This NOA authorizes:

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

Program Year 2013 funding for the period (10/01/12 through 09/30/15).

CFDA# 17.245

TAA GRANT

PRIOR LEVEL

CHANGE THIS NOA

NEW LEVEL

FY12

Training	\$ 172,908.61	\$ 0.00	\$ 172,908.61
Job Search	\$ 81.97	\$ 0.00	\$ 81.97

FY13

Training	\$ 0.00	\$ 5,966.66	\$ 5,966.66
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Approved By:

Karen A. Coleman

Karen A. Coleman

Deputy Commissioner for Workforce Development

Dated: 7/31/2014



NYS Department of Labor

Trade Adjustment Act Report

NOTICE OF OBLIGATIONAL AUTHORITY

LWIA# 60

GRANTEE: LWIA: Dutchess

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

This NOA authorizes:

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

CFDA# 17.245

TAA GRANT

PRIOR LEVEL

CHANGE THIS NOA

NEW LEVEL

FY12

Training	\$ 173,906.11	\$(897.50)	\$ 172,908.61
Job Search	\$ 81.97	\$ 0.00	\$ 81.97

Approved By:

Karen A. Coleman

Deputy Commissioner for Workforce Development

Dated: 7/18/2014

Family and Human Services Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner *	<i>absent</i>	
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 1 - Town of Poughkeepsie	Nesbitt		
District 4 - Town of Hyde Park	Serino		
District 9 - City of Poughkeepsie	Johnson		
District 20 - Town of Red Hook	Strawinski		
District 21 - Town of East Fishkill	Horton (VC)		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	<i>absent</i>	
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey (C)		

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

2014226 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INVESTMENT ACT AND THE TRADE ADJUSTMENT ASSISTANCE ACT

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014226 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INVESTMENT ACT AND THE TRADE ADJUSTMENT ASSISTANCE ACT

Date: September 8, 2014

RESOLUTION NO. 2014227

RE: AMENDING CAPITAL PROJECT ACCOUNT AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT – DIVISION OF PUBLIC TRANSIT (ET0435)

Legislators HUTCHINGS, BOLNER, INCORONATO, JETER-JACKSON, PERKINS, SAGLIANO, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, Resolutions No. 2011008 and 2011009 authorized the filing of a State of Good Repair grant application with the U.S. Department of Transportation, Federal Transit Administration (FTA) and the New York State Department of Transportation for capital assistance under Urban Mass Transportation Act of 1964, as amended, and

WHEREAS, one of the projects authorized was site rehabilitation work at the Dutchess County LOOP facility at 14 Commerce Street, Poughkeepsie, New York, and

WHEREAS, the Acting Commissioner of Planning and Development and County Transit Administrator have advised that Federal and State funds obligated for this project were not included in the capital project account and are expected to be needed for eligible expenses for the project, and

WHEREAS, it is necessary for this Legislature to amend the capital project account, ET0435.5680 to cover eligible expenses for this project, now therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the capital project account as follows:

APPROPRIATIONS

Increase

ET0435.5680.3150 Building Reconstruction \$ 760,502

REVENUE

Increase

ET0435.5680.45890 Federal Aid-Other Transportation Capital Projects \$ 608,402
ET0435.5680.35890 State Aid-Other Transportation Aid Capital Projects 76,050
ET0435.5680.50310 Interfund Transfers 76,050
\$ 760,502

APPROPRIATIONS

Increase

A.9950.9850 ET Capital Fund Contribution \$ 76,050

Decrease

A.1990.4007 General Contingency \$ 76,050

CA-140-14 CAB/ca/G-0930-B
8/12/14 Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

APPROVED \$ 76,050
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/15/2014

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 760,502

Total Current Year Revenue \$ 684,452

and Source
\$608,402 federal
\$ 76,050 state
\$ 76,050 County

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Federal and state funds obligated for this project are not included in the county capital project and are expected to be needed for eligible expenses for the project.

Anticipated Savings to County: _____

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

Over Five Years: \$76,050 _____

Additional Comments/Explanation:

This amendment will increase capital project ET0435.5680 by \$608,402 federal, \$76,050 state, and \$76,050 County to cover eligible expenses for site rehabilitation work at the Dutchess County LOOP facility at 14 Commerce Street Poughkeepsie, New York. This funding has been obligated in a Federal Transit Administration State of Good Repair grant, and application for that federal and state funding was approved in resolutions 2011008 & 2011009.

Prepared by: Cynthia Ruiz

Public Works and Capital Projects Roll Call

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

Present: <u>12</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>12</u>	<u>0</u>
Absent: <u>0</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014227 AMENDING CAPITAL PROJECT ACCOUNT AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT – DIVISION OF PUBLIC TRANSIT (ET0435)

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014227 AMENDING CAPITAL PROJECT ACCOUNT AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT – DIVISION OF PUBLIC TRANSIT (ET0435)

Date: September 8, 2014

RESOLUTION NO. 2014228

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8760.24)

Legislators HUTCHINGS, ROLISON, FLESLAND, ROMAN, NESBITT, SAGLIANO, JETER-JACKSON, JOHNSON, MACAVERY, HORTON, FARLEY, and SERINO offer the following and move its adoption:

WHEREAS, a project for the Dutchess Rail Trail: Overocker Road – Morgan Lake (Stage 2) City and Town of Poughkeepsie, Dutchess County PIN 8760.24 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 209082 adopted by the Dutchess County Legislature on March 10, 2009 approved and agreed to advance the above project by making a commitment of 100% of the non-federal share of the costs of construction work, and

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

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

WHEREAS, Dutchess County desires to advance the project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and construction supervision, now, therefore, be it

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

RESOLVED, that the sum of \$153,000 (\$2,288,228 minus previous \$2,135,228) is hereby appropriated and made available to cover the cost of participation in the above phase of the project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, this Legislature will convene as soon as possible

to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County with the New York State Department of Transportation in connection with the advancement or approval of the Project providing for the administration of the Project and the County's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

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

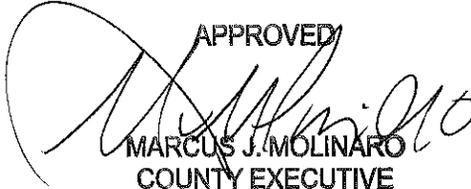
RESOLVED, that this Resolution shall take effect immediately.

CA-143-14

CAB/ca/C-6973-B

8/13/14

Fiscal Impact: See attached statement.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/15/2014

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 153,000

Total Current Year Revenue \$ 122,400
and Source

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

Identify Line Items(s):

H0372.7110.3500

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$30,600

Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 2 for Construction and Construction Inspection funds for PIN 8760.24 Dutchess Rail Trail (Stage 2): Overocker Rd. to Morgan Lake.

Prepared by: Rosanne M. Hall, Contract Specialist-DPW-Engineering/Highway - 486-2924

SUPPLEMENTAL AGREEMENT NO 2 to D031580

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)
Acting by and through the **Commissioner of Public Works**
With its office at **22 Market Street, Poughkeepsie, Dutchess County, New York**

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

- amending a project description
- amending the contract end date
- X amending the scheduled funding by:
 - X adding additional funding:
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - X increasing funding for a project phases(s) – Construction (7/11/2014)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing a project phase(s)
 - other (xxxxx)

Amends a previously adopted Schedule "B"

X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

Amends the Text of the Agreement as follows:

NYS DOT/ State-Local Agreement - Schedule A for PIN 8760.24

JSC Municipal Contract #: **D031580** Contract Start Date: 9/26/2007 (mm/dd/yyyy) Contract End Date: 9/1/2017 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 2

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): Dutchess County
 Other Municipality/Sponsor (if applicable):

State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.
 Municipality: % of Cost share
 Municipality: % of Cost share
 Municipality: % of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: BIKE/PED./FACILITIES County (If different from Municipality): Dutchess

Project Description (Check, if changed from last Schedule A): Dutchess Rail Trail: Overrocker Rd-Morgan Lake
 Additional Project Description (if required): Stage 2 will convert eh Overrocker Rd to Morgan Lak portion of the abandoned Maybrook line of the Penn Central Railroad into a ten foot wide, asphalt paved bicycle/pedestrian path and cont.
 Marchiselli Eligible Yes No

Approved Marchiselli Allocations in Legislature's Comprehensive List FOR ALL PHASES To compute Total Costs in the last row, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$	\$	\$	\$ 0.00
<input type="checkbox"/>	Current SFY	\$	\$	\$	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry Indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
..	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
..	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
..	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
..	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
..	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

NYS DOT/State-Local Agreement – Schedule A

Summary of Other (Including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN/Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8760.24.221	Current	HPP	\$20,700.00	\$16,560.00	\$0.00	\$4,140.00
	Old	HPP	\$20,700.00	\$16,560.00	\$0.00	\$4,140.00
8760.24.321 323.	Current	CMAQ	\$1,767,528.00	\$1,414,022.00	\$0.00	\$353,506.00
	Old	CMAQ	\$1,614,528.00	\$1,291,622.40	\$0.00	\$322,905.00
8760.24.322	Current	HPP	\$500,000.00	\$400,000.00	\$0.00	\$100,000.00
	Old	HPP	\$500,000.00	\$400,000.00	\$0.00	\$100,000.00
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$2,288,228.00	\$1,830,582.00	\$ 0.00	\$457,646.00

C. Total Local Deposit(s) Required for State Administered Projects \$0.00

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$1,830,582.00	\$0.00	\$0.00	\$457,646.00	\$2,288,228.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed) Name: Doreen Holsopple
Phone No: 845-431-5977

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

**APPENDIX 2-S
IRAN DIVESTMENT ACT**

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

Public Works and Capital Projects Roll Call

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

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

2014228 AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8760.24)

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014228 AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8760.24)

Date: September 8, 2014

RESOLUTION NO. 2014229

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR TWO TEMPORARY EASEMENTS OF REAL PROPERTY OWNED BY PETER FASCE FOR THE REHABILITATION OF CR 21 (NOXON ROAD) AND CR 49 (TITUSVILLE ROAD) INTERSECTION, (PIN 8758.69) TOWN OF LAGRANGE

Legislators HUTCHINGS, MICCIO, SAGLIANO, JETER-JACKSON, and FARLEY offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of CR 21 (Noxon Road) and CR 49 (Titusville Road) intersection, in the Town of LaGrange, which project (PIN#8758.69) includes the acquisition of portions of certain properties, and

WHEREAS, a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 with the Department of Public Works having determined that the improvement project constitutes an unlisted action under SEQRA, and

WHEREAS, it has been determined that a portion of property owned by Peter Fasce is necessary to advance the rehabilitation of County Route 21 and County Route 49 intersection under a Federal Aid Project, and

WHEREAS, the County needs to acquire clear title to the property that it is seeking to acquire, and

WHEREAS, due to a pending foreclosure and judgments against the property it is not possible to obtain clear title, therefore, condemnation is necessary to advance the project, and

WHEREAS, the property to acquire in fee is 193.74 ± square meters (2,085.40± square feet), and a temporary easement of 22.43± square meters (241.47± square feet), and a temporary easement of 9.17± square meters (98.72± square feet) parcel located on the west side of CR 21 (Noxon Road) in the Town of LaGrange as shown on Dutchess County Acquisition Map No. 57, Parcel No. 119 (fee acquisition) and Map No. 57, Parcel No. 120 (temporary easement), and Map No. 57, Parcel No. 142 (temporary easement), portions of Tax Grid No. 133400-6360-01-209511-0000, and

WHEREAS, authorization is requested to begin Eminent Domain Proceedings to acquire fee interest and temporary easements over a portion of property owned by Peter Fasce for a total consideration of \$20,390.00 (\$20,110.00 for the fee acquisition and \$200.00 and \$80.00 respectively for the temporary easements) plus \$3,000.00 in related expenses, and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of said property as follows:

<u>Name</u>	<u>Map No.</u>	<u>Parcel Nos.</u>	<u>Square Meter</u>	<u>Proffered Amount</u>
Peter Fasce	57 (FEE)	119	193.74±	\$20,110.00
	57 (TE)	120	22.43±	\$ 200.00
	57 (TE)	142	9.17±	\$ 80.00

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and he hereby is authorized and empowered to commence proceedings against Peter Fasce pursuant to the Eminent Domain Procedure Law for the fee acquisition and temporary easements over the above property in furtherance of the rehabilitation of the intersection of Noxon Road, CR 21, and Titusville Road, CR 49, in the Town of LaGrange, Dutchess County, New York, and it is further,

RESOLVED, that the Commissioner of Public Works is authorized to spend up to Three Thousand and 00/100 (\$3,000.00) Dollars in related expenses in connection with the condemnation proceeding.

CA-154-14

CAB/ca/R-0907-WW

8/13/14

Fiscal Impact: See attached statement

APPROVED

 MARCUS J. MOLINARO
 COUNTY EXECUTIVE

Date 9/15/2014

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


 CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 23,390

Total Current Year Revenue \$ 19,370
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ 3,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$ 19,370

Net County Cost (this year): \$ 4,020
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request form seeking authorization to acquire additional right of way under the Eminent Domain Procedure Law, for property owned by Peter Fasce, identified on Map 57, Parcels 119,120,142 for the project identified as PIN 8758.69 Rehabilitation of CR 21(Noxon Road) and CR 49 (Titusville Road) Intersection, Town of Lagrange, for the purchase price of \$20,390.

The total current year cost includes \$3000 in related expenses.

Prepared by: Matthew W. Davis

EX. 2929



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 57
 PARCEL NO. 119,120,142
 SHEET 1 OF 3

REHABILITATION OF NOXON ROAD (CR 21)
 AND TITUSVILLE ROAD (CR 49) INTERSECTION

PHN 8758,69

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

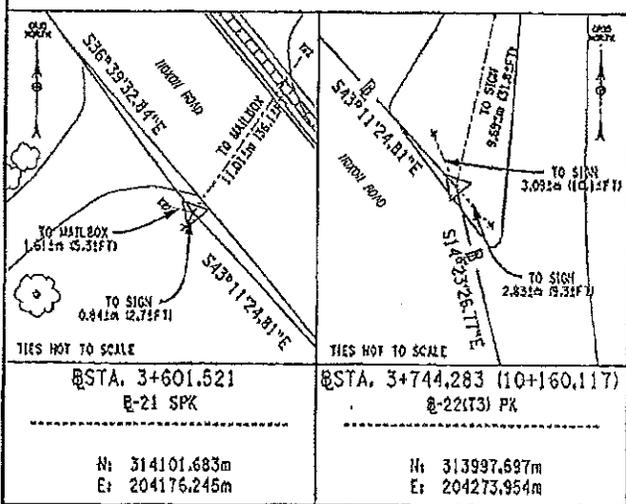
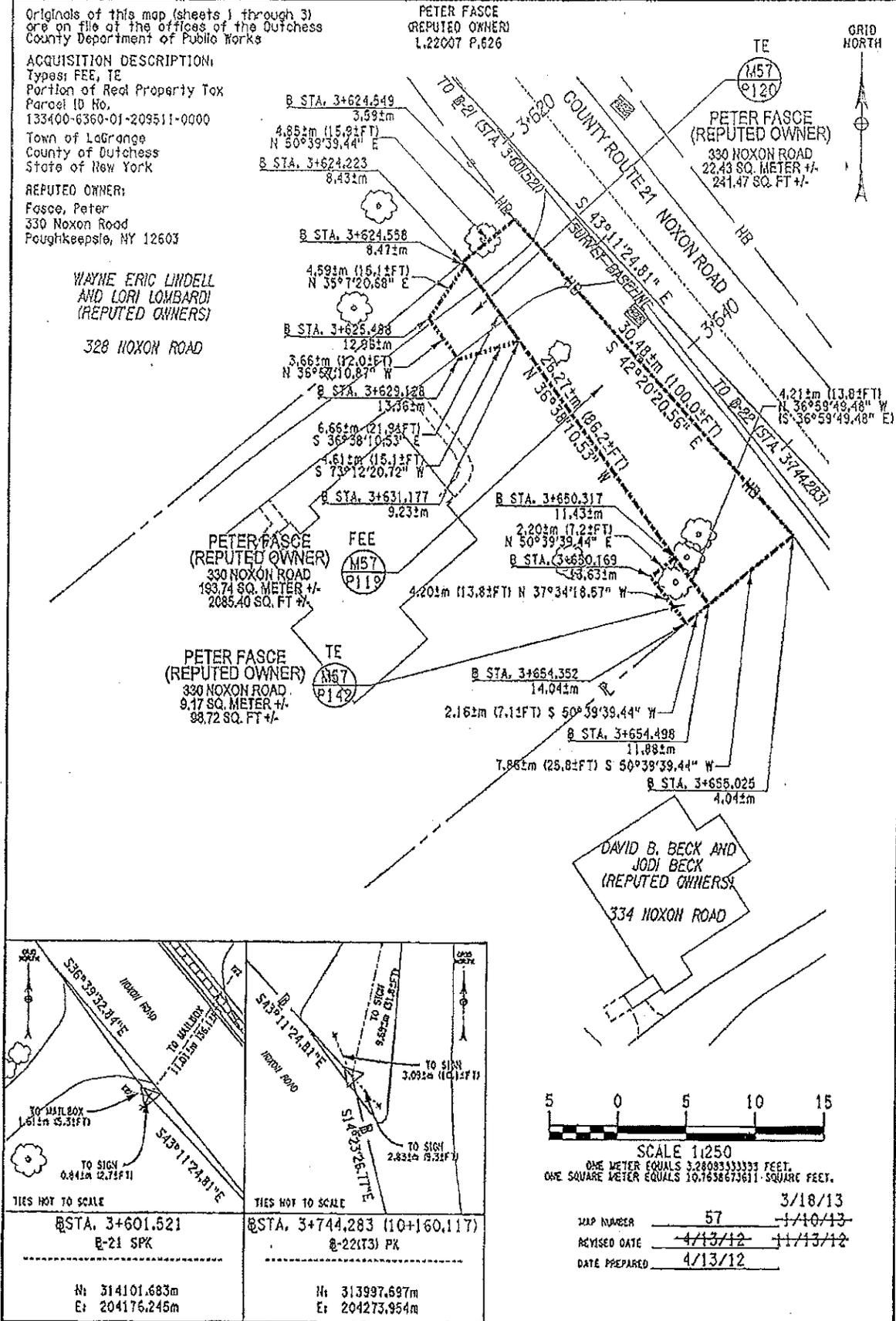
PETER FASCE
 REPUTED OWNER
 L.22007 P.626

ACQUISITION DESCRIPTION:
 Typasi FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-209511-0000
 Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Fasce, Peter
 330 Noxon Road
 Poughkeepsie, NY 12603

WAYNE ERIC LINDELL
 AND LORI LOMBARDI
 (REPUTED OWNERS)

328 NOXON ROAD



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

3/18/13
 MAP NUMBER 57 1/10/13
 REVISED DATE 4/13/12 1/13/12
 DATE PREPARED 4/13/12

@STA. 3+601.521 E-21 SPK N: 314101.683m E: 204176.245m	@STA. 3+744.283 (10+160.117) @-22(T3) PK N: 313997.697m E: 204273.954m
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'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

MAP NO. 57
 PARCEL NO. 119,120,142
 SHEET 2 OF 3

REHABILITATION OF NOXON ROAD (CR 21)
 AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIN 8758,69

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

PARCEL 119, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: NOXON ROAD AND ITS SHOULDER WILL BE WIDENED, A PORTION OF A CLOSED DRAINAGE SYSTEM WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE CLEARED/GRUBBED AND GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT ALSO BEING AT THE DIVISION LINE OF LANDS OF WAYNE ERIC LINDELL AND LORI LOMBARDI (REPUTED OWNERS) TO THE NORTH AND LANDS OF PETER FASCE (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 3.59±m MEASURED AT RIGHT ANGLES FROM STATION 3+624.549± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID BOUNDARY SOUTH 42°20'20.56" EAST A DISTANCE OF 30.48±m (100.0±FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF LANDS OF PETER FASCE (REPUTED OWNER) TO THE NORTH AND LANDS OF DAVID B. BECK AND JODI BECK (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 4.04±m MEASURED AT RIGHT ANGLES FROM STATION 3+655.025± OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 50°39'39.44" WEST A DISTANCE OF 7.86±m (25.8±FT) TO A POINT, SAID POINT BEING DISTANT 11.88±m MEASURED AT RIGHT ANGLES FROM STATION 3+654.498± OF SAID BASELINE; THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) NORTH 36°59'49.48" WEST A DISTANCE OF 4.21±m (13.8±FT) TO A POINT, SAID POINT BEING DISTANT 11.43±m MEASURED AT RIGHT ANGLES FROM STATION 3+650.317± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°38'10.53" WEST A DISTANCE OF 26.27±m (86.2±FT) TO A POINT, SAID POINT BEING AT THE DIVISION LINE OF LANDS OF WAYNE ERIC LINDELL AND LORI LOMBARDI (REPUTED OWNERS) TO THE NORTH AND LANDS OF PETER FASCE (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 8.43±m MEASURED AT RIGHT ANGLES FROM STATION 3+624.223± OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE NORTH 50°39'39.44" EAST A DISTANCE OF 4.86±m (15.9±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 193.74± SQUARE METERS (2088.40± SQUARE FEET) MORE OR LESS.

PARCEL 120, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE REHABILITATION OF A DRIVEWAY TO MEET THE PROPOSED ROADWAY EDGE, AS WELL AS GRADING THE SIDE SLOPES OF THE DRIVEWAY TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LANDS OF PETER FASCE (REPUTED OWNER), SAID POINT BEING DISTANT 8.47±m MEASURED AT RIGHT ANGLES FROM STATION 3+624.558± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) SOUTH 36°38'10.53" EAST A DISTANCE OF 6.66±m (21.9±FT) TO A POINT, SAID POINT BEING DISTANT 9.23±m MEASURED AT RIGHT ANGLES FROM STATION 3+631.177± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 73°12'20.72" WEST A DISTANCE OF 4.61±m (15.1±FT) TO A POINT, SAID POINT BEING DISTANT 13.36±m MEASURED AT RIGHT ANGLES FROM STATION 3+629.128± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°57'10.87" WEST A DISTANCE OF 3.66±m (12.0±FT) TO A POINT, SAID POINT BEING DISTANT 12.96±m MEASURED AT RIGHT ANGLES FROM STATION 3+625.488± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 35°7'20.68" EAST A DISTANCE OF 4.59±m (15.1±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 22.43± SQUARE METERS (241.47± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 120, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

3/18/13

MAP NUMBER 57 ~~1/10/13~~
 REVISED DATE ~~4/13/12~~ 11/13/12
 DATE PREPARED 4/13/12



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 57
PARCEL NO. 119,120,142
SHEET 3 OF 3

REHABILITATION OF HOXON ROAD (CR 21)
AND TITUSVILLE ROAD (CR 43) INTERSECTION

PI# 8758.69

PARCEL 142, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING/GRUBBING AND GRADING OF SIDE SLOPES TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE DIVISION LINE OF LANDS OF PETER FASCE (REPUTED OWNER) TO THE NORTH AND LANDS OF DAVID B. BECK AND JOOJ BECK (REPUTED OWNERS) TO THE SOUTH, SAID POINT BEING DISTANT 11.89±m MEASURED AT RIGHT ANGLES FROM STATION 3+654.498± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD); THENCE ALONG SAID DIVISION LINE SOUTH 80°39'39.44" WEST A DISTANCE OF 2.16±m (7.1±FT) TO A POINT, SAID POINT BEING DISTANT 14.04±m MEASURED AT RIGHT ANGLES FROM STATION 3+654.352± OF SAID BASELINE; THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) NORTH 37°34'18.57" WEST A DISTANCE OF 4.20±m (13.81±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+650.169± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 50°39'39.44" EAST A DISTANCE OF 2.20±m (7.23±FT) TO A POINT, SAID POINT BEING DISTANT 11.43±m MEASURED AT RIGHT ANGLES FROM STATION 3+650.317± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 36°59'49.48" EAST A DISTANCE OF 4.21±m (13.81±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 9.17± SQUARE METERS (98.72± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 142, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
BEGINNING AT STATION 3+601.521; THENCE SOUTH 43°11'24.91" EAST TO STATION 3+744.283.

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

Date April 9 2013

Robert B. Bakind

Robert B. Bakind, P.E.
Acting Commissioner of Public Works

Recommended by:

Date April 8 2013

Gregory V. Bentley

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



3/18/13
MAP NUMBER 57 ~~1/10/13~~
REVISED DATE ~~4/13/12~~ 11/13/12
DATE PREPARED 4/13/12

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

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

Date 3/27 2013

Edward T. Gannon

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

WSP- SELLS
555 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, NY 10510

Background:
2014229
and
2014231

DUTCHESS COUNTY DEPARTMENT OF LAW
JAMES M. FEDORCHAK, COUNTY ATTORNEY
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110 • Fax (845) 486-2002

MEMORANDUM:

TO: Members of the Dutchess County Legislature

FROM: Carol A. Bogle, Chief Assistant County Attorney 

DATE: August 29, 2014

SUBJECT: Eminent Domain Resolutions on the September Agenda
Resolution # 2014229-Peter Fasce,
Our File No. R-0907-WW
Resolution # 2014231-GTYNY Leasing, Inc.
Our File No. R-0907-AAA

The following is some back ground information on two of the three Eminent Domain Resolutions that are on the September agenda:

1. **Resolution # 2014229 against Peter Fasce-** The Department of Public Works-Engineering Division (DPW) is seeking to acquire in fee, a 2085.40 square feet section of land and two Temporary Easements of 241.27 square feet and 98.72 square feet. DPW needs to acquire the 2085.40 square foot section of land free of any encumbrances. Mr. Fasce's property is currently in foreclosure. In addition, there are two judgments and a Federal Tax Lien that have filed in the County Clerk's Office against the property. In an effort to possibly avoid commencing an Eminent Domain proceeding, I spoke to an attorney in the law firm who is representing Nationstar Mortgage, LLC, the lending institution that commenced the Foreclosure proceeding. I was advised to write a letter to the law firm requesting information on how I would go about obtaining a Partial Release of Mortgage. That letter was sent on or about July 30, 2014. I never received a response to my letter. I have called the law firm and left a message with no return phone call. There is no issue between the Engineering Division and Mr. Fasce as to the amount for the fee acquisition and Temporary Easements.
2. **Resolution # 2014231 against GTY NY Leasing, Inc.-** DPW is seeking to acquire in fee, a 1,101.96 square foot section of land and two (2) Temporary Easements of 662.42 square feet and 1,777.09 square feet. This property is one of the gas stations located at the intersection of Titusville and Noxon Roads. GTY NY Leasing was sent letters dated April 17, 2011, September 26, 2012 and April 24, 2014 (which was the offer letter) from DPW's consultant. There were several email exchanges between DPW's consultant and representatives from GTY NY Leasing, Inc in May and June 2014. The consultant,

Engineering Division representatives and I left voice mail messages that were not returned. Finally, a representative of the Engineering Division spoke to a GTY NY representative on 8/21/14 and 8/27/14. No substantive reason has been given to the consultant or DPW as to why GTY NY Leasing, Inc. has not signed the Purchase Agreements that were sent to them with the April 24, 2014 offer letter.

I sent letters to both property owners advising them that these resolutions would be discussed at one of the committee meetings on September 4th.

I intend on providing you with a memo on Resolution # 2014230, Edward Kreuter, before September 4th.

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

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		
Present: <u>12</u>	Resolution: <u>✓</u>	Total : <u>12</u>	<u>0</u>
Absent: <u>0</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014229 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR TWO TEMPORARY EASEMENTS OF REAL PROPERTY OWNED BY PETER FASCE FOR THE REHABILITATION OF CR 21 (NOXON ROAD) AND CR 49 (TITUSVILLE ROAD) INTERSECTION, (PIN 8758.69) TOWN OF LAGRANGE

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014229 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR TWO TEMPORARY EASEMENTS OF REAL PROPERTY OWNED BY PETER FASCE FOR THE REHABILITATION OF CR 21 (NOXON ROAD) AND CR 49 (TITUSVILLE ROAD) INTERSECTION, (PIN 8758.69) TOWN OF LAGRANGE

Date: September 8, 2014

PUBLIC WORKS & CAPITAL PROJECTS
TABLED IN PUBLIC WORKS & CAPITAL PROJECTS 9/4/14

RESOLUTION NO. 2014230

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY EDWARD KREUTER FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE (PIN 8755.41)

Legislators HUTCHINGS, MICCIO, SAGLIANO, and JETER-JACKSON offer the following and move its adoption:

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

WHEREAS, a short environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, it has been determined that a portion of property owned by Edward Kreuter is necessary to advance the rehabilitation of Noxon Road, CR 21 under a Federal Aid Project, and

WHEREAS, the property owner has rejected Dutchess County's final purchase offer and the ongoing negotiations have reached an impasse, therefore, condemnation is necessary to advance the project, and

WHEREAS, the property to acquire in fee is 158.32 ± square meters (1,704.14± square feet) and a temporary easement of 887.66± square meters (9,554.69± square feet) located on Noxon Road, CR 21 in the Town of LaGrange as shown on Dutchess County Acquisition Map No. 54, Parcel No. 143 (fee acquisition) and Map No. 54, Parcel No. 112 (temporary easement), portions of Tax Grid No. 133400-6360-01-214557-0000, and

WHEREAS, negotiations for this property have reached an impasse and authorization is requested to begin Eminent Domain Proceedings to acquire fee interest and temporary easement in a portion of property owned by Edward Kreuter for a total offer of compensation of \$6,736.05 (rounded to \$6,740.00) which includes \$5,659.79 for fee acquisition and \$1,076.26 for temporary easement, and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of said property as follows:

<u>Name</u>	<u>Map No.</u>	<u>Parcel Nos.</u>	<u>Square Meter</u>	<u>Proffered Amount</u>
Edward Kreuter	54	143 (FEE)	158.32 ±	\$ 5,659.79
	54	112 (TE)	887.66±	\$1,076.26

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and she hereby is authorized and empowered to commence proceedings pursuant to the Eminent Domain Procedure Law against Edward Kreuter for the fee acquisition and temporary easement of the above property in furtherance of the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, Dutchess County, New York and it is further,

RESOLVED, that the Commissioner of Public Works is authorized to spend up to Three Thousand and 00/100 (\$3,000.00) Dollars in related expenses in connection with this condemnation proceeding.

