

# Attendance Sheets

District	Last Name	Present	Absent	Present/Late
District 14 - Town of Wappinger	Amparo	✓		
District 4 - Town of Hyde Park	Black	✓		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	✓		
District 3 - Town of LaGrange	Borchert	✓		
District 8 - City and Town of Poughkeepsie	Brendli	✓		
District 22 - Towns of Beekman and Union Vale	Coviello	✓		
District 6 - Town of Poughkeepsie	Edwards	✓		
District 21 - Town of East Fishkill	Horton	✓		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston	✓		
District 15 - Town of Wappinger	Incoronato	✓		
District 10 - City of Poughkeepsie	Jeter-Jackson	✓		
District 9 - City of Poughkeepsie	Johnson	✓		
District 1 - Town of Poughkeepsie	Llaverias	✓		
District 12 - Town of East Fishkill	Metzger	✓		
District 17 - Town and Village of Fishkill	Miccio	✓		
District 20 - Town of Red Hook/Tivoli	Munn	✓		
District 18 - City of Beacon and Town of Fishkill	Page	✓		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓		
District 5 - Town of Poughkeepsie	Roman	✓		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	✓		
District 24 - Towns of Dover and Union Vale	Surman	✓		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	✓		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt	✓		
District 11 - Towns of Rhinebeck and Clinton	Tyner	✓		
District 16 - Town of Fishkill and City of Beacon	Zernike	✓		
<b>Present:</b>	<u>25</u>	<b>Total:</b>	<u>25</u>	
<b>Absent:</b>	<u>0</u>			
<b>Vacant:</b>	<u>0</u>			

Date: 2/13/18

Regular Meeting  
of the  
Dutchess County Legislature

Tuesday, February 13, 2018

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

Roll Call by the Clerk of the Legislature

PRESENT: 25                   Amparo, Black, Bolner, Borchert, Brendli, Coviello,  
Edwards, Horton, Houston, Incoronato, Jeter-  
Jackson, Johnson, Llaverias, Metzger, Miccio, Munn,  
Page, Pulver, Roman, Sagliano, Surman, Thomes,  
Truitt, Tyner, Zernike

ABSENT: 0

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Rabbi Daniel Victor of Temple Beth El of Poughkeepsie, followed by a moment of silent meditation.

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.

Pam Kingsley, New Hamburg, spoke in opposition to Rule 4.13 A and D.

Constantine Kazolias, City of Poughkeepsie, questioned if names could be used in the Chambers when speaking to the Legislature.

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

Chair Pulver entertained a motion to approve the January 2018 minutes.

The January 2018 minutes were adopted.

**Reports of standing committees, special committees, and liaisons to other committees and boards**

None

Legislator Bolner, duly seconded by Legislator Miccio, moved the foregoing resolution. Discussion proceeded as follows:

Legislator Tyner spoke to negligence on the part of Dutchess County.

Legislator Miccio called point of order because the resolution was concerned with authorizing the settlement.

Chairman Pulver requested Legislator Tyner to speak to the settlement.

Legislator Tyner resumed speaking of negligence.

Chairman Pulver ruled Legislator Tyner out of order.

Majority Leader Roman requested to abstain because his employer is a party to this litigation.

Chairman Pulver granted permission.

The foregoing resolution was unanimously adopted.

**COMMUNICATIONS RECEIVED FOR THE FEBRUARY 2018 BOARD MEETING**

Received the following from Dutchess County Clerk:

January Foreclosure Reports

2017 Annual Report of the Dutchess County Clerk

Received the following from County of Dutchess Budget Office:

Memo Regarding Contingency and Capital Reserve Account Status

**Morris, Carolyn**

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**From:** Kendall, Bradford  
**Sent:** Monday, February 5, 2018 12:02 PM  
**To:** Kashimer, Rachel; Massey, Tiffanie; Pantano, Gina; White, Jessica  
**Cc:** Morris, Carolyn  
**Subject:** January Foreclosures  
**Attachments:** Foreclosure Report 1-18.xlsx

See attached.

Bradford Kendall  
Dutchess County Clerk

## Dutchess County Clerk - Foreclosure Statistics

Municipality Name	Count
Amenia	4
Beekman	2
City of Beacon	4
City of Poughkeepsie	5
Clinton	2
Dover	2
East Fishkill	9
Fishkill	3
Hyde Park	7
La Grange	3
North East	1
Pawling	4
Pleasant Valley	2
Rhinebeck	1
Stanford	3
Town of Poughkeepsie	11
Union Vale	2
Wappinger	8
Washington	1
<b>Total:</b>	<b>74</b>

BRADFORD H. KENDALL  
COUNTY CLERK



ANNE-MARIE DIGNAN  
DEPUTY

SANDRA C. STRID  
DEPUTY

**COUNTY OF DUTCHESS**  
OFFICE OF THE COUNTY CLERK

February 1, 2018

Honorable A. Gregg Pulver, Chairman, Dutchess County Legislature  
Honorable Marcus J. Molinaro, Dutchess County Executive

**ANNUAL REPORT of the DUTCHESS COUNTY CLERK**  
**2017**

Government is a trust, and the officers of the government are trustees. And both the trust and the trustees are created for the *benefit* of the people.

Henry Clay

Introduction

When Henry Clay spoke these words in Lexington, Kentucky in 1829, the Dutchess County Clerk had been serving as the people's trustee for land and court records for 114 years. 189 years later, we remain the keeper of the land and court records of Dutchess County as well as the agent for the Commissioner of Motor Vehicles for the delivery of DMV services in Dutchess County. In 2012, Records Management was moved to the County Clerk's office and in 2013, we were given functional oversight and fiscal responsibility for the re-established Department of History.

2017 saw a continued effort to provide services to Dutchess County residents in a cost effective, efficient and friendly manner. In fact, given our electronic footprint on the World Wide Web, our services go well beyond the physical boundaries of Dutchess County.

Administration

The administrative unit of the county clerk's office consists of the County Clerk, the Secretary to the County Clerk and a courier shared by the Legal Division and the Department of Motor Vehicles (DMV). In 2016, the salaries and benefits of the 2 Deputy County Clerks (Legal and DMV) were moved from the administrative unit to the departments they supervise. This better reflects the cost of delivery of services as it relates to the revenue generated in those departments.

Also in 2016, the Confidential Administrative Assistant position was reclassified to the position of Secretary to the County Clerk. With this reclassification came the added responsibilities of overseeing the Records Management Division and the Department of History. This has led directly to the 2017 initiative to Think Differently that has contracted with Abilities First, a local non-profit, for back scanning services at the Records Center.

The salary of the County Clerk remains unchanged at the 2006 salary.

### Legal Division

Revenues in the legal division continued to increase for the 4th year in a row after a 10% decline in 2014. Deed recordings increased for a 5<sup>th</sup> year in a row. Mortgage recordings declined slightly. Mortgage tax collections for the municipalities increased by \$856,136 or 11%.

2017 marked the second full year of mandatory electronic filing (efiling) of actions in the Supreme Court. As reported to the Chief Administrative Judge:

In 2017, 5763 civil actions were commenced in Dutchess County. This represents a 7% increase from 2016. Of those actions, 2441 (42%) were commenced in paper and 3322 (58%) were commenced electronically.

Significantly, 773 matrimonial actions were commenced in paper representing 32% of overall paper commencements. An additional 165 matrimonial actions were commenced electronically.

In order to increase efiling in Dutchess County, we are supporting state legislation to increase the case types that are subject to mandatory efiling.

Restoration of historic documents remains a priority of the Clerk's office. In 2017, 2 volumes of Sanborn Fire Insurance Maps of the City of Poughkeepsie, donated by TD Bank, were conserved as well as Sanborn Maps donated by Roger Mastry of the city of Beacon and the towns, villages, and hamlets of Amenia, Bangall, Hughsonville, Millbrook, Millerton, Pawling, Pine Plains, Red Hook, Rhinebeck, Rhinecliff, Stanfordville, Tivoli, and Wappingers Falls.

In partnership with the Clerk of the County Legislature the first book of Proceedings of the Supervisors from 1717 was conserved and is available to the public in the Legislative Offices.

The Legal Division's revenues exceeded expenditures by \$1.01 million.

### Department of Motor Vehicles

Providing superior customer service in the face of static revenues remains the primary challenge for the department. While 2016 was the 3<sup>rd</sup> year of a cyclical decline in driver's license renewals, 2017 began the rebound in license renewals. (This was created several cycles ago when NYS

went from a 5 year driver's license to an 8 year driver's license creating a 3 year trough in renewals.) Beginning in April of 2017, renewals began to surge to normal levels, resulting in increased revenues for the department. Basic license renewals increased by 51% with Enhanced driver's Licenses increasing by 121%.

Perhaps the greatest challenge to the long-term viability of satellite DMV offices in Dutchess County is the increased usage of the internet for DMV transactions. NYS has aggressively promoted and expanded the scope and use of the internet for DMV transactions. There is no argument that this is more convenient for the customer. However, it does pose financial challenges to local offices as the quick, profitable transactions are skimmed off by the state and we are left with the more complex transactions that yield little or no reimbursement.

In 2017, the internet continues to be our third largest "satellite" office, processing nearly as many transactions as the Wappinger Falls office.

Overall transactions increased by 15.6%.

Expenditures in the DMV exceeded revenues by \$218,086 in 2017 compared to \$331,775 in 2016.

#### Records Management

The Records Center at 170 Washington St. is near capacity. As of 12/31/2017, there were 47,853 boxes compared to 45,925 at the end of 2016. To address this, in 2017 we launched the "Think Differently" back scanning Project in partnership with Abilities First to scan and upload documents to the County's ECM system allowing for the destruction of the paper record. Additionally, an Archivist was hired this past year who oversees the project and provides guidance to departments on managing their records.

#### Department of History

The Dutchess County Department of History has conducted a long-term digital imaging project with generous support from the New York State Archives' Local Government Records Management Improvement Fund. The county's Ancient Documents Collection has been the focus for this work. Evaluated and partially indexed by former Vassar College President Henry Noble McCracken in the 1950s, the Ancient Documents include 18<sup>th</sup> and 19<sup>th</sup> century county court records. Many of the histories written about Dutchess County since McCracken's time have drawn on this collection, which has grown increasingly fragile with repeated use. Beginning in 2013, the Dutchess County Clerk and Historian collaborated to create a keyword searchable index for the collection and create digital surrogates of every record in order to produce an online archive that researchers could access free worldwide. Since its launch in

January 2016, researchers have accessed the search portal over 30,000 times. The online search portal currently offers patrons access to 37,000 pages of material, covering the period 1721-1787. Additional documents will continue to be added regularly. Dutchess County imaged 87,000 pages of records by June 2017 and is now indexing a further 15,000 pages of unprocessed material that has never been available to the public, which will be imaged in 2018.

### Conclusion

The Clerk's Office collected a total of \$29,968,302.67 on behalf of a number of different governmental entities with roughly 50% collected as mortgage tax. Total revenue to Dutchess County was \$5,093,419 exceeding costs by \$251,739. This is inclusive of a onetime appropriation of \$204,000 for a large format book scanner for the records management program.

I am grateful for the leadership in the Clerk's Office of DMV Deputy Sandra Strid, Legal Deputy Anne-Marie Dignan, Secretary to the County Clerk Catherine Durland and Historian William Tatum III. I am fortunate to work with the dedicated staff of all the divisions of the Clerk's Office who strive everyday to translate government to the people of the county. They do so with patience, diligence and a commitment to customer service that helps maintain people's faith in government.

I am also greatly appreciative for the assistance and support of all the Executive Departments that keep us running daily as well as the support of the County Legislature.

Respectfully Submitted,



Bradford H. Kendall  
Dutchess County Clerk

Giving money and power to government is like giving whiskey and car keys to teenage boys. P. J. O'Rourke

In theory, taxes should be like shopping. What I buy is government services. What I pay are my taxes  
P.J.O'Rourke

**DISBURSEMENTS  
FOR THE YEAR 2017**

<u>DATE</u>	<u>AMOUNT</u>	
February 6th, 2017	\$401,285.33	BY PAYMENT TO THE COMMISSIONER OF FINANCE
March 6th, 2017	\$317,851.55	BY PAYMENT TO THE COMMISSIONER OF FINANCE
April 6th, 2017	\$421,175.79	BY PAYMENT TO THE COMMISSIONER OF FINANCE
May 4th, 2017	\$420,639.48	BY PAYMENT TO THE COMMISSIONER OF FINANCE
June 6th, 2017	\$458,771.98	BY PAYMENT TO THE COMMISSIONER OF FINANCE
July 6th, 2017	\$426,511.18	BY PAYMENT TO THE COMMISSIONER OF FINANCE
August 4th, 2017	\$403,687.70	BY PAYMENT TO THE COMMISSIONER OF FINANCE
September 6th, 2017	\$496,732.61	BY PAYMENT TO THE COMMISSIONER OF FINANCE
October 5th, 2017	\$383,152.57	BY PAYMENT TO THE COMMISSIONER OF FINANCE
November 6th, 2017	\$406,342.50	BY PAYMENT TO THE COMMISSIONER OF FINANCE
December 5th, 2017	\$388,454.82	BY PAYMENT TO THE COMMISSIONER OF FINANCE
December 28th, 2017	\$177,781.67	BY PAYMENT TO THE COMMISSIONER OF FINANCE
January 4th, 2018	\$213,836.22	BY PAYMENT TO THE COMMISSIONER OF FINANCE
<b>TOTAL</b>	<b><u>\$4,916,223.40</u></b>	

NET FEES EARNED AS REIMBURSEMENT OR COMMISSIONS 2017

<u>DESCRIPTION</u>	<u>TOTALS</u>
RECORDING DEEDS	\$ 418,610.00
RECORDING MORTGAGES	\$ 883,091.50
RECORDING OTHER PAPERS	\$ 1,116,611.09
MOTOR VEHICLE BUREAU FEES*	\$ 1,971,651.36
SALES TAX COMMISSION-MOTOR VEHICLE	\$ 21,802.00
MORTGAGE TAX ALLOWANCE	\$ 300,132.00
TRANSFER TAX ALLOWANCE	\$ 7,382.75
COURT FEES ALLOWANCE	\$ 127,905.00
LOCAL RECORDS MANAGEMENT	\$ 35,309.50
PASSPORT PHOTOGRAPHS	\$ 30,800.00
INTEREST	\$ 68.36
CREDIT CARD SURCHARGE FEES	\$ 2,859.84
TOTAL *	\$ 4,916,223.40
* does not include DMV Interent Revenue of \$110,327.15 which is electronically deposited from NYSDMV to the Commisioner of Finance	

## GROSS REVENUES FOR THE YEAR 2017

<u>DESCRIPTION</u>	<u>TOTALS</u>
Record Deeds	\$418,610.00
Record Mortgages	\$883,091.50
File, Record, Other Papers	\$1,005,774.42
UCC Overage/Reject	\$3,640.00
Equal/Assess-Clerk Fee	\$67,167.00
Overpayments	\$11,351.92
Underpayment Fees	\$6,409.00
Clerk's SCAR Fee	\$280.00
Notary-Clerk Fee	\$20,300.00
Photograph	\$30,800.00
Express Mailer	\$23.75
Court Fees	\$127,905.00
Returned Check Charge	\$300.00
Records Management-Local Fee	\$35,309.50
Red Hook Affidavit	\$1,365.00
Sales Tax Allowance	\$21,802.00
Mortgage Tax Allowance	\$300,132.00
Transfer Tax Allowance	\$7,382.75
Interest DMV	\$68.36
Credit Card Surcharge	\$2,859.84
<b>GENERAL TOTAL.....</b>	<b><u>\$2,944,572.04</u></b>
Motor Vehicle Poughkeepsie	\$624,954.67
Motor Vehicle Beacon	\$399,001.01
Motor Vehicle Pawling	\$135,814.80
Motor Vehicle Millbrook	\$231,249.04
Motor Vehicle Wappingers Falls	\$580,631.84
<b>MOTOR VEHICLE TOTAL.....</b>	<b><u>\$1,971,651.36</u></b>
Refunds	\$39,318.12
Miscellaneous Fines	\$46,212.71
Red Hook Transfer Tax	\$353,446.21
Records Management-State Fee	\$167,922.00
Notary-State Fee	\$41,240.00
Equal/Assessment-State Fee-Res	\$771,980.00
Equal/Assessment-State Fee-Comm	\$194,728.00
Cultural Education/State Fee	\$502,939.50
<b>TRUST TOTAL.....</b>	<b><u>\$2,117,786.54</u></b>
Index Number State Credit	\$842,820.00
Motion/Cross Motion	\$205,245.00
Stipulation Settle/Discontinuance	\$71,225.00
NYS Foreclosure Fee	\$123,120.00
Note of Issue	\$42,450.00
RJI	\$238,830.00
Jury Demand	\$40,560.00
SCAR	\$1,400.00
Surcharge	\$30,983.77
DNA Reg Fee	\$3,500.00
Crime Victims Assistance Fee	\$2,965.00
S/O Reg Fee	\$150.00
DWI Surcharge	\$6,905.00
Civil Notice/Appeal	\$13,780.00
Supp S/O Fee	\$3,100.00
<b>COURT FEES TOTAL.....</b>	<b><u>\$1,627,033.77</u></b>
Mortgage Tax County	\$7,121,017.28
Mortgage Tax MTA	\$4,113,237.91
SONYMA	\$696,458.45
MTA Spec Asst (1-6 Family)	\$2,354,875.74
Mortgage Tax Held	\$13,756.45
<b>MORTGAGE TAX TOTAL.....</b>	<b><u>\$14,299,345.83</u></b>
Real Estate Transfer	\$6,323,774.00
Mansion Tax	\$684,139.13
<b>TRANSFER TAX TOTAL.....</b>	<b><u>\$7,007,913.13</u></b>
<b>GRAND TOTAL.....</b>	<b><u>\$29,968,302.67</u></b>

INSTRUMENT REPORT 2017

	<u>2017 DOCUMENT COUNT</u>	<u>2016 DOCUMENT COUNT</u>	<u>VARIANCE</u>
<u>LAND RECORDS</u>			
Assignment of Mortgage	3,167	2401	31.90%
Deeds	9,782	9440	3.62%
Discharge of Mortgage	7,680	7136	7.62%
Mortgages	8,599	8857	-2.91%
Red Hook Transfer Tax	273	291	-6.19%
RP-5217	7,588	7355	3.17%
Transfer Tax	8,021	7796	2.89%
Building Loan	88	102	-13.73%
Condo Lien	102	116	-12.07%
Mechanics Lien	95	95	0.00%
Notice of Lending	19	26	-26.92%
Redemption Certificate	2,077	2480	-16.25%
SUBTOTAL	<u>47491</u>	<u>46095</u>	3.03%
<u>COURT RECORDS &amp; PAPERS</u>			
Certificate of Dissolution	752	784	-4.08%
Civil Notice/Appeal	220	222	-0.90%
Index Numbers	1778	2242	-20.70%
NYSCEF Index Numbers	3321	3083	7.72%
No Fee Index Numbers	539	830	-35.06%
Jury Demand	624	315	98.10%
Lis Pendens	1051	1289	-18.46%
Motion/Cross Motion	3596	4243	-15.25%
Note of Issue	1415	1111	27.36%
Request For Judicial Intervention	2514	2884	-12.83%
Small Claims Assessment Review (SCAR)	56	42	33.33%
Separation Agreement	74	105	-29.52%
Stipulation of Settlement/Discontinuance	2035	1912	6.43%
Clerk's Minutes Judgments	965	970	-0.52%
Default Judgment	180	269	-33.09%
Issue Execution	136	112	21.43%
Issue Transcript of Judgment	86	90	-4.44%
Transcript of Judgment (+ No Fee TJ)	7931	6191	28.11%
Satisfaction of Judgments	5732	5854	-2.08%
Convictions	467	377	23.87%
Fine	88	77	14.29%
Indictments	181	122	48.36%
Issue Certificate of Disposition	19	22	-13.64%
Surcharge	359	330	8.79%
SUBTOTAL	<u>34119</u>	<u>33476</u>	1.92%
<u>MISCELLANEOUS</u>			
Assumed Names/DBA's	1204	1241	-2.98%
Certified Copies	4248	4365	-2.68%
Check Refunds	713	668	6.74%
Corporations	1532	778	96.92%
Express Mailer	1	3	-66.67%
Federal Tax Liens	510	359	42.06%
Filed Maps	100	106	-5.66%
Map Sold	260	284	-8.45%
Military Discharges	75	78	-3.85%
Miscellaneous Record	39	35	11.43%
Notaries	1033	447	131.10%
Overpayment	2255	2285	-1.31%
Passports	3134	3189	-1.72%
Photographs	3080	3076	0.13%
Pistol Permits	1602	1268	26.34%
Underpayment Fee	641	763	-15.99%
Uniform Commercial Code Filings	1188	1346	-11.74%
SUBTOTAL	<u>21615</u>	<u>20291</u>	6.53%
TOTAL	103225	99862	11.47%