CA-157-14

CAB/ca/R-0907-FFF

8/14/14

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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 9,740

Total Current Year Revenue \$ 9,253
and Source

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

Identify Line Items(s):
H0290 5110 300(7)(9)

Related Expenses: Amount \$ 3,000

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$9,253

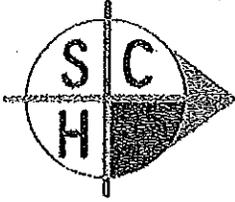
Net County Cost (this year): \$487
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for authorization to commence Eminent Domain Proceedings to acquire in fee, a 158.32+/- square meter (1,704.14+/- square foot) parcel and a temporary easement to a 887.66+/- square meter (9,554.69+/- square foot) parcel for a total consideration of \$6,740.00 from Edward Kreuter, identified on Map 54 Parcels 112 and 143 in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of 3,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis EX. 2929



SUPPORT SERVICES, LLC
RIGHT OF WAY & LAND ACQUISITION SPECIALISTS

July 9, 2014

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

Re: PIN 8755.41
Dutchess County, Town of LaGrange
Rehabilitation of Noxon Road-NYS Route 55 to Titusville Road
Noxon and Titusville Road Intersection Improvements
Parcel ID and Address: 6360-01-214557 and 317 Noxon Road
Map 54, Parcel 112,143
FEE 143 = 158.32 S.M. TE 112 887.66 S.M.

Dear Mr. Balkind

In accordance with the NYS EDPL, the compensation to the owner of Map 54 Parcels 112 & 143 must be the highest approved appraised amount for the current market value of the rights in that property being acquired/condemned. The independent appraisal has concluded a total value of these rights at \$6,740.00, which was endorsed by a third party appraisal review. Thus, it is our recommendation that the compensation amount to the owner, Edward Kreuter, for Map 54 Parcels 112 & 143 be \$6,740.00.

Please countersign below with your approval to make this offer amount to the owner on behalf of Dutchess County as the acquiring/condemning authority.

Sincerely,

Lindsay Scholl,
Project Manager
SCH Support Services, LLC

I concur with the recommended amount of \$6,740.00.

Robert H. Balkind, P.E. Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112.143
 SHEET 1 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 through 5)
 are on file at the offices of the Dutchess
 County Department of Public Works

EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ROBERT L. POSSENTI
 (REPUTED OWNER)

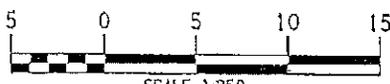
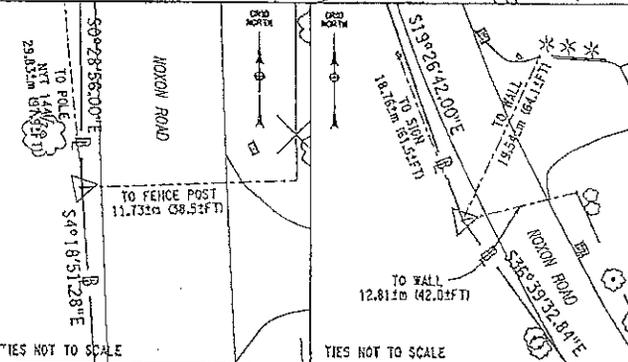
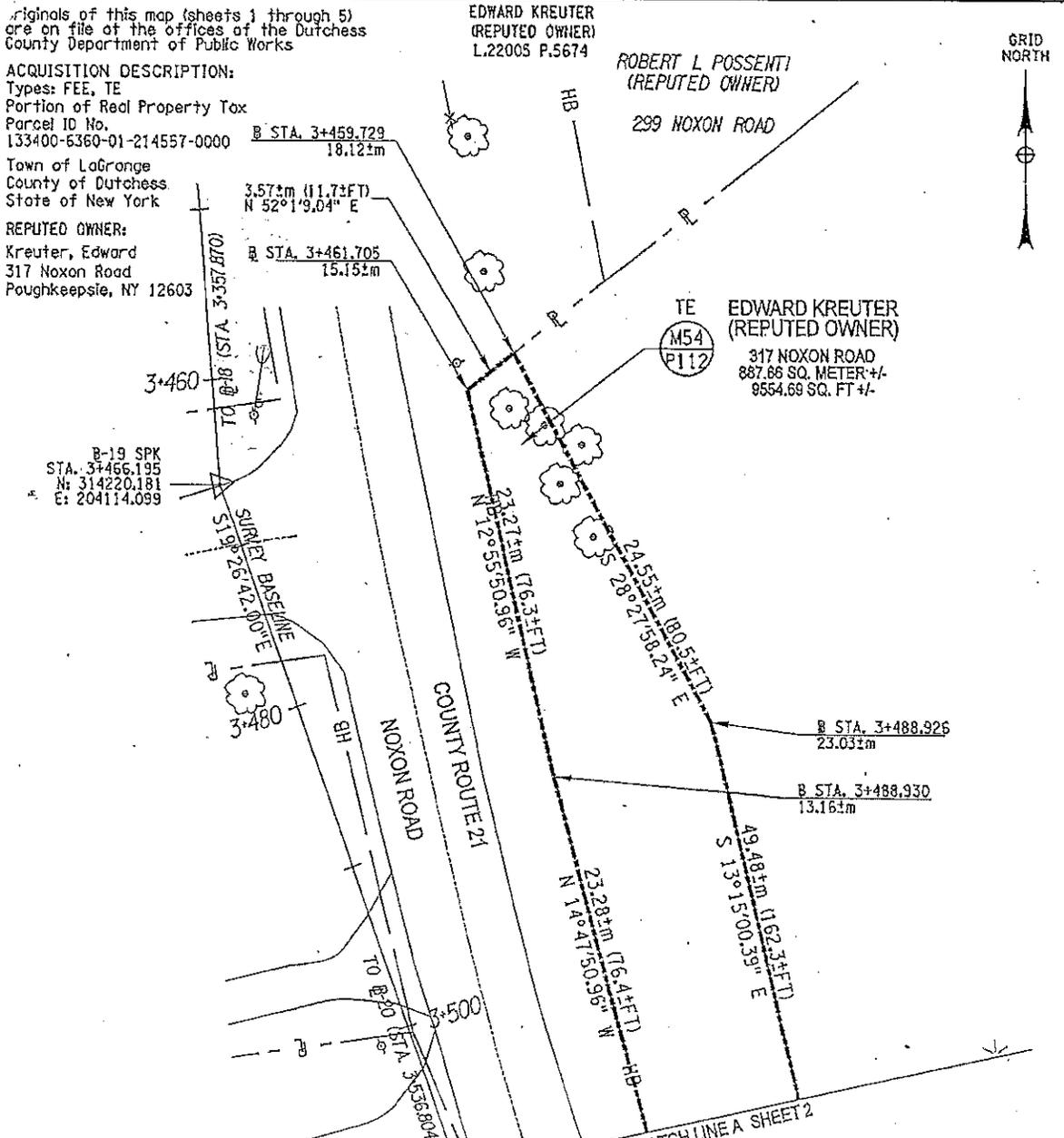
GRID
 NORTH

ACQUISITION DESCRIPTION:
 Types: FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000
 Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

TE EDWARD KREUTER
(REPUTED OWNER)
 317 NOXON ROAD
 887.86 SQ. METER +/-
 9554.69 SQ. FT +/-

B-19 SPK
 STA. 3+466.195
 N: 314220.181
 E: 204114.099



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

STATION 3+357.870
 @-18 SPK
 N: 314328.199m
 E: 204105.950m

STATION 3+536.804
 @-20 SPK
 N: 314153.599m
 E: 204137.605m

MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 8/22/13
 5/12/14



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 2 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

Plans of this map (sheets 1 through 5)
 on file at the offices of the Dutchess
 County Department of Public Works

EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ACQUISITION DESCRIPTION:
 Types: FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

BRYAN ZITTEL
 (REPUTED OWNER)

318 NOXON ROAD

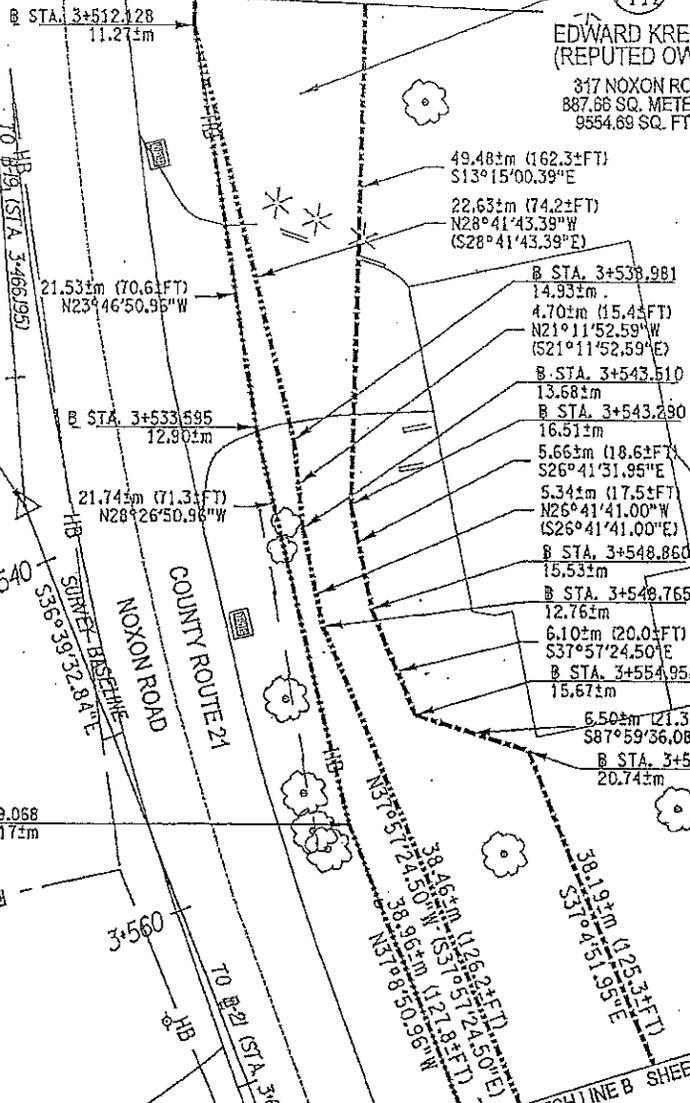
B-20 SPK
 STA. 3+536.804
 N: 314153.599
 E: 204137.605

GRID
 NORTH

MATCH LINE A SHEET 1

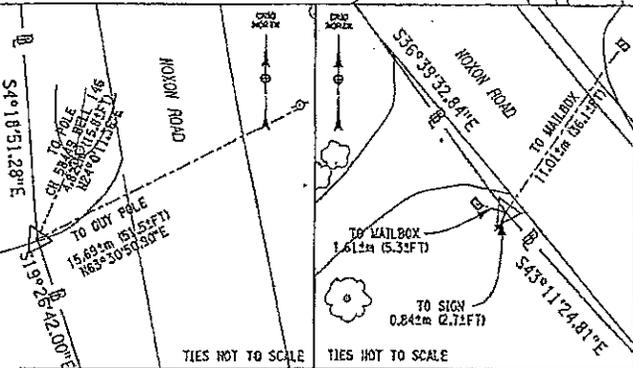
TE
 M54
 P112

EDWARD KREUTER
 (REPUTED OWNER)
 317 NOXON ROAD
 887.66 SQ. METER +/-
 9554.69 SQ. FT +/-



B STA. 3+559.068
 10.17m

MATCH LINE B SHEET 3



FEE
 M54
 P143

EDWARD KREUTER
 (REPUTED OWNER)
 317 NOXON ROAD
 168.32 SQ. METER +/-
 1704.14 SQ. FT +/-



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

B STA. 3+466.195
 B-19 SPK

B STA. 3+601.521
 B-21 SPK

N: 314220.181m
 E: 204114.099m

N: 314101.683m
 E: 204176.245m

MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 8/22/13
5/12/14



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 4 OF 5

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

PARCEL NO. 143, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: AN EXISTING RETAINING WALL WILL BE REMOVED AND REPLACED WITH A NEW RETAINING WALL STRUCTURE, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, CLEARING/GRUBBING OF THE SIDE SLOPE AS NEEDED AND THE PROPOSED GROUND SURFACE BEHIND THE NEW RETAINING WALL WILL BE GRADED AND SEEDED TO RE-ESTABLISH A GRASSED SURFACE; BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WILL BE PLACED FOR THE DURATION OF THIS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 11.27±m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°41'43.39" EAST A DISTANCE OF 22.63±m (74.2±FT) TO A POINT, SAID POINT BEING DISTANT 14.93±m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981± OF SAID BASELINE; THENCE CONTINUING SOUTH 21°11'52.59" EAST A DISTANCE OF 4.70±m (15.4±FT) TO A POINT, SAID POINT BEING DISTANT 13.68±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.510± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'41.00" EAST A DISTANCE OF 5.34±m (17.5±FT) TO A POINT, SAID POINT BEING DISTANT 12.76±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 38.46±m (126.2±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 20°30'56.87" EAST A DISTANCE OF 11.26±m (36.9±FT) TO A POINT, SAID POINT BEING DISTANT 10.50±m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031±, SAID POINT ALSO BEING AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) AND THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS) TO THE SOUTH; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 37°8'50.96" WEST A DISTANCE OF 38.96±m (127.8±FT) TO A POINT, SAID POINT BEING DISTANT 10.17±m MEASURED AT RIGHT ANGLES FROM STATION 3+559.068± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 28°26'50.96" WEST A DISTANCE OF 21.74±m (71.3±FT) TO A POINT, SAID POINT BEING DISTANT 12.90±m MEASURED AT RIGHT ANGLES FROM STATION 3+533.595± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 23°46'50.96" WEST A DISTANCE OF 21.53±m (70.6±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 158.32± SQUARE METERS (1704.14± SQUARE FEET) MORE OR LESS.

MAP NUMBER 54
 REVISED DATE 4/24/13 ~~5/6/13~~
 DATE PREPARED 4/13/12 ~~8/22/13~~
 5/12/14



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 5 OF 5

PARCEL NO. 112 A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA FOR CONSTRUCTION ACCESS AND STORAGE OF CONSTRUCTION MATERIALS RELATED TO A PROPOSED RETAINING WALL, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, INSTALLATION OF A PERMANENT FENCE, CLEARING/GRUBBING AS NEEDED, TREE REMOVAL IF NECESSARY, GRADING BEHIND THE PROPOSED RETAINING WALL TO MEET EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASSED SURFACE, BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT ALSO BEING AT THE INTERSECTION OF THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS), SAID POINT ALSO BEING DISTANT 10.50±m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) NORTH 20°30'56.87" EAST A DISTANCE OF 11.26±m (36.9±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 37°57'24.50" WEST A DISTANCE OF 38.46±m (126.2±FT) TO A POINT, SAID POINT BEING DISTANT 12.76±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 26°41'41.00" WEST A DISTANCE OF 5.34±m (17.5±FT) TO A POINT, SAID POINT BEING DISTANT 13.68±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.510± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 21°11'52.59" WEST A DISTANCE OF 4.70±m (15.4±FT) TO A POINT, SAID POINT BEING DISTANT 14.93±m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981± OF SAID BASELINE, THENCE CONTINUING THROUGH SAID LANDS NORTH 28°41'43.39" WEST A DISTANCE OF 22.63±m (74.2±FT) TO A POINT, SAID POINT BEING DISTANT 11.27±m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128± OF SAID BASELINE, SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD); THENCE CONTINUING ALONG SAID BOUNDARY NORTH 14°47'50.96" WEST A DISTANCE OF 23.28±m (76.4±FT) TO A POINT, SAID POINT BEING DISTANT 13.16±m MEASURED AT RIGHT ANGLES FROM STATION 3+488.930± OF SAID BASELINE, THENCE CONTINUING ALONG SAID BOUNDARY NORTH 12°55'50.96" WEST A DISTANCE OF 23.27±m (76.3±FT) TO A POINT, SAID POINT BEING DISTANT 15.15±m MEASURED AT RIGHT ANGLES FROM STATION 3+461.705± OF SAID BASELINE, SAID POINT ALSO BEING ON THE DIVISION LINE OF THE LANDS OF ROBERT L POSSENTI (REPUTED OWNER) TO THE NORTH AND THE LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE SOUTH; THENCE CONTINUING ALONG SAID DIVISION LINE NORTH 52°19.04" EAST A DISTANCE OF 3.57±m (11.7±FT) TO A POINT, SAID POINT BEING DISTANT 18.12±m MEASURED AT RIGHT ANGLES FROM STATION 3+459.729± OF SAID BASELINE; THENCE CONTINUING THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°27'58.24" EAST A DISTANCE OF 24.55±m (80.5±FT) TO A POINT, SAID POINT BEING DISTANT 23.03±m MEASURED AT RIGHT ANGLES FROM STATION 3+488.926± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 13°15'00.39" EAST A DISTANCE OF 49.48±m (162.3±FT) TO A POINT, SAID POINT BEING DISTANT 16.51±m MEASURED AT RIGHT ANGLES FROM STATION 3+543.290± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'31.95" EAST A DISTANCE OF 5.66±m (18.6±FT) TO A POINT, SAID POINT BEING DISTANT 15.53±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.860± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 6.10±m (20.0±FT) TO A POINT, SAID POINT BEING DISTANT 15.67±m MEASURED AT RIGHT ANGLES FROM STATION 3+554.958± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 87°59'36.08" EAST A DISTANCE OF 6.50±m (21.3±FT) TO A POINT, SAID POINT BEING DISTANT 20.74±m MEASURED AT RIGHT ANGLES FROM STATION 3+559.020± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°04'51.95" EAST A DISTANCE OF 38.19±m (125.3±FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 21.02±m MEASURED AT RIGHT ANGLES FROM STATION 3+597.211± OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE SOUTH 48°53'9.04" WEST A DISTANCE OF 10.56±m (34.6±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 887.66± SQUARE METERS (9554.69± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 112 AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 3+357.870; THENCE SOUTH 4°18'51.28" EAST TO STATION 3+466.195; THENCE SOUTH 19°26'42.00" EAST TO STATION 3+536.804; THENCE SOUTH 36°39'32.84" EAST TO STATION 3+601.521; THENCE SOUTH 43°11'24.81" EAST TO STATION 3+744.283.

MAP NUMBER 54
 REVISED DATE 4/24/13 ~~5/6/13~~
 DATE PREPARED 4/13/12 ~~8/22/13~~
5/12/14

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

Date 5/16 2014

Noel H.S. Knille
 Noel H.S. Knille, AIA, ASLA
 Commissioner of Public Works

Recommended by:
 Date 5/15/14 2014

Robert B. Bolkind
 Robert B. Bolkind, P.E.
 Deputy Commissioner of Public Works



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

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

Date MAY 13 2014

Gary M. Reed
 GARY M. REED Land Surveyor
 P.L.S. License No. 50557

WSP- SELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

DUTCHESS COUNTY DEPARTMENT OF LAW
JAMES M. FEDORCHAK, COUNTY ATTORNEY
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110 • Fax (845) 486-2002

MEMORANDUM:

TO: Dutchess County Legislators

FROM: Carol A. Bogle, Chief Assistant County Attorney 

DATE: September 3, 2014

SUBJECT: Resolution # 2014230 – Condemnation Against Edward Kreuter
Our File No. R-0907-FFF

The Dutchess County Department of Public Works (DPW) and their consultants have interacted with Edward Kreuter, owner of 317 Noxon Rd. since May 12, 2012. There have been numerous letters, emails, phone calls and meetings both in the DPW offices and at Mr. Kreuter's property. The plan for Mr. Kreuter's property has been redesigned three (3) times in order to accommodate the challenging nature of Mr. Kreuter's property.

The first offer letter dated February 27, 2014 was sent to Mr. Kreuter which he subsequently rejected. Based on this rejection, the plan for the property was redesigned. A second offer letter dated July 15, 2014 was sent to Mr. Kreuter. Mr. Kreuter rejected the second offer via an email dated July 22, 2014.

The acquisition process for the Noxon Road project impacts over sixty (60) property owners. The DPW Engineering staff, including the Project Manager, the former Director of Engineering and the current Deputy Commissioner, along with their consultants, have spent the most time interacting with Mr. Kreuter out of all of the property owners.

Mr. Kreuter was notified by me by way of letter and email of the dates of the committee and full board meetings where Resolution # 2014230 will be discussed.

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

Morris, Carolyn

From: hutchi3@verizon.net
Sent: Thursday, September 04, 2014 11:20 AM
To: Morris, Carolyn
Subject: Fwd: 2014-230. Condemnation of land @ 317 Noxon Rd, La Grange, Committee meeting 9/4 @ 5:30 PM

Carolyn--please share w/ Public Works committee--Hutch

-----Original Message-----

From: Edward Kreuter
Date: Sep 2, 2014 7:42:10 PM
Subject: 2014-230. Condemnation of land @ 317 Noxon Rd, La Grange, Committee meeting 9/4 @ 5:30 PM
To: hutchi3@verizon.net

Mr Hutchings

I am not opposed to the acquisition of the land from my property. I do not agree with the price being offered for the land, and other financial impacts to my property which have not been waived, if court becomes necessary.

There were two offers the first offer was for acquiring more land (6,131.55 square feet) for \$66,030.00

The second offer was acquiring less land (1,704.14 square feet) for \$5,660.00

6,131.55 divided into 1704.14 = 0.2779
then when you multiply 0.2779 into \$66,030.00 the offer should have been \$18,351.69
(.2779 x \$66,030.00 = \$18,351.69)

If the offer can be increased to \$18351.69 then I will accept the offer, and condemnation will not be necessary.

If that is not possible and litigation is necessary which I would like to avoid since my legal fee of \$10,000 would be added to my claim.

My presentation is very simple, clear, and I am using a previous offer as a guideline for the land. This land is in the same location of the previous land being acquired.

I would like to meet with you prior to the 5:30 committee meeting, to discuss this further, and possibly it will give both you & the committee a clear picture of my position

Thank you
Edward J Kreuter

Sent from AOL Mobile Mail

Public Works and Capital Projects Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		
Present: <u>12</u>	Resolution: <u>✓</u>	Total: <u>12</u>	<u>0</u>
Absent: <u>0</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

AF/DB

Motion to table

2014230 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION IN FEE AND FOR A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY EDWARD KREUTER FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE (PIN 8755.41)

Date: September 4, 2014

Resolution No. 2014230 was tabled in the Public Works and Capital Projects Committee meeting on September 4, 2014, and considered on ____, 2014.

Roll call vote at that time resulted as follows:

AYES:

NAYS:

ABSENT:

RESOLUTION NO. 2014231

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF NOXON ROAD, CR 21 AND TITUSVILLE ROAD, CR 49 INTERSECTION TOWN OF LAGRANGE OWNED BY GTY NY LEASING, INC. (PIN 8758.69)

Legislators HUTCHINGS, MICCIO, SAGLIANO, JETER-JACKSON, and FARLEY offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road (CR 21) and Titusville Road (CR 49), in the Town of LaGrange, which project (PIN#8758.69) includes the acquisition of portions of certain properties, and

WHEREAS, a Negative declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 with the Department of Public Works having determined that the improvement project is an Unlisted Action under SEQRA, and

WHEREAS, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by GTY NY Leasing, Inc., and

WHEREAS, the property to acquire in fee is a 102.38 ± square meters (1,101.96± square feet) parcel located at the intersection of Noxon Road, CR 21 and Titusville Road, CR 49 in the Town of La Grange as shown on Dutchess County Acquisition Map No. 62, Parcel No. 130 (fee acquisition) a portion of Tax Grid No. 133400-6360-03-241471-0000, and

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

WHEREAS, the Commissioner of Public Works has recommended that the subject property owned by GTY NY Leasing, Inc. be purchased for the sum of \$6,650.00 plus up to \$1,000.00 for related expenses and that the terms and conditions of the Agreement be carried forth, now therefore

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

RESOLVED, that on the submission by the property owner of a deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$6,650.00 for fee acquisition, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

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

CA-158-14(a)

CAB/ca/R-0907-AAA

8/14/14; revised 9/3/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/15/2014

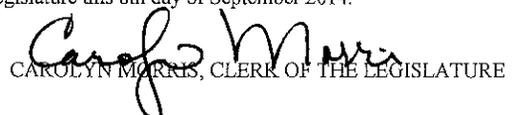
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 7,650

Total Current Year Revenue \$ 7,268
and Source

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

Identify Line Items(s):
H02905110.3009

Related Expenses: Amount \$ 1,000

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$7,268

Net County Cost (this year): \$382
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the request for authorization to acquire in fee a 102.38+/- square meter (1,101.96 +/- square foot) parcel from GTY NY Leasing, Inc. for a consideration of \$6,650.00.

The total current year cost includes \$1000 in related expenses.

Prepared by: Matthew W. Davis EX. 2929

AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)

Project: REHABILITATION OF NOXON ROAD/TITUSVILLE ROAD INTERSECTION
PIN: 8758.69 Map: 62 Parcel: 130

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

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 102.38± Square Meter (1101.96± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated January 13, 2011, and recorded on January 27, 2011 as Document #022011433 in the Office of the County Clerk for Dutchess County, New York with the address 298 Titusville Road (Re. Tax map No. 133400-6360-03-241471-0000), and being the same lands designated as Map 62, Parcel 130 on exhibit "A" attached hereto.

2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: Removal of 7 medium sized shrubs and (1) 8" diameter decorative maple.
3. **PURCHASE PRICE.** The total purchase price is SIX THOUSAND SIX HUNDRED FIFTY Dollars (\$6,650.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 12/5/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. **Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.**
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road/Titusville Road Intersection Project, PIN 8758.69: Including, but not limited to the following: a portion of new curb and sidewalk will be installed and the adjacent side slope will be graded to meet with the existing ground and seeded to re-establish a grass surface, and closed drainage will be installed.

IN WITNESS WHEREOF, on this 2 day of September, 2014, the parties have entered into this Agreement.

Seller: GTY NY Leasing, Inc.
~~Representative Scott Parker~~

By: [Signature]

Joshua Dicker

Printed Name

Senior Vice President

Title

Witness: [Signature]

By: _____

 Printed Name

 Title

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____

Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 Carol A. Bogle
 Chief Asst. County Attorney

 Robert H. Balkind, P.E.
 Deputy Commissioner

AGREEMENT TO PURCHASE REAL PROPERTY
(TEMPORARY EASEMENT)

Project: REHABILITATION OF NOXON ROAD/TITUSVILLE ROAD INTERSECTION
PIN: 8758.69 Map: 62 Parcel: 131

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

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a temporary easement to a 61.52± Square Meter (662.24± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated January 13, 2011, and recorded on January 27, 2011 as Document #022011433 in the Office of the County Clerk for Dutchess County, New York with the address 298 Titusville Road (Re. Tax map No. 133400-6360-03-241471-0000), and being the same lands designated as Map 62, Parcel 131 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is ONE THOUSAND TWENTY-FIVE Dollars (\$1,025.00). This price includes the acquisition of the above real property in temporary easement as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 12/5/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the temporary easement on the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this temporary easement as a result of the Rehabilitation of Noxon Road/Titusville Road Intersection Project, PIN 8758.69: Removing/replacing portions of concrete curb, the rehabilitation of a driveway to meet the proposed edge of Titusville Road, grading the side slopes adjacent to the driveway to meet the existing ground and seeding to re-establish a grass surface.

IN WITNESS WHEREOF, on this 2 day of September, 2014, the parties have entered into this Agreement.

Seller: GTY NY Leasing, Inc.
~~Representative: Scott Parker~~

By: _____

Joshua Dicker

Printed Name

Senior Vice President

Title

Witness: _____

By: _____

Printed Name

Title

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____

Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 Carol A. Bogle
 Chief Asst. County Attorney

 Robert H. Balkind, P.E.
 Deputy Commissioner

AGREEMENT TO PURCHASE REAL PROPERTY
(TEMPORARY EASEMENT)

Project: REHABILITATION OF NOXON ROAD/TITUSVILLE ROAD INTERSECTION
PIN: 8758.69 Map: 62 Parcel: 132

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

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a temporary easement to a 165.10± Square Meter (1777.09± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated January 13, 2011, and recorded on January 27, 2011 as Document #022011433 in the Office of the County Clerk for Dutchess County, New York with the address 298 Titusville Road (Re. Tax map No. 133400-6360-03-241471-0000), and being the same lands designated as Map 62, Parcel 132 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: None
3. **PURCHASE PRICE.** The total purchase price is TWO THOUSAND SEVEN HUNDRED FORTY-FIVE Dollars (\$2,745.00). This price includes the acquisition of the above real property in temporary easement as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 12/5/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. **Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.**
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the temporary easement on the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be executed by the Dutchess County Executive in order for it to be binding on the parties.
11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. PROJECT RELATED IMPROVEMENTS, The following improvements will occur within this temporary easement as a result of the Rehabilitation of Noxon Road/Titusville Road Intersection Project, PIN 8758.69: Removing/replacing portions of concrete curb, the rehabilitation of a driveway to meet the proposed edge of Noxon Road, grading the side slopes adjacent to the driveway to meet the existing ground and seeding to re-establish a grass surface.