2017 STAT SHEET

LAND RECORDS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
Assignment of Mortgage	247	162	284	226	260	212	332	480	178	185	370	231	3,167
Deed	848	605	857	726	911	822	790	1056	785	825	809	768	9,782
Discharge of Mortgage	727	415	562	657	874	569	579	785	518	601	581	832	7,680
Mortgage	830	528	670	754	831	710	651	982	716	719	611	597	8,599
Red Hook Transfer Tax	24	20	15	16	20	27	25	29	15	21	29	32	273
RP-5217	675	462	635	578	697	603	630	823	618	660	624	585	7,588
Transfer Tax (Actual Deed Transfers)	709	510	674	611	741	646	653	856	642	686	670	623	8,021
Building Loan	9	8	7	6	3	6	6	14	9	6	7	7	88
Condo Lien	7	4	9	12	5	6	9	6	20	7	12	5	102
Mechanics Lien	6	7	10	10	11	6	7	8	8	11	6	5	95
Notice of Lending	3	2	1	2	1	1	1	5	1	0	1	1	19
Redemption Certificate	156	239	198	461	219	322	298	6	28	133	18	59	2,077
<b>SUBTOTAL</b>	<b>4241</b>	<b>2962</b>	<b>3922</b>	<b>4059</b>	<b>4573</b>	<b>3930</b>	<b>3921</b>	<b>6050</b>	<b>3516</b>	<b>3854</b>	<b>3718</b>	<b>3745</b>	<b>47,491</b>
<b>COURT RECORDS &amp; PAPERS</b>													<b>0</b>
Certificate of Dissolution	53	53	66	77	85	77	74	59	48	60	59	61	752
Civil Notice/Appeal	17	8	23	16	19	21	12	23	15	26	18	22	220
Index Numbers - Clerks Mln	135	106	134	127	188	162	168	160	135	145	151	167	1,778
NYSCEF Index Numbers	246	239	302	244	271	273	333	317	241	308	286	261	3,321
No Fee Index Numbers	20	25	61	49	52	66	46	51	55	16	66	32	539
Jury Demand	17	34	27	32	36	43	42	220	84	30	25	34	624
Lis Pendens	90	100	103	89	88	85	85	94	82	86	76	73	1,051
Motion/Cross Motion	321	257	341	261	329	341	296	288	294	304	291	273	3,596
Note of Issue	70	83	98	105	116	121	125	281	145	98	83	90	1,415
Request For Judicial Intervention	205	182	223	198	209	223	338	194	170	209	174	189	2,514
SCAR	0	0	0	0	0	1	52	3	0	0	0	0	56
Separation Agreement	3	3	14	6	7	6	12	4	4	5	3	7	74
Stipulation/Discontinuance	152	157	174	153	170	182	176	175	166	200	176	154	2,035
Clerk's Minutes Judgments	113	49	74	78	67	61	90	118	79	86	71	79	965
Default Judgment	15	13	32	15	12	10	17	16	10	18	4	18	180
Issue Execution	11	18	15	8	10	10	11	12	15	13	8	5	136
Issue Transcript of Judgment	4	7	4	5	0	13	5	11	9	18	7	3	86
Transcript of Judgment	80	69	102	71	86	69	110	133	110	74	91	98	1,093
Transcript of Judgment - No Fee	452	537	751	563	676	572	450	599	497	403	735	603	6,838
Satisfactions of Judgment	336	362	473	596	1055	549	344	411	438	358	395	415	5,732
Convictions	40	35	36	54	42	49	28	36	31	45	38	33	467
Fine	9	8	8	4	8	4	7	8	6	11	9	6	88
Indictments	10	13	23	5	16	25	13	17	14	9	9	27	181
Issue Certificate of Disposition	1	0	0	1	0	2	0	6	1	2	3	3	19
Surcharge	28	31	19	27	35	33	39	38	27	20	32	30	359
<b>SUBTOTAL</b>	<b>2428</b>	<b>2389</b>	<b>3103</b>	<b>2784</b>	<b>3557</b>	<b>2998</b>	<b>2873</b>	<b>3274</b>	<b>2676</b>	<b>2544</b>	<b>2810</b>	<b>2683</b>	<b>34,119</b>
<b>MISCELLANEOUS</b>													<b>0</b>
Assumed Names/DBAs	85	90	124	92	106	130	108	122	90	91	78	88	1,204
Certified Copies	274	347	372	402	385	405	363	419	288	349	325	319	4,248
Check Refunds	58	62	78	66	74	58	81	62	51	37	34	54	713
Credit Card Fees	115	120	138	154	147	152	124	147	96	133	99	107	1,532
Corporations	41	53	85	41	44	60	47	52	46	77	49	41	636
Express Mailer	0	0	0	0	0	1	0	0	0	0	0	0	1
Federal Tax Liens ( <i>"all previous months corrected"</i> )	57	35	35	65	43	50	36	51	37	44	27	30	510
Filed Maps (New + "Existing #")	6	5	6	6	8	14	6	17	9	5	6	12	100
Map Sold	22	14	26	20	24	32	22	31	21	12	17	19	260
Military Discharges	5	6	2	7	11	10	3	6	9	8	3	6	75
Miscellaneous Record	3	1	6	4	4	6	4	1	1	3	3	3	39
Notaries	25	24	55	64	115	81	106	98	122	125	119	99	1,033
Overpayment	232	163	189	221	283	151	178	189	198	160	131	170	2,255
Passports	284	318	361	404	333	311	213	281	127	179	156	167	3,134
Photographs	294	310	336	363	306	284	248	251	128	192	178	190	3,080
Pistol Permits	107	149	167	129	208	62	154	141	122	125	126	122	1,602
Underpayment Fee	71	52	48	61	93	54	74	55	50	35	22	26	641
Uniform Commercial Code Filings	103	105	119	93	110	73	108	107	128	104	60	78	1,188
<b>SUBTOTAL</b>	<b>1780</b>	<b>1854</b>	<b>2137</b>	<b>2192</b>	<b>2294</b>	<b>1934</b>	<b>1875</b>	<b>2030</b>	<b>1523</b>	<b>1669</b>	<b>1433</b>	<b>1530</b>	<b>22,251</b>
													<b>0</b>
<b>TOTAL</b>	<b>8449</b>	<b>7205</b>	<b>9162</b>	<b>9035</b>	<b>10424</b>	<b>8862</b>	<b>8669</b>	<b>10354</b>	<b>7715</b>	<b>8067</b>	<b>7961</b>	<b>7958</b>	<b>103,861</b>

# MOTOR VEHICLE YEARLY REPORT DUTCHESS COUNTY CLERK'S OFFICE

TOTALS- POUGHKEEPSIE, WAPPINGERS FALLS, BEACON, MILLBROOK, PAWLING- 2017

	January	February	March	April	May	June	Subtotal	July	August	September	October	November	December	Total
Licenses	2205	2166	2818	3301	3834	3853	18,177	3582	4164	3470	3659	3352	3476	39,880
Enhanced Driver's License	104	96	186	212	277	270	1,145	240	304	240	267	452	492	3,140
Non-Drivers ID's	376	427	491	422	407	439	2,562	441	521	472	451	390	397	5,234
Non-Drivers ID's Enhanced	1	3	6	8	11	5	34	14	14	4	6	11	13	96
Commercial Driver's License Test	195	158	225	179	219	181	1,157	187	267	206	217	196	173	2,403
Permits	670	603	813	866	799	808	4,559	819	944	718	690	632	596	8,958
Permits- Enhanced	4	1	3	9	10	5	32	12	7	6	2	8	12	79
Enforcement	193	215	242	185	203	246	1,284	173	200	140	194	160	166	2,317
Plate Surrenders	2732	2334	2803	2594	2859	2806	16,128	2804	3125	2696	2822	2688	2507	32,770
Registrations	6310	5670	8097	9143	9469	8486	47,175	7820	8307	6980	7399	8208	7686	93,575
Boats	39	61	131	267	288	329	1,115	230	178	53	42	16	17	1,651
Snowmobiles	288	91	21	10	6	6	422	35	52	54	81	115	360	1,119
Payments	205	224	238	214	182	210	1,273	189	214	165	199	172	174	2,386
Civil Penalty	147	163	195	133	162	120	920	138	174	127	152	124	132	1,767
Abstracts	267	234	232	226	266	282	1,507	239	276	215	244	200	188	2,869
Duplicate Title	236	204	289	262	278	268	1,537	274	289	250	290	267	227	3,134
Insurance Proof	11	18	11	5	4	17	66	12	14	7	15	10	12	136
Sales Tax Only	140	135	170	145	158	159	907	151	190	135	162	150	156	1,851
Image Capture Only	6	5	6	4	9	5	35	19	4	4	6	4	4	76
Sales Tax	1,732	1,785	2,290	2,454	2,825	2,804	13,890	2,454	2,844	2,392	2,336	2,091	2,011	28,018
Image Captures	2,445	2,344	3,214	3,693	4,046	4,131	19,873	4,009	4,611	3,792	3,782	3,783	3,682	43,532
Address Change	372	343	376	339	319	344	2,093	396	416	375	392	326	299	4,297
Manual Transactions	2	0	2	1	5	2	12	3	4	2	2	0	2	25
Temporary Documents	20	42	37	28	20	25	172	21	24	28	28	19	21	313
Motor Voter	417	345	394	400	416	495	2,467	621	763	614	641	586	578	6,270
<b>Totals</b>	<b>19,117</b>	<b>17,667</b>	<b>23,290</b>	<b>25,100</b>	<b>27,072</b>	<b>26,296</b>	<b>138,542</b>	<b>24,262</b>	<b>27,143</b>	<b>22,531</b>	<b>23,438</b>	<b>23,374</b>	<b>22,803</b>	<b>285,896</b>

## History

- Hosted four quarterly meetings of all Dutchess County history organizations at locations across the county, for collaborative planning and networking.
- Planned and managed third Hudson Valley Heritage Fair at Locust Grove Historic Site in Poughkeepsie, in collaboration with the Hudson River Valley National Heritage Area, Greater Hudson Heritage Network, and the Mid-Hudson Path through History Workgroup. Over 20 organizations from throughout the region attended.
- Planned and managed the second Dutchess County Historic Tavern Trail Series in collaboration with local historical societies across the county, exploring the history of Prohibition and Temperance.
- Completed Phase 4 indexing and imaging of 25,000 pages of the Ancient Documents Collection, funding by a State Archives Local Government Records Management Improvement Fund (LGRMIF) Grant for \$49,995.
- Secured \$14,060 for Phase 5 imaging of an additional 15,000 pages of the Ancient Documents Collection through a State Archives LGRMIF Grant.
- Expanded the content of the Ancient Documents Search Portal, offering free public access via keyword search to 37,000 pages of county court records from 1721-1787. These are some of the oldest and richest documents in the county archives, online and keyword searchable for the first time.
- Wrote an article on the Ancient Documents Project for the Historical Society of the New York Courts Blog
- Presented on the Ancient Documents Project as part of a panel on historic courts records projects at the Mid Atlantic Region Archives Conference in Buffalo, NY (October)
- Presented at the August County Historian Training Symposium at the State Museum in Albany on building history communities through digital technology.
- Continued serving on the Board of Trustees for the Association of Public Historians of New York State (APHNYS), premiere professional organization for NY government historians.
- Served as Region 3 coordinator for APHNYS, which includes Ulster, Dutchess, Orange, Putnam, Rockland, and Westchester Counties.
- Hosted the Region 3 APHNYS spring meeting at the FDR Library and Museum, Hyde Park (April) and the annual APHNYS statewide conference in Poughkeepsie (October), drawing 85 government historians from across the state to Dutchess County.

- Became president of the Greater Hudson Heritage Network (GHHN) Board and on the Hudson River Valley National Heritage Area Management Advisory Committee. GHHN is the primary museum services provider in New York state and offers significant support and training services for history organizations within the county. Many of these same organizations are members of the national heritage area.
- Researched and composed panel exhibit for the Dutchess County Sheriff's Office.
- Served as an ex officio member of the Dutchess County Historical Society Board of Trustees, strengthening ties between that organization and the county. Assisted with the 2017 Society Yearbook journal, awards dinner, planning the 2018 "Year of the Veteran" program, and collaborated on the Decoding the Past program series.
- Answered research inquiries from the public at large and maintained county-wide communications network for county history community through department landing page and email list.
- Delivered 32 presentations on the Ancient Documents Project and other Dutchess County History topics throughout the county and in Albany and Buffalo.

# Transaction Allocation

US64513

Date/Time Printed: 02/01/2018 04:42:00 PM

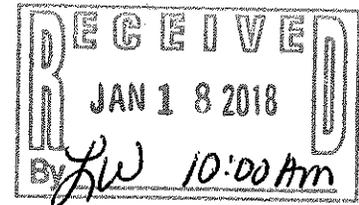
Orientation: Landscape

Selection Criteria: Post Date Is Equal To '01/31/2018'

Transaction ID	Last Name	First Name	Account Number	Transaction Date	Post Date	Merchant Name	Merchant City	Merchant State/Province	MCC	Sales Tax	Transaction Amount	Transaction Type
2536012681001	WAGER	LEIGH	*****1246	01/30/2018	01/31/2018	AMAZON MKTPLACE PMTS Department:LEGISLATURE	AMZN.COM/	WA	5942	\$0.00	\$69.99	Purchase
Chart of Accounts:				COA - US64513		Organization Set:A.1010 Account Number:4160						
<b>Grand Total:</b>						1 Transaction(s)			\$0.00	\$69.99		



**COUNTY OF DUTCHESS**  
BUDGET OFFICE



**Memo**

**To:** Donna Bolner, Chairman, Budget, Finance & Personnel Committee  
Will Truitt, Vice Chairman, Budget, Finance & Personnel Committee

**From:** Jessica White, Budget Director 

**Subject:** Contingency and Capital Reserve Account Status

**Date:** January 18, 2018

As of January 18, 2018, the **General Contingency-A1990.4007** reflects a balance of **\$1,500,000.**

There are no proposed changes to the General Contingency in the resolution agenda packet for the January 22, 2018 Board Meeting.