IN WITNESS WHEREOF, on this 2 day of September, 2014, the parties have entered into this Agreement.

Seller: GTY NY Leasing, Inc.
~~Representative: Scott Parker~~

By: [Signature]
Joshua Dicker
 Printed Name
Senior Vice President
 Title

By: _____

 Printed Name

 Title

Witness: [Signature]

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____
 Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 Carol A. Bogle
 Chief Asst. County Attorney

 Robert H. Balkind, P.E.
 Deputy Commissioner



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 62
 PARCEL NO. 130,131,132
 SHEET 1 OF 3

REHABILITATION OF NOXON ROAD (CR 21)
 AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIN 8758.69

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

GTY NY LEASING INC.
 (REPUTED OWNER)
 L.22011 P.433

GRID
 NORTH

ACQUISITION DESCRIPTION:
 Types: FEE, T.E.
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-03-241471-0000

Town of LoGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 GTY NY Leasing, Inc.
 298 Titusville Road
 Poughkeepsie, NY 12603

TE
 M62
 P131
 GTY NY LEASING INC.
 (REPUTED OWNER)
 298 TITUSVILLE ROAD
 671.52 SQ. METER +/-
 662.24 SQ. FT +/-

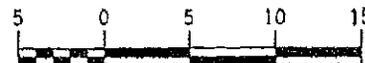
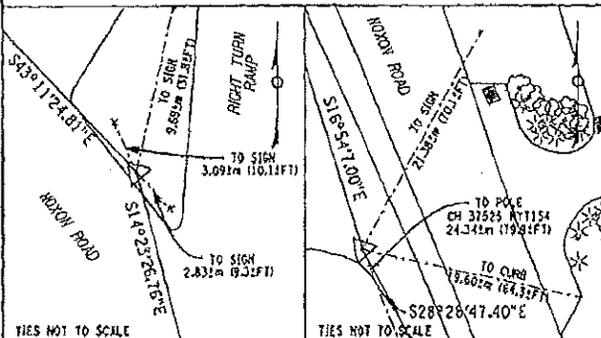
JOSEPH L. DAUBMAN
 & PAUL L. DAUBMAN
 (REPUTED OWNERS)
 294 TITUSVILLE ROAD

FEE
 M62
 P130
 GTY NY LEASING INC.
 (REPUTED OWNER)
 298 TITUSVILLE ROAD
 102.38 SQ. METER +/-
 1101.68 SQ. FT +/-

TE
 M62
 P132
 GTY NY LEASING INC.
 (REPUTED OWNER)
 298 TITUSVILLE ROAD
 165.10 SQ. METER +/-
 1777.09 SQ. FT +/-

MID-HUDSON CATSKILL
 RURAL/MIGRANT MINISTRY, INC.
 (REPUTED OWNER)

360 NOXON ROAD



SCALE 1:500
 ONE METER EQUALS 3.280833333 FEET.
 ONE SQUARE METER EQUALS 10.763867361 SQUARE FEET.

STA. 3+744.283 (10+160.177) R-22(T3) PK N: 313997.597m E: 204273.954m	STA. 3+867.769 R-24 SPK N: 313878.476m E: 204306.395m
--	--

MAP NUMBER 62
 REVISED DATE 4/13/12 8/27/12 11/21/12
 DATE PREPARED 4/13/12



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS.

MAP NO. 62
PARCEL NO. 130,131,132
SHEET 2 OF 3

REHABILITATION OF NOXON ROAD (CR 21)
AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIN 8758.69

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

PARCEL 130, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE REHABILITATION OF THE INTERSECTION OF COUNTY ROUTE 21 (NOXON ROAD) AND COUNTY ROUTE 49 (TITUSVILLE ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: A PORTION OF NEW CURB AND SIDEWALK WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, AND CLOSED DRAINAGE WILL BE INSTALLED; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 3.64±m MEASURED AT RIGHT ANGLES FROM STATION 3+821.426± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF GTY NY LEASING INC. (REPUTED OWNER) NORTH 25°59'10.03" WEST A DISTANCE OF 12.20±m (40.0±FT) TO A POINT, SAID POINT BEING DISTANT 6.09±m MEASURED AT RIGHT ANGLES FROM STATION 3+809.478± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 19°40'44.93" WEST A DISTANCE OF 17.47±m (57.3±FT) TO A POINT, SAID POINT BEING DISTANT 7.70±m MEASURED AT RIGHT ANGLES FROM STATION 3+792.083± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 19°40'44.93" WEST A DISTANCE OF 26.45±m (86.7±FT) TO A POINT, SAID POINT BEING DISTANT 8.53±m MEASURED AT RIGHT ANGLES FROM STATION 3+783.143± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 35°6'28.35" WEST A DISTANCE OF 10.02±m (32.9±FT) TO A POINT, SAID POINT BEING DISTANT 12.07±m MEASURED AT RIGHT ANGLES FROM STATION 3+773.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 80°44'11.92" WEST A DISTANCE OF 12.81±m (42.0±FT) TO A POINT, SAID POINT BEING DISTANT 23.81±m MEASURED AT RIGHT ANGLES FROM STATION 3+768.628± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 72°30'28.90" WEST A DISTANCE OF 14.90±m (48.9±FT) TO A POINT, SAID POINT BEING DISTANT 38.69±m MEASURED AT RIGHT ANGLES FROM STATION 3+769.432± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 16°44'17.78" WEST A DISTANCE OF 1.08±m (3.5±FT) TO A POINT, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 49 (TITUSVILLE ROAD), SAID POINT ALSO BEING DISTANT 38.73±m MEASURED AT RIGHT ANGLES FROM STATION 3+768.352± OF SAID BASELINE; THENCE ALONG SAID BOUNDARY NORTH 73°40'16.44" EAST A DISTANCE OF 22.44±m (73.6±FT) TO A POINT, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 49 (TITUSVILLE ROAD) AND THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT ALSO BEING DISTANT 16.30±m MEASURED AT RIGHT ANGLES FROM STATION 3+767.593± OF SAID BASELINE; THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) SOUTH 54°41'37.12" EAST A DISTANCE OF 12.90±m (42.3±FT) TO A POINT, SAID POINT BEING DISTANT 7.96±m MEASURED AT RIGHT ANGLES FROM STATION 3+771.433± OF SAID BASELINE; THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) SOUTH 20°0'7.12" EAST A DISTANCE OF 44.20±m (145.0±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 102.38± SQUARE METERS (1101.96± SQUARE FEET) MORE OR LESS.

PARCEL 131, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF REMOVING/REPLACING PORTIONS OF CONCRETE CURB, THE REHABILITATION OF A DRIVEWAY TO MEET THE PROPOSED EDGE OF TITUSVILLE ROAD, GRADING THE SIDE SLOPES ADJACENT TO THE DRIVEWAY TO MEET THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, ALONG COUNTY ROUTE 49 (TITUSVILLE ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 49 (TITUSVILLE ROAD), SAID POINT BEING DISTANT 51.39±m MEASURED AT RIGHT ANGLES FROM STATION 3+768.771± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID BOUNDARY NORTH 73°42'49.09" EAST A DISTANCE OF 12.66±m (41.5±FT) TO A POINT, SAID POINT BEING DISTANT 38.73±m MEASURED AT RIGHT ANGLES FROM STATION 3+768.352± OF SAID BASELINE; THENCE THROUGH LANDS OF GTY NY LEASING INC. (REPUTED OWNER) SOUTH 16°44'17.75" EAST A DISTANCE OF 1.08±m (3.5±FT) TO A POINT, SAID POINT BEING DISTANT 38.69±m MEASURED AT RIGHT ANGLES FROM STATION 3+769.432± OF SAID BASELINE; THENCE THROUGH SAID LANDS NORTH 72°30'28.90" EAST A DISTANCE OF 3.51±m (11.5±FT) TO A POINT, SAID POINT BEING DISTANT 35.18±m MEASURED AT RIGHT ANGLES FROM STATION 3+769.242± OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 15°14'18.40" EAST A DISTANCE OF 3.16±m (10.4±FT) TO A POINT, SAID POINT BEING DISTANT 35.13±m MEASURED AT RIGHT ANGLES FROM STATION 3+772.402± OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 74°43'9.25" WEST A DISTANCE OF 16.20±m (53.1±FT) TO A POINT, SAID POINT BEING DISTANT 51.33±m MEASURED AT RIGHT ANGLES FROM STATION 3+772.654± OF SAID BASELINE; THENCE THROUGH SAID LANDS NORTH 15°14'18.40" WEST A DISTANCE OF 3.88±m (12.7±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 61.52± SQUARE METERS (662.24± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 131, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

MAP NUMBER 62
REVISED DATE 4/13/12 8/27/12 11/21/12
DATE PREPARED 4/13/12

PREPARED BY DB CHECKED BY EG/JA FINAL CHECK BY MAU



'EXHIBIT A'
 COUNTY OF DUTCHESS
 DEPARTMENT OF PUBLIC WORKS

MAP NO. 62
 PARCEL NO. 130,131,132
 SHEET 3 OF 3

REHABILITATION OF NOXON ROAD (CR 21)
 AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIN 8758,69

PARCEL 132, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF REMOVING/REPLACING PORTIONS OF CONCRETE CURB, THE REHABILITATION OF A DRIVEWAY TO MEET THE PROPOSED EDGE OF NOXON ROAD, GRADING THE SIDE SLOPES ADJACENT TO THE DRIVEWAY TO MEET THE EXISTING GROUND AND SEEDING TO RE-ESTABLISH A GRASS SURFACE, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF GTY NY LEASING INC. (REPUTED OWNER) TO THE NORTH AND LANDS OF MID-HUDSON CATSKILL RURAL/MIGRANT MINISTRY, INC. (REPUTED OWNER) TO THE SOUTH, SAID POINT BEING DISTANT 2.47±m MEASURED AT RIGHT ANGLES FROM STATION 3+838.763± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE SOUTH 74°13'29.97" WEST A DISTANCE OF 3.34±m (10.9±FT) TO A POINT, SAID POINT BEING DISTANT 5.81±m MEASURED AT RIGHT ANGLES FROM STATION 3+838.697± OF SAID BASELINE; THENCE THROUGH LANDS OF GTY NY LEASING INC. (REPUTED OWNER) NORTH 22°19'50.90" WEST A DISTANCE OF 28.72±m (94.2±FT) TO A POINT, SAID POINT BEING DISTANT 9.23±m MEASURED AT RIGHT ANGLES FROM STATION 3+810.495± OF SAID BASELINE; THENCE THROUGH SAID LANDS NORTH 19°51'31.00" WEST A DISTANCE OF 18.24±m (59.8±FT) TO A POINT, SAID POINT BEING DISTANT 10.97±m MEASURED AT RIGHT ANGLES FROM STATION 3+792.333± OF SAID BASELINE; THENCE THROUGH SAID LANDS NORTH 11°14'28.86" EAST A DISTANCE OF 3.28±m (10.7±FT) TO A POINT, SAID POINT BEING DISTANT 7.70±m MEASURED AT RIGHT ANGLES FROM STATION 3+792.083± OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 19°40'44.93" EAST A DISTANCE OF 17.47±m (57.3±FT) TO A POINT, SAID POINT BEING DISTANT 6.09±m MEASURED AT RIGHT ANGLES FROM STATION 3+809.478± OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 25°59'10.03" EAST A DISTANCE OF 12.20±m (40.0±FT) TO A POINT, SAID POINT BEING DISTANT 3.64±m MEASURED AT RIGHT ANGLES FROM STATION 3+821.426± OF SAID BASELINE; THENCE THROUGH SAID LANDS SOUTH 20°07'12" EAST A DISTANCE OF 17.52±m (57.4±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 165.10± SQUARE METERS (1777.09± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 132, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 3+744.283, THENCE SOUTH 14°23'26.76" EAST TO STATION 3+826.279, THENCE SOUTH 16°54'7.00" EAST TO STATION 3+867.769; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

MAP NUMBER 62
 REVISED DATE 4/13/12 8/27/12 11/21/12
 DATE PREPARED 4/13/12

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

Date Dec 16 2012

Robert H. Bekind

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

Recommended by:

Date December 13 2012

Gregory V. Bentley

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

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

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

Date 12/4 2012



Edward T. Gannon
 EDWARD T. GANNON Land Surveyor
 S. License No. 49907

PSP- SELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

Background:
2014229
and
2014231

DUTCHESS COUNTY DEPARTMENT OF LAW
JAMES M. FEDORCHAK, COUNTY ATTORNEY
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110 • Fax (845) 486-2002

MEMORANDUM:

TO: Members of the Dutchess County Legislature

FROM: Carol A. Bogle, Chief Assistant County Attorney 

DATE: August 29, 2014

SUBJECT: Eminent Domain Resolutions on the September Agenda
Resolution # 2014229-Peter Fasce,
Our File No. R-0907-WW.
Resolution # 2014231-GTYNY Leasing, Inc.
Our File No. R-0907-AAA

The following is some back ground information on two of the three Eminent Domain Resolutions that are on the September agenda:

1. **Resolution # 2014229 against Peter Fasce-** The Department of Public Works-Engineering Division (DPW) is seeking to acquire in fee, a 2085.40 square feet section of land and two Temporary Easements of 241.27 square feet and 98.72 square feet. DPW needs to acquire the 2085.40 square foot section of land free of any encumbrances. Mr. Fasce's property is currently in foreclosure. In addition, there are two judgments and a Federal Tax Lien that have filed in the County Clerk's Office against the property. In an effort to possibly avoid commencing an Eminent Domain proceeding, I spoke to an attorney in the law firm who is representing Nationstar Mortgage, LLC, the lending institution that commenced the Foreclosure proceeding. I was advised to write a letter to the law firm requesting information on how I would go about obtaining a Partial Release of Mortgage. That letter was sent on or about July 30, 2014. I never received a response to my letter. I have called the law firm and left a message with no return phone call. There is no issue between the Engineering Division and Mr. Fasce as to the amount for the fee acquisition and Temporary Easements.
2. **Resolution # 2014231 against GTY NY Leasing, Inc.-** DPW is seeking to acquire in fee, a 1,101.96 square foot section of land and two (2) Temporary Easements of 662.42 square feet and 1,777.09 square feet. This property is one of the gas stations located at the intersection of Titusville and Noxon Roads. GTY NY Leasing was sent letters dated April 17, 2011, September 26, 2012 and April 24, 2014 (which was the offer letter) from DPW's consultant. There were several email exchanges between DPW's consultant and representatives from GTY NY Leasing, Inc in May and June 2014. The consultant,

Engineering Division representatives and I left voice mail messages that were not returned. Finally, a representative of the Engineering Division spoke to a GTY NY representative on 8/21/14 and 8/27/14. No substantive reason has been given to the consultant or DPW as to why GTY NY Leasing, Inc. has not signed the Purchase Agreements that were sent to them with the April 24, 2014 offer letter.

I sent letters to both property owners advising them that these resolutions would be discussed at one of the committee meetings on September 4th.

I intend on providing you with a memo on Resolution # 2014230, Edward Kreuter, before September 4th.

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

Public Works and Capital Projects Roll Call

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

Present:	<u>12</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>12</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014231 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF NOXON ROAD, CR 21 AND TITUSVILLE ROAD, CR 49 INTERSECTION TOWN OF LAGRANGE OWNED BY GTY NY LEASING, INC. (PIN 8758.69)

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014231 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF NOXON ROAD, CR 21 AND TITUSVILLE ROAD, CR 49 INTERSECTION TOWN OF LAGRANGE OWNED BY GTY NY LEASING, INC. (PIN 8758.69)

Date: September 8, 2014

RESOLUTION NO. 2014232

RE: AUTHORIZING ACQUISITION OF TWO PERMANENT EASEMENTS OF REAL PROPERTY FOR THE CULVERT REPLACEMENT PROJECT ON A SECTION OF CR 96, ALTAMONT ROAD, TOWN OF WASHINGTON FROM MILLPROP I, LLC AND MILLPROP III, LLC

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

WHEREAS, Millprop I, LLC and Millprop III, LLC, (property owners) wish to replace an existing 18 inch culvert with a new 48 inch culvert under Altamont Rd. (CR 96), in the Town of Washington, which project requires the issuance of a Highway Work Permit, and

WHEREAS, as part of this project, the County will need to acquire two Permanent Easements which includes the acquisition of a 300.00+/- square foot parcel and a 450+/- square foot parcel to facilitate the access to and maintenance of the inlets and outlets of the drainage structure and surrounding stream channels and embankments thereon, and

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

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

WHEREAS, the Department of Public Works has made a determination that in order to maintain said road, it is necessary to acquire two permanent easements on a portion of property presently owned by Millprop I, LLC and Millprop III, LLC, and

WHEREAS, proposed Agreement to acquire the Permanent Easements between the County and the property owners is annexed hereto, and

WHEREAS, the property is described as a 300.00 +/- square foot parcel from a portion of property owned by Millprop I, LLC with parcel identification number 135889-6764-00-716560-0000 and a 450.00+/- square foot parcel from a portion of property owned by Millprop III, LLC with parcel identification number 135889-6764-00-679395-0000, and

WHEREAS, the Commissioner of Public Works has advised that Millprop I, LLC and Millprop III, LLC have agreed to donate the permanent easements on the subject property now, therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the acquisition of

the properties described in the Agreement, in the Town of Washington, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Acquire Permanent Easements in substantially the same form as annexed hereto along with any other necessary documents in connection with this acquisition, and be it further

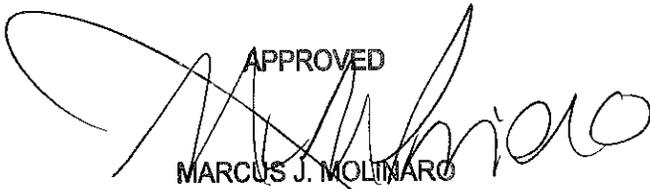
RESOLVED, that on the submission by the property owners of deeds to the aforementioned land, which shall include the terms and conditions of the Agreement to Acquire Permanent Easements, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that the County shall pay the appropriate transfer tax and filing fees for such conveyance and record the deeds.

CA-153-14

CAB/ca/R-0935

8/18/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/15/2014

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request to acquire a permanent easement to a 300.00+/- square foot parcel from a portion of property owned by Millprop I, LLC with the parcel identification number 135889-6764-00-716560-0000 and a permanent easement to a 450.00+/- square foot parcel from a portion of property owned by Millprop III, LLC. with the parcel identification number 135889- 6764-00-679395-0000.

Prepared by: Matthew W. Davis 2929

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

Project: Millprop I, LLC and Millprop III, LLC
Culvert Replacement
Altamont Road, Millbrook, T/Washington, New York

This agreement by and between MILLPROP I, LLC and MILLPROP III, LLC hereinafter referred to as the "Sellers", and the COUNTY OF DUTCHESS, hereinafter referred to as the Buyer, pertains to those portions of real property interest required for public right of way purposes only.

1. PROPERTY DESCRIPTION. The Sellers agree to sell, grant, convey two (2) permanent easements as follows: (a) to a 300 square foot parcel located on the east side of County Road No. 96, Altamont Road, in the Town of Washington, Dutchess County New York, and (b) to a 450 square foot parcel located on the west side of County Road No. 96, in the Town of Washington, Dutchess County, New York, each further described as:

BEING a portion of those same lands described in a deed dated January 1, 2009 and recorded on January 5, 2009 as Document No. 02-2009-54 in the Office of the County Clerk of Dutchess County, New York, with the address of 71 Ava Lane (Re, Tax Map No. 6764-00-716560-00) and being the same lands designated as "93.62 acres, lands of Millprop I, LLC" on the Maintenance Easement Map attached hereto as Exhibit A and more particularly described on Exhibit B attached hereto.

BEING a portion of those same lands described in a deed dated March 4, 2011 and recorded on April 15, 2011 as Document No. 02-2011-1822 in the Office of the County Clerk of Dutchess County, New York, with the address of 480 Oak Summit Road (Re, Tax Map No. 6764-00-679395-00) and being the same lands designated as "99.07 acres, Lands of Millprop III, LLC" on the Maintenance Easement Map attached hereto as Exhibit A and more particularly described on Exhibit B attached hereto.

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: NONE

3. PURCHASE PRICE. The total purchase price is NONE (\$NONE) DOLLARS. This price includes the acquisition of the above real property as two (2) permanent easements as described in Paragraph 1.

4. PAYMENT. N/A

5. CLOSING DATE AND PLACE. Transfer of title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about August 15, 2014.

6. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:

(a) Closing Documents. Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.

(b) Abstract, Bankruptcy and Tax Searches, and Acquisition Map. Buyer will pay for a search of public deeds. Court and tax records and will prepare a Title Certification Letter.

(c) Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.

7. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer to insure good and valid marketable title in connection with the two (2) permanent easements on the properties. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The sellers shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. The Buyer shall be responsible for the reimbursement to the Sellers of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.

8. RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS. Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a

fiscal year basis, excluding delinquent items, interest and penalties, rent payments; current common charges or assessments.

9. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall insure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

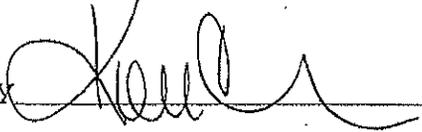
10. ENTIRE AGREEMENT. This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or premises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.

11. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.

12. EASEMENT DESCRIPTION. The two (2) permanent easements will be exercised for the purpose of maintaining and repairing the Buyer's drainage structure and the surrounding stream channel and embankments.

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

MILLPROP I, LLC, Seller/Owner

By 

Witness _____

MILLPROP III, LLC, Seller/Owner

By 

Witness _____

COUNTY OF DUTCHESS, Buyer

By _____
William F.X. O'Neil

Witness _____

APPROVED AS TO FORM:

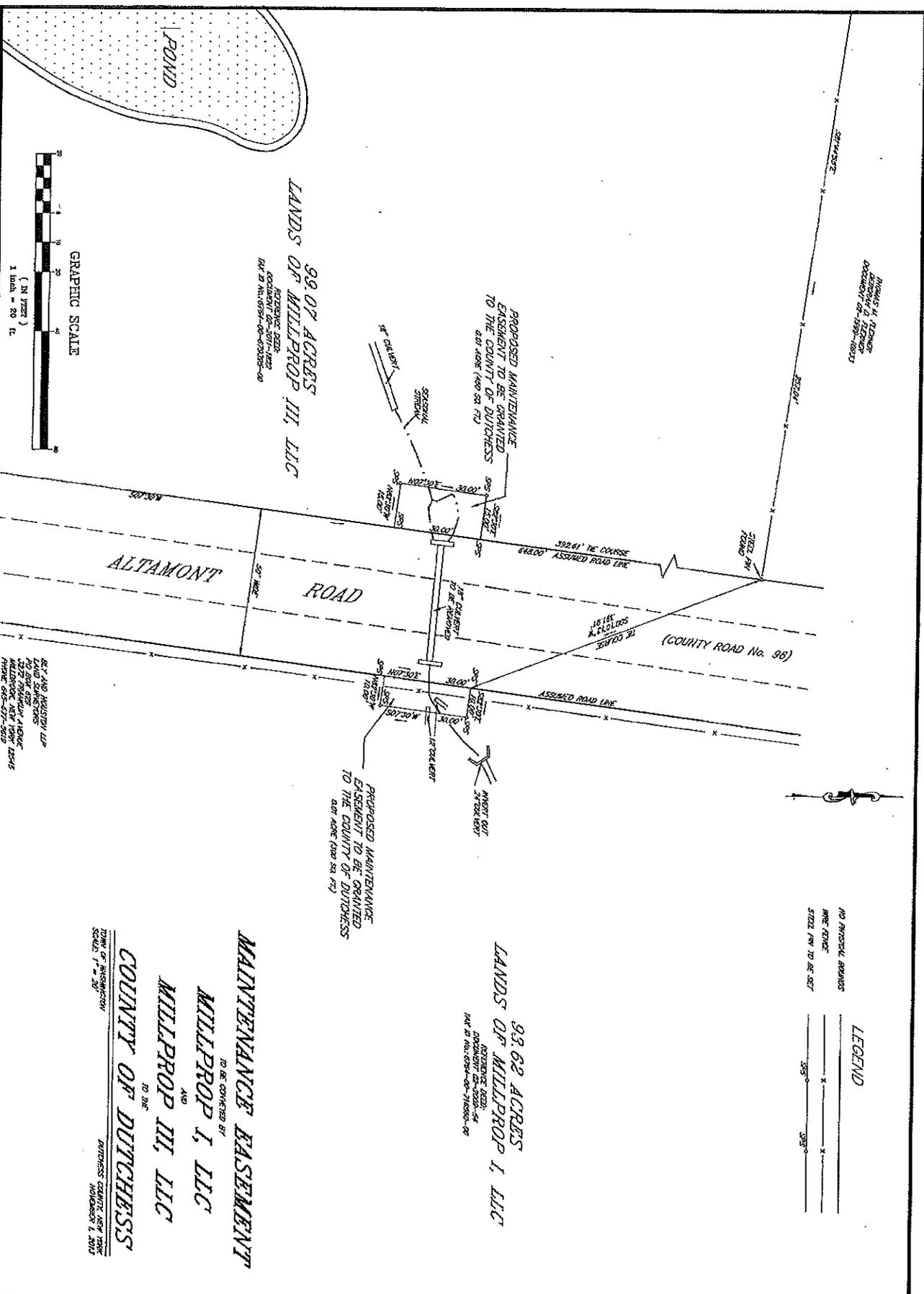
Carol A. Bogle
Chief Asst. County Attorney

APPROVED AS TO CONTENT

Robert H. Balkind, P.E.
Deputy Commissioner

EXHIBIT A

THOMAS H. KENNEDY
 REGISTERED PROFESSIONAL SURVEYOR
 DOCUMENT # 1589-1800



99.07 ACRES
 MILLPROP III, LLC
 REFERENCE BEARS:
 DOCUMENT # 1507-1422
 AND # 141,074-05-02005-08

PROPOSED MAINTENANCE
 EASEMENT TO BE ORIGINATED
 TO THE COUNTY OF DUTCHESS
 401.140E (400 SQ FT)

PROPOSED MAINTENANCE
 EASEMENT TO BE ORIGINATED
 TO THE COUNTY OF DUTCHESS
 401.140E (400 SQ FT)

93.62 ACRES
 MILLPROP I, LLC
 REFERENCE BEARS:
 DOCUMENT # 1500-14
 AND # 141,074-05-11800-01

MAINTENANCE EASEMENT
 TO BE CONVEYED BY
 MILLPROP I, LLC
 AND
 MILLPROP III, LLC
 TO THE
 COUNTY OF DUTCHESS

TOWN OF WASHINGTON
 SCALE: 1" = 50'
 ADDRESS: COUNTY # 1 2015
 WASHINGTON, NY 12153



SET AND REVISIONS BY
 LAND SURVEYOR
 10 07 02
 10 07 02
 10 07 02
 10 07 02
 10 07 02

EXHIBIT B

HARRY J. BLY LS
(1935-2008)

PO Box 629
NINE ELM DRIVE
MILLBROOK, NY 12545



BLY & HOUSTON LLP

BRIAN HOUSTON LS

TEL (845)677-5619
FAX (845)677-6117
E-MAIL blyandhouston@aol.com

LAND SURVEYORS, PLANNERS

MAINTENANCE EASEMENT TO BE CONVEYED BY
MILLPROP I, LLC TO THE COUNTY OF DUTCHESS

Town of Washington, Dutchess County, New York

BEGINNING at a point marked by a steel pin set at the easterly assumed road line of Altamont Road, also known as County Road No.96, said point being the northwesterly corner of the herein described parcel and being located S 00deg 10' 13" W 391.91 feet from a steel pin found marking the northeasterly corner of lands of Millprop III, LLC described in Document 02-2011-1822 and the southeasterly corner of lands of Thomas M. Flexner and Deborah D. Flexner described in Document 02-1999-10933; thence through lands of Millprop I, LLC, described in Document 02-2009-54, S 82 deg 30' E 10.00 feet to a steel pin set, S 07 deg 30' W 30.00 feet to a steel pin set and N 82 deg 30' W 10.00 feet to a steel pin set at the easterly assumed road line of Altamont Road; thence along the same, N 07 deg 30' E 30.00 feet to the point or place of beginning.

CONTAINING 0.01 acre of land, 300 square feet.

BEING and intended to be a portion of all that certain tract or parcel of land as shown in a conveyance from Bruce Kovner to Millprop I, LLC by deed dated January 1, 2009 recorded at the Dutchess County Clerks Office in Document 02-2009-54.

HARRY J. BLY LS
(1935-2008)

PO BOX 629
NINE ELM DRIVE
MILLBROOK, NY 12545



LAND SURVEYORS, PLANNERS

BRIAN HOUSTON LS

TEL (845)677-5619
FAX (845)677-6117
E-MAIL blyandhouston@aol.com

MAINTENANCE EASEMENT TO BE CONVEYED BY
MILLPROP III, LLC TO THE COUNTY OF DUTCHESS

Town of Washington, Dutchess County, New York

BEGINNING at a point marked by a steel pin set at the westerly assumed road line of Altamont Road, also known as County Road No.96, said point being the northeasterly corner of the herein described parcel and being located S 07deg 30' W 392.61 feet from a steel pin found marking the northeasterly corner of lands of Millprop III, LLC described in Document 02-2011-1822 and the southeasterly corner of lands of Thomas M. Flexner and Deborah D. Flexner described in Document 02-1999-10933; thence along the westerly assumed road line of Altamont Road S 07 deg 30' W 30.00 feet to a steel pin set; thence through lands of Millprop III, LLC, N 82 deg 30' W 15.00 feet to a steel pin set, N 07deg 30' E 30.00 feet to a steel pin set and S 07 deg 30' E 15.00 feet to the point or place of beginning.

CONTAINING 0.01 acre of land, 450 square feet.

BEING and intended to be a portion of all that certain tract or parcel of land as shown in a conveyance from Pape Family Realty Investments #1, L.P. to Millprop III, LLC by deed dated March 14, 2011, recorded at the Dutchess County Clerks Office in Document 02-2011-1822.

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



Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works (19)
From: Matthew W. Davis, Assistant Civil Engineer I
Date: ^{Aug. 12} July 15, 2014
Re: RESOLUTION REQUEST
PERMANENT EASEMENTS, MILLPROP I AND MILLRPOP III CULVERT
REPLACEMENT CR 96 (ALTAMONT ROAD) TOWN OF WASHINGTON

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire a permanent easement to a 300.00+/- square foot parcel from a portion of property owned by Millprop I, LLC with the parcel identification number 135889-6764-00-716560-0000 and a permanent easement to a 450.00+/- square foot parcel from a portion of property owned by Millprop III, LLC. with the parcel identification number 135889- 6764-00-679395-0000. These easements are required for the purpose of access to and maintenance of the drainage structure and surrounding stream channels and embankments.

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

Public Works and Capital Projects Roll Call

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

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

2014232 AUTHORIZING ACQUISITION OF TWO PERMANENT EASEMENTS OF REAL PROPERTY FOR THE CULVERT REPLACEMENT PROJECT ON A SECTION OF CR 96, ALTAMONT ROAD, TOWN OF WASHINGTON FROM MILLPROP I, LLC AND MILLPROP III, LLC

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014232 AUTHORIZING ACQUISITION OF TWO PERMANENT EASEMENTS OF REAL PROPERTY FOR THE CULVERT REPLACEMENT PROJECT ON A SECTION OF CR 96, ALTAMONT ROAD, TOWN OF WASHINGTON FROM MILLPROP I, LLC AND MILLPROP III, LLC

Date: September 8, 2014

RESOLUTION NO. 2014233

RE: AMENDING RESOLUTION NO. 2014185 AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS-AVIATION (EA0470)

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

WHEREAS, Resolution No. 2014185 adopted by this Legislature on July 7, 2014 authorized a Grant Agreement with the Federal Aviation Administration (FAA) and the New York State Department of Transportation (NYSOT) for the following project: Rehabilitation and Construction of Taxiway "B" and Stub-Taxiway "A" and Taxiway "C" (Construction Phase), and

WHEREAS, the amount of the grant for the project was \$873,000 and was based on a grant notification received from the FAA, and

WHEREAS, Commissioner of Public Works has advised that after actual bids were received for this project and the low bid information was forwarded to the FAA, the actual Grant Agreement received was in the amount of \$1,287,000, and

WHEREAS, in order to accept the additional funds, Resolution No. 2014185 is amended to authorize the acceptance of the increased funding above the amount previously approved, and

WHEREAS, it is necessary to amend the 2014 Adopted County Budget to increase the accepted FAA grant amount by \$414,000 and increase the appropriation of contingency funds for the County's portion by \$23,000 for this construction project, now therefore, be it

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

APPROPRIATIONS

Increase

EA.0470.5610.3550	Airport Improvements	<u>\$460,000</u>
-------------------	----------------------	------------------

REVENUES

Increase

EA.0470.5610.45890.00	Federal Aid-Airport	\$414,000
EA.0470.5610.35890.00	State Aid-Airport	23,000
EA.0470.5610.50310	Interfund Transfer	<u>23,000</u>
		<u>\$460,000</u>

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 460,000

Total Current Year Revenue \$ 437,000

and Source
Federal Aid (FAA Grant): \$414,000
State Aid (NYS DOT): \$23,000

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

Identify Line Items(s):

Amendment to Resolution 2014185
Additional FAA Grant Funds and Additional Contingency Appropriations
Airport Construction Project - Taxiway B and Stub Taxiways A and C

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: \$ 0

Net County Cost (this year): \$23,000

Over Five Years: _____

Additional Comments/Explanation:

On July 16, 2014 Resolution 2014185 was passed accepting an FAA Grant and approving the County portion through appropriation of contingency funds. This was based on a Grant Notification received from the FAA on June 6, 2014. After actual bids were received for this project and the low bid information forwarded to the FAA, the actual Grant Agreement received on August 5, 2014 was in the amount of \$1,287,000 (of total project cost of \$1,430,000).

This Resolution Amendment is to increase the accepted FAA grant amount by \$414,000 (to a total of \$1,287,000 for this construction project) and increase the appropriation of contingency funds by \$23,000 (to a total of \$71,500) for the County's portion of the this construction project.

Prepared by: Noel Knille 

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

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

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

Date: August 12, 2014

RE: **Resolution Request - Amendment to Resolution No. 2014185
Revised Grant and Appropriations Amounts
Airport - Rehabilitation of Taxiway A and Stub Taxiways A and C
(Construction)**

On July 16, 2014 Resolution 2014185 was passed accepting an FAA Grant and approving the County portion through appropriation of contingency funds. This was based on a Grant Notification received from the FAA on June 6, 2014.

<u>Total Project Amount</u>	970,000
Federal Aid (Grant Amount)	873,000
State Amount	48,500
County Amount	48,500

After actual bids were received for this project and the low bid information forwarded to the FAA, the actual Grant Agreement received on August 5, 2014 was in the amount of \$1,287,000. The revised project information is as follows:

<u>Total Project Amount</u>	1,430,000
Federal Aid (Grant Amount)	1,287,000
State Amount	71,500
County Amount	71,500

This Resolution Amendment is to increase the accepted FAA grant amount by \$414,000 (to a total of \$1,287,000 for this construction project) and increase the appropriation of contingency funds by \$23,000 (to a total of \$71,500) for the County's portion of the this construction project.

Background
2014233

Viggiano, Diana

From: Morris, Carolyn
ent: Wednesday, September 10, 2014 10:32 AM
To: Viggiano, Diana
Subject: FW: Resolution 2014233
Attachments: 201409091709.pdf

Carolyn Morris

Clerk

Dutchess County Legislature

845.486.2100

From: Kashimer, Rachel
Sent: Tuesday, September 09, 2014 5:12 PM
To: Morris, Carolyn; Wager, Leigh; Seelbach, Heidi; Coughlan, James; Stalteri, Peter; Fedorchak, James
Subject: Resolution 2014233

All,

Please be aware that Resolution no. 2014233 has been revised to reflect the proper revenue account number. This is a technical change only and does not alter the intent of the resolution. Please see attached.

-Rachel

Rachel M. Kashimer

Research Analyst

Dutchess County Budget Office

22 Market Street

Poughkeepsie, NY 12601

Phone: (845) 486-2010 Fax: (845) 486-2021

email: rarmstrong@dutchessny.gov

www.dutchessny.gov

Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		✓
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		
Present: <u>12</u>	Resolution: <u>✓</u>	Total : <u>11</u>	<u>1</u>
Absent: <u>0</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014233 AMENDING RESOLUTION NO. 2014185 AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS-AVIATION (EA0470)

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014233 AMENDING RESOLUTION NO. 2014185 AND AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF PUBLIC WORKS-AVIATION (EA0470)

Date: September 8, 2014

RESOLUTION NO. 2014234

RE: AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO STOP-DWI PROGRAM (A.3315)

Legislators FLESLAND, THOMES, HORTON, WEISS, INCORONATO, JETER-JACKSON, MACAVERY, STRAWINSKI, JOHNSON, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, New York State Governor's Traffic Safety Committee awarded Dutchess County a STOP-DWI Crackdown Grant in the sum of \$143,390 to participate in an Impaired Driving Enhancement Initiative through NYS STOP-DWI Foundation for the 2013-2014 grant years (\$53,390 in 2013 and \$90,000 in 2014), and

WHEREAS, by Resolution No. 2013294 funds were authorized and appropriated for the 2013 and 2014 budget years, and

WHEREAS, the Coordinator of STOP-DWI has advised that there are unspent 2013 funds that need to be reappropriated for use in 2014, and

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

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

APPROPRIATIONSIncrease

A.3315.4412	Grant Project Costs	<u>\$15,000</u>
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REVENUESIncrease

A.3315.43890.07	Other Safety Impaired Driving Det.	<u>\$15,000</u>
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CA-141-14

CAB/ca/G-1142

8/12/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

APPROVED



MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date

9/15/2014

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.



CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost \$ 15,000

Total Current Year Revenue \$ 15,000

and Source
New York State Governor's Traffic Safety Committee

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

Identify Line Items(s):
A.3315.4412 Grant Project Costs
A.3315.43890.07 Other Safety Impaired Driver Det

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: \$0

Net County Cost (this year): \$0

Over Five Years: \$0

Additional Comments/Explanation:

The Governor's Traffic Safety Committee approved the Dutchess County STOP-DWI Crackdown grant request of \$143,390. The grant year is October 1, 2013 through September 30, 2014. \$53,390 was appropriated for 2013 and \$90,000 for 2014. There were unspent funds in 2013 that need to be reappropriated for 2014. We estimate expenses of approximatley \$15,000 and are requesting a resolution to increase our grant expense line A.3315.4412 by \$15,000 and our grant revenue line A.3315.43890.07 by the same amount. There is no cost to the County.

Prepared by: Mary K. Fields

COUNTY	# CRACKDOWNS	# AGENCIES	ENFORCE HRS	DRE HRS	TOTAL HOURS	AVG HR RATE	TOTAL REQUEST	ENFORCEMENT	DRE
ALBANY	8	12	1536	80	1616	\$53.00	\$85,648.00	\$81,408.00	\$4,240.00
ALLEGANY	8	12	1152	0	1152	\$47.57	\$54,800.00	\$54,800.00	\$0.00
BROOME	8	9	1000	100	1100	\$48.00	\$52,800.00	\$48,000.00	\$4,800.00
CAYUGA	8	5	200	0	200	\$52.00	\$10,400.00	\$10,400.00	\$0.00
CHAUTAUQUA*	8	8	1024	32	1056	\$46.00	\$48,576.00	\$47,104.00	\$1,472.00
CHENANGO*	6	2	240	96	336	\$43.00	\$23,220.00	\$23,220.00	\$0.00
CHEMUNG	8	5	540	0	540	\$48.00	\$11,136.00	\$8,832.00	\$2,304.00
CLINTON	8	3	184	48	232	\$65.00	\$143,390.00	\$137,150.00	\$6,240.00
DUTCHESS	8	12	2110	96	2206	\$52.00	\$26,000.00	\$22,880.00	\$3,120.00
ERIE	8	16	440	60	500	\$32.00	\$5,120.00	\$5,120.00	\$0.00
GREENE*	1	5	160	0	160	\$42.00	\$26,712.00	\$24,192.00	\$2,520.00
HERKIMER*	4	6	576	60	636	\$41.00	\$66,912.00	\$62,976.00	\$3,936.00
JEFFERSON*	6	3	1536	96	1632	\$35.00	\$5,600.00	\$5,600.00	\$0.00
LEWIS	4	2	160	0	160	\$42.00	\$36,288.00	\$34,608.00	\$1,680.00
LIVINGSTON	8	9	824	40	864	\$51.24	\$11,837.00	\$10,402.00	\$1,435.00
MADISON	8	7	203	28	231	\$63.00	\$152,019.00	\$126,504.00	\$25,515.00
MONROE	8	12	2008	405	2413	\$100.00	\$116,600.00	\$110,600.00	\$6,000.00
NASSAU	4	12	1106	60	1166	\$50.00	\$58,500.00	\$56,900.00	\$1,600.00
NIAGARA	4	11	1138	32	1170	\$50.00	\$25,600.00	\$24,000.00	\$1,600.00
ONEIDA*	8	5	480	32	512	\$45.00	\$16,560.00	\$16,200.00	\$360.00
ONONDAGA	2	15	360	8	368	\$50.00	\$18,800.00	\$11,000.00	\$7,800.00
ONTARIO	8	3	220	156	376	\$61.00	\$96,685.00	\$91,500.00	\$5,185.00
ORANGE	5	12	1500	85	1585	\$40.00	\$44,800.00	\$43,680.00	\$1,120.00
OSWEGO	8	4	1092	28	1120	\$30.00	\$15,000.00	\$14,400.00	\$600.00
OTSEGO	8	4	480	20	500	\$67.00	\$18,224.00	\$4,288.00	\$13,936.00
PUTNAM*	1	2	64	208	272	\$33.48	\$62,407.00	\$62,407.00	\$0.00
RENSELAEER	8	8	1864	0	1864	\$90.00	\$72,000.00	\$72,000.00	\$0.00
ROCKLAND	7	9	800	0	800	\$45.00	\$22,680.00	\$22,680.00	\$0.00
SARATOGA	7	6	504	0	504	\$58.00	\$77,024.00	\$75,400.00	\$1,624.00
SCHENECTADY	8	6	1300	28	1328	\$39.00	\$13,221.00	\$5,538.00	\$7,683.00
SENECA*	8	3	142	197	339	\$40.21	\$24,651.00	\$22,962.00	\$1,689.00
STEUBEN*	8	3	544	40	584	\$48.29	\$18,544.00	\$15,645.00	\$2,898.00
ST. LAWRENCE	8	6	324	60	384	\$99.00	\$225,225.00	\$210,375.00	\$14,850.00
SUFFOLK	8	15	2125	150	2275	\$46.77	\$19,456.00	\$19,456.00	\$0.00
TOMPKINS	8	3	416	0	416	\$45.00	\$4,320.00	\$4,320.00	\$0.00
WARREN	3	2	96	0	96	\$35.00	\$13,440.00	\$13,440.00	\$0.00
WASHINGTON	8	7	384	0	384	\$41.00	\$20,992.00	\$20,992.00	\$0.00
WAYNE	8	4	512	0	512	\$82.00	\$81,344.00	\$78,720.00	\$2,624.00
WESTCHESTER	8	25	960	32	992	\$40.00	\$11,000.00	\$10,360.00	\$640.00
WYOMING*	4	5	259	16	275				
OTHER COUNTIES					0				
TOTAL	266	298	30563	2293	32581		\$1,850,971.00	\$1,719,660.00	\$131,311.00



NYS STOP-DWI Foundation

Crackdown 2013 2014 Grant Application
 High Visibility Road Checks/Saturation Patrols/DRE Call Out
 During Impaired Driving Crackdowns
 Grant Number

County of: DUTCHESS

<i>STOP-DWI Coordinator Name</i>	William C. Johnson		
<i>Contact Information Address:</i>	626 Dutchess Turnpike, Room 103, Poughkeepsie, NY 12603		
<i>Phone:</i>	(845) 486-3648	<i>Email:</i>	stopdwi@dutchessNY.gov

Crackdowns (specific dates will be announced.) Check those for which funding is sought for participation:

Super Bowl Sunday <input checked="" type="checkbox"/>	National Impaired Driving Enforcement (Labor Day) <input checked="" type="checkbox"/>
St Patrick's Day <input checked="" type="checkbox"/>	Halloween <input checked="" type="checkbox"/>
Memorial Day <input checked="" type="checkbox"/>	Thanksgiving <input checked="" type="checkbox"/>
July 4 th <input checked="" type="checkbox"/>	Holiday (Mid December thru New Years) <input checked="" type="checkbox"/>

List names of police agencies within the county that will participate:

Dutchess County Sheriffs Office	C/O Beacon	C/O Poughkeepsie
T/O East Fishkill	T/O Fishkill	T/O Hyde Park
T/O Poughkeepsie	V/O Fishkill	V/O Millerton
V/O RedHook	V/O Rhinebeck	V/O Wappingers Falls

Summary

Total Number of Crackdowns:	8
Total Enforcement Hours:	2,110
Total DRE Call Back Hours:	96

Total Funding Request: \$ 143,390 Based on average* overtime hourly pay rate: of \$ 65.00 (hours X average pay rate)

*Average Overtime Hourly Pay Rate - This is an estimate of the average overtime pay rate of the officers eligible to participate. This rate is for budgeting and planning purposes and must be rounded to the nearest whole dollar amount. When requesting reimbursement, the actual pay rates of the participating officers must be used. Reimbursement is for enforcement during the dates of the impaired driving mobilizations and cannot be transferred for any other purpose. Fringe will not be reimbursed.

Notes:	Funding for the 2014 grant cycle will support additional law enforcement efforts throughout Dutchess County to build upon the success of the coordinated, multi-agency enforcement details conducted as part of the Crackdown grant project this year.
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Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 1 - Town of Poughkeepsie	Nesbitt		
District 5 - Town of Poughkeepsie	Roman (C)		
District 9 - City of Poughkeepsie	Johnson		
District 12 - Town of East Fishkill	Weiss	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (VC)		

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion: —

Total: 11 0
 Yes No
 Abstentions: 0

2014234 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO STOP-DWI PROGRAM (A.3315)

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014234 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO STOP-DWI PROGRAM (A.3315)

Date: September 8, 2014

RESOLUTION NO. 2014235

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 2014

Legislators MICCIO, FLESLAND, BOLNER, BORCHERT, SURMAN, SAGLIANO, HORTON, KELSEY, WEISS, INCORONATO, JETER-JACKSON, PERKINS, MACAVERY, STRAWINSKI, JOHNSON, SERINO, WEISS, FARLEY, and PULVER offer the following and move its adoption:

WHEREAS, pursuant to Resolution No. 2012140, this Legislature authorized the County's participation, as an Urban County, in the Community Development Block Grant (CDBG) Program for Fiscal Years 2013 through 2015 pursuant to the Housing and Community Development Act, approving the filing of applications for federal assistance for said program, and

WHEREAS, the application for 2014 was accepted and approved by the U.S. Department of Housing and Urban Development in the amount of \$1,259,024, and

WHEREAS, for internal control it is necessary to assign a Community Development account to receive and disburse the 2014 funds, now, therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to establish a Community Development account for the 2014 Community Development Block Grant (CDBG) as follows:

**COMMUNITY DEVELOPMENT BLOCK GRANT
2014 FUNDING ALLOCATIONS**

INCREASE	MUNICIPALITY AND PROJECT	AMOUNT
CD8670.2700.2800	TOWN OF EAST FISHKILL Handicapped Accessible Playground	\$100,000.00
CD8662.2700.3200	TOWN OF HYDE PARK Farm Lane and Route 9 Sidewalk Connection	\$141,000.00
CD8670.2700.4200	TOWN OF PINE PLAINS New Bath House	\$100,000.00
CD8662.2700.3001	VILLAGE OF FISHKILL	\$150,000.00

Main Street Neighborhood Sidewalks and Parking

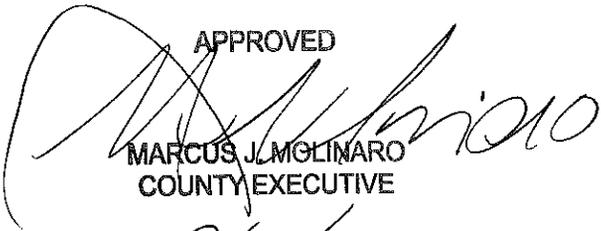
CD8662.2700.5601	VILLAGE OF WAPPINGER FALLS Reservoir Place Parking Improvements	\$150,000.00	
CD8662.2700.3801	VILLAGE OF MILLERTON Sidewalk Repair and Replacment	\$65,137.00	
		Municipality Subtotal	\$706,137.00
CD8662.2700.0200	CITY OF BEACON Rombout Avenue Road Reconstruction	\$151,083.00	
		Beacon Subtotal	\$151,083.00
		MUNICIPAL FUNDING TOTAL	\$857,220.00

INCREASE	HUMAN SERVICE AGENCY AND PROJECT	AMOUNT	
CD.8676.4400.4453	CATHOLIC CHARITIES COMMUNITY SERVICES Homeless Prevention Case Management Program	\$25,000.00	
CD8676.4400.4451	FRIENDS OF SENIORS OF DC CORP. Senior Transportation and Support Services	\$25,000.00	
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. Homeless Supportive Services	\$25,000.00	
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. River Haven Homeless Youth Program	\$25,000.00	
CD8676.4400.4645	MID HUDSON ADDICTION RECOVERY CENTER Substance Abuse Residential Recovery Services	\$25,000.00	
CD8676.4400.4658	NORTH EAST COMMUNITY COUNCIL Youth Development: Teen Team and CPSB	\$25,000.00	
		HUMAN SERVICE TOTAL	\$150,000.00

INCREASE	ADMINISTRATION	AMOUNT
CD8686.4408.1313	DUTCHESS COUNTY - ADMINISTRATION	\$251,804.00
	ADMINISTRATION TOTAL	\$251,804.00
	TOTAL	<u>\$1,259,024.00</u>

INCREASE	REVENUE	AMOUNT
CD8670.49100.01		\$200,000.00
CD8662.49100.01		\$657,220.00
CD8668.49100.01		\$0.00
CD8676.49100.01		\$150,000.00
CD8686.49100.01		\$251,804.00
CD8687.49100.01		\$0.00
	TOTAL	<u>\$1,259,024.00</u>

CA-138-14
 CAB/ca/G-179
 8/12/14
 Fiscal Impact: See attached statement

APPROVED

 MARCUS J. MOLINARO
 COUNTY EXECUTIVE
 Date 9/15/2014

STATE OF NEW YORK
 COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


 CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 1,259,024

Total Current Year Revenue \$ 1,259,024

and Source

2014 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 \$ 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 \$1,259,024 for the 2014 Community Development Block Grant (CDBG) Program.

Prepared by: Patricia Longbard, Department of Planning and Development 486-3635

NY-FY14 Allocations

KEY	CNSRTKEY	NAME	STA	CDBG14	HOME14	HOPWA14	ESG14
360040		Albany	NY	\$3,152,040	\$734,490	\$493,873	\$260,997
360152	36C103	Amherst Town	NY	\$494,500	\$720,089	\$0	\$0
360300		Auburn	NY	\$845,676	\$0	\$0	\$0
360352		Babylon Town	NY	\$892,301	\$325,024	\$0	\$0
360556		Binghamton	NY	\$1,776,514	\$374,421	\$0	\$147,831
360784		Buffalo	NY	\$13,003,257	\$2,711,001	\$549,709	\$1,090,546
361152		Cheektowaga Town	NY	\$943,802	\$0	\$0	\$0
361256		Clay Town	NY	\$186,740	\$0	\$0	\$0
361380		Colonie Town	NY	\$324,519	\$0	\$0	\$0
361756		Dunkirk	NY	\$472,735	\$0	\$0	\$0
362000		Elmira	NY	\$1,079,191	\$247,313	\$0	\$0
362480		Glen Falls	NY	\$449,550	\$0	\$0	\$0
362572		Greece	NY	\$434,690	\$0	\$0	\$0
362688		Hamburg Town	NY	\$373,959	\$0	\$0	\$0
363088		Huntington Town	NY	\$751,299	\$0	\$0	\$0
363140		Irondequoit	NY	\$815,574	\$0	\$0	\$0
363160		Islip Town	NY	\$1,578,631	\$467,025	\$1,751,022	\$131,247
363168		Ithaca	NY	\$675,538	\$441,774	\$0	\$0
363180		Jamestown	NY	\$1,054,609	\$281,273	\$0	\$0
363300		Kingston	NY	\$692,072	\$0	\$0	\$0
364004		Middletown	NY	\$516,409	\$0	\$0	\$0
364212		Mount Vernon	NY	\$1,000,110	\$387,187	\$0	\$0
364320		Newburgh	NY	\$787,179	\$0	\$0	\$0
364408		New Rochelle	NY	\$1,379,644	\$355,761	\$0	\$0
364436		New York	NY	\$152,575,507	\$58,657,553	\$48,453,773	\$12,649,583
364448		Niagara Falls	NY	\$2,236,738	\$359,489	\$0	\$181,121
365312		Poughkeepsle	NY	\$845,826	\$0	\$0	\$0
365544		Rochester	NY	\$7,963,860	\$1,978,236	\$687,700	\$666,000
365572		Rome	NY	\$923,829	\$0	\$0	\$0
365800		Saratoga Springs	NY	\$343,087	\$0	\$0	\$0
365848	36C009	Schenectady	NY	\$2,093,518	\$942,582	\$0	\$171,342
366376		Syracuse	NY	\$4,777,241	\$1,180,037	\$289,518	\$398,071
366468		Tonawanda Town	NY	\$1,518,012	\$0	\$0	\$0
366500		Troy	NY	\$1,673,386	\$0	\$0	\$139,900
366588		Union Town	NY	\$1,094,043	\$0	\$0	\$0
366612		Utica	NY	\$2,215,778	\$488,585	\$0	\$186,440
366848		Watertown city	NY	\$796,173	\$0	\$0	\$0
367024		West Seneca	NY	\$267,760	\$0	\$0	\$0
367096		White Plains	NY	\$809,912	\$0	\$0	\$0
367260		Yonkers	NY	\$3,149,353	\$1,041,176	\$0	\$251,147
369027	36C301	Dutchess County	NY	\$1,367,024	\$728,202	\$0	\$0
369029	36C006	Erle County	NY	\$2,413,637	\$671,941	\$0	\$200,598
369055	36C007	Monroe County	NY	\$1,653,925	\$882,780	\$0	\$135,147
369059		Nassau County	NY	\$12,817,907	\$1,870,926	\$0	\$1,045,680
369067	36C008	Onondaga County	NY	\$1,721,980	\$491,433	\$0	\$143,587
369071	36C302	Orange County	NY	\$1,451,182	\$914,271	\$0	\$0
369087		Rockland County	NY	\$2,049,017	\$606,834	\$0	\$167,781
369103	36C144	Suffolk County	NY	\$2,950,181	\$1,211,101	\$0	\$246,380
369119		Westchester County	NY	\$4,129,805	\$934,283	\$0	\$338,022
369999		New York Nonentitlement	NY	\$41,865,858	\$19,399,419	\$2,155,596	\$5,377,468
36C202	36C202	CNSRT-Jefferson County	NY	\$0	\$774,236	\$0	\$0

NY-FY14 Allocations Addendum

CD Allocation reduced for V. Millerton Project to

\$1,367,024 NY FY 14 Dutchess County CDBG Allocation

-108,000.00 2004 T/Northeast Affordable Housing Project-HUD recapture

\$1,259,024 Revised NY FY 14 Dutchess County CDBG Allocation

In 2004 \$108,000 CDBG funds were allocated to the Town of Northeast for the acquisition of property to construct an affordable housing project. Zoning precluded the project and it never came to fruition. HUD requires the funds be repaid and has chosen to reduce the NY FY 14 Dutchess County CDBG allocation.

7/29/2014

Patricia Longbard

Accounting Clerk

Planning and Development

486-3600

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino	<i>absent</i>	
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)	<i>absent</i>	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

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

2014235 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 2014

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014235 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 2014

Date: September 8, 2014

RESOLUTION NO. 2014236

RE: AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Legislators MICCIO, FLESLAND, BOLNER, BORCHERT, SURMAN, SAGLIANO, KELSEY, HORTON, WEISS, JETER-JACKSON, PERKINS, STRAWINSKI, MACAVERY, JOHNSON, FARLEY, SERINO, and PULVER 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 2014 HOME Investment Partnership allocation has been established at \$728,202, 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 2014	<u>\$728,202</u>
------------------	--	------------------

REVENUES

Increase

CD8692.49100.02	CD Act. HOME Program 2014	<u>\$728,202</u>
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CA-137-14
CAB/ca/G-179
8/8/14
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/15/2014

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 728,202

Total Current Year Revenue \$ 728,202
and Source

2014 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):
CD.8692.4402.4404

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This resolution will enable Finance to accept \$728,202 for the 2014 Federal HOME Investment Partnership Program.