<b>Contingency – Adopted</b>	<b>\$1,500,000</b>
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As of January 18, 2018, the **Capital Reserve** account reflects an available balance of **\$147,340.**

There are no proposed changes to the Capital Reserve per the Legislature's agenda for the January 22, 2018 Board Meeting.

<b>Capital Reserve Balance</b> <i>*Includes interest earned</i>	<b>\$147,340</b>
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JW:gp  
encl.

c: Marcus J. Molinaro, County Executive  
A.Gregg Pulver, Chairman of the Legislature  
Kenneth Roman, Majority Leader  
Hannah Black, Minority Leader  
Carolyn Morris, Clerk of the Legislature  
Heidi Seelbach, Commissioner of Finance

Dutchess County  
**Contingency Memo**

Through Date: 1/18/2018

Prior Fiscal Year Activity Included

Organization	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Expenditures									
Account: 4007 - General Contingency									
A.1990 - General Fund,Contingency & Vac Fctr	\$1,500,000.00	\$0.00	\$1,500,000.00	\$0.00	\$0.00	\$0.00	\$1,500,000.00	0%	\$0.00
4007 - General Contingency	\$1,500,000.00	\$0.00	\$1,500,000.00	\$0.00	\$0.00	\$0.00	\$1,500,000.00	0%	\$0.00
<b>Expenditure Grand Totals:</b>	\$1,500,000.00	\$0.00	\$1,500,000.00	\$0.00	\$0.00	\$0.00	\$1,500,000.00	0%	\$0.00
<b>Grand Totals:</b>	(\$1,500,000.00)	\$0.00	(\$1,500,000.00)	\$0.00	\$0.00	\$0.00	(\$1,500,000.00)		\$0.00

RESOLUTION NO. 2018033

RE: CONFIRMING REAPPOINTMENTS  
TO THE TRAFFIC SAFETY BOARD

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

WHEREAS, pursuant to Local Law No. 8 of 1977, a Dutchess County Traffic Safety Board was established pursuant to Article 43 Section 1672 of the New York State Vehicle and Traffic Law, and

WHEREAS, in accordance with said Local Law, the Board shall consist of not less than ten (10) members, nor more than twenty (20) members, and shall all be appointed by the County Executive pursuant to Section 3.02(e) of the County Charter, subject to confirmation by the Legislature, and

WHEREAS, the terms of Todd Jicha, Ann Rush, Brian Jones and Anthony Russo have expired and the County Executive has reappointed them, now, therefore, be it

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

**REAPPOINTMENT:**

**TERM:**

Todd Jicha  
18 Stoutenburg Drive  
Hyde Park, NY 12538

01/01/18-12/31/20

Ann Rush  
c/o Dutchess County Department of  
Behavioral & Community Health  
85 Civic Center Plaza  
Poughkeepsie, NY 12601

01/01/18-12/31/20

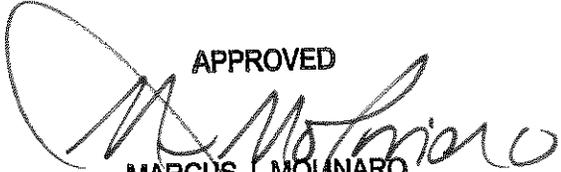
Brian Jones  
c/o Dutchess County Office for the Aging  
27 High Street  
Poughkeepsie, NY 12601

01/01/18-12/31/20

Anthony Russo  
c/o AKRF  
63 Colonial Drive  
Poughkeepsie, NY 12601

01/01/18-12/31/20

CA-028-18  
AMS/kvh/G-202  
01/19/18

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE



# Police Department Town of Poughkeepsie

19 Tucker Drive  
Poughkeepsie, New York 12603

Thomas Manro  
Chief of Police  
845-485-3660

Paul Lecomte  
Detective Captain  
845-485-3670

Ronald J. Spero Jr.  
Patrol Captain  
845-486-7825

March 5, 2010

Dutchess County Traffic Safety Board  
1351 Route 55, Room 107  
LaGrangeville, New York 12540

Attention: Mr. William Johnson

Dear Mr. Johnson,

Sergeant Kevin Faber, the Traffic Division Sergeant, has been promoted to Lieutenant and is no longer assigned to the Town of Poughkeepsie Police Department Traffic Division.

I have been assigned as the Traffic Division Sergeant. I respectfully request to become a member of the Dutchess County Traffic Safety Board.

Please see my attached resume.

Sincerely,

 #323

SGT TODD R. JICHA -#323  
TOWN OF POUGHKEEPSIE POLICE DEPARTMENT  
TRAFFIC DIVISION  
19 TUCKER DRIVE  
POUGHKEEPSIE, NY 12603  
TEL: 845-485-3680  
FAX: 845-486-7862

SGT. TODD R. JICHA #323

P. O. BOX 5042 POUGHKEEPSIE, NEW YORK 12602 \* (845) 229-0118 or (914) 474-8056  
e-Mail: tjicha@aol.com

### SUMMARY OF QUALIFICATIONS

*Accomplished Law Enforcement professional, Certified Police Instructor and Expert Witness offering extensive experience with day-to-day law enforcement operations.*

*Extensive experience serving as an educator, instructor and advisor. Strong leadership and supervisory qualifications. Adept with accident reconstruction, site investigation and analyses. Strengths and core competencies include:*

- \* Law Enforcement Operations
- \* Departmental Policies & Procedures
- \* Leadership & Supervision of Staff
- \* Expert Court Testimony & Advisor
- \* Report Writing, Review & Approval
- \* Traffic Accident Scene Investigations

*Knowledge of modern police methods and procedures. Proven skill with crime scene and evidence preservation. Proactive and team-oriented. Effective presentation skills. Firearm's Instructor and General Topics Instructor.*

### PROFESSIONAL EXPERIENCE

TOWN OF POUGHKEEPSIE POLICE DEPARTMENT, Poughkeepsie, NY 1983-present

*Twenty-four (24) year career advancing through progressively responsible positions with this municipal police department. Deliver contributions in instruction, expert testimony and traffic accident reconstruction.*

#### Police Officer - Traffic Division; 1992-present

- > Traffic Accident Reconstructionist investigating serious personal injury and fatal motor vehicle crashes.
- > Provide expert testimony in court. Advisor to District Attorney's Office and surrounding police agencies.
- > Assigned to the Town of Poughkeepsie Police Patrol Division Crime Scene Technician Unit (2000-present) and the Town of Poughkeepsie Police Department Patrol Rifle Program (2005-present).
- > Experience serving as Acting Sergeant, Certified Police Instructor and General Topics Instructor.
- > Firearm's Instructor (2005-present). Child Safety Seat installation program participant (2000-present).
- > Diversified experience conducting weapons inspections on department handguns (2005-present).
- > Maintain department shotguns (2007-present). Maintained department's Breath Test Instruments (1992-02).
- > Assigned to the Patrol Division (1983-92).

### OTHER

*Rockland County Police Academy; Instructor - Crash Management & Reporting; 2000-present  
Dutchess County Sheriff's Department; Poughkeepsie, NY; Correction Officer; 1982-83.*

### AWARDS

*Highway Safety Award - Dutchess County STOP-DWI; 2000  
Outstanding Police Officer Award - Dutchess County STOP-DWI; 1997 & 1999*

### EDUCATION

*B.S., Criminal Justice, Mercy College, Dobbs Ferry, NY; 1982 (Minor: Psychology)  
A.A.S., Criminal Justice, Dutchess Community College, Poughkeepsie, NY; 1979  
Municipal Police Training Council - Basic Course for Police Officer & Peace Officer; 1983  
New York State Commission of Correction, Albany, NY - Correction Officer Basic Training; 1983  
Professional Development Training - See Addendum*

### CERTIFICATIONS

*New York State Certified Police Instructor*

### MILITARY

*United States Marine Corps, Non-Commissioned Officer; 1974-77 (Supervised staff of 40)*

### AFFILIATIONS

*New York Statewide Traffic Accident Reconstructionist Society*

### REFERENCES

*Available upon request.*

SGT. TODD R. JICHA #323

P. O. BOX 5042, POUGHKEEPSIE, NEW YORK 12602 • (845) 229-0118 or (914) 474-8056  
e-Mail: tjicha@aol.com

## ADDENDUM

### PROFESSIONAL DEVELOPMENT TRAINING

#### Accident Reconstruction Training

Pedestrian / Bicycle Accident Investigation  
Motorcycle Accident Investigation  
Traffic Accident Reconstruction  
Advanced Traffic Accident Investigation  
Advanced Scene Investigation Course  
Basic Crash Management Course

#### Police Training

Prosecuting Vehicle and Traffic Law Infractions Course  
Crash / Crime Scene Measurement Using the LTI Laser  
Radar / Lidar Instructor Course  
Traffic Crash Scene Evidence Preservation for First Responders  
An Introduction to the Nature and Dynamics of Domestic Violence  
AR-15 Carbine Instructor Course (*Patrol Rifle*)  
Bicycle Rodeo Train the Trainer  
Courtroom Survival Conference  
Safe Routes to School Conference  
Firearms Instructor's School  
Commercial Vehicle Enforcement Seminar  
Drugs That Impair Driving Course  
D.W.I. Detection and Standardized Field Sobriety Testing Course  
Incident Response to Terrorist Bombings Awareness Course  
General Topics Instructor Course  
Verbal Judo Tactical Communications Course  
Specialized Course of Instruction on Field Interviewing  
Rapid Deployment Training  
Certified Child Passenger Safety Seat Technician Course  
Crime Scene and Evidence Specialist Course  
Crime Scene Video  
Crime Scene Photography  
Basic Photography  
Datamaster Certified Breath Test Operator  
Impaired Driver Recognition (*Nystagmus*) Program  
Hazardous Material Awareness  
S. & W. 900-A Breathalyzer Certified Breath Test Operator  
Dopler and Lidar Traffic Radar Certified Operator

MARCUS J. MOLINARO  
COUNTY EXECUTIVE



MICHAEL G. CALDWELL, MD, MPH  
COMMISSIONER

COUNTY OF DUTCHESS  
DEPARTMENT OF HEALTH

February 7, 2013

William Johnson, Coordinator  
Dutchess County STOP-DWI/Traffic Safety  
625 Dutchess Turnpike, Room 103  
Poughkeepsie, NY 12603

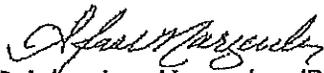
Dear Bill,

The Dutchess County Department of Health is pleased to nominate Ann Rush, Public Health Education Coordinator, as its representative to serve on both the Traffic Safety and the STOP-DWI Planning Boards.

As you know, the mission of the Dutchess County Department of Health is to assess, protect, and promote the health of our communities and our environment; we believe that our participation in these two boards will help enhance our effort in the area of injury prevention. Ann will be working in the area of injury prevention and has expressed interest in participating as a member of these two boards.

Thank you for your consideration in this matter.

Sincerely,

  
Sabrina Jaar Marzouka, JD, MPH  
Assistant Commissioner for Administration

SJM:emd

## **Ann Block Rush**

*Dutchess County Department of Health, 85 Civic Center Plaza, Poughkeepsie, NY 12601, 486-3562*

*18 Elizabeth Drive, Tivoli, NY 12583, 594-7118*

I have very much enjoyed my tenure on the STOP DWI Board. I have learned a great deal and am able to share this vital information with the Health Planning & Education staff at the DOH.

I have worked closely with Bill Johnson on many ventures and when I represent the DOH at community events and health fairs, I also represent both STOP DWI and the Traffic Safety Boards. Bill and I coordinate materials for these events and the combination of the three entities provides much needed information to the public. This coordinated effort has been very successful and I look forward to the opportunity to continue serving on the STOP DWI Board.