Prepared by: Patricia Longbard, Department of Planning and Development 486-3635

NY-FY14 Allocations

KEY	CNSRTKEY	NAME	STA	CDBG14	HOME14	HOPWA14	ESG14
360040		Albany	NY	\$3,152,040	\$734,490	\$493,873	\$260,997
360152	36C103	Amherst Town	NY	\$494,500	\$720,089	\$0	\$0
360300		Auburn	NY	\$845,676	\$0	\$0	\$0
360352		Babylon Town	NY	\$892,301	\$325,024	\$0	\$0
360556		Binghamton	NY	\$1,776,514	\$374,421	\$0	\$147,831
360784		Buffalo	NY	\$13,003,257	\$2,711,001	\$549,709	\$1,090,546
361152		Cheektowaga Town	NY	\$943,802	\$0	\$0	\$0
361256		Clay Town	NY	\$186,740	\$0	\$0	\$0
361380		Colonie Town	NY	\$324,519	\$0	\$0	\$0
361756		Dunkirk	NY	\$472,735	\$0	\$0	\$0
362000		Elmira	NY	\$1,079,191	\$247,313	\$0	\$0
362480		Glen Falls	NY	\$449,550	\$0	\$0	\$0
362572		Greece	NY	\$434,690	\$0	\$0	\$0
362688		Hamburg Town	NY	\$373,959	\$0	\$0	\$0
363088		Huntington Town	NY	\$751,299	\$0	\$0	\$0
363140		Irondequoit	NY	\$815,574	\$0	\$0	\$0
363160		Islip Town	NY	\$1,578,631	\$467,025	\$1,751,022	\$131,247
363168		Ithaca	NY	\$675,538	\$441,774	\$0	\$0
363180		Jamestown	NY	\$1,054,609	\$281,273	\$0	\$0
363300		Kingston	NY	\$692,072	\$0	\$0	\$0
364004		Middletown	NY	\$516,409	\$0	\$0	\$0
364212		Mount Vernon	NY	\$1,000,110	\$387,187	\$0	\$0
364320		Newburgh	NY	\$787,179	\$0	\$0	\$0
364408		New Rochelle	NY	\$1,379,644	\$355,761	\$0	\$0
364436		New York	NY	\$152,575,507	\$58,657,553	\$48,453,773	\$12,649,583
364448		Niagara Falls	NY	\$2,236,738	\$359,489	\$0	\$181,121
365312		Poughkeepsie	NY	\$845,826	\$0	\$0	\$0
365544		Rochester	NY	\$7,963,860	\$1,978,236	\$687,700	\$666,000
365572		Rome	NY	\$923,829	\$0	\$0	\$0
365800		Saratoga Springs	NY	\$343,087	\$0	\$0	\$0
365848	36C009	Schenectady	NY	\$2,093,518	\$942,582	\$0	\$171,342
366376		Syracuse	NY	\$4,777,241	\$1,180,037	\$289,518	\$398,071
366468		Tonawanda Town	NY	\$1,518,012	\$0	\$0	\$0
366500		Troy	NY	\$1,673,386	\$0	\$0	\$139,900
366588		Union Town	NY	\$1,094,043	\$0	\$0	\$0
366612		Utica	NY	\$2,215,778	\$488,585	\$0	\$186,440
366848		Watertown city	NY	\$796,173	\$0	\$0	\$0
367024		West Seneca	NY	\$267,760	\$0	\$0	\$0
367096		White Plains	NY	\$809,912	\$0	\$0	\$0
367260		Yonkers	NY	\$3,149,353	\$1,041,176	\$0	\$251,147
369027	36C301	Dutchess County	NY	\$1,367,024	\$728,202	\$0	\$0
369029	36C006	Erie County	NY	\$2,413,637	\$671,941	\$0	\$200,598
369055	36C007	Monroe County	NY	\$1,653,925	\$882,780	\$0	\$135,147
369059		Nassau County	NY	\$12,817,907	\$1,870,926	\$0	\$1,045,680
369067	36C008	Onondaga County	NY	\$1,721,980	\$491,433	\$0	\$143,587
369071	36C302	Orange County	NY	\$1,451,182	\$914,271	\$0	\$0
369087		Rockland County	NY	\$2,049,017	\$606,834	\$0	\$167,781
369103	36C144	Suffolk County	NY	\$2,950,181	\$1,211,101	\$0	\$246,380
369119		Westchester County	NY	\$4,129,805	\$934,283	\$0	\$338,022
369999		New York Nonentitlement	NY	\$41,865,858	\$19,399,419	\$2,155,596	\$5,377,468
36C202	36C202	CNSRT-Jefferson County	NY	\$0	\$774,236	\$0	\$0

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Serino	<i>absent</i>	
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)	<i>absent</i>	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)		
District 24 - Towns of Dover and Union Vale	Surman		

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

2014236 AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014236 AUTHORIZING THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Date: September 8, 2014

RESOLUTION NO. 2014237

RE: AUTHORIZING PARTIAL PAYMENTS OF REAL PROPERTY TAXES

Legislators KELSEY, MAC AVERY, SAGLIANO, INCORONATO, and JOHNSON offer the following and move its adoption;

WHEREAS, Chapter 680 of the Laws of 1994, State of New York Real Property Tax Law Section 928-a, authorize the County Legislature of any County by resolution to authorizes the collecting officers of all towns within the County to accept from any taxpayer partial payments for or on account of taxes, special ad valorem levies or special assessments, and

WHEREAS, the New York Board of Real Property Services has previously opined that such a resolution obliges town collecting officers to accept partial payments, and

WHEREAS, pursuant to Real Property Tax Law Section 1502, any Town of the First Class in Dutchess County already has this option the right to exercise the option to collect taxes in installments and the Towns of Hyde Park , Poughkeepsie and Wappinger have exercised that option, and

WHEREAS, the Dutchess County Legislature believes that it would be beneficial to tax payers in all towns to be able to have the option of making partial payments of current taxes, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby authorizes, pursuant to Section 928-a of the Real Property Tax Law, tax collectors in all towns in Dutchess County to accept from any taxpayer partial payments, as described herein below, for or on account of current taxes, special ad valorem levies or special assessments, and, be it further

RESOLVED, that partial payment may be made in two (2) monthly installments as follows:

March

May

and, be it further

RESOLVED, that this partial payment program shall not lengthen or extend the towns' warrant, and, be it further

RESOLVED, that this partial payment program shall be effective immediately and shall commence with the levy of the 2016 Town/County taxes subject to further Resolution of the Dutchess County Legislature, and, be it further

RESOLVED, that the Clerk of the Legislature is directed to file a copy of this Resolution with the Commissioner of the New York State Department of Taxation and Finance no later than thirty (30) days after adoption.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of August 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

MARCUS J. MOLINARO
COUNTY EXECUTIVE



HEIDI SEELBACH
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF FINANCE

Memorandum

TO: County Legislators

FROM: Heidi Seelbach *HS*
Commissioner of Finance

DATE: August 5, 2014

RE: Resolution Request for Partial Payment of Real Property Taxes

Carolyn forwarded the attached resolution from Legislator Kelsey and asked that I review it for any adverse impact on the county.

There would be no significant adverse impact to the county. However, the attached opinion from NYS Department of Taxation & Finance legal counsel states that a county resolution pursuant to Real Property Tax Law section 928-a which authorizes partial payments for purposes of all towns in the county is binding upon the tax collecting officers of those towns. "A town would have no authority to refuse to accept any payments offered in accordance with the terms of the program." It is their opinion "that if a county authorizes town tax collecting officers to accept partial or installment payments of taxes, the collecting officers must accept such payments."

I encourage you to talk with municipalities in your district to be aware of their position on this issue before making a decision to move forward with the resolution.

Attachments

cc: Carolyn Morris, Clerk of the Legislature
Val Sommerville, Budget Director

Volume 11 - Opinions of Counsel SBRPS No. 8

Opinions of Counsel index

Taxes (collection)(partial payments) - Real Property Tax Law, §928-a:

A county legislature's resolution adopted pursuant to section 928-a of the Real Property Tax Law, which authorizes partial payments for purposes of "all towns in the county," is binding upon the tax collecting officers of those towns.

We have been asked whether section 928-a of the Real Property Tax Law obliges town tax collecting officers to accept partial payments authorized by a county pursuant thereto. It does.

Section 928-a, as added by chapter 680 of the Laws of 1994, provides that a county legislature "may by resolution authorize the collecting officers in one or more of the classes of municipal corporations described herein to accept from any taxpayer at any time partial payments for or on account of taxes, special ad valorem levies or special assessments in such amount or manner...as may be prescribed by such resolution..." (subd.(1), emphasis added). One of these "classes of municipal corporations" is "all towns within the county" (subd. (2)). Once a county has adopted a partial/installment payment program for the towns in the county pursuant to section 928-a,¹ a collecting officer of such a town would have no authority to *refuse* to accept any payments offered in accordance with the terms of the program. Thus, we believe that if a county "authorizes" town tax collecting officers to accept partial or installment payments of taxes, the collecting officers *must* accept such payments. Thus, despite the statutory use of the term "authorize" rather than "direct," we believe that the statute should be read as *compelling* tax collecting officers to accept such payments when so authorized.

Our conclusion is based on our analysis of the applicable law, not on any stated legislative intent.² For the general rule, as we have stated on a number of occasions, is that partial payments of taxes may not be accepted in the absence of specific authority (*see, e.g.,* 2 Op.Counsel SBEA No. 86; 9 *id.* Nos. 22, 80), Section 928-a enables a county to *supply* such authority to the collecting officers; by doing so, the county effectively *removes the barrier* to the acceptance of partial payments by them. It seems to us that once this barrier has been eliminated, collecting officers in the county no longer have any grounds for declining partial payments.

Indeed, if the Legislature contemplated that each town would have the final say as to whether partial payments would be accepted therein, section 928-a presumably would have vested the decision-making authority directly in the towns; there would have been no reason to give the county a say in the first place. By explicitly empowering the county to make the decision rather than the town, we think the Legislature has rather clearly expressed its intention that the policy should be set by, and applied consistently throughout, the *county*.

Moreover, given that the collecting officer's primary duty is to receive tax payments (RPTL, §§102(5), 904(1), 924; Town Law, §§35, 37), and that a partial payment is a lawful tax payment in a county that has exercised the section 928-a option, a refusal by a collecting officer to accept such a payment could be characterized as an arbitrary and capricious action. In the absence of any statutory language or legislative history on this point, we think collecting officers would have considerable difficulty defending a claim that their acquiescence is required before a taxpayer may participate in a partial payment program duly established by the county pursuant to State law.

Accordingly, in our opinion, a county's resolution pursuant to section 928-a which authorizes partial payments for purposes of "all towns in the county" is binding upon the tax collecting officers of those towns.

May 31, 2001

¹ Installment payments may be seen as a special type of partial payments permitted by section 928-a.

² We examined the Governor's bill jacket for L.1994, c.680, but found nothing in it addressing whether towns or collecting officers have any discretion in this matter.

Updated: January 30, 2013

Background 2014237

TOWN OF EAST FISHKILL
330 ROUTE 376
HOPEWELL JUNCTION, NEW YORK 12533
845-221-2160

Claudia D. Heckert
Receiver of Taxes

August 19, 2014

MEMORANDUM

Dear Supervisor Hickman:

Thank you for including me in the information-gathering process on Legislator Kelsey's proposed legislation to authorize partial payments of real property taxes.

Taxes are a significant budget item for our homeowners. And I'm sure you're as concerned as I am about our residents' ability to pay their taxes in a timely manner, not only as the Chief Financial Officer of our great town, but as a concerned taxpayer. We understand the citizens want to meet their civic duties, but struggle during difficult financial times for us all.

I would like to share a few facts regarding East Fishkill's recent tax payment history, and then share my concerns.

Historically, our County & Town Tax collections end on May 31 of each year, with around 90% of taxpayers making payment from January 2-May 31. When my books close, they go to the Dutchess County Commissioner of Finance for completion of the collection, or tax sale after two (2) years of non payment.

While I think the option of installment payments could be a good option for taxpayers, there are some concerns and considerations to keep in mind:

- **Cash flow:** The Town relies on the timely payment of taxes to keep the flow of business smooth.
- **Staffing:** Increasing the number of payments would increase the volume of paperwork in this office, requiring the third "seasonal" tax clerk to be moved to full time status.
- **Software updates:** Our tax collection software is not currently set to allow for partial and/or multiple payments. New or improved software would be necessary.
- **"Fees":** The Carmel Central School District currently allows for a two-payment option. However, there is a five (5) per cent fee on each half of those payments. This could mean a significant additional cost for our taxpayers, negating any temporary savings in prolonging the tax cycle. A lower fee could certainly be entertained, but then further cash flow issues could be involved.
- **School Districts:** I'm unaware of any legislation that would allow for the Dutchess County Legislature to dictate to the school districts how they

conduct their business via a vie partial payments. Indeed, the Wappingers Central School District recently entertained the possibility of installment payments, and chose not to offer them to residents at this time.

I would look forward to the opportunity to discuss with you and the legislature more detailed plans of how this would go into effect, and hear thoughts on how best to help our taxpayers without disrupting the town's financial strength.

Sincerely,

A handwritten signature in cursive script that reads "Claudia D. Heckert". The signature is written in dark ink and is positioned above the printed name.

Claudia D. Heckert

Resolution No. 2014237 was offered for discussion only at the Budget, Finance, and Personnel Committee meeting on September 4, 2014, and considered on ____, 2014.

Roll call vote at that time resulted as follows:

AYES:

NAYS:

ABSENT:

RESOLUTION NO. 2014238

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF EAST FISHKILL
ASSESSED UNDER THE NAME OF SUYDAM EDWARD
GRID: 132800-6657-03-364231-0000

Legislators BORCHERT, SAGLIANO, KELSEY, HORTON, and FARLEY offer the following and move its adoption,

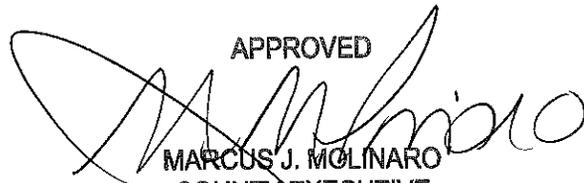
WHEREAS, unpaid tax on property in the Town of East Fishkill assessed to Suydam Edward for the levy year 2011 and described as Grid No. 132800-6657-03-364231-0000 amounting to \$8,994.20 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$30,073.49 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Edward Suydam, 155 Seaman Road, East Fishkill, NY 12582 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-150-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/15/2014

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 12 Resolution: ✓ Total: 12 0
 Absent: 0 Motion: Yes No
 Vacant: 0 Abstentions: 0

2014238 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF EAST FISHKILL
 ASSESSED UNDER THE NAME OF SUYDAM EDWARD
 GRID: 132800-6657-03-364231-0000

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014238 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF EAST FISHKILL
 ASSESSED UNDER THE NAME OF SUYDAM EDWARD
 GRID: 132800-6657-03-364231-0000

Date: September 8, 2014

RESOLUTION NO. 2014239

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
ASSESSED UNDER THE NAME OF PEROCHE ISABELLE
GRID: 133200-6065-04-597029-0000

Legislators BORCHERT, SAGLIANO, SERINO, and FARLEY offer the following and move its adoption,

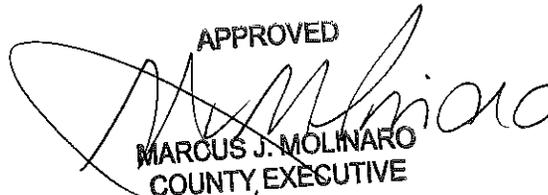
WHEREAS, unpaid tax on property in the Town of Hyde Park assessed to Peroche Isabelle for the levy year 2011 and described as Grid No. 133200-6065-04-597029-0000 amounting to \$471.64 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$1,519.62 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Isabelle Peroche, 33 Curry Lane, Hyde Park, NY 12538 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-149-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/10/2014

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 12 [Ⓜ]
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014239 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
 ASSESSED UNDER THE NAME OF PEROCHE ISABELLE
 GRID: 133200-6065-04-597029-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014239 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
 ASSESSED UNDER THE NAME OF PEROCHE ISABELLE
 GRID: 133200-6065-04-597029-0000

Date: September 8, 2014

Budget, Finance, & Personnel

RESOLUTION NO. 2014240

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
ASSESSED UNDER THE NAME OF HANSON ROBERT NIM
HANSON KIM MARIE
GRID: 133200-6167-02-893823-0000

Legislators BORCHERT, SAGLIANO, SERINO, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Hyde Park assessed to Hanson Robert Nim Hanson Kim Marie for the levy year 2011 and described as Grid No. 133200-6167-02-893823-0000 amounting to \$3,822.83 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

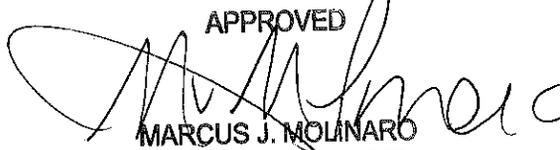
WHEREAS, the sum of \$8,782.20 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Robert Nim Hanson and Kim Marie Hanson, 24 West Pine Road, Staatsburg, NY 12580 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-145-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None
STATE OF NEW YORK

COUNTY OF DUTCHESS

ss:

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/16/2014

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MCKEE, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014240 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
 ASSESSED UNDER THE NAME OF HANSON ROBERT NIM
 HANSON KIM MARIE
 GRID: 133200-6167-02-893823-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014240 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF HYDE PARK
 ASSESSED UNDER THE NAME OF HANSON ROBERT NIM
 HANSON KIM MARIE
 GRID: 133200-6167-02-893823-0000

Date: September 8, 2014

RESOLUTION NO. 2014241

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF PINE PLAINS
ASSESSED UNDER THE NAME OF KASSE CATHERINE
GRID: 134200-6971-00-024808-0000

Legislators BORCHERT, SAGLIANO, PULVER, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Pine Plains assessed to Kasse Catherine (Now - Robinson Shelly) for the levy year 2011 and described as Grid No. 134200-6971-00-024808-0000 amounting to \$7,244.08 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

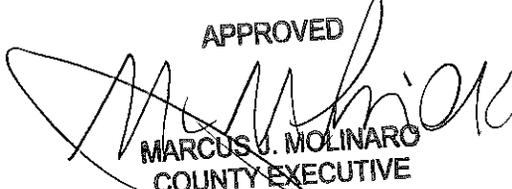
WHEREAS, the sum of \$26,566.60 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Shelly Robinson, 14 Victoria Xing, Pine Plains NY 12567 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-147-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

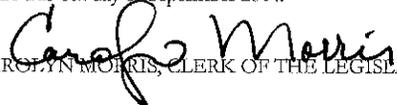
STATE OF NEW YORK

ss:
COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/10/2014

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present:	<u>11</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014241 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF PINE PLAINS
 ASSESSED UNDER THE NAME OF KASSE CATHERINE
 GRID: 134200-6971-00-024808-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22 Resolution: Total: 22 0
 Absent: 0 Motion: Yes No
 Vacant: 0 Abstentions: 0

**2014241 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF PINE PLAINS
 ASSESSED UNDER THE NAME OF KASSE CATHERINE
 GRID: 134200-6971-00-024808-0000**

Date: September 8, 2014

RESOLUTION NO. 2014242

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
ASSESSED UNDER THE NAME OF NEWT DEVELOPMENT CORP
GRID: 134689-6163-03-453084-0000

Legislators BORCHERT, SAGLIANO, SERINO, and FARLEY offer the following and move its adoption,

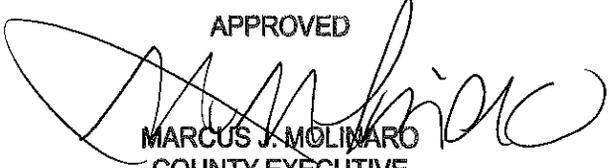
WHEREAS, unpaid tax on property in the Town of Poughkeepsie assessed to Newt Development Corp for the levy year 2011 and described as Grid No. 134689-6163-03-453084-0000 amounting to \$4,459.98 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$10,375.73 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Newt Development Corp., 24 West Pine Rd, Staatsburg, NY 12580 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-148-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/10/2014

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hercunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 Resolution: _____
 Absent: 1 Motion: _____
 Vacant: 0

Total : 11 0
 Yes No
 Abstentions: 0

**2014242 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF NEWT DEVELOPMENT CORP
 GRID: 134689-6163-03-453084-0000**

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014242 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF NEWT DEVELOPMENT CORP
 GRID: 134689-6163-03-453084-0000

Date: September 8, 2014

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2014243

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
ASSESSED UNDER THE NAME OF HANSON ROBERT AND WINNER'S
CIRCLE VENTURES LLC
GRID: 134689-6163-03-493272-0000

Legislators BORCHERT, SAGLIANO, SERINO, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Poughkeepsie assessed to Hanson Robert and Winner's Circle Ventures LLC for the levy year 2011 and described as Grid No. 134689-6163-03-493272-0000 amounting to \$10,440.69 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$23,098.31 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Robert Hanson and Winner's Circle Ventures LLC, 24 West Pine Rd, Staatsburg, NY 12580 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-151-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/10/2014

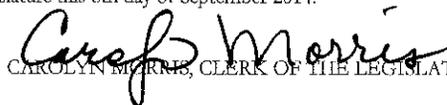
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014243 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF HANSON ROBERT AND WINNER'S CIRCLE
 VENTURES LLC
 GRID: 134689-6163-03-493272-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014243 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF HANSON ROBERT AND WINNER'S CIRCLE
 VENTURES LLC
 GRID: 134689-6163-03-493272-0000

Date: September 8, 2014

RESOLUTION NO. 2014244

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
ASSESSED UNDER THE NAME OF ANDERSON GLORIA
GRID: 134689-6057-07-722980-0000

Legislators BORCHERT, FLESLAND, SAGLIANO, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Poughkeepsie assessed to Anderson Gloria (Now HSBC Bank USA NA) for the levy year 2011 and described as Grid No. 134689-6057-07-722980-0000 amounting to \$6,342.42 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$14,463.74 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to HSBC Bank USA NA, c/o Ocwen Loan Servicing, 1661 Worthington Rd., Ste 100, West Palm Beach, FL 33409 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-144-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

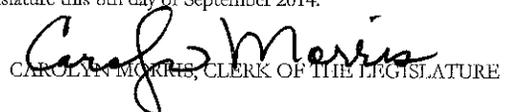
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/16/2014

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11
 Absent: 0
 Vacant: 0

Resolution:
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014244 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF ANDERSON GLORIA
 GRID: 134689-6057-07-722980-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution: ✓
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014244 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF ANDERSON GLORIA
 GRID: 134689-6057-07-722980-0000

Date: September 8, 2014

RESOLUTION NO. 2014245

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
ASSESSED UNDER THE NAME OF JENNETT ROBIN E
GRID: 134689-6162-05-236829-0000

Legislators BORCHERT, SAGLIANO, PERKINS, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Poughkeepsie assessed to Jennett Robin E for the levy year 2011 and described as Grid No. 134689-6162-05-236829-0000 amounting to \$2,831.76 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of 2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088, and

WHEREAS, the sum of \$9,239.35 was tendered to the Dutchess County Commissioner of Finance in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Robin E. Jennett, 150 Cardinal Road, Hyde Park, NY 12538 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

CA-146-14
HS:CM:deb/ca
8/13/2014
Fiscal Impact: None

APPROVED

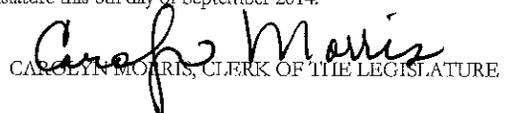
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/10/2014

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: <u>11</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014245 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF JENNETT ROBIN E
 GRID: 134689-6162-05-236829-0000

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 6
 Yes No
 Abstentions: 0

2014245 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF POUGHKEEPSIE
 ASSESSED UNDER THE NAME OF JENNETT ROBIN E
 GRID: 134689-6162-05-236829-0000

Date: September 8, 2014

RESOLUTION NO. 2014246

RE: CORRECTION TO RESOLUTION NO. 2011253, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE
APPLICANT: Leland Ryder and Putnam County Bank
PO Box 10, Carmel, NY 10512
ACCOUNT NO.: 132800-00-677174-0000

Legislators BORCHERT, HORTON, SAGLIANO, WEISS, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, by Resolution No. 2011253 the Dutchess County Legislature authorized, empowered and directed the Commissioner of Finance to issue a refund of taxes to the applicant for the 2009 fiscal year in the amount of \$3,678.37 based on a claimed clerical error in the calculation of a Forrest Exemption, and

WHEREAS, the Commissioner of Finance issued a tax refund to the applicant in the amount of \$3,678.37, and

WHEREAS, the applicant appealed claiming the refund was miscalculated and the Court directed that the Forest Exemption be recalculated, and

WHEREAS, the Forest Exemption was recalculated per the Court's Order and it was determined that an additional refund of taxes of \$1,368.44 was due the applicant, and

WHEREAS, there was an error in calculation of the additional refund, and

WHEREAS, the Forest Exemption was recalculated and it was determined that an additional refund of taxes of \$565.67 is due the applicant, and

WHEREAS, a further correction is now necessary, now, therefore, be it

RESOLVED, that Resolution No. 2011253 is hereby amended to correct the sum of taxes to be refunded by the Dutchess County Commissioner of Finance to reflect an additional refund in the amount of \$565.67, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance is authorized empowered and directed to issue a further tax refund to the applicant in the amount of \$565.67 and to charge-back the erroneous taxes on next year's levy as follows:

A342 Allowance for Uncollected Taxes \$314.79
A430 Town of East Fishkill 250.88

Total \$565.67

APPROVED
[Signature]
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/15/2014

CA-161-14 EA/KPB/ca/G-0194
8/15/14 Fiscal Impact: None
STATE OF NEW YORK

COUNTY OF DUTCHESS ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.

[Signature]
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

132800-6555-00-677174-0000

Ryder, Putnan County Bank

215 Hidden Acres Rd

Jan 2009 Tax Roll

A	B	C	D	E	F	G	H	I	J	K	
Taxes Using Revised Exemption											
Tax Year	Assessed	Exempt	Taxable Assessed (B - C)	Rate	Tax (D x E)	Actual Taxes Paid (From Rolls)	Actual Taxes Overpayment (G - F)	Refunds Voucher #	Refunds Voucher #	Refunds Owed (H - I - J)	Purpose
2009	1,646,400	1,312,000	334,400	0.002540970	\$849.70	\$3,973.01	\$3,123.31	# 131000	# 140576		
2009	1,646,400	1,312,000	334,400	0.002025062	\$677.18	\$3,166.35	\$2,489.17	02/03/12	04/14/14	\$314.79	County
					\$1,526.88	\$7,139.36	\$5,612.48	\$1,631.38	\$606.91	\$250.88	Town
								\$3,678.37	\$1,368.44	\$565.67	2009 Total

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014246 CORRECTION TO RESOLUTION NO. 2011253, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE
 APPLICANT: Leland Ryder and Putnam County Bank
 PO Box 10, Carmel, NY 10512
 ACCOUNT NO.: 132800-00-677174-0000

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014246 CORRECTION TO RESOLUTION NO. 2011253, APPROVAL OF APPLICATION
 FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A
 CHARGE-BACK BY THE COMMISSIONER OF FINANCE
 APPLICANT: Leland Ryder and Putnam County Bank
 PO Box 10, Carmel, NY 10512
 ACCOUNT NO.: 132800-00-677174-0000

Date: September 8, 2014

RESOLUTION NO. 2014247

RE: CORRECTION TO RESOLUTION NO. 2011254, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE APPLICANT: Leland Ryder and Putnam County Bank PO Box 10, Carmel, NY 10512 ACCOUNT NO.: 132800-00-677174-0000

Legislators BORCHERT, HORTON, SAGLIANO, WEISS, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, by Resolution No. 2011254 the Dutchess County Legislature authorized, empowered and directed the Commissioner of Finance to issue a refund of taxes to the applicant for the 2010 fiscal year in the amount of \$4,059.49 based on a claimed clerical error in the calculation of a Forrest Exemption, and

WHEREAS, the Commissioner of Finance issued a tax refund to the applicant in the amount of \$4,059.49, and

WHEREAS, the applicant appealed claiming the refund was miscalculated and the Court directed that the Forest Exemption be recalculated, and

WHEREAS, the Forest Exemption was recalculated per the Court's Order and it was determined that an additional refund of taxes of \$1,510.23 was due the applicant, and

WHEREAS, there was an error in calculation of the additional refund, and

WHEREAS, the Forest Exemption was recalculated and it was determined that an additional refund of taxes of \$624.27 is due the applicant, and

WHEREAS, a further correction is now necessary, now, therefore, be it

RESOLVED, that Resolution No. 2011254 is hereby amended to correct the sum of taxes to be refunded by the Dutchess County Commissioner of Finance to reflect an additional refund in the amount of \$624.27, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance is authorized empowered and directed to issue a further tax refund to the applicant in the amount of \$624.27 and to charge-back the erroneous taxes on next year's levy as follows:

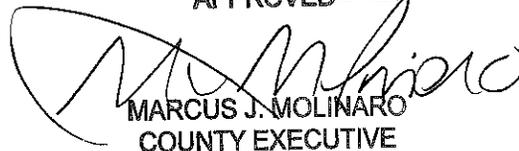
A342	Allowance for Uncollected Taxes	\$351.04
A430	Town of East Fishkill	<u>273.23</u>
	Total	\$624.27

CA-162-14 EA/KPB/ca/G-0194
8/15/14 Fiscal Impact: None

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

132800-6555-00-677174-0000

Ryder, Putnan County Bank

215 Hidden Acres Rd

Jan 2010 Tax Roll

A	B	C	D	E	F	G	H	I	J	K	
Taxes Using Revised Exemption											
Tax Year	Assessed	Exempt	Taxable Assessed (B - C)	Rate	Tax (D x C)	Actual Taxes Paid (From Rolls)	Overpayment (G - F)	Refunds Voucher #	Refunds Voucher #	Refunds Owed	Purpose
2010	1,646,400	1,312,000	334,400	0.002833609	\$947.56	\$4,430.57	\$3,483.01	# 131000	# 140576		
2010	1,646,400	1,312,000	334,400	0.002205513	\$737.52	\$3,448.50	\$2,710.98	02/03/12	04/14/14	(H - I - J)	
					\$1,685.08	\$7,879.07	\$6,193.99	\$2,282.74	\$849.23	\$351.04	County
								\$1,776.75	\$661.00	\$273.23	Town
								\$4,059.49	\$1,510.23	\$624.27	2010 Total

Budget, Finance, and Personnel Committee Roll Call

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

Present:	<u>11</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014247 CORRECTION TO RESOLUTION NO. 2011254, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE
 APPLICANT: Leland Ryder and Putnam County Bank
 PO Box 10, Carmel, NY 10512
 ACCOUNT NO.: 132800-00-677174-0000

Date: September 4, 2014

Roll Call Sheets

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

Present:	<u>22</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>22</u>	<u>0</u>
Absent:	<u>3</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2014247 CORRECTION TO RESOLUTION NO. 2011254, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE
 APPLICANT: Leland Ryder and Putnam County Bank
 PO Box 10, Carmel, NY 10512
 ACCOUNT NO.: 132800-00-677174-0000