### **Education**

1969	AA (Psychology/ English), Vermont College
1971	BA (Psychology/English), Franklin Pierce College
1975	AAS (Nursing), Dutchess Community College

### **Work Experience**

July 2012 – present	Public Health Education Coordinator, Dutchess County Department of Health
Jan 2007 –May 2012	Executive Assistant, Marcus Molinaro, NYS Assembly
1996 – 2005	Executive Assistant, Marcus Molinaro, Mayor, Village of Tivoli
1989 – 2006	Principle, Anden Communications, Quest Consulting
1978 – 1983	Continuing Treatment Center, Dutchess County Department of Mental Hygiene
1971 – 1978	Wassaic Developmental Center

**BRIAN JONES · 6 MEMORIAL DRIVE · TIVOLI NY 12583 · 845-757-2530**

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About me: a 27-year veteran of Hudson Valley radio news broadcasting and programming, most recently serving as news director of the Westchester and Hudson Valley branch of Pamal Broadcasting. My specialties over the years have included journalism in its ever-changing forms, copywriting for news and advertising, talk-show hosting and production, live remote broadcasts, web design and graphics, budgeting, personnel hiring and management, promotions, tactical and strategic planning, market research project design and analysis, public relations, editorial commentary, crisis management...and whatever else was thrown at me on any given day.

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### **Career history**

2008-2016 News Director, Pamal Broadcasting (Westchester/Hudson Valley NY)  
(WHUD-FM/WSPK-FM/WBPM-FM/WLNA-AM/WBNR-AM)

My responsibilities included writing, editing and anchoring four stations' morning newscasts while also co-hosting the consistently high-rated "Miller & Jones" morning show, plus maintaining multiple stations' social media presence, as well as live and pre-recorded long-form news and public affairs programming, and the occasional voiceover and character voices on commercials.

2003-2008 News Director, Cumulus Media (Poughkeepsie/Hudson Valley NY)

2003-2008 Morning news, WCZX-FM/WPDH-FM/WKXP-FM/WEOK-AM (Poughkeepsie NY)

1989-2000 Morning co-host and news, WCZX-FM

1994-2000 Program director, WCZX-FM

2000-2003 Afternoon news anchor, WPDH-FM/WEOK-AM (Poughkeepsie NY)

I supervised a news staff covering several stations and formats, wrote and anchored morning and afternoon newscasts and provided web content and design assistance. Additionally, I took part in live broadcasts of two local visits by President Bill Clinton, anchored live three-hour election night shows, and provided occasional news reporting for out-of-market media, including the BBC and Canadian broadcasters, when a news event relevant to their local area occurred in the Hudson Valley.

### **Education**

Bachelor of Arts, Organizational Communications, State University of New York at New Paltz

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Social media presence:

[twitter.com/knockatize](https://twitter.com/knockatize)

[facebook.com/brian.jones.ny](https://facebook.com/brian.jones.ny)

[linkedin.com/in/misterjones](https://linkedin.com/in/misterjones)

## Anthony P. Russo

63 Colonial Drive  
Poughkeepsie, NY 12603  
Home phone: 845-483-0151  
Cell phone: 914-393-3099

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### WORK EXPERIENCE

#### December 1988 - Present:

AKRF Planning Consultants, Inc., AKRF Environmental Consultants, and AKRF Engineering, P.C., New York City and Westchester County

Vice President. Served as project manager for real estate development, engineering, planning, and environmental projects for both private and public sector clients. Manager in charge of a staff of 10 planners, engineers, and scientists assigned to my department. Manager in charge of field crews of 10 to 100 people collecting engineering and environmental data. In addition, manager of the administrative, production, and word processing staff in one of the firm's satellite offices.

As Technical Director I have been responsible for the following tasks:

- Writing proposals and assembling project teams.
- Making presentations to planning boards, town boards, and the general public to explain and defend clients' development projects.
- Conducting workshops with the government agencies and the general public to discuss community concerns and issues related to clients development projects.
- Developing a good working relationship and rapport with developers' project teams of attorneys and other professionals in order to guide the project through the review and approval process and ultimately to the construction phase.
- Day-to-day management of the office staff.
- Schedule and manage employee work load and project assignments.
- Responsible for the quality control of the staff's technical work, including report writing and presentation work.
- Managing budgets and collections for numerous company projects.

In the capacity of Technical Director I have become proficient with/knowledgeable about the following:

#### Special Areas of Knowledge

- Planning issues (e.g., land use, zoning, government and public policy, etc.).
- Hazardous materials engineering.
- Real estate development.
- Transportation planning and engineering.
- Construction management, field inspection and monitoring.
- Civil engineering.
- Project management.
- Preparation of Environmental Impact Statements.

## Anthony P. Russo

63 Colonial Drive  
Poughkeepsie, NY 12603  
Home phone: 845-483-0151  
Cell phone: 914-393-3099

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• Staff training and development.

• Effective techniques for public outreach.

June 1986 - December 1988: TAMS Consultants, New York City  
Planner/Engineer. Managed traffic and civil engineering data collection, data reduction, and report preparation of an Environmental Impact Statement for the redevelopment of the Mill Basin Waterfront in Brooklyn and a project located in the Melrose section of the Bronx.

Summer 1986: STV Engineers, New York City and the Bronx  
Assistant Civil Engineer. Conducted inspections of field operations and performed calculation and estimates of a multimillion-dollar rehabilitation design project.

Summer 1985: New York City Department of Environmental Protection, The Bronx  
Water Main Inspector. Performed water main inspection, maintained field notebooks, and served as contract coordinator between the city and construction vendors.

### EDUCATION

Manhattan College. Master of Business Administration, Concentration in Management Information Systems (MIS), 1990

Manhattan College. B.E., Civil Engineering, 1986.

Institute of Transportation Engineers (ITE) & American Society of Civil Engineers (ASCE).  
Continuing Education Courses in Management and Engineering.

### MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Chi Epsilon, National Civil Engineering Honorary Society

Delta Mu Delta, National Business Honorary Society

American Society of Civil Engineers

Institute of Transportation Engineers

# Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner (VC)		
District 21 - Town of East Fishkill	Horton (C)		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		

Present: 11                      Resolution: ✓                      Total : 11                      0  
 Absent: 1                              Motion: —                                      Yes                              No  
 Vacant: 6                                      Abstentions: 0

2018033 CONFIRMING REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		1
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total: 24      1  
           Yes           No  
 Abstentions: 0

2018033 CONFIRMING REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

February 8, 2018

RESOLUTION NO. 2018034

RE: AMENDING THE 2018 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

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

WHEREAS, the County Executive allocated funds for the 2018 Agency Partner Grant to the Department of Planning and Development, and

WHEREAS, the 2018 Agency Partner Grant (hereinafter referred to as "APG") awarded \$100,000 to The Boys and Girls Club of Newburgh's The Afterschool Project; \$40,000 to the Child Abuse Prevention Center's Special Needs Parenting Program, and \$39,050 to the Exodus Poughkeepsie Re-entry Work Readiness Program, and

WHEREAS, after allocating such funds, it was determined that two programs were eligible for a certain percentage of State reimbursement through the Department of Community & Family Services (DCFS), specifically: (a) The Boys and Girls Club of Newburgh's The Afterschool Project (The Boys and Girls Club), is eligible for \$31,000 or 62% of half of the APG award, and (b) the Child Abuse Prevention Center's Special Needs Parenting Program (Child Abuse Prevention Center), is eligible for \$24,800 or 62% of the APG award, and

WHEREAS, it was further determined that the Exodus Poughkeepsie Reentry Work Readiness Program (Exodus), in the amount of \$39,050, is already funded by DCFS and administration should be consolidated at DCFS, and

WHEREAS, in order to maximize revenue and the use of the grant funds for two of the aforementioned programs and streamline administration, it is necessary to amend the 2018 Adopted County Budget to move the amount of \$123,250 to the DCFS budget and increase the appropriations by an additional \$55,800 thereby enabling DCFS to benefit from the state reimbursement, and

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2018 Adopted County Budget as follows:

APPROPRIATIONS

Decrease

A.8020.4413	Competitive Grant Program	(\$123,250)
-------------	---------------------------	-------------

Increase



# FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_

and Source  
See attached.

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:

Funded under the 2018 Agency Partner Grant (APG) program, it is proposed to transfer \$179,050 from the Department of Planning and Development to the Department of Community and Family Service's (DCFS) budget to leverage funding from New York State (NYS) and to consolidated jointly-funded programs in a single department to reduce the administrative burden for both the county and the organization. Transfers include: 1) \$100,000 to the Boys and Girls Club of Newburgh's The Afterschool Project to leverage additional funding of \$31,000 from NYS (62% of half of fund award); 2) \$40,000 to the Child Abuse Prevention Center's Special Needs Parenting Program to leverage additional funding of \$24,800 from NYS (62% of full fund award); 3) \$39,050 to the Exodus Poughkeepsie Reentry Work Readiness Program already funded by DCFS.

Prepared by: Gail Oiumet, 845-486-3635

Prepared On: 1/16/2018

# *Environment Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 24 - Towns of Dover and Union Vale	Surman (VC)		

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

**2018034 AMENDING THE 2018 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)**

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution: ✓  
 Motion: —

Total: 25      0  
                   Yes            No  
 Abstentions: 0

**2018034** AMENDING THE 2018 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

February 8, 2018

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2018035

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY  
FROM JOHN L. POZO AND MAUREEN L. POZO, IN CONNECTION  
WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD  
(CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, THOMES, and HORTON offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Myers Corners Road (CR 93) in the Town of Wappinger, which project (PIN 8755.45) includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project: (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Myers Corners Road (CR 93) in the Town of Wappinger, it is necessary to acquire a portion of real property, as follows: a 3,035.58 +/- square foot parcel as shown on Map 37, Parcel 45, on 1 Hi View Road, in the Town of Wappinger, Dutchess County, and is described as Parcel Identification Number 135689-6358-01-023552-0000, presently owned by John L. Pozo and Maureen L. Pozo, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, 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 Commissioner of Public Works has recommended that the subject property be acquired for the total sum of \$9,700, plus an authorization to spend up to an additional \$1,000 in related expenses, if necessary; 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 fee acquisition of the property described above in the Town of Wappinger, will not have a significant impact on the environment, and be it further

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

RESOLVED, that on the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owners a total sum of \$9,700 plus an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-019-18  
AMS/kvh/R-0946-II  
1/16/18  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

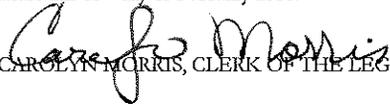
STATE OF NEW YORK

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 10,700

Total Current Year Revenue \$ 10,165  
and Source

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

Identify Line Items(s):  
H0384.5110.3009 Roads ISTE A

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$535  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:  
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM JOHN L. POZO AND MAUREEN L. POZO, PIN  
8755.45; MYERS CORNERS ROAD, MYERS CORNERS ROAD (CR 93)  
IMPROVEMENTS PROJECT, TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 282.02+/- square meter (3,035.58+/- square foot) parcel as shown  
on accompanying (Map 37, Parcel 45) for the purchase price of \$9,700.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements  
PIN OR CIN: 8755.45

Map: 37

Parcel: 45

This Agreement by and between JOHN L. POZO and MAUREEN L. POZO, residing at 1 Hi View Road, Wappingers Falls, New York 12590, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer",

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

- all right title and interest to 3,035.58± square feet of real property. Purchase price is \$9,700.
- a permanent easement to 0± square feet of real property. Purchase price is 0.
- a temporary easement to 0± square feet of real property. Purchase price is 0.

Located at 1 Hi View Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel 45 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated May 24, 1980 and recorded December 3, 1980 in Liber 1548 of Deeds at Page 146 in the Office of the County Clerk for Dutchess County (re: Grid # 6358-01-023552),

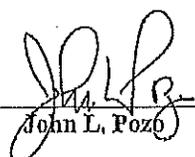
2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: lawn and trees.
3. PURCHASE PRICE. The total purchase price is NINE THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS (\$9,700). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about December 15, 20 17. This Agreement may be subject to the approval of the Dutchess County Legislature.
5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The Buyer shall include a check for the sum of \$ \_\_\_\_\_ with said written notification to the Seller.

7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
  - A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
  
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
  
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
  
10. 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.
  
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
  
12. 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.

IN WITNESS WHEREOF, on this 25<sup>th</sup> day of October, 2017, the parties have entered into this Agreement.

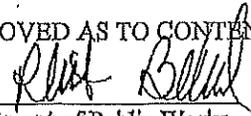
APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

Seller:   
John L. Pozo

Seller:   
Maureen L. Pozo

APPROVED AS TO CONTENT:

  
Department of Public Works

COUNTY OF DUTCHESS

\_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Rev1

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS



REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

PIN 0755,46

MAP NO. 37  
PARCEL NO. 45  
SHEET 1 OF 2

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

JOHN L. POZO  
& MAUREEN L. POZO  
(REPUTED OWNERS)  
L. 154B P. 146

Town of Wappinger  
County of Dutchess  
State of New York

ACQUISITION DESCRIPTION:

Type: FEE  
Portion of Real Property Tax  
Parcel ID No.  
136689-6390-01-023552-0000

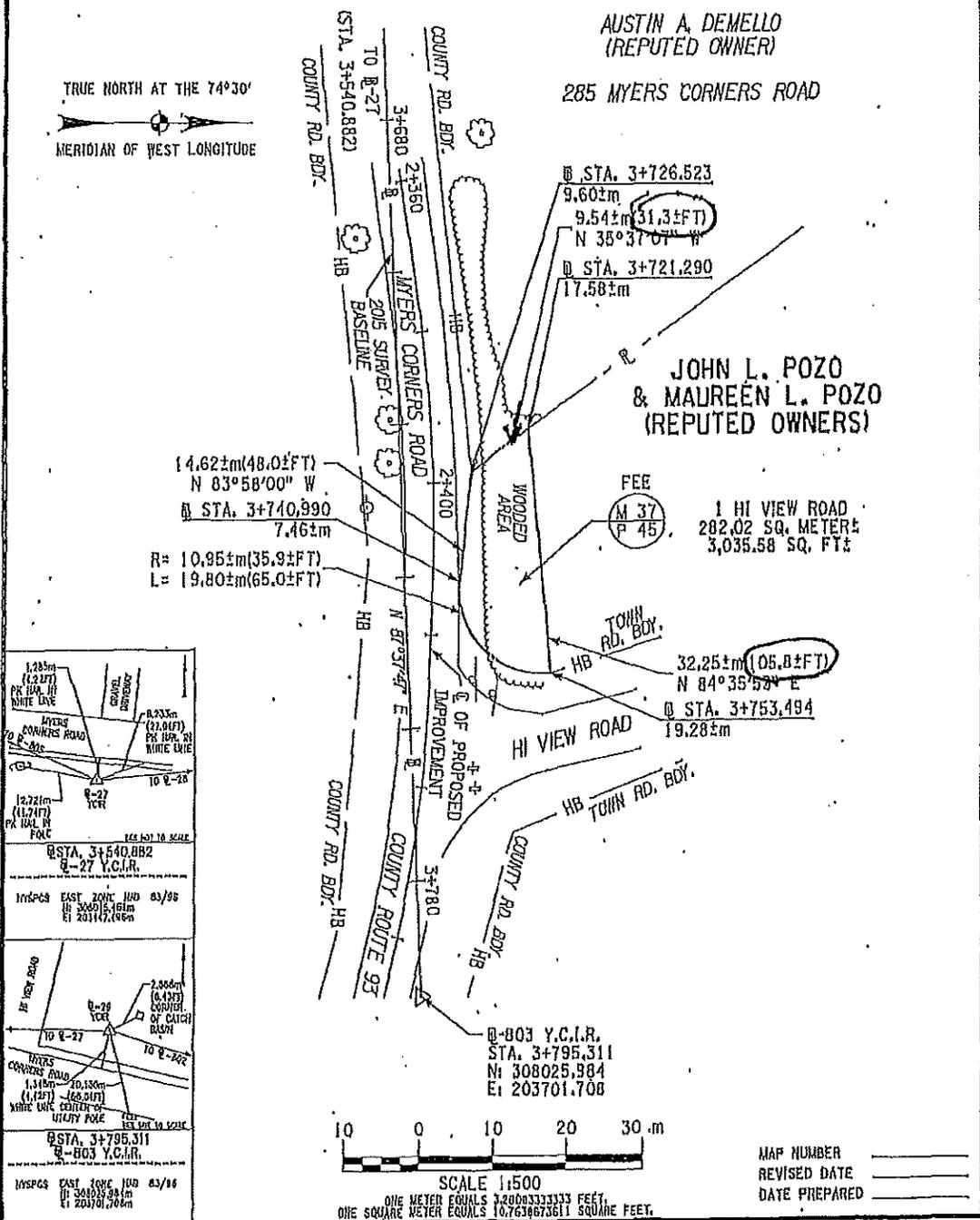
REPUTED OWNER:  
JOHN L. POZO  
& MAUREEN L. POZO  
1 HI VIEW ROAD  
WAPPINGERS FALLS, NY 12590

TRUE NORTH AT THE 74°30'  
MERIDIAN OF WEST LONGITUDE

AUSTIN A. DEMELLO  
(REPUTED OWNER)  
285 MYERS CORNERS ROAD

JOHN L. POZO  
& MAUREEN L. POZO  
(REPUTED OWNERS)

1 HI VIEW ROAD  
282.02 SQ. METERS  
3,035.58 SQ. FT.

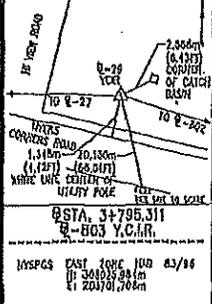
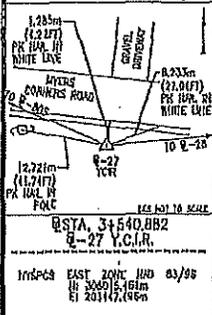


14.62±m(48.0±FT)  
N 83°58'00" W  
@ STA. 3+740.990  
7.46±m  
R= 10.95±m(35.9±FT)  
L= 19.80±m(65.0±FT)

@ STA. 3+726.523  
9.60±m  
9.54±m(31.3±FT)  
N 35°37'07" W  
@ STA. 3+721.290  
17.58±m

FEE  
M 37  
P 45

32.25±m(105.8±FT)  
N 84°35'53" E  
@ STA. 3+753.494  
19.28±m



SCALE 1:500  
ONE METER EQUALS 3.280833333 FEET.  
ONE SQUARE METER EQUALS 10.76390625 SQUARE FEET.

MAP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED \_\_\_\_\_

PREPARED BY G. ECKER CHECKED BY B. HILLMAN SURV. CHECK BY J. HILLMAN

FILE NAME = G:\GIS\2022\136689-6390-01-023552-0000\136689-6390-01-023552-0000.dwg



REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

PIN 075545

MAP NO. 37  
PARCEL NO. 45  
SHEET 2 OF 2

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition, for purposes connected with the Highway system of the County of Dutchess, pursuant to Section 110 of the Highway Law and Eminent Domain Procedure Law.

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 45, SITUATE IN THE TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF JOHN L. POZO AND MAUREEN L. POZO (REPUTED OWNERS) ON THE EAST AND THE PROPERTY OF AUSTIN A. DEMELLO (REPUTED OWNER) ON THE WEST, SAID POINT BEING 9.60±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+726.523± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE NORTH 35°-37'-07" WEST ALONG SAID DIVISION LINE 0.54±m (31.3±FT.) TO A POINT 17.88±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+721.290± OF SAID BASELINE; THENCE NORTH 84°-36'-53" EAST THROUGH THE PROPERTY OF JOHN L. POZO AND MAUREEN L. POZO (REPUTED OWNERS) 32.25±m (105.8±FT.) TO A POINT ON THE WESTERLY BOUNDARY OF HI VIEW ROAD, THE LAST MENTIONED POINT BEING 19.28±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+753.494± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED WESTERLY BOUNDARY OF HI VIEW ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 10.95±m (35.9±FT.), A DISTANCE OF 19.80±m (65.0±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 7.46±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+740.990± OF SAID BASELINE; THENCE NORTH 83°-58'-00" WEST ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) 14.62±m (48.0±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 282.02± SQUARE METERS (3,036.58± SQUARE FEET) MORE OR LESS.

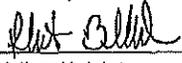
THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2015 SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 3+840.882; THENCE NORTH 07°-37'-47" EAST TO STATION 3+795.311.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74°-30' MERIDIAN OF WEST LONGITUDE.

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

Date Sept 19 2017



Robert H. Bakling, P.E.  
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 Sept. 13 2017

  
Mark Delor - Land Surveyor  
P.L.S. License No. 050478

Moser Consulting P.A.  
18 Computer Drive East, Suite 203  
Albany, NY 12205

MAP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED \_\_\_\_\_

PREPARED BY D. COOPER CHECKED BY D. BUCCHIERI FINAL CHECK BY J. BULLOCK

FILE NAME: 2 EXHIBIT A2017 MYERS CORNERS ROAD - Map 37-45-2.dwg

# *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		
Present: <u>11</u>	Resolution: <u>✓</u>	Total: <u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

**2018035** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM JOHN L. POZO AND MAUREEN L. POZO, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present: 25

Absent: 0

Vacant: 0

Resolution: ✓

Motion:     

Total : 25      0

Yes      No

Abstentions: 0

**2018035** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM JOHN L. POZO AND MAUREEN L. POZO, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

RESOLUTION NO. 2018036

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY  
FROM CATHY HUGHES AKA CATHERINE HUGHES IN CONNECTION  
WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD  
(CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, THOMES, and HORTON offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Myers Corners Road (CR 93) in the Town of Wappinger, which project (PIN 8755.45) includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Myers Corners Road (CR 93) in the Town of Wappinger, it is necessary to acquire a portion of real property in fee, as follows: a 1,115.58 +/- square foot parcel as shown on Map 58, Parcel 65, on 295 Myers Corner Road in the Town of Wappinger, Dutchess County and is described as Parcel Identification Number 135689-6358-01-091540-0000, presently owned by Cathy Hughes aka Catherine Hughes, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, 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 Commissioner of Public Works has recommended that the subject property be purchased for the sum of \$4,700, plus up to an additional \$1,000 in related expenses, if necessary; 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 fee acquisition of the property described above in the Town of Wappinger, will not have a significant impact on the environment, and be it further

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

RESOLVED, that on the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owner the sum of \$4,700 plus an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-020-18  
AMS/sc/kvh/R-0946-GG  
1/16/18  
Fiscal Impact: See attached statement

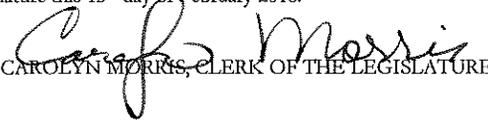
APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 5,700

Total Current Year Revenue \$ 5,415  
and Source

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

Identify Line Items(s):  
H0384.5110,3009 Roads ISTEAs

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$285  
Over Five Years: \_\_\_\_\_

Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:  
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM CATHY HUGHES AKA CATHERINE HUGHES  
PIN 8755.45: MYERS CORNERS ROAD, MYERS CORNERS ROAD (CR 93) IMPROVEMENTS PROJECT  
TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 103.63+/- square meter (1,115.48+/- square foot) parcel as shown  
on accompanying (Map 58, Parcel 65) for the purchase price of \$4,700.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements  
PIN OR CIN: 8755.45

Map: 58

Parcel: 65

This Agreement by and between CATHY HUGHES AKA CATHERINE HUGHES, residing at 295 Myers Corners Road, Wappingers Falls, New York 12590, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

- all right title and interest to 1,115.48± square feet of real property. Purchase price is \$4,700.
- a permanent easement to 0± square feet of real property. Purchase price is 0.
- a temporary easement to 0± square feet of real property. Purchase price is 0.

Located at 295 Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel(s) 65 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated June 10, 1997 and recorded June 12, 1997 in Liber 1995 of Deeds at Page 293 in the Office of the County Clerk for Dutchess County (re: Grid # 6358-01-091540),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: lawn, asphalt, trees and bushes.
3. PURCHASE PRICE. The total purchase price is FOUR THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS (\$4,700). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about December 15, 2017. This Agreement may be subject to the approval of the Dutchess County Legislature.
5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The Buyer shall include a check for the sum of \$ \_\_\_\_\_ with said written notification to the Seller.

Hughes

# 0010136

7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
  - A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
  
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
  
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
  
10. 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.
  
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
  
12. 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.

IN WITNESS WHEREOF, on this 25<sup>th</sup> day of October, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

Seller: *Cathy H*  
 Cathy Hughes aka Catherine Hughes

\_\_\_\_\_  
 Department of Law

APPROVED AS TO CONTENT:

COUNTY OF DUTCHESS  
 \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

*[Signature]*  
 Department of Public Works



REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

EXHIBIT A  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

PIN 8755.45

MAP NO. 58  
PARCEL NO. 65  
SHEET 2 OF 2

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

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 65, SITUATE IN THE TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) ON THE EAST AND THE PROPERTY OF LINCARL, INC. (REPUTED OWNER) ON THE WEST, SAID POINT BEING 16.47±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+925.666± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE NORTH 12°-35'-20" WEST ALONG SAID DIVISION LINE 3.87±m(12.7±FT.) TO A POINT 20.27±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) THE FOLLOWING TWO (2) COURSES AND DISTANCES; (1) NORTH 88°-42'-46" EAST 23.24±m(76.3±FT.) TO A POINT 11.52±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+947.925± OF SAID BASELINE; AND (2) NORTH 64°-29'-37" EAST 20.07±m(65.8±FT.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF CAROL A. MELISH (REPUTED OWNER) ON THE EAST, THE LAST MENTIONED POINT BEING 12.25±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+967.980± OF SAID BASELINE; THENCE SOUTH 12°-35'-20" EAST ALONG SAID DIVISION LINE 2.02±m(6.6±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 10.26±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+967.599± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) THE FOLLOWING TWO (2) COURSES AND DISTANCES; (1) SOUTH 64°-32'-44" WEST 19.35±m(63.5±FT.) TO A POINT 9.57±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+948.259± OF SAID BASELINE; AND (2) SOUTH 83°-33'-40" WEST 23.62±m(77.5±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 103.63± SQUARE METERS (1,115.48± SQUARE FEET) MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2015 SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 3+917.992; THENCE NORTH 66°-35'-10" EAST TO STATION 4+074.759.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74°-30' MERIDIAN OF WEST LONGITUDE.

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

Date Sept 19 2017

Robert H. Bolkind, P.E.  
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 on accurate description and map made from an accurate survey, prepared under my direction.

Date Sept 13 2017

Mark DeLor - Land Surveyor  
P.L.S., License No. 050478

Moser Consulting P.A.  
18 Computer Drive East, Suite 203  
Albany, NY 12205

MAP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED \_\_\_\_\_

FILE NAME: 810N122022111805 EDWARD BOLKIND/BOB BOLKIND/ALBANY/2017/050478

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

Present:   11    
 Absent:     1      
 Vacant:     0    

Resolution:   ✓    
 Motion:     —    

Total :   11       0      
           Yes    No  
 Abstentions:     0    

**2018036** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM CATHY HUGHES AKA CATHERINE HUGHES IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present:	<u>25</u>	Resolution:	<u>✓</u>	Total:	<u>25</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<u>    </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

**2018036** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM CATHY HUGHES AKA CATHERINE HUGHES IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

RESOLUTION NO. 2018037

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY  
FROM WILLIAM EDWARDS AND KAREN SEIDER EDWARDS,  
IN CONNECTION WITH THE PROJECT KNOWN AS  
MYERS CORNERS ROAD (CR 93) IMPROVEMENTS,  
TOWN OF WAPPINGER (PIN 8755.45)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, HORTON, and THOMES offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Myers Corners Road (CR 93) in the Town of Wappinger, which project (PIN 8755.45) includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project: (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Myers Corners Road (CR 93) in the Town of Wappinger, it is necessary to acquire a portion of real property in fee, as follows: a 227.43 +/- square foot parcel as shown on Map 22, Parcel 28, on 310 Myers Corners Road (CR 93), in the Town of Wappinger, Dutchess County, and is described as Parcel Identification Number 135689-6358-01-173549-0000, presently owned by William Edwards and Karen Seider Edwards, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, 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 Commissioner of Public Works has recommended that the subject property be acquired for the sum of \$800, plus an authorization to spend up to an additional \$1,000 in related expenses, if necessary; 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 fee acquisition of the property described above in the Town of Wappinger, will not have a significant impact on the environment, and be it further

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

RESOLVED, that on the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owners a sum of \$800 plus an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-021-18  
AMS/kvh/R-0946-T  
1/16/18  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 1,800

Total Current Year Revenue \$ 1,710  
and Source

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

Identify Line Items(s):  
H0384.5110.3009 Roads ISTEAs

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$90  
Over Five Years: \_\_\_\_\_

Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:  
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM WILLIAM EDWARDS AND KAREN SEIDER  
EDWARDS, PIN 8755.45: MYERS CORNERS ROAD, MYERS CORNERS ROAD (CR 93)  
IMPROVEMENTS PROJECT, TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 21.13+/- square meter (227.43+/- square foot) parcel as shown on  
accompanying (Map 22, Parcel 2B) for the purchase price of \$800.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements  
PIN OR CIN: 8755.45

Map(s): 22

Parcel(s): 28

Edwards

# 2017037

This Agreement by and between WILLIAM EDWARDS and KAREN SEIDER EDWARDS, residing at 310 Myers Corners Rd., Wappingers Falls, New York 12590, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

- all right title and interest to 227.43± square feet of real property. Purchase price is \$800.
- a permanent easement to 0± square feet of real property. Purchase price is \$0.
- a temporary easement to 0± square feet of real property. Purchase price is \$0.

Located at 310 Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel(s) 28 on Exhibit "A", attached hereto,

Being a portion of those same lands described in a Bargain and Sale deed dated December 8, 1993 and recorded on 12/28/1993 in Liber 1938 of Deeds at Page 21 in the Office of the County Clerk for Dutchess County (re: Grid # 6358-01-173549),

- 2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: bushes and lawn.
- 3. PURCHASE PRICE. The total purchase price is EIGHT HUNDRED AND 00/100 DOLLARS (\$800.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
- 4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about December 15, 20 17. This Agreement may be subject to the approval of the Dutchess County Legislature.
- 5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
- 6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. \_\_\_\_\_. The Buyer shall include a check for the sum of \$ \_\_\_\_\_ with said written notification to the Seller.

1. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
  - A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
  
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
  
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
  
10. 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.
 

ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
  
12. 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.

IN WITNESS WHEREOF, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the parties have entered into this Agreement.

APPROVED AS TO FORM: Seller: William Edwards  
WILLIAM EDWARDS

Department of Law Seller: Karen Seider Edwards  
KAREN SEIDER EDWARDS

APPROVED AS TO CONTENT:  
[Signature]  
Department of Public Works

COUNTY OF DUTCHESS  
\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_



## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

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

**2018037** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM WILLIAM EDWARDS AND KAREN SEIDER EDWARDS, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

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

**2018037 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM WILLIAM EDWARDS AND KAREN SEIDER EDWARDS, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)**

PUBLIC WORKS & CAPITAL PROJECTS  
PULLED BY COUNTY ATTORNEY

RESOLUTION NO. 2018038

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY  
FROM MOUNT HOPE GRANGE No. 902 IN CONNECTION WITH  
THE PROJECT KNOWN AS MYERS CORNERS ROAD  
(CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, THOMES, and HORTON  
offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Myers Corners Road (CR 93) in the Town of Wappinger, which project (PIN 8755.45) includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Myers Corners Road (CR 93) in the Town of Wappinger, it is necessary to acquire a portion of real property in fee as follows: a 273.26 +/- square foot parcel as shown on Map 1, Parcel 1 on 212 Myers Corner Road, in the Town of Wappinger, Dutchess County and is described as Parcel Identification Number 135689-6258-02-624549-0000, presently owned by Mount Hope Grange No. 902, and described as, a copy of which is annexed hereto a fee acquisition from property, and

WHEREAS, a proposed Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, 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 Commissioner of Public Works has recommended that the subject property be purchased for the sum of \$1,000, plus up to an additional \$1,000 in related expenses, if necessary; 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 fee acquisition of the property described above in the Town of Wappinger, will not have a significant impact on the environment, and be it further

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

RESOLVED, that on the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owners the sum of \$1,000 plus an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-022-18  
AMS/sc/kvh/R-0946-D  
1/16/18  
Fiscal Impact: See attached statement

~~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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.~~

~~CAROLYN MORRIS, CLERK OF THE LEGISLATURE~~

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 2,000

Total Current Year Revenue \$ 1,900  
and Source

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

Identify Line Items(s):  
H0384.5110.3009 Roads ISTEAs

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$ 100  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:  
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM MOUNT HOPE GRANGE #902 a/k/a MOUNT HOPE GRANGE NO. 902, PIN 8755.45: MYERS CORNERS ROAD, MYERS CORNERS ROAD (CR 93) IMPROVEMENTS PROJECT, TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 25.39+/- square meter (273.26+/- square foot) parcel as shown on accompanying (Map 1, Parcel 1) for the purchase price of \$1,000.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements  
PIN OR CIN: 8755.45

Map: 01

Parcel: 1

This Agreement by and between MOUNT HOPE GRANGE #902 a/k/a MOUNT HOPE GRANGE NO. 902, residing at 161 Robinson Lane, Wappingers Falls, New York 12590, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

- all right title and interest to 273.26± square feet of real property. Purchase price is \$1,000.
- a permanent easement to 0± square feet of real property. Purchase price is 0.
- a temporary easement to 0± square feet of real property. Purchase price is 0.

Located at 212 Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel 1 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain Deed at Liber 359, Page 579 dated 1/26/1909 and recorded 2/11/1909; and that certain Deed at Liber 471, Page 189 dated 10/22/26 and recorded 10/27/26; and Deed at Liber 665, Page 511 dated 6/12/47 and recorded 6/28/47; all recorded in the Office of the County Clerk for Dutchess County (re: Grid # 6258-02-624549),

- 2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: Lawn and timbers.
- 3. PURCHASE PRICE. The total purchase price is ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
- 4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about December 15, 2017. This Agreement may be subject to the approval of the Dutchess County Legislature.
- 5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
- 6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The Buyer shall include a check for the sum of \$ \_\_\_\_\_ with said written notification to the Seller.

7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
  - A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
10. 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.
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
12. 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.

IN WITNESS WHEREOF, on this 9<sup>th</sup> day of November, 2017, the parties have entered into this Agreement.

MOUNT HOPE GRANGE # 902  
a/k/a MOUNT HOPE GRANGE NO. 902

APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

Seller: David R Koehler

Print Name: David R Koehler

Title: Master

APPROVED AS TO CONTENT:

[Signature]  
Department of Public Works

COUNTY OF DUTCHESS

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

PIN 8755.45

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

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

MOUNT HOPE GRANGE #902  
(REPUTED OWNER).