Date: September 8, 2014

RESOLUTION NO. 2014248

RE: CORRECTION TO RESOLUTION NO. 2011255, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE APPLICANT: Leland Ryder and Putnam County Bank PO Box 10, Carmel, NY 10512 ACCOUNT NO.: 132800-00-677174-0000

Legislators BORCHERT, HORTON, SAGLIANO, WEISS, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, by Resolution No. 2011255 the Dutchess County Legislature authorized, empowered and directed the Commissioner of Finance to issue a refund of taxes to the applicant for the 2011 fiscal year in the amount of \$4,438.93 based on a claimed clerical error in the calculation of a Forrest Exemption, and

WHEREAS, the Commissioner of Finance issued a tax refund to the applicant in the amount of \$4,438.93, and

WHEREAS, the applicant appealed claiming the refund was miscalculated and the Court directed that the Forest Exemption be recalculated, and

WHEREAS, the Forest Exemption was recalculated per the Court's Order and it was determined that an additional refund of taxes of \$1,651.39 was due the applicant, and

WHEREAS, there was an error in calculation of the additional refund, and

WHEREAS, the Forest Exemption was recalculated and it was determined that an additional refund of taxes of \$682.62 is due the applicant, and

WHEREAS, a further correction is now necessary, now, therefore, be it

RESOLVED, that Resolution No. 2011255 is hereby amended to correct the sum of taxes to be refunded by the Dutchess County Commissioner of Finance to reflect an additional refund in the amount of \$682.62, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance is authorized empowered and directed to issue a further tax refund to the applicant in the amount of \$682.62 and to charge-back the erroneous taxes on next year's levy as follows:

A342 Allowance for Uncollected Taxes \$379.59
A430 Town of East Fishkill 303.03

Total \$682.62
APPROVED

CA-163-14 EA/KPB/ca/G-0194
8/15/14 Fiscal Impact: None

MARCUS J. MOLINARO
COUNTY EXECUTIVE
9/14/2014

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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have herunto set my hand and seal of said Legislature this 8th day of September 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

132800-6555-00-677174-0000

Ryder, Putnan County Bank

215 Hidden Acres Rd

Jan 2011 Tax Roll

A	B	C	D	E	F	G	H	I	J	K	
Taxes Using Revised Exemption											
Tax Year	Assessed	Exempt	Taxable Assessed (B - C)	Rate	Tax (D x E)	Actual Taxes Paid (From Rolls)	Overpayment (G - F)	Refunds Voucher # 131000 02/03/12	Refunds Voucher # 140576 04/14/14	Refunds Owed (H - I - J)	Purpose
2011	1,646,400	1,312,000	334,400	0.003064027	\$1,024.61	\$4,790.85	\$3,766.24	\$2,468.36	\$918.29	\$379.59	County
2011	1,646,400	1,312,000	334,400	0.002446105	\$817.98	\$3,824.68	\$3,006.70	\$1,970.57	\$733.10	\$303.03	Town
					\$1,842.59	\$8,615.53	\$6,772.94	\$4,438.93	\$1,651.39	\$682.62	2011 Total

Budget, Finance, and Personnel Committee Roll Call

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

Present: <u>11</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>11</u>	
Absent: <u>1</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2014248 CORRECTION TO RESOLUTION NO. 2011255, APPROVAL OF APPLICATION FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE
 APPLICANT: Leland Ryder and Putnam County Bank
 PO Box 10, Carmel, NY 10512
 ACCOUNT NO.: 132800-00-677174-0000

Date: September 4, 2014

RESOLUTION NO. 2014249

RE: AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DISTRICT ATTORNEY (A.1165.05)

Legislators FLESLAND, BOLNER, ROMAN, HORTON, JETER-JACKSON, JOHNSON, SERINO, and FARLEY offer the following and move its adoption:

WHEREAS, the District Attorney has requested the appropriation of forfeiture of crime proceeds, and

WHEREAS, pursuant to Article 13-A of the CPLR, said funds must be used to enhance prosecutorial and law enforcement efforts and not to supplement ordinary budgetary expenses, and

WHEREAS, the District Attorney has requested that the sum of \$11,036 be placed in various District Attorney Asset Forfeiture accounts to be used for the purchase of equipment and office supplies, listed on the attached Asset Forfeiture Expenditure sheet, now therefore, be it

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

APPROPRIATIONS

Increase

A.1165.05.4160 Office Supplies \$ 11,036

REVENUES

Increase

A.1165.06.26260.00 Forfeiture – State \$ 11,036

CA-139-14
LDF/ca/G-0135
8/12/14
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/10/2014

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 11,036

Total Current Year Revenue \$ 11,036
and Source

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

Identify Line Items(s):
Please see attached.

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This resolution is to appropriate Asset Forfeiture Funds to enable the purchase of equipment, etc. listed on the attached Asset Forfeiture Expenditure sheet.

Prepared by: Gina Barry/Deb Patora

Asset Forfeiture Expenditures

Office Stat & Supplies - 4160		
Miscellaneous Office Supplies	5,000.00	Dutchess County District Attorney
Desk with Break Front	586.00	Dutchess County District Attorney
Desk Return	405.00	Dutchess County District Attorney
Keyboard Tray	110.00	Dutchess County District Attorney
Credenza	799.00	Dutchess County District Attorney
Hutch	814.00	Dutchess County District Attorney
8 Cannon Poershot cameras with optical zoom @ \$295 each	2,360.00	Department of Emergency Response
Back up & Recovery for DCTF Server	637.00	Dutchess County Drug Task Force
DVDRW8 for DCTF Server	34.00	Dutchess County Drug Task Force
10 HP DATA TAPE @ 29.03 each for DCTF Server	291.00	Dutchess County Drug Task Force
TOTAL:	11,036.00	
TOTAL:		
TOTAL TO BE APPROPRIATED:	11,036.00	
TOTALS BY PROGRAM		
Dutchess County Department of Emergency Response	2,360.00	
Dutchess County District Attorney	7,714.00	
Dutchess County Drug Task Force	962.00	
TOTAL TO BE APPROPRIATED:	11,036.00	

Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 1 - Town of Poughkeepsie	Nesbitt		
District 5 - Town of Poughkeepsie	Roman (C)		
District 9 - City of Poughkeepsie	Johnson		
District 12 - Town of East Fishkill	Weiss	absent	
District 21 - Town of East Fishkill	Horton		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (VC)		

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2014249 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DISTRICT ATTORNEY

Date: September 4, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014249 AMENDING THE 2014 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DISTRICT ATTORNEY

Date: September 8, 2014

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2014250

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE OWNED BY EDWARD KREUTER (PIN 8755.41)

Legislators HUTCHINGS, MICCIO, SAGLIANO, and JETER-JACKSON offers the following and moves its adoption:

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

WHEREAS, a short environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve said road, is necessary to acquire a portion of property owned by Edward Kreuter, and

WHEREAS, an Agreement to Purchase the necessary real property is attached hereto, and

WHEREAS, the property to acquire in fee is 158.32 ± square meters (1,704.14± square feet) located on Noxon Road, CR 21 in the Town of LaGrange as shown on Dutchess County Acquisition Map No. 54, Parcel No. 143 (fee acquisition) a portion of Tax Grid No. 133400-6360-01-214557-0000, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of \$14,660.00 plus up to \$1,000.00 for related expenses and that the terms and conditions of the Agreement be carried forth, now therefore, be it

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

RESOLVED, that on the submission by the property owner of a deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$14,660.00, that

the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

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

CA-157-14(a)

CAB/ca/R-0907-FFF

8/14/14; revised 9/8/14

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/14/2014

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 15,660

Total Current Year Revenue \$ 14,877
and Source

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

Identify Line Item(s):

H0290 5110 3009

Related Expenses: Amount \$ 1,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$14,877

Net County Cost (this year): \$783
Over Five Years: _____

Additional Comments/Explanation:

This fiscal impact statement pertains to the accompanying resolution request for request authorization to acquire in fee a 158.32+/- square meter (1,704.14+/- square foot) parcel for a consideration of \$14,660.00 from Edward Kreuter, identified on Map 54 Parcel 143 in connection to the project identified as PIN 8755.41, Rehabilitation of County Route 21 (Noxon Road), NYS 55 to County Route 49 (Titusville Road), Town of Lagrange.

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

Prepared by: Matthew W. Davis

EX. 2929

AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)
PIN: 8755.41 Map: 54 Parcel: 143

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

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey a fee acquisition to a 158,32± Square Meter (1704.14± Square Foot) parcel located on the East Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:

Being a portion of those same lands described in a deed dated June 17, 2005 in Liber 22005 at Page 5674 (as Document 0220055674) in the Office of the County Clerk for Dutchess County, New York with the address 317 Noxon Road (Re. Tax map No. 133400-6360-01-214557-0000), and being the same lands designated as Map 54, Parcel 143 on exhibit "A" attached hereto.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: Removal of (2) 8" dia. Trees, (9) 12-24" dia. trees
3. **PURCHASE PRICE.** The total purchase price is FOURTEEN THOUSAND SIX HUNDRED SIXTY Dollars (\$14,660.00). This price includes the acquisition of the above real property in fee acquisition as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about 10/29/14.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
 - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
 - C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

- 9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
- 10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
- 11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
- 12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41; Including, but not limited to the following: An existing retaining wall will be removed and replaced with a new retaining wall structure, excavation associated with the retaining wall installation including any necessary rock removal, clearing/grubbing of the side slope as needed and the proposed ground surface behind the new retaining wall will be graded and seeded to re-establish a grassed surface; both driveways will be rehabilitated to meet the proposed roadway edge, and temporary erosion and sediment control measures will be placed for the duration of this project.

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

Seller: Edward Kreuter
Representative: XXX

By: *Edward J Kreuter*
Edward J Kreuter
 Printed Name

By: _____

 Printed Name

 Title

 Title

Witness: _____

Witness: _____

County of Dutchess

Witness: _____

Buyer: _____
 Marcus J. Molinaro
 County Executive

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 Carol A. Bogle
 Chief Asst. County Attorney

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



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112, 143
 SHEET 1 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 59 TO THOUSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 through 5)
 are on file at the offices of the Dutchess
 County Department of Public Works

EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ROBERT L. POSSENTI
 (REPUTED OWNER)

GRID
 NORTH

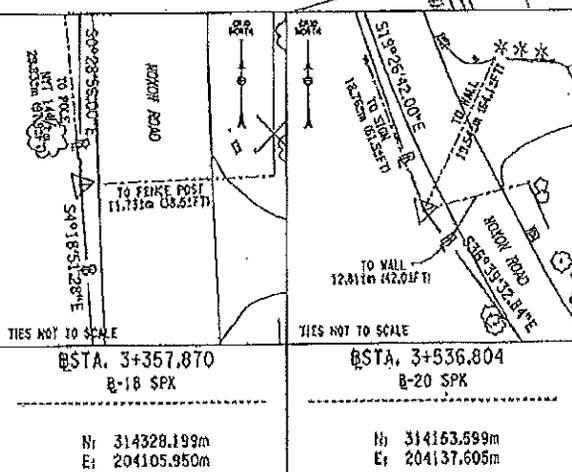
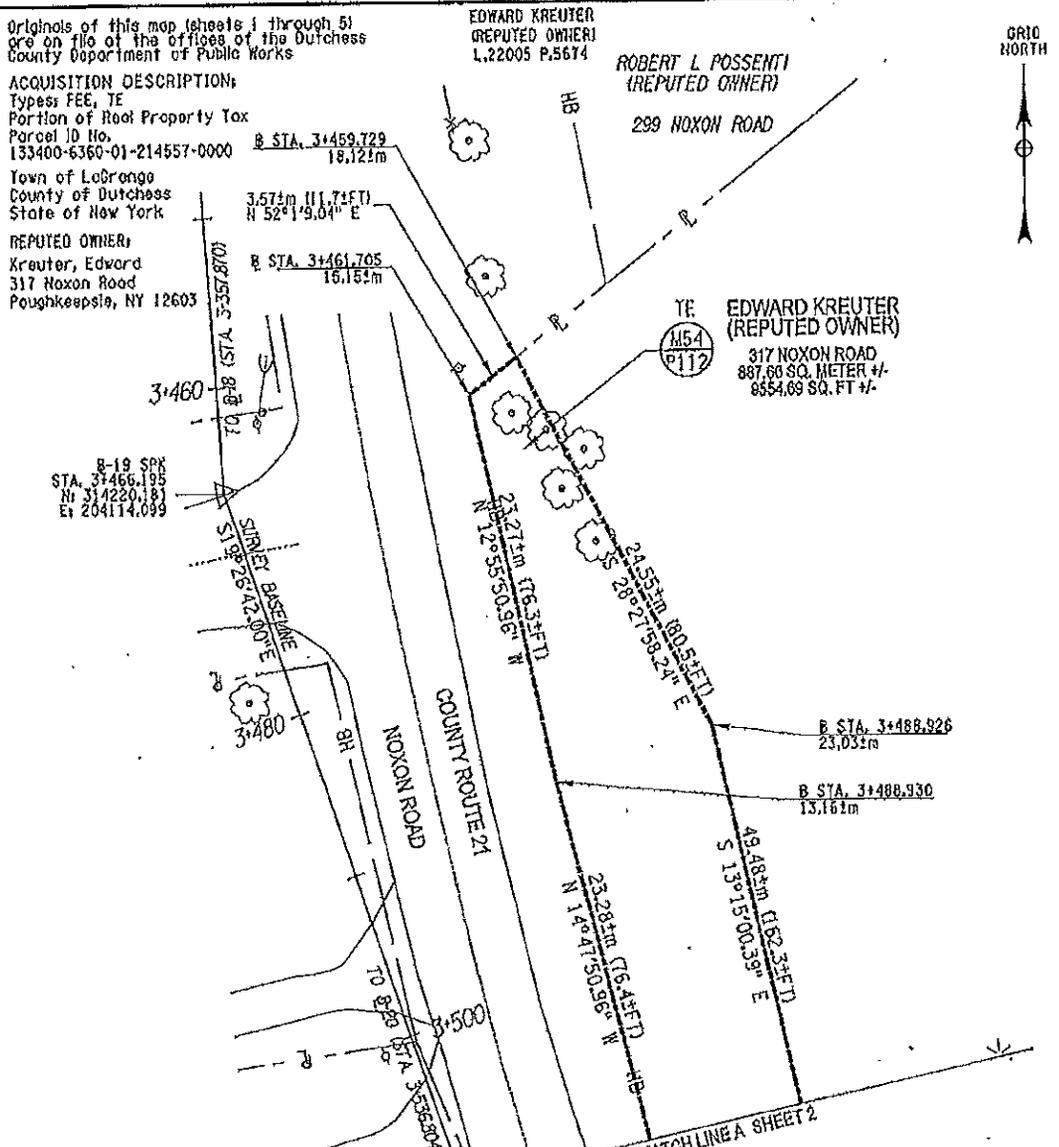
ACQUISITION DESCRIPTION:
 Types: FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000

Town of LaGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

TE EDWARD KREUTER
 (REPUTED OWNER)

317 NOXON ROAD
 887.66 SQ. METER +/-
 8554.69 SQ. FT +/-



SCALE 1/250
 ONE METER EQUALS 250 MILLIMETERS

MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 8/22/13
5/12/14



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112.143
 SHEET 2 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO TIRRSVILLE ROAD

PIN 8755.41

Originals of this map (sheets 1 through 5)
 are on file at the offices of the Dutchess
 County Department of Public Works

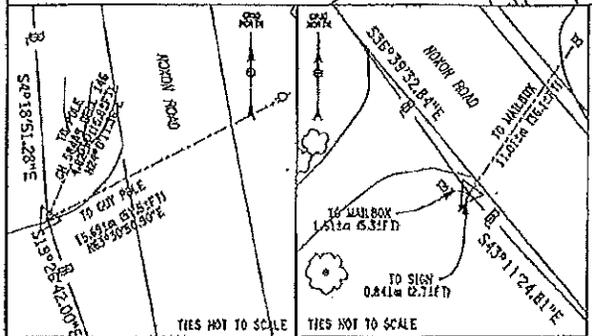
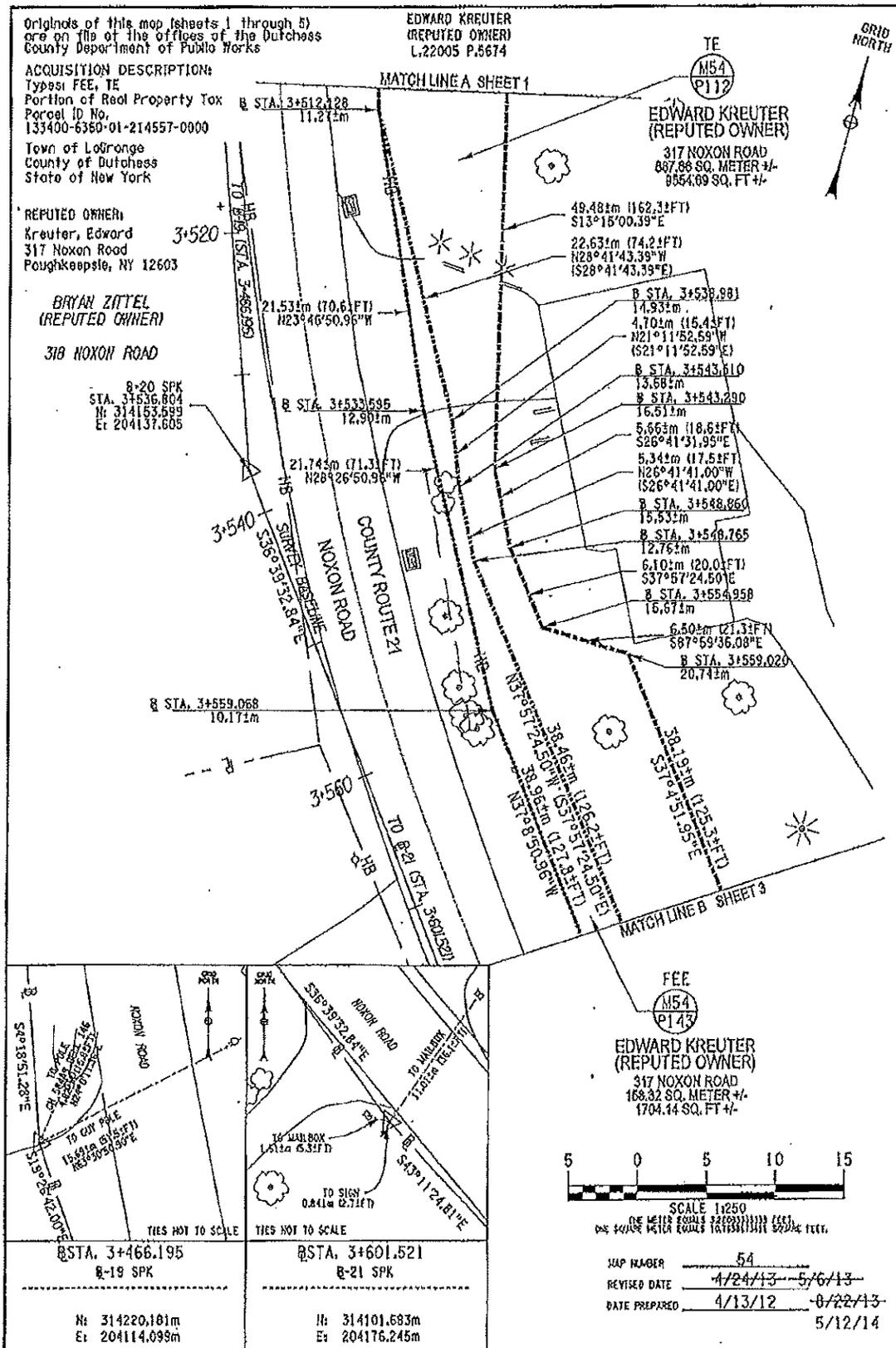
EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ACQUISITION DESCRIPTION:
 Typset FEE, TE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000
 Town of LoGrange
 County of Dutchess
 State of New York

REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

BRYAN ZITTEL
 (REPUTED OWNER)
 318 NOXON ROAD

8-20 SPK
 STA. 3+536.804
 N: 314153.599
 E: 204137.605



B STA. 3+466.195 B-19 SPK N: 314220.181m E: 204114.099m	B STA. 3+601.521 B-21 SPK N: 314101.683m E: 204176.245m
--	--

FEE
 (M54 P143)
 EDWARD KREUTER
 (REPUTED OWNER)
 317 NOXON ROAD
 168.32 SQ. METER +/-
 1704.44 SQ. FT +/-

5 0 5 10 15
 SCALE 1:250
 ONE METER EQUALS 3.28084 FEET (GCS)
 ONE KILOMETER EQUALS 1000 METERS (GCS)

MAP NUMBER 54
 REVISED DATE 4/24/13 - 5/6/13
 DATE PREPARED 4/13/12 - 8/22/13
 5/12/14



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
 PARCEL NO. 112.143
 SHEET 3 OF 5

REHABILITATION OF NOXON ROAD
 NY ROUTE 55 TO YITUSVILLE ROAD

PH 8755.41

Originals of this map (sheets 1 through 5)
 are on file at the offices of the Dutchess
 County Department of Public Works

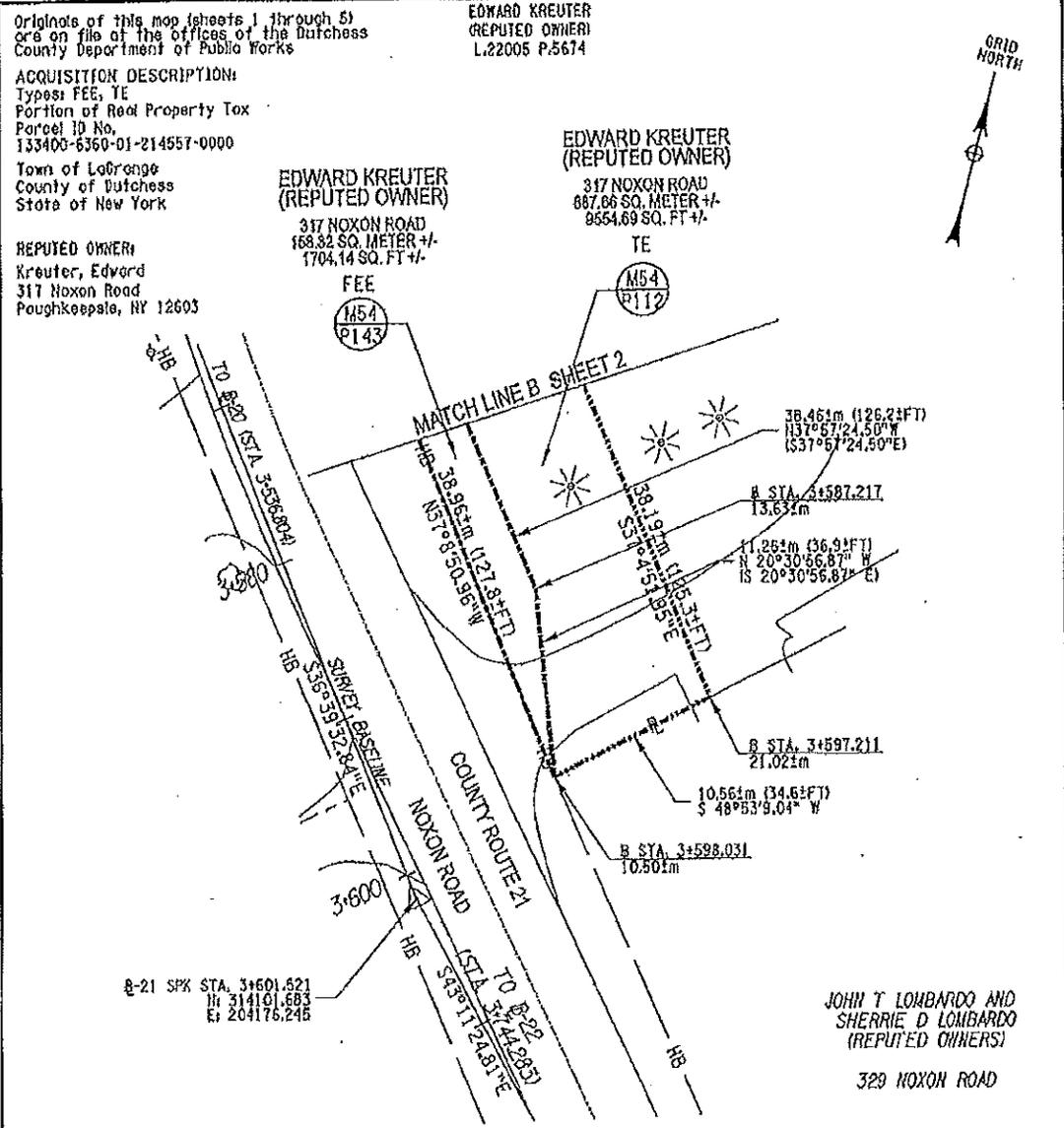
EDWARD KREUTER
 (REPUTED OWNER)
 L.22005 P.5674

ACQUISITION DESCRIPTION:
 Types: FEE, YE
 Portion of Real Property Tax
 Parcel ID No.
 133400-6360-01-214557-0000
 Town of LoGrange
 County of Dutchess
 State of New York

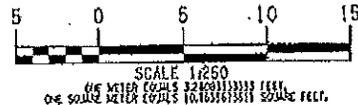
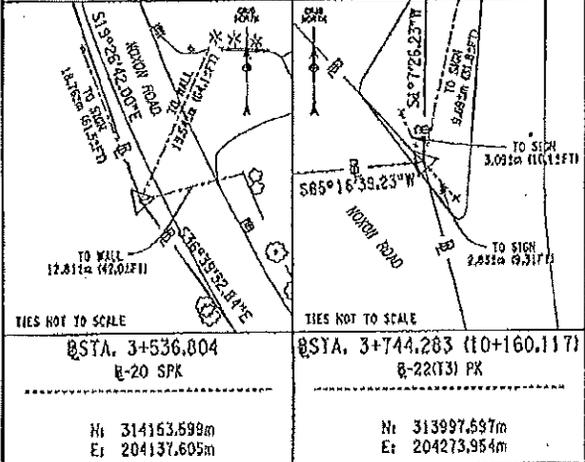
REPUTED OWNER:
 Kreuter, Edward
 317 Noxon Road
 Poughkeepsie, NY 12603

**EDWARD KREUTER
 (REPUTED OWNER)**
 317 NOXON ROAD
 168.82 SQ. METER +/-
 1704.14 SQ. FT +/-

**EDWARD KREUTER
 (REPUTED OWNER)**
 317 NOXON ROAD
 887.66 SQ. METER +/-
 9654.69 SQ. FT +/-



**JOHN T LOMBARDO AND
 SHERRIE D LOMBARDO
 (REPUTED OWNERS)**
 329 NOXON ROAD



MAP NUMBER 54
 REVISED DATE 4/24/13 5/6/13
 DATE PREPARED 4/13/12 6/22/13
 5/12/14



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

MAP NO. 54
PARCEL NO. 112.143
SHEET 4 OF 5

REHABILITATION OF NOXON ROAD
BY ROUTE 55 TO THOUSVILLE ROAD

PIN 8755.41

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

PARCEL NO. 143, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: AN EXISTING RETAINING WALL WILL BE REMOVED AND REPLACED WITH A NEW RETAINING WALL STRUCTURE, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, CLEARING/GRUBBING OF THE SIDE SLOPE AS NEEDED AND THE PROPOSED GROUND SURFACE BEHIND THE NEW RETAINING WALL WILL BE GRADED AND SEEDED TO RE-ESTABLISH A GRASSED SURFACE; BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WILL BE PLACED FOR THE DURATION OF THIS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING DISTANT 11.27±m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°41'43.39" EAST A DISTANCE OF 22.63±m (74.2±FT) TO A POINT, SAID POINT BEING DISTANT 14.93±m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981± OF SAID BASELINE; THENCE CONTINUING SOUTH 21°11'52.59" EAST A DISTANCE OF 4.70±m (15.4±FT) TO A POINT, SAID POINT BEING DISTANT 13.68±m MEASURED AT RIGHT ANGLES FROM STATION 3+643.510± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'41.00" EAST A DISTANCE OF 5.34±m (17.5±FT) TO A POINT, SAID POINT BEING DISTANT 12.76±m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 38.46±m (126.2±FT) TO A POINT, SAID POINT BEING DISTANT 13.63±m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 20°30'56.87" EAST A DISTANCE OF 11.26±m (36.9±FT) TO A POINT, SAID POINT BEING DISTANT 10.90±m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031±, SAID POINT ALSO BEING AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD) AND THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND JOHN T LOMBARDO AND SHERRIE D LOMBARDO (REPUTED OWNERS) TO THE SOUTH; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 37°0'50.96" WEST A DISTANCE OF 38.96±m (127.8±FT) TO A POINT, SAID POINT BEING DISTANT 10.17±m MEASURED AT RIGHT ANGLES FROM STATION 3+599.069± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 28°26'50.96" WEST A DISTANCE OF 21.74±m (71.3±FT) TO A POINT, SAID POINT BEING DISTANT 12.90±m MEASURED AT RIGHT ANGLES FROM STATION 3+533.595± OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 23°46'50.96" WEST A DISTANCE OF 21.53±m (70.6±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 158.32± SQUARE METERS (1704.14± SQUARE FEET) MORE OR LESS.

MAP NUMBER 54
REVISED DATE 4/24/13 - 5/6/13
DATE PREPARED 4/13/12 - 0/22/13
5/12/14



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF HOXON ROAD
 BY ROUTE 55 TO YIPUSVILLE ROAD

PH 8755.41

MAP NO. 54
 PARCEL NO. 112.143
 SHEET 5 OF 5

PARCEL NO. 112 A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA FOR CONSTRUCTION ACCESS AND STORAGE OF CONSTRUCTION MATERIALS RELATED TO A PROPOSED RETAINING WALL, EXCAVATION ASSOCIATED WITH THE RETAINING WALL INSTALLATION INCLUDING ANY NECESSARY ROCK REMOVAL, INSTALLATION OF A PERMANENT FENCE, CLEARING/GRUBBING AS NEEDED, TREE REMOVAL IF NECESSARY, GRADING BEHIND THE PROPOSED RETAINING WALL TO MEET EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASSED SURFACE, BOTH DRIVEWAYS WILL BE REHABILITATED TO MEET THE PROPOSED ROADWAY EDGE, AND THE PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (HOXON ROAD) FOR THE HOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD), SAID POINT ALSO BEING AT THE INTERSECTION OF THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T. LOMBARDO AND SHERRIE D. LOMBARDO (REPUTED OWNERS), SAID POINT ALSO BEING DISTANT 10.502m MEASURED AT RIGHT ANGLES FROM STATION 3+598.031 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD); THENCE THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) NORTH 20°30'56.87" EAST A DISTANCE OF 11.261m (36.92FT) TO A POINT, SAID POINT BEING DISTANT 13.632m MEASURED AT RIGHT ANGLES FROM STATION 3+587.217 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 37°07'24.50" WEST A DISTANCE OF 38.463m (126.22FT) TO A POINT, SAID POINT BEING DISTANT 12.765m MEASURED AT RIGHT ANGLES FROM STATION 3+548.765 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 26°41'41.00" WEST A DISTANCE OF 5.344m (17.55FT) TO A POINT, SAID POINT BEING DISTANT 13.683m MEASURED AT RIGHT ANGLES FROM STATION 3+543.510 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 21°11'52.59" WEST A DISTANCE OF 4.703m (15.44FT) TO A POINT, SAID POINT BEING DISTANT 14.993m MEASURED AT RIGHT ANGLES FROM STATION 3+538.981 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 28°41'43.39" WEST A DISTANCE OF 22.633m (74.24FT) TO A POINT, SAID POINT BEING DISTANT 11.271m MEASURED AT RIGHT ANGLES FROM STATION 3+512.128 OF SAID BASELINE, SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY OF COUNTY ROUTE 21 (HOXON ROAD); THENCE CONTINUING ALONG SAID BOUNDARY NORTH 14°47'50.96" WEST A DISTANCE OF 23.281m (76.41FT) TO A POINT, SAID POINT BEING DISTANT 13.161m MEASURED AT RIGHT ANGLES FROM STATION 3+488.930 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 12°55'50.99" WEST A DISTANCE OF 23.272m (76.31FT) TO A POINT, SAID POINT BEING DISTANT 15.152m MEASURED AT RIGHT ANGLES FROM STATION 3+461.785 OF SAID BASELINE, SAID POINT ALSO BEING ON THE DIVISION LINE OF THE LANDS OF ROBERT L. POSSENTI (REPUTED OWNER) TO THE NORTH AND THE LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE SOUTH; THENCE CONTINUING ALONG SAID DIVISION LINE NORTH 52°19'04" EAST A DISTANCE OF 3.572m (11.72FT) TO A POINT, SAID POINT BEING DISTANT 18.122m MEASURED AT RIGHT ANGLES FROM STATION 3+459.729 OF SAID BASELINE; THENCE CONTINUING THROUGH THE LANDS OF EDWARD KREUTER (REPUTED OWNER) SOUTH 28°27'58.24" EAST A DISTANCE OF 24.553m (80.51FT) TO A POINT, SAID POINT BEING DISTANT 23.032m MEASURED AT RIGHT ANGLES FROM STATION 3+488.926 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 13°15'00.39" EAST A DISTANCE OF 49.481m (162.31FT) TO A POINT, SAID POINT BEING DISTANT 16.512m MEASURED AT RIGHT ANGLES FROM STATION 3+543.290 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 26°41'31.95" EAST A DISTANCE OF 5.661m (18.61FT) TO A POINT, SAID POINT BEING DISTANT 16.533m MEASURED AT RIGHT ANGLES FROM STATION 3+548.860 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°57'24.50" EAST A DISTANCE OF 6.102m (20.02FT) TO A POINT, SAID POINT BEING DISTANT 15.672m MEASURED AT RIGHT ANGLES FROM STATION 3+554.958 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 87°59'36.08" EAST A DISTANCE OF 6.802m (22.31FT) TO A POINT, SAID POINT BEING DISTANT 20.745m MEASURED AT RIGHT ANGLES FROM STATION 3+559.020 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 37°04'51.95" EAST A DISTANCE OF 38.192m (125.31FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF LANDS OF EDWARD KREUTER (REPUTED OWNER) TO THE NORTH AND LANDS OF JOHN T. LOMBARDO AND SHERRIE D. LOMBARDO (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 21.022m MEASURED AT RIGHT ANGLES FROM STATION 3+587.214 OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE SOUTH 48°53'9.04" WEST A DISTANCE OF 10.562m (34.65FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 887.662 SQUARE METERS (954.692 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 112 AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (HOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 3+357.870; THENCE SOUTH 4°18'51.28" EAST TO STATION 3+466.195; THENCE SOUTH 19°26'42.00" EAST TO STATION 3+536.804; THENCE SOUTH 36°39'32.84" EAST TO STATION 3+601.521; THENCE SOUTH 43°11'24.81" EAST TO STATION 3+744.283.

MAP NUMBER 54
 REVISED DATE 4/24/13 - 5/6/13
 DATE PREPARED 4/13/12 - 8/22/13
 5/12/14

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

Date 5/16 2014

Noel H.S. Knirro, AIA, ASLA
 Commissioner of Public Works

Recommended by:
 Date 5/13/14 2014

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

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

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

Date MAY 13 2014

GARY W. REED Land Surveyor
 P.L.S. License No. 50557

MSP- BELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510



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

Dutchess County
DPW ENGINEERING

Memo

To: Robert H. Balkind, P.E., Deputy Commissioner of Public Works
From: Matthew W. Davis, Assistant Civil Engineer I *MD*
Date: September 8, 2014
Re: RESOLUTION REQUEST
FEE ACQUISITION, MAP 54, PARCEL 143
PIN 8755.41 REHABILITATION OF CR 21 (NOXON RD), NYS 55 TO CR 49
(TITUSVILLE ROAD), TOWN OF LAGRANGE

Accompanying this memo is a Resolution Request and Fiscal Impact Statement with supporting documentation to request authorization to acquire in fee a 158.32+/- square meter (1,704.14+/- square foot) parcel for a consideration of \$14,660.00. This parcel is a portion of property owned by Edward Kreuter, located on County Route 21, (Noxon Road), in the Town of LaGrange, identified as parcel identification number 133400-6360-01-214557-0000. The purchase of these parcels is required to facilitate the rehabilitation of County Route 21 under the subject Federal Aid Project. The amount of this resolution request is for \$15,660.00, which includes related expenses as shown on the accompanying Fiscal Impact Statement

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

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

2014 SEP - 8 A 11:42
COUNTY ATTORNEY
RECEIVED

Public Works and Capital Projects Roll Call

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

Present: <u> 9 </u>	Resolution: <u> ✓ </u>	Total : <u> 9 </u>	<u> 0 </u>
Absent: <u> 3 </u>	Motion: <u> </u>	Yes	No
Vacant: <u> 0 </u>		Abstentions: <u> 0 </u>	

2014250 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE OWNED BY EDWARD KREUTER (PIN 8755.41)

Date: September 8, 2014

Roll Call Sheets

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

Present: 22
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 22 0
 Yes No
 Abstentions: 0

2014250 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE RESURFACING, RESTORATION AND REHABILITATION OF NOXON ROAD, CR 21 BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD, CR 49, TOWN OF LAGRANGE OWNED BY EDWARD KREUTER (PIN 8755.41)

Date: September 8, 2014

Dutchess County Legislature



PROCLAMATION: RECOGNIZING SEPTEMBER AS LEUKEMIA, LYMPHOMA, & MYELOMA AWARENESS MONTH

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

WHEREAS, blood cancers currently afflict more than 1,129,813 people in the United States, with an estimated 149,990 new cases diagnosed each year, and an estimated 10,360 new cases diagnosed in the Hudson Valley region each year, and

WHEREAS, leukemia, lymphoma, and myeloma will kill an estimated 54,630 people in the United States and an estimated 3,250 people in the Hudson Valley region this year, and

WHEREAS, the Leukemia & Lymphoma Society (LLS), through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, LLS maintains an office in White Plains to support patients with these diseases and their family members in the Hudson Valley region, and

WHEREAS, the Dutchess County Legislature is similarly committed to the eradication of these diseases and supports the treatments of its citizens that suffer from them, and

WHEREAS, the Dutchess County Legislature encourages private efforts to enhance research funding and education programs that address these diseases, now, therefore be it

RESOLVED, that the Dutchess County Legislature joins with LLS in designating the month of September 2014 as Leukemia, Lymphoma, & Myeloma Awareness Month to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

Resolution No. 2014251

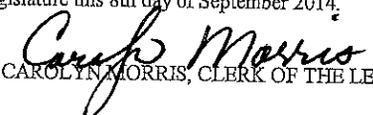
STATE OF NEW YORK

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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

L Aid ON DESKS 9/8/14

RESOLUTION NO. 2014252

RE: LOCAL LAW NO. OF 2014, A LOCAL LAW TO BE KNOWN AS "KEEP DUTCHESS COUNTY SAFE FROM HYDROFRACKING BY-PRODUCTS ACT."

Legislators TYNER, JETER-JACKSON, AMPARO, STRAWINSKI, PERKINS, MAC AVERY offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____ of 2014, which has been submitted this day of consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2014

RE: A LOCAL LAW TO BE KNOWN AS "KEEP DUTCHESS COUNTY SAFE FROM HYDROFRACKING BY-PRODUCTS ACT."

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

SECTION 1. NAME OF LOCAL LAW. This law shall be known as the "Keep Dutchess County Safe from Hydrofracking By-Products Act."

SECTION 2. LEGISLATIVE INTENT. The wastewater from the gas and oil extraction process known as hydraulic fracturing, or hydrofracking is known to contain numerous carcinogenic chemicals as well as many other hazardous compounds. Unable to treat this hazardous waste effectively, extractors frequently truck wastewater to municipal wastewater treatment plants that are unable to effectively treat and remove many of the hazardous chemicals. Many municipalities have passed legislation banning hydrofracking wastewater from their wastewater treatment plants due to the potentially damaging impact of the waste on the plant infrastructure and equipment and because the plants are not equipped to adequately treat the waste.

Further, the brine from hydrofracking, water that has been trapped in the shale for thousands of years, is sold to municipalities as a deicing fluid and to control dust on roadways. In addition to extremely high levels of sodium, which is hazardous to drinking supplies, this brine has also been found to contain high levels of radioactive compounds. Many municipalities have banned the use of hydrofracking brine on their roads.

The Dutchess County Legislature believes that the treatment of hydrofracking wastewater in any (public or private) wastewater treatment plant in Dutchess County should be prohibited and the use of hydrofracking brine to treat roads should be banned in Dutchess County.

SECTION 3. DEFINITIONS. As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY – The County of Dutchess, New York.
- B. HYDRAULIC FRACTURING – the fracturing of shale formations by manmade fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
- C. NATURAL GAS EXTRACTION ACTIVITIES – all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.

- D. NATURAL GAS WASTE – shall mean any waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
- E. APPLICATION – shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Dutchess.

SECTION 4. PROHIBITIONS.

- A. The introduction of natural gas waste into any wastewater treatment facility within or operated by the County is prohibited.
- B. The sale of natural gas waste within the County is prohibited.
- C. The application of natural gas waste on any road or real property located within the County is prohibited.

SECTION 5. PROVISION TO BE INCLUDED IN BIDS AND CONTRACTS RELATED TO THE CONSTRUCTION OR MAINTENANCE OF COUNTY ROADS.

- A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
- B. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be utilized in providing such a service.

SECTION 6. DUTY OF EMPLOYEES TO BE FAMILIAR WITH THIS CHAPTER.

The County Executive or, at the County Executive’s option, any Department head or commissioner appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a contractor or vendor of the County.

SECTION 7. PENALTIES.

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section 4 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. EFFECTIVE DATE.

This local law shall take effect sixty days after it is filed with the New York State Department of State.

NAME: ^uKeep Dutchess County

Safe from Hydrofracking

Pay-Fracking Act^u

No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$ 0

Total Current Year Revenue and Source: \$ 0

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

Identify Line Item (s):
Related Expenses:

NONE

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): \$

(over five years): \$

protecting
public health
SAVES TAX DOLLARS!

Additional Comments:

[see NYAgainstFracking.org]

The foregoing local law Resolution No. 2014252 was laid on desks on September 8, 2014, and considered on ____, 2014.

Roll call vote at that time resulted as follows:

AYES:

NAYS:

ABSENT:

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on ____, 2014 and signed it into Law on the same day. The effective date of the Local Law was ____, 2014.

LAID ON DESKS 9/8/14

RESOLUTION NO. 2014253

RE: LOCAL LAW NO. _____ OF 2014, A LOCAL LAW
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7
OF 2001 AND LOCAL LAW NO. 5 OF 2004

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

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2014 which has been submitted this day for consideration by said Legislature.

CA-164-14
CRC/ca/G-0770-B
8/25/14
Fiscal Impact: None

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2014

RE: LOCAL LAW NO. _____ OF 2014, A LOCAL LAW
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7
OF 2001 AND LOCAL LAW NO. 5 OF 2004

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

DUTCHESS COUNTY CODE OF ETHICS

- SECTION 1. STATEMENT OF PURPOSE
- SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED
- SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEREOF
- SECTION 4. DEFINITIONS
- SECTION 5. STANDARDS OF CONDUCT
- SECTION 6. MATTERS AGAINST THE COUNTY
- SECTION 7. DISTRIBUTION OF CODE OF ETHICS
- SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT
- SECTION 9. FINANCIAL DISCLOSURE STATEMENT
- SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES AND EXTENSIONS
- SECTION 11. PENALTIES
- SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS: COMPOSITION
- SECTION 13. DUTCHESS COUNTY BOARD OF ETHICS: POWERS, DUTIES, AND FUNCTIONS
- SECTION 14. DUTCHESS COUNTY BOARD OF ETHICS: COMPLAINTS, HEARINGS AND ASSESSMENT OF PENALTIES
- SECTION 15. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990
- SECTION 16. AUTHORITY
- SECTION 17. SEVERABILITY
- SECTION 18. EFFECTIVE DATE

SECTION 1. STATEMENT OF PURPOSE.

This Code of Ethics is enacted pursuant to Article 18 of General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the County of Dutchess, to afford them clear guidance as to these standards, and to ensure that county government is free from improper influence so as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of County officers and employees and officials. The County Legislature shall annually review the Dutchess County Code of Ethics at its first regular meeting of the year.

Pursuant to NY General Municipal Law Section 806(1)(a) the County of Dutchess adopts a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.

By adopting a local law, ordinance or resolution as authorized by NY General Municipal Law Section 811(1) the County of Dutchess elects, pursuant to NY General Municipal Law Section 812(3), to remove itself from the ambit of NY General Municipal Law Section 812(5), which mandates a NY State prescribed financial disclosure statement form.

The County Legislature has determined that it is necessary and advisable to repeal Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 to consolidate in one Local Law all previous amendments and to:

- 1) add a definition of “complaint”;
- 2) mandate annual Code of Ethics training;
- 3) provide a process for updating the list of titles and positions of local officers and employees required to file an annual financial disclosure statement;
- 4) correct the financial disclosure statement so that it does not give the impression that a Notary is required when an affirmation under penalty of perjury is sufficient;
- 5) require that County employees leaving County service complete a financial disclosure statement for the prior calendar year at the Exit Interview;
- 6) authorize the Dutchess County Board of Ethics to evaluate the contents of financial disclosure statement forms;
- 7) require that all hearings alleging a violation of the Dutchess County Code of Ethics remain confidential until a determination that there has indeed been a violation has been made;
- 8) authorize an Ethics Board Member to initiate a complaint; and
- 9) expand the enforcement remedies of the Code of Ethics to authorize the Dutchess County Board of Ethics to issue “cease and desist” orders upon the Board’s determination that a violation of this Code has occurred.

SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED.

Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 of the County of Dutchess, and known as the Dutchess County Code of Ethics is repealed upon the effective date of this Local Law; provided, however, that nothing, including this Section shall prohibit the enforcement of said Local Law No. 7 of 2000, as amended, of the County of Dutchess, for actions or inactions done or not done as the case may be, by those subject to such Local Law No. 7 of 2000, as amended, of the County of Dutchess, prior to the effective date of this Local Law. All fines, penalties, criminal, and civil liability as the case may be shall remain in full force and effect and available for enforcement under such repealed Local Law No. 7 of 2000, as amended, of the County of Dutchess, for any applicable actions or inaction of those subject to such law as if such law remained in full force and effect for actions taken or inaction prior to the effective date of this Local Law.

SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEROF.

The Dutchess County Board of Ethics provided for in Local Law No. 7 of 2000, as amended, of the County of Dutchess, is hereby continued and the terms of the Members of such Board of Ethics shall continue uninterrupted until their expiration as made under Local Law No. 7 of 2000, as amended, of the County of Dutchess.

SECTION 4. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "Complaint" means a signed written communication from any source whatsoever containing factual allegations of misconduct of a Dutchess County employee or officer which, if proven, would constitute a violation of the Dutchess County Code of Ethics. A complaint need not be addressed to the Dutchess County Board of Ethics so long as the substance of the allegations involves purported unethical conduct of a Dutchess County employee or officer as outlined in Section 5.
- (d) "County" means the government of the County of Dutchess and Dutchess Community College.
- (e) "Hearsay Evidence" is evidence of a statement which was made by someone other than by a witness while testifying at a hearing and which is offered to prove the truthfulness of the matter stated.
- (f) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
 - (i) A relative except as to a contract of employment with the County;
 - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
 - (iii) A corporation of which such officer or employee is an officer, director or employee;
 - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (g) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (h) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (i) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (j) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (k) "Unemancipated Child" means a child who is under the age of eighteen, unmarried and living in the household of an officer or employee.

SECTION 5. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual

gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could reasonably be expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.

- (b) Confidential Information. No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) Representation Before One's Own Agency. No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) Representation Before Any Agency For a Contingent Fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation. To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) Disclosure of Interests in Contracts. To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) Investments in Conflict with Official Duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.
- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the

County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment.

- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such County officer or employee, has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.
- (l) Nepotism. No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2(g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics.

SECTION 6. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 7. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Each officer and employee required to file a Financial Disclosure Statement shall complete Code of Ethics training provided by the County Attorney during such officer or employee's initial employee orientation, and annually thereafter, or sign a sworn statement that such officer or employee has received and read the Dutchess County Code of Ethics. Such sworn statement shall be filed with the County Attorney's office by the deadline for filing Financial Disclosure Statements (i.e., May 15). Failure to distribute, post, receive or read a copy of this local law, attend annual training, or to submit a sworn statement regarding receipt and reading of the Code of Ethics shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT;
MAINTENANCE OF DISCLOSURE STATEMENT.

(a) The Dutchess County Commissioner of Human Resources shall, prior to February 1st of each calendar year in which changes to affected positions become effective, submit to the Dutchess County Legislature for approval by resolution, a list specifying by name of office or by title or classification, those officers, employees, and local elected officials of the executive and legislative branches of county government, but not judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

Such list shall contain the heads of all county created agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the county who hold policy making positions as determined by the appointing authority as appointing authority is defined by New York State Civil Service Law Section 2(9).

Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15th of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.

(b) Financial Disclosure Statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five (5) years in an appropriate manner, by the Board of Ethics. Such Disclosure Statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period.

SECTION 9. FINANCIAL DISCLOSURE STATEMENT.

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR CALENDAR YEAR _____

The Code of Ethics of Dutchess County requires certain elected or appointed officials and employees to file this statement prior to May 15 of the following year. Please answer all questions completely. Indicate not applicable (N/A) where appropriate. Attach additional pages if necessary. The filing of this statement does not affect other reporting requirements.

1. Reporting Individual

Name: _____

Title of County Position Held: _____

Department or Agency: _____

Current Office Address: _____

Current Office Telephone Number(including extension): _____

If you are currently an officer or employee required to file a Financial Disclosure Statement and a candidate for an elective office subject to disclosure, indicate the title of the office: _____

2. To the best of your knowledge and belief, do you, your spouse, your children or dependent(s) or any relatives as defined in Section 4(h) have *any* of the following relationships with Dutchess County? (If yes, check the appropriate boxes)

Do business with Dutchess County

Receive any benefits, payment or gift in excess of that allowed in Section 5(a) from any person, firm, company or organization either doing business with Dutchess County or licensed or regulated by Dutchess County

Own five (5) per cent or more of stock in a firm doing business with with Dutchess County

Check all boxes above that are applicable

If you checked a box in question 2 above, go on to page 2. Do not complete the certification below.

If you did not check a box above, complete the certification below and file the Statement with the Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, NY 12601

I hereby affirm under penalty of perjury that neither I nor any of the members of my Immediate Family have any of the Relationships described in Question 2 and that the information on this statement set forth above is true, accurate, and complete to the best of my ability.

Dated: _____

(signature)

6. For every individual identified in Question 3, including yourself, identify any real property which each owns either in or contiguous to Dutchess County. The identification should include at a minimum the street address, municipality, property size, property use, and acquisition date. Include all property, whether the interest is vested or contingent, where fifty percent (50%) or more of the equitable interest in the property is held by the reporting person or relatives.

Exclude any primary personal residence not exceeding five (5) acres.

With respect to items reported concerning "relatives", as defined, a demonstration of good faith effort to the Ethics Board shall be evidence of compliance.

If you completed Questions 3-6, complete the Certification below prior to filing with the Board of Ethics.

The reporting of information on this statement is required by law. Improper use of the information contained in this statement by any person or entity in violation of privacy or other rights is separately punishable in accordance with law. No inference of unethical or illegal conduct or behavior shall be drawn merely from the lawful compliance with disclosure requirements

I hereby affirm under penalty of perjury that the information on this statement set forth above is true, accurate and complete to the best of my ability.

Dated: _____

(signature)

SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES; EXTENSIONS

Annual Statement of Financial Disclosure; Filing; Variances and Extensions.

- (a) Any person required to file an Annual Statement of Financial Disclosure pursuant to this local law shall file such completed statement on or before May 15th of each year for the preceding calendar year directly with the appropriate body. Any person required to file such statement who leaves County employment shall complete such statement for the preceding calendar year so that it may be collected by Human Resources at the Exit Interview.
- (b) Any person required to file such statement who is employed after May 15th of any year shall file such statement within thirty (30) days of such employment.
- (c) A person who is subject to filing requirements from more than one county may satisfy the requirement of this Section by filing a financial disclosure form with the appropriate body of the other county and filing a copy of that form with this county within the time required, together with a notification to this county of the name of the other county and the name and address of the appropriate body for that county.
- (d) Any person who is subject to the reporting requirements of this local law and who timely files with the Internal Revenue Service an application for an extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before the fifteenth (15th) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (e) Any person who is required to file an annual financial disclosure statement and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship in accordance with the rules and regulations on the subject adopted by the appropriate body, shall file such statement within the additional period of time granted.
- (f) Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing.
- (g) Any person who is required to file an annual financial disclosure statement and who fails to file on or before May 15 of any year, shall be notified by certified mail by the appropriate body, and shall file such statement within fifteen (15) days of such notification subject to the penalty provided for in Section 11(a) below.
- (h) Any person required to file a financial disclosure statement may request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or relatives which item or items may be exempted upon a finding by a majority of the Board of Ethics that the reporting individual's spouse or relatives, objects to providing the information necessary to make such

disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 11. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics laws, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the officer or employee's department head and/or the Commissioner of Human Resources and/or other proper authority.

SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS; COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal

counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year, and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.

- (d) The County Legislature may appropriate moneys for the maintenance and personal services connected with the Board of Ethics.
- (e) The members of the Board of Ethics shall receive no compensation for their services on such Board.

SECTION 13. BOARD OF ETHICS: POWERS, DUTIES, FUNCTIONS.

- (a) The Board of Ethics shall have the powers, duties and functions provided by Article 18 of the General Municipal Law.
- (b) The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Dutchess County Commissioner of Finance shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so and inform the Dutchess County Board of Ethics in writing of the results of such inspection. The Board of Ethics shall have the authority to request further information from any person required to file an Annual Statement of Financial Disclosure pursuant to this local law who has checked off a box in Item 2 of the Financial Disclosure Statement, and to take such further action as the Board deems warranted as allowed by this code.
- (c) The Board of Ethics shall render advisory opinions in writing to officers and employees of Dutchess County, upon written request of the officer or employee with regard to his or her own affairs. Such advisory opinions shall be with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto, except that the County Board of Ethics shall not act with respect to the officers and employees of any municipality located within Dutchess County or agency thereto, where such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board of Ethics. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion.
- (d) The County Executive, members of the County Legislature, Comptroller, Sheriff, or County Clerk, may request an advisory opinion with regard to the affairs of any county officer or employee. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional ninety (90) days upon notification to the County Executive and Clerk of the County Legislature that a particular matter is under investigation and an additional extension is required. In any event, the Board shall render its opinion no later than one hundred fifty (150) days from the date of receipt of the written request.

- (e) Unless specifically requested by the individual charged with a violation, or the party requesting an advisory opinion, said opinions shall not be made public or disclosed unless required by the Freedom of Information Law, pursuant to Judicial subpoena or required on a disciplinary proceeding involving an officer or employee.
- (f) The Board of Ethics, by majority vote of the whole may request the County Legislature to authorize them to subpoena an individual, whether or not a county officer or employee, or any document or thing deemed necessary to the Board in resolving any pending proceeding or investigation.
- (g) The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the County Legislature or the governing body of any municipality in the County.

SECTION 14. BOARD OF ETHICS: COMPLAINTS, HEARINGS, AND ASSESSMENT OF PENALTIES.

- (a) All complaints alleging a violation of the Dutchess County Code of Ethics must be in writing and include the signed name and address of the complainant.
- (b) The Board may accept from the general public or any of its own members or any County officer or employee a complaint or allegation of conflict of interest of any officer or employee of Dutchess County. The Board may also accept from the general public or any of its own members or any County officer or employee a complaint or allegation of a violation of this Local Law by a County officer or employee.
- (c) Complaints to remain Confidential unless Violation.
All such complaints or allegations are to be kept in the confidential records of the Board by the Board unless made public by the Board after a determination of a violation has been made.
- (d) Power of Ethics Board Member to Initiate Complaint.
To the extent that the allegation is upon the information and belief of a Member of the Board of Ethics after such Member shall have received notice thereof, such Member may forward under his or her own name such allegation and state that it is on information and belief. The Members of the Ethics Board shall be entitled to the source of the information and belief of the complaint, which information may be chosen to be kept confidential by the Ethics Board to the extent permitted by law. Said Board member advancing an allegation shall henceforth be excluded from voting on the merits of the complaint if such member is a witness to any of the allegations of the complaint. In order for a determination to be rendered the Board must have a signed written complaint.
- (e) Confidentiality of Hearings/Meetings relating to possible violation of Law.
No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this Local Law by a County officer or employee shall be open to the public, except upon the written request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.

- (f) The Board's findings and conclusions and Order shall be made public if it is determined that the person who was the subject of the hearing knowingly violated this Local Law or that it is unreasonable that such person did not know of such violation.
- (g) Upon receipt of a complaint, the Board of Ethics shall make a determination as to whether, on its face, the complaint alleges a violation of the Code of Ethics. If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Board shall notify the complainant of its determination in writing.
- (h) If a determination is made that a violation of the Code of Ethics is alleged by the complainant, the Board shall notify in writing the person against whom the complaint is made of the nature of the complaint and the provision of the Code of Ethics allegedly violated.
- (i) The officer or employee charged with a violation shall have fifteen (15) days from receipt of notice of alleged violation to respond in writing to the Board's notice of alleged violation. The fifteen (15) day time period may be extended an additional fifteen (15) days at the Board's discretion. The response shall either admit the violation or state facts supporting a denial of the charge.
- (j) If the charge is denied, the Board shall either dismiss the charge if the facts presented so warrant or conduct a hearing.
- (k) A fact hearing shall consist of sworn testimony, affidavits, or such document evidence as the Board allows. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against him or her. Strict rules of evidence under the laws of New York State shall not apply to the hearing. The Board may direct that the hearing be recorded and transcribed.
- (l) After the hearing is conducted, the Board shall issue its decision in writing, indicating the reason therefor. Any determination by the Board that a violation of this Code of Ethics has occurred shall be based on a majority vote of the whole Board, specifically; at least three out of five votes in favor of such determination shall be required. Such decision shall be rendered, if practicable, within the time limits set forth for opinions as contained in Section 13(d) above. No determination may be based solely on hearsay evidence.
- (m) Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 11 of this Code of Ethics, the Board of Ethics may assess a penalty as allowed by this code or issue a "cease and desist" order or both.
- (n) 1) Any determination resulting in a fine, cease and desist order, or disciplinary action by the Board of Ethics shall be subject to review by a special proceeding in New York Supreme Court. Such a proceeding must be commenced within thirty (30) days of receipt of notice of a determination. The Supreme Court, in its review, may make its own findings of fact based upon the record before it.