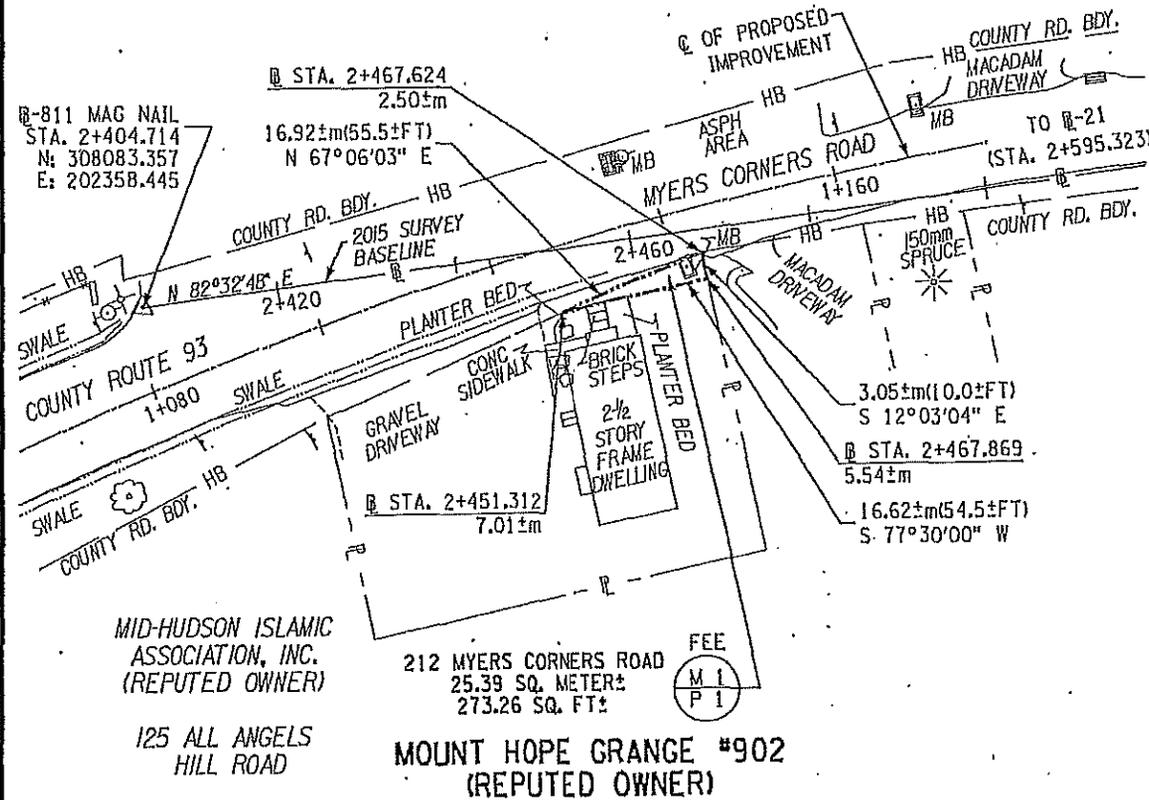
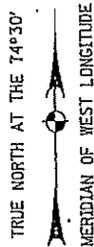
Town of Wappinger  
County of Dutchess  
State of New York

ACQUISITION DESCRIPTION:

Type: FEE  
Portion of Real Property Tax  
Parcel ID No.  
135689-6258-02-624549-0000

L. 359 P. 579

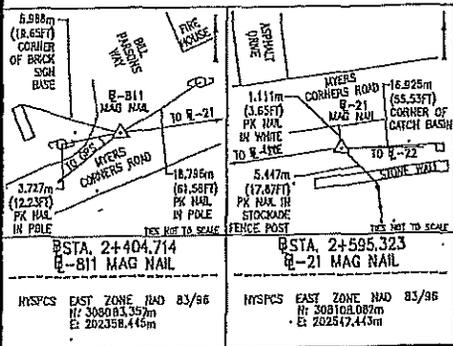
REPUTED OWNER:  
MOUNT HOPE GRANGE #902  
161 ROBINSON LANE  
WAPPINGERS FALLS, NY 12590



MID-HUDSON ISLAMIC  
ASSOCIATION, INC.  
(REPUTED OWNER)

125 ALL ANGELS  
HILL ROAD

212 MYERS CORNERS ROAD  
25.39 SQ. METERS  
273.26 SQ. FT.  
MOUNT HOPE GRANGE #902  
(REPUTED OWNER)



SCALE 1:500  
ONE METER EQUALS 3.2808333333 FEET.  
ONE SQUARE METER EQUALS 10.7636673611 SQUARE FEET.

MAP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED \_\_\_\_\_

FILE NAME: G:\MID-HUDSON\2023\212 MYERS CORNERS RD\MapA1R1.dwg



REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

PIN 8755.45

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

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

ALL THAT PIECE OR PARCEL OF PROPERTY HERINAFTER DESIGNATED AS PARCEL NO. 1, SITUATE IN THE TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF MOUNT HOPE GRANGE #902 (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF MID-HUDSON ISLAMIC ASSOCIATION, INC. (REPUTED OWNER) ON THE EAST, SAID POINT BEING 2.50±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+467.624± OF THE HERINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE SOUTH 12°-03'-04" EAST ALONG SAID DIVISION LINE 3.05±m(10.0±FT.) TO A POINT 5.54±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+467.869± OF SAID BASELINE; THENCE SOUTH 77°-30'-00" WEST THROUGH THE PROPERTY OF MOUNT HOPE GRANGE #902 (REPUTED OWNER) 16.62±m(54.5±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 7.01±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+451.312± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) NORTH 67°-06'-03" EAST 16.92±m(55.5±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 25.39± SQUARE METERS (273.26± SQUARE FEET) MORE OR LESS.

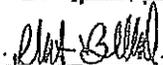
THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2015 SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 2+404.714; THENCE NORTH 82°-32'-48" EAST TO STATION 2+595.323.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74°-30' MERIDIAN OF WEST LONGITUDE.

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

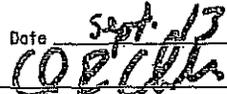
Date Sept 19 2017

  
Robert H. Bolkind, P.E.  
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 Sept 13 2017

  
Mark DeLor - Land Surveyor  
P.L.S. License No. 050478

Maser Consulting P.A.  
18 Computer Drive East, Suite 203  
Albany, NY 12205

MAP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED \_\_\_\_\_

## Morris, Carolyn

---

**From:** Smith, Anne Marie  
**Sent:** Friday, February 9, 2018 10:18 AM  
**To:** Morris, Carolyn  
**Cc:** Wager, Leigh; Helmeyer, Kim; Balkind, Robert; Hanlon, Laureen (Laurie); Davis, Matthew  
**Subject:** Resolution No. 2018038 Mount Hope Grange #902

Hi Carolyn,

My apologies to all. DPW had informed me that after signing an agreement to sell the subject parcel of real property to the County, the sole member of Mount Hope Grange #902 learned that he did not have the legal authority to do so. He is, however, amenable to a friendly condemnation. I failed to pull the above resolution which was on the committee meeting agenda for last night. We are preparing a new Resolution for the friendly condemnation of this property for the next committee meeting. Thanks very much. Have a nice weekend.

Anne Marie.

ANNE MARIE SMITH  
Senior Assistant County Attorney  
Dutchess County Attorney's Office  
22 Market Street, 5<sup>th</sup> Floor  
Poughkeepsie, NY 12601  
tel: 845-486-2110  
Fax: 845-486-2002

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

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

**2018038 AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM MOUNT HOPE GRANGE NO. 902 IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)**

February 8, 2018

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2018039

RE: AUTHORIZING ACQUISITION IN FEE AND A PERMANENT EASEMENT OF REAL PROPERTY FROM HUA XIA JI AND XIA PING WANG, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, THOMES, and HORTON offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Myers Corners Road (CR 93) in the Town of Wappinger, which project (PIN 8755.45) includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project: (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Myers Corners Road (CR 93) in the Town of Wappinger, it is necessary to acquire a portion of real property in fee, on a 249.37 +/- square foot parcel as shown on Map 11, Parcel 15, and a permanent easement on a 1,252.46 +/- square foot parcel as shown on Map 11, Parcel 14, on 248 Myers Corners Road (CR 93), in the Town of Wappinger, Dutchess County, both of which are described as portions of parcel identification number 135689-6258-02-820517-0000, presently owned by Hua Xia Ji and Xia Ping Wang, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, 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 Commissioner of Public Works has recommended that the subject property be acquired in fee for the sum of \$2,725, and the permanent easement for the sum of \$1,975 plus an authorization to spend up to an additional \$1,000 in related expenses, if necessary; 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 both the fee acquisition of the property and the permanent easement described above in the Town of Wappinger, will not have a significant impact on the environment, and be it further

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

RESOLVED, that on the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owners for the fee acquisition the sum of \$2,725 and for the permanent easement the sum of \$1,975 plus up to an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-025-18  
AMS/kvh/R-0946-J  
1/16/18  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 5,700

Total Current Year Revenue \$ 5,415  
and Source

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

Identify Line Items(s):  
H0384.5110.3009(8) Roads ISTEAs

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$285  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:

RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM HUA XIA JI AND XIA PING WANG  
PIN 8755.45: MYERS CORNERS ROAD, MYERS CORNERS ROAD (CR 93) IMPROVEMENTS PROJECT  
TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 23.17+/- square meter (249.37+/- square foot) parcel as shown on accompanying (Map 11, Parcel 15) for the purchase price of \$2,725.00, and authorization to acquire a permanent easement to a 116.36+/- square meter (1,252.46+/- square foot) parcel as shown on accompanying (Map 11, Parcel 14) for the purchase price of \$1,975.00

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

Prepared by: Matthew W. Davis

2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements  
PIN OR CIN: 8755.45 Map: 11

Parcels: 14 & 15

Wang  
# 2018039

This Agreement by and between HUA XIA JI and XIA PING WANG, residing at 248 Myers Corners Road, Wappingers Falls, NY 12590 hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:
- all right title and interest to 249.37± square feet of real property Purchase price is \$2,725
  - a permanent easement to 1,252.46± square feet of real property. . Purchase price is \$1,975.
  - a temporary easement to 0.00± square feet of real property. Purchase price is 0

Located at 248 Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcels 14 & 15 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 6/1/2004 and recorded 6/7/2004 in Document # 02 2004 5969 in the Office of the County Clerk for Dutchess County (re: Grid #6258-02-820517),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: lawn, misc. landscaping, asphalt, 2 post lanterns.
3. PURCHASE PRICE. The total purchase price is FOUR THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS (\$4,700.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about 11/11, 2017. This Agreement may be subject to the approval of the Dutchess County Legislature.
5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
6. TERM OF TEMPORARY BASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The cost of each additional one year term shall be \$\_\_\_\_\_. The Buyer shall include a check for the sum of \$\_\_\_\_\_ with said written notification to the Seller.

7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
  - A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
  
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
  
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
  
10. 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.
  
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
  
12. 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.

IN WITNESS WHEREOF, on this 21<sup>st</sup> day of September, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

SELLER:

*Hua Xia Ji* by *XIA PING WANG*  
*Hua Xia Ji Attorney in fact*

SELLER:

*Xia Ping Wang*  
Xia Ping Wang

APPROVED AS TO CONTENT:

*[Signature]*  
\_\_\_\_\_  
Department of Public Works

COUNTY OF DUTCHESS:

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



REALIGNMENT OF  
COUNTY ROUTE 93  
MYERS CORNERS ROAD

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

PIN 8765.45

MAP NO. 11  
PARCEL NOS