2) In instances where the Board of Ethics levies a fine in excess of \$1,000, the aggrieved party may seek review by the Dutchess County Legislature solely on the issue of excessive fine. The request for Legislative review shall be in writing and filed with the Clerk of the Legislature and the Board of Ethics within ten (10) days of receipt of notice of said determination. Upon receipt of such request, the Clerk shall refer the matter to the Budget, Finance, and Personnel Committee of the Legislature for its review and recommendation. In conducting its review, the Personnel Committee shall be restricted to only materials or testimony presented to the Board of Ethics. The Personnel Committee shall recommend an affirmance or reduction of the fine. The Personnel Committee's recommendation shall be in the form of a resolution submitted for action by the full Legislature. The Legislature shall have ninety (90) days from the date the Clerk receives the notice within which to act on the request. The failure by the Legislature to take action within the ninety (90) days shall be deemed an affirmance of the determination of the Board of Ethics.

3) The time within which to commence a special proceeding in Supreme Court shall be tolled pending action by the County Legislature and the County Executive upon adoption of the resolution as provided in the County Charter.

SECTION 15. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990.

Local Law No. 3 of 1971, establishing a Board of Ethics for the County of Dutchess and Local Law No. 7 of 1990, establishing a Code of Ethics for the officers and employees of the County of Dutchess, are hereby repealed in their entirety.

SECTION 16. AUTHORITY.

The provisions of this local law are enacted pursuant to the authority granted by Article 18 of the General Municipal Law. Notwithstanding anything to the contrary, the County of Dutchess hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 17. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, item or other part of this local law or the application thereof to any person or circumstance should be held by a court of competent jurisdiction to be invalid, void, or violative of a constitution or controlling law, such judgment, holding or determination shall be restricted to such clause, sentence, paragraph, section, subdivision, item or other part or the application thereof and shall not apply to the remaining parts of such local law. To this end, the provisions of each clause, sentence, paragraph, section, subdivision, item or other part of this local law are hereby declared to be severable.

SECTION 18. EFFECTIVE DATE.

This local law is not subject to any mandatory or permissive referendum and, therefore, shall take effect immediately upon filing in the Office of the Secretary of State.

The foregoing local law Resolution No. 2014253 was laid on desks on September 8, 2014, and considered on _____, 2014.

Roll call vote at that time resulted as follows:

AYES:

NAYS:

ABSENT:

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on _____, 2014 and signed it into Law on the same day. The effective date of the Local Law was _____, 2014.

L Aid ON DESKS 9/8/14

RESOLUTION NO. 2014254

RE: LOCAL LAW NO. _____ OF 2014, A LOCAL LAW
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7
OF 2001 AND LOCAL LAW NO. 5 OF 2004

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

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2014 which has been submitted this day for consideration by said Legislature.

CA-164-14
CRC/ca/G-0770-B
8/25/14
Fiscal Impact: None

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2014

RE: LOCAL LAW NO. _____ OF 2014, A LOCAL LAW
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7
OF 2001 AND LOCAL LAW NO. 5 OF 2004

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

DUTCHESS COUNTY CODE OF ETHICS

- SECTION 1. STATEMENT OF PURPOSE
- SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED
- SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEREOF
- SECTION 4. DEFINITIONS
- SECTION 5. STANDARDS OF CONDUCT
- SECTION 6. MATTERS AGAINST THE COUNTY
- SECTION 7. DISTRIBUTION OF CODE OF ETHICS
- SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT
- SECTION 9. FINANCIAL DISCLOSURE STATEMENT
- SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES AND EXTENSIONS
- SECTION 11. PENALTIES
- SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS: COMPOSITION
- SECTION 13. DUTCHESS COUNTY BOARD OF ETHICS: POWERS, DUTIES, AND FUNCTIONS
- SECTION 14. DUTCHESS COUNTY BOARD OF ETHICS: COMPLAINTS, HEARINGS AND ASSESSMENT OF PENALTIES
- SECTION 15. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990
- SECTION 16. AUTHORITY
- SECTION 17. SEVERABILITY
- SECTION 18. EFFECTIVE DATE

SECTION 1. STATEMENT OF PURPOSE.

This Code of Ethics is enacted pursuant to Article 18 of General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the County of Dutchess, to afford them clear guidance as to these standards, and to ensure that county government is free from improper influence so as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of County officers and employees and officials. The County Legislature shall annually review the Dutchess County Code of Ethics at its first regular meeting of the year.

Pursuant to NY General Municipal Law Section 806(1)(a) the County of Dutchess adopts a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.

By adopting a local law, ordinance or resolution as authorized by NY General Municipal Law Section 811(1) the County of Dutchess elects, pursuant to NY General Municipal Law Section 812(3), to remove itself from the ambit of NY General Municipal Law Section 812(5), which mandates a NY State prescribed financial disclosure statement form.

The County Legislature has determined that it is necessary and advisable to repeal Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 to consolidate in one Local Law all previous amendments and to:

- 1) add a definition of “complaint”;
- 2) mandate annual Code of Ethics training;
- 3) provide a process for updating the list of titles and positions of local officers and employees required to file an annual financial disclosure statement;
- 4) correct the financial disclosure statement so that it does not give the impression that a Notary is required when an affirmation under penalty of perjury is sufficient;
- 5) require that County employees leaving County service complete a financial disclosure statement for the prior calendar year at the Exit Interview;
- 6) authorize the Dutchess County Board of Ethics to evaluate the contents of financial disclosure statement forms;
- 7) require that all hearings alleging a violation of the Dutchess County Code of Ethics remain confidential until a determination that there has indeed been a violation has been made;
- 8) authorize an Ethics Board Member to initiate a complaint; and
- 9) expand the enforcement remedies of the Code of Ethics to authorize the Dutchess County Board of Ethics to issue “cease and desist” orders upon the Board’s determination that a violation of this Code has occurred.

SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED.

Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 of the County of Dutchess, and known as the Dutchess County Code of Ethics is repealed upon the effective date of this Local Law; provided, however, that nothing, including this Section shall prohibit the enforcement of said Local Law No. 7 of 2000, as amended, of the County of Dutchess, for actions or inactions done or not done as the case may be, by those subject to such Local Law No. 7 of 2000, as amended, of the County of Dutchess, prior to the effective date of this Local Law. All fines, penalties, criminal, and civil liability as the case may be shall remain in full force and effect and available for enforcement under such repealed Local Law No. 7 of 2000, as amended, of the County of Dutchess, for any applicable actions or inaction of those subject to such law as if such law remained in full force and effect for actions taken or inaction prior to the effective date of this Local Law.

SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEROF.

The Dutchess County Board of Ethics provided for in Local Law No. 7 of 2000, as amended, of the County of Dutchess, is hereby continued and the terms of the Members of such Board of Ethics shall continue uninterrupted until their expiration as made under Local Law No. 7 of 2000, as amended, of the County of Dutchess.

SECTION 4. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "Complaint" means a signed written communication from any source whatsoever containing factual allegations of misconduct of a Dutchess County employee or officer which, if proven, would constitute a violation of the Dutchess County Code of Ethics, as outlined in Section 5, Standards of Conduct. A complaint need not be addressed to the Dutchess County Board of Ethics so long as the substance of the allegations involves purported unethical conduct of a Dutchess County employee or officer as outlined in Section 5.
- (d) "County" means the government of the County of Dutchess and Dutchess Community College.
- (e) "Hearsay Evidence" is evidence of a statement which was made by someone other than by a witness while testifying at a hearing and which is offered to prove the truthfulness of the matter stated.
- (f) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
 - (i) A relative except as to a contract of employment with the County;
 - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
 - (iii) A corporation of which such officer or employee is an officer, director or employee;
 - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (g) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (h) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (i) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (j) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (k) "Unemancipated Child" means a child who is under the age of eighteen, unmarried and living in the household of an officer or employee.

SECTION 5. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other

form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could reasonably be expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.

- (b) Confidential Information. No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) Representation Before One's Own Agency. No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) Representation Before Any Agency For a Contingent Fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation. To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) Disclosure of Interests in Contracts. To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) Investments in Conflict with Official Duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.
- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment.
- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such County officer or employee, has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.
- (l) Nepotism. No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2(g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics.

SECTION 6. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 7. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Each officer and employee required to file a Financial Disclosure Statement shall complete Code of Ethics training provided by the County Attorney during such officer or employee's initial employee orientation, and annually thereafter, or sign a sworn statement that such officer or employee has received and read the Dutchess County Code of Ethics. Such sworn statement shall be filed with the County Attorney's office by the deadline for filing Financial Disclosure Statements (i.e., May 15). Failure to distribute, post, receive or read a copy of this local law, attend annual training, or to submit a sworn statement regarding receipt and reading of the Code of Ethics shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT;
MAINTENANCE OF DISCLOSURE STATEMENT.

(a) The Dutchess County Commissioner of Human Resources shall, prior to February 1st of each calendar year in which changes to affected positions become effective, submit to the Dutchess County Legislature for approval by resolution, a list specifying by name of office or by title or classification, those officers, employees, and local elected officials of the executive and legislative branches of county government, but not judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

Such list shall contain the heads of all county created agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the county who hold policy making positions as determined by the appointing authority as appointing authority is defined by New York State Civil Service Law Section 2(9).

Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15th of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.

(b) Financial Disclosure Statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five (5) years in an appropriate manner, by the Board of Ethics. Such Disclosure Statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period.

SECTION 9. FINANCIAL DISCLOSURE STATEMENT.

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR CALENDAR YEAR _____

The Code of Ethics of Dutchess County requires certain elected or appointed officials and employees to file this statement prior to May 15 of the following year. Please answer all questions completely. Indicate not applicable (N/A) where appropriate. Attach additional pages if necessary. The filing of this statement does not affect other reporting requirements.

1. Reporting Individual

Name: _____
Title of County Position Held: _____
Department or Agency: _____
Current Office Address: _____
Current Office Telephone Number(including extension): _____
If you are currently an officer or employee required to file a Financial Disclosure Statement and a candidate for an elective office subject to disclosure, indicate the title of the office: _____

2. To the best of your knowledge and belief, do you, your spouse, your children or dependent(s) or any relatives as defined in Section 4(h) have *any* of the following relationships with Dutchess County? (If yes, check the appropriate boxes)

- Do business with Dutchess County
- Receive any benefits, payment or gift in excess of that allowed in Section 5(a) from any person, firm, company or organization either doing business with Dutchess County or licensed or regulated by Dutchess County
- Own five (5) per cent or more of stock in a firm doing business with with Dutchess County

Check all boxes above that are applicable

If you checked a box in question 2 above, go on to page 2. Do not complete the certification below.

If you did not check a box above, complete the certification below and file the Statement with the Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, NY 12601

I hereby affirm under penalty of perjury that neither I nor any of the members of my Immediate Family have any of the Relationships described in Question 2 and that the information on this statement set forth above is true, accurate, and complete to the best of my ability.

Dated: _____

(signature)

6. For every individual identified in Question 3, including yourself, identify any real property which each owns either in or contiguous to Dutchess County. The identification should include at a minimum the street address, municipality, property size, property use, and acquisition date. Include all property, whether the interest is vested or contingent, where fifty percent (50%) or more of the equitable interest in the property is held by the reporting person or relatives.

Exclude any primary personal residence not exceeding five (5) acres.

With respect to items reported concerning "relatives", as defined, a demonstration of good faith effort to the Ethics Board shall be evidence of compliance.

If you completed Questions 3-6, complete the Certification below prior to filing with the Board of Ethics.

The reporting of information on this statement is required by law. Improper use of the information contained in this statement by any person or entity in violation of privacy or other rights is separately punishable in accordance with law. No inference of unethical or illegal conduct or behavior shall be drawn merely from the lawful compliance with disclosure requirements

I hereby affirm under penalty of perjury that the information on this statement set forth above is true, accurate and complete to the best of my ability.

Dated: _____

(signature)

SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING;
VARIANCES; EXTENSIONS

Annual Statement of Financial Disclosure; Filing; Variances and Extensions.

- (a) Any person required to file an Annual Statement of Financial Disclosure pursuant to this local law shall file such completed statement on or before May 15th of each year for the preceding calendar year directly with the appropriate body. Any person required to file such statement who leaves County employment shall complete such statement for the preceding calendar year so that it may be collected by Human Resources at the Exit Interview.
- (b) Any person required to file such statement who is employed after May 15th of any year shall file such statement within thirty (30) days of such employment.
- (c) A person who is subject to filing requirements from more than one county may satisfy the requirement of this Section by filing a financial disclosure form with the appropriate body of the other county and filing a copy of that form with this county within the time required, together with a notification to this county of the name of the other county and the name and address of the appropriate body for that county.
- (d) Any person who is subject to the reporting requirements of this local law and who timely files with the Internal Revenue Service an application for an extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before the fifteenth (15th) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (e) Any person who is required to file an annual financial disclosure statement and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship in accordance with the rules and regulations on the subject adopted by the appropriate body, shall file such statement within the additional period of time granted.
- (f) Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing.
- (g) Any person who is required to file an annual financial disclosure statement and who fails to file on or before May 15 of any year, shall be notified by certified mail by the appropriate body, and shall file such statement within fifteen (15) days of such notification subject to the penalty provided for in Section 11(a) below.
- (h) Any person required to file a financial disclosure statement may request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or relatives which item or items may be exempted upon a finding by a majority of the Board of Ethics that the reporting individual's spouse or relatives, objects to providing the information necessary to make such

disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 11. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics laws, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the officer or employee's department head and/or the Commissioner of Human Resources and/or other proper authority.

SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS; COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal

counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year, and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.

- (d) The County Legislature may appropriate moneys for the maintenance and personal services connected with the Board of Ethics.
- (e) The members of the Board of Ethics shall receive no compensation for their services on such Board.

SECTION 13. BOARD OF ETHICS: POWERS, DUTIES, FUNCTIONS.

- (a) The Board of Ethics shall have the powers, duties and functions provided by Article 18 of the General Municipal Law.
- (b) The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Dutchess County Commissioner of Finance shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so and inform the Dutchess County Board of Ethics in writing of the results of such inspection. The Board of Ethics shall have the authority to request further information from any person required to file an Annual Statement of Financial Disclosure pursuant to this local law who has checked off a box in Item 2 of the Financial Disclosure Statement, and to take such further action as the Board deems warranted as allowed by this code.
- (c) The Board of Ethics shall render advisory opinions in writing to officers and employees of Dutchess County, upon written request of the officer or employee with regard to his or her own affairs. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Such advisory opinions shall be with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto, except that the County Board of Ethics shall not act with respect to the officers and employees of any municipality located within Dutchess County or agency thereto, where such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board of Ethics. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion.
- (d) The County Executive, members of the County Legislature, Comptroller, Sheriff, or County Clerk, may request an advisory opinion with regard to the affairs of any county officer or employee in writing. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional ninety (90) days upon notification to the County Executive and Clerk of the County Legislature that a particular matter is under investigation and an additional extension is required. In any event, the Board shall render its

opinion no later than one hundred fifty (150) days from the date of receipt of the written request.

- (e) Unless specifically requested by the individual charged with a violation, or the party requesting an advisory opinion, said opinions shall not be made public or disclosed unless required by the Freedom of Information Law, pursuant to Judicial subpoena or required on a disciplinary proceeding involving an officer or employee.
- (f) The Board of Ethics, by majority vote of the whole may request the County Legislature to authorize them to subpoena an individual, whether or not a county officer or employee, or any document or thing deemed necessary to the Board in resolving any pending proceeding or investigation.
- (g) The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the County Legislature or the governing body of any municipality in the County.

SECTION 14. BOARD OF ETHICS: COMPLAINTS, HEARINGS, AND ASSESSMENT OF PENALTIES.

- (a) All complaints alleging a violation of the Dutchess County Code of Ethics must be in writing and include the signed name and address of the complainant.
- (b) The Board may accept from the general public or any of its own members or any County officer or employee a complaint or allegation of conflict of interest of any officer or employee of Dutchess County. The Board may also accept from the general public or any of its own members or any County officer or employee a complaint or allegation of a violation of this Local Law by a County officer or employee.
- (c) Complaints to remain Confidential unless Violation.
All such complaints or allegations are to be kept in the confidential records of the Board by the Board unless made public by the Board after a determination of a violation has been made.
- (d) Confidentiality of Hearings/Meetings relating to possible violation of Law.
No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this Local Law by a County officer or employee shall be open to the public, except upon the written request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.
- (e) The Board's findings and conclusions and Order shall be made public if it is determined that the person who was the subject of the hearing knowingly violated this Local Law or that it is unreasonable that such person did not know of such violation.
- (f) Upon receipt of a complaint, the Board of Ethics shall make a determination as to whether, on its face, the complaint alleges a violation of the Code of Ethics. If a determination is made that a violation of the Code of Ethics is not alleged by the

complainant, the Board shall notify the complainant of its determination in writing.

- (g) If a determination is made that a violation of the Code of Ethics is alleged by the complainant, the Board shall notify in writing the person against whom the complaint is made of the nature of the complaint and the provision of the Code of Ethics allegedly violated.
- (h) The officer or employee charged with a violation shall have fifteen (15) days from receipt of notice of alleged violation to respond in writing to the Board's notice of alleged violation. The fifteen (15) day time period may be extended an additional fifteen (15) days at the Board's discretion. The response shall either admit the violation or state facts supporting a denial of the charge.
- (i) If the charge is denied, the Board shall either dismiss the charge if the facts presented so warrant or conduct a hearing.
- (j) A fact hearing shall consist of sworn testimony, affidavits, or such document evidence as the Board allows. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence including the initial written complaint, presented against him or her. Strict rules of evidence under the laws of New York State shall not apply to the hearing. The Board may direct that the hearing be recorded and transcribed.
- (k) After the hearing is conducted, the Board shall issue its decision in writing, indicating the reason therefor. Any determination by the Board that a violation of this Code of Ethics has occurred shall be based on a majority vote of the whole Board, specifically; at least three out of five votes in favor of such determination shall be required. Such decision shall be rendered, if practicable, within the time limits set forth for opinions as contained in Section 13(d) above. No determination may be based solely on hearsay evidence.
- (l) Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 11 of this Code of Ethics, the Board of Ethics may assess a penalty as allowed by this code or issue a "cease and desist" order or both.
- (m)
 - 1) Any determination resulting in a fine, cease and desist order, or disciplinary action by the Board of Ethics shall be subject to review by a special proceeding in New York Supreme Court. Such a proceeding must be commenced within thirty (30) days of receipt of notice of a determination. The Supreme Court, in its review, may make its own findings of fact based upon the record before it.
 - 2) In instances where the Board of Ethics levies a fine in excess of \$1,000, the aggrieved party may seek review by the Dutchess County Legislature solely on the issue of excessive fine. The request for Legislative review shall be in writing and filed with the Clerk of the Legislature and the Board of Ethics within ten (10) days of receipt of notice of said determination. Upon receipt of such request, the Clerk shall refer the matter to the Budget, Finance, and Personnel Committee of the Legislature for its review and recommendation in Executive Session. In conducting its review, the Personnel Committee shall be restricted to only

materials or testimony presented to the Board of Ethics. The Personnel Committee shall recommend an affirmance or reduction of the fine. The Personnel Committee's recommendation shall be in the form of a resolution submitted for action by the full Legislature. The Legislature shall have ninety (90) days from the date the Clerk receives the notice within which to act on the request. The failure by the Legislature to take action within the ninety (90) days shall be deemed an affirmance of the determination of the Board of Ethics.

3) The time within which to commence a special proceeding in Supreme Court shall be tolled pending action by the County Legislature and the County Executive upon adoption of the resolution as provided in the County Charter.

SECTION 15. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990.

Local Law No. 3 of 1971, establishing a Board of Ethics for the County of Dutchess and Local Law No. 7 of 1990, establishing a Code of Ethics for the officers and employees of the County of Dutchess, are hereby repealed in their entirety.

SECTION 16. AUTHORITY.

The provisions of this local law are enacted pursuant to the authority granted by Article 18 of the General Municipal Law. Notwithstanding anything to the contrary, the County of Dutchess hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 17. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, item or other part of this local law or the application thereof to any person or circumstance should be held by a court of competent jurisdiction to be invalid, void, or violative of a constitution or controlling law, such judgment, holding or determination shall be restricted to such clause, sentence, paragraph, section, subdivision, item or other part or the application thereof and shall not apply to the remaining parts of such local law. To this end, the provisions of each clause, sentence, paragraph, section, subdivision, item or other part of this local law are hereby declared to be severable.

SECTION 18. EFFECTIVE DATE.

This local law is not subject to any mandatory or permissive referendum and, therefore, shall take effect immediately upon filing in the Office of the Secretary of State.

The foregoing local law Resolution No. 2014254 was laid on desks on September 8, 2014, and considered on ____, 2014.

Roll call vote at that time resulted as follows:

AYES:

NAYS:

ABSENT:

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on ____, 2014 and signed it into Law on the same day. The effective date of the Local Law was ____, 2014.

Dutchess County Legislature



Condolence: Emma L. Barnes

Legislators Jeter-Jackson and Johnson offer the following and move its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Emma L. Barnes, on August 25, 2014, at Vassar Brothers Hospital, Poughkeepsie, New York, at the age of 72, and

WHEREAS, Emma was born on March 23, 1942, in Madison County, Florida, to the late Freddie Richardson and Willie Mae Thompkins Terrell, and

WHEREAS, Emma moved from Florida to Poughkeepsie with her family in 1966 and joined the Beulah Baptist Church where she served as the church Clerk, Sunbeam Choir Director, Director of the Youth Group, Soup Kitchen Help, Deaconess, Sunday School Teacher, Sunday School Secretary, member of the Mass Choir, and Social Action Committee, and

WHEREAS, Emma dedicated over 40 years to the Poughkeepsie City School District as a Teaching Assistant, and also attended Dutchess Community College and numerous workshops and training programs such as the F.A.S.T. program for the Mental Health Association, and

WHEREAS, Emma was a member of the Catherine Street Community Center Board, United Way, Poughkeepsie Neighborhood Club, Black Heritage Committee, Upward Bound, WCTU, YTC, LTL, Poughkeepsie Chamber of Commerce, Board of Elections, and Exempt Firemen's Association, and

WHEREAS, Emma is survived by her children, Wanda Walker, Gregory Walker, Donna Walker, and Georgia L. Barnes, her nine grandchildren and her three great-grandchildren, and

WHEREAS, Emma's passing will be mourned by her family, friends and colleagues throughout Dutchess County, now, therefore, be it

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

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Emma L. Barnes.

Resolution No. 2014255
STATE OF NEW YORK

COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Condolence: Edward "Ed" George Hickman

Legislator Horton offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Edward George Hickman, on August 27, 2014, at the age of 75, and

WHEREAS, Ed, a lifelong Wicoppee resident, was born on October 14, 1938, to the late Raymond Earl Hickman, Sr. and Pearl Rosetta (Dotterer) Hickman at the old Highland Hospital in Beacon, New York, and

WHEREAS, Ed graduated in 1956 from the Wappingers Central School District and went on to attend Dutchess Community College, and on June 11, 1966, Ed married Dianne Sapp at the Evergreen Baptist Church in Lawtey, Florida, and

WHEREAS, Ed worked with his father on the family-owned dairy farm on West Hook Road, Wicoppee, for many years before being employed by the Town of East Fishkill Highway Department, and was President/Owner of Wicoppee Antiques, was noted for his wicker furniture restoration, and was also a dealer in the Hopewell Antique Center for over 25 years, and

WHEREAS, Ed was a member of the Wicoppee Community Methodist Church, the East Fishkill Historical Society, and a life-time member of the Wicoppee Fire Company, where he held the office of President for numerous years, and even helped build the original firehouse when he was a teenager and young adult, and

WHEREAS, Ed is survived by his wife Dianne, his sons, Christopher Edward and Michael George, his daughter, Kimberly Dianne Villani, and his beloved granddaughter, Sienna Dianne Villani, and

WHEREAS, Ed's passing will be mourned by his family, friends and colleagues throughout Dutchess County, now, therefore, be it

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

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Edward George Hickman.

Resolution No. 2014256

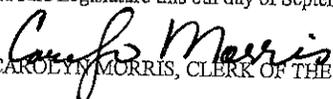
STATE OF NEW YORK

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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Condolence: Phillip James Lewis

Legislator Johnson offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Phillip James Lewis, on August 29, 2014, at the age of 91, and

WHEREAS, Phillip was born on June 29, 1923, in Fluvanna County, Virginia, and he was the fifth child born to the late Phillip Lewis and Laura (Coleman) Lewis-Carey, and

WHEREAS, Phillip was educated in the Fluvanna County School System and relocated to Poughkeepsie at age 17 with his two brothers, and worked at local dairies and farms, and in 1946, he secured a job with the Jerry Serino Construction Company mastering his carpentry and masonry skills, and

WHEREAS, on August 3, 1969, Phillip married Perrinella (Penny) Barnhill and in 1974, he and his wife started Phillip Lewis Construction Company, the longest-running contracting firm owned by an African American in Dutchess County as of his retirement in 1988, and

WHEREAS, Phillip received his Adult Education Certificate as a Teacher in the field of Brick Laying and Masonry from the State University of New York in February 1974, and taught at Dutchess County BOCES, and

WHEREAS, Phillip was a longtime supporter of the Mid-Hudson Valley Habitat for Humanity, Inc., from which he received an Outstanding Service and Renovation of the First Project House Award in April 1989, and he was also honored with the Outstanding Leadership Award for Community and Church through the Beulah Baptist Church Social Action Committee, Black Achievers Award Program in February 1994, and was a founding member of the Harrison Street Neighborhood Watch program, and

WHEREAS, Phillip was a longstanding member of Ebenezer Baptist Church in Poughkeepsie, and he served as Chairman of the Building and Grounds Committee, and was a member of the EBC Church Building Committee for the construction of the new church building that opened in 1997, and

WHEREAS, Phillip is survived by his wife Penny Lewis, four children from his first union to the late Catherine Lewis, and his four stepdaughters: Zachary Lewis, Nadine K. Lewis, Rena Williams, Elnora Cochran, Ruthie McKelton, Olivia Williams-Taylor, his grandchildren and great-granddaughter, and

WHEREAS, Phillip's passing will be mourned by his family, friends and colleagues throughout Dutchess County, now, therefore, be it

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

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Phillip James Lewis.

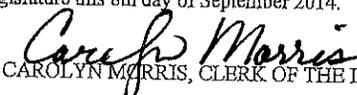
STATE OF NEW YORK Resolution No. 2014257

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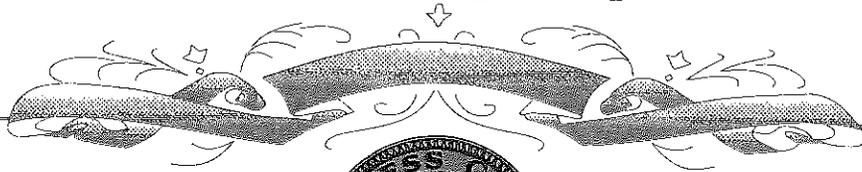
COUNTY OF DUTCHESS

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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Condolence: Adam P. Nowik, Sr.

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

Whereas, the Dutchess County Legislature has learned with sadness and regret of the recent death of Adam P. Nowik, Sr., on his 91st birthday and 67th wedding anniversary on August 10, 2014, and

Whereas, Adam was born in Scranton, Pennsylvania, on August 10, 1923, to Adam Nowik and Adella Kobeska, the middle child of eleven children, and his family relocated to Poughkeepsie when Adam was three years old, and

Whereas, Adam attended St. Joseph's Polish School as a child, then Poughkeepsie High School, and from there to trade school to become a machinist, and

Whereas, Adam served our Country in the United States Army Air Corps and was stationed in Deenethorpe, England, as part of the 401st Bomb Group, 613th Squadron, 8th Army Air Force and attained the rank of Sergeant, and while serving he took numerous photos that he donated to the WWII Memorial Museum in Deenethorpe for display, and

Whereas, Adam returned to Poughkeepsie after the service and worked at Trussell Manufacturing where he met the love of his life, Emma R. Bocchino, and they were married at Holy Trinity Church in Arlington on August 10, 1947, and

Whereas, Adam went on to work for Daystrom, sailing out to sea from Woods Hole, Massachusetts, and in 1961, Adam went to work for IBM where he had a fulfilling career running a machine shop as a Senior Administrator, retiring in 1986, after 25 years of service, and

Whereas, Adam belonged to the Quarter Century Club, a past president and life member of the Dutchess County Sportsman's Association, a member of the Hyde Park AARP, a life member of the former Polish American Citizens Club and was very active in politics in the City of Poughkeepsie, where he was Alderman of the 7th Ward for sixteen years, Democratic City Chair, and Democratic County Chair, and

Whereas, Adam is survived by his wife, Emma, son Adam P. Nowik, Jr., daughters Janice M. Walz and Adela Nowik-Ronsani, his grandchildren, and great-grandchildren, and

Whereas, Adam's passing will be mourned by his family, friends, and colleagues throughout Dutchess County, now, therefore, be it

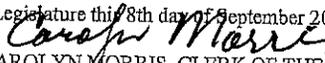
Resolved, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Adam P. Nowik, Sr., and, be it further

Resolved, that the meeting of the Dutchess County Legislature be adjourned in memory of the late
Adam P. Nowik, Sr.
Resolution No. 2014258
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 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, spoke regarding the drug problem. He also spoke in opposition to item pricing.

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

There being no further business, the Chairman adjourned the meeting at 7:50 p.m. in memory of Emma L. Barnes, Edward G. Hickman, Phillip J. Lewis, and Adam P. Nowik, Sr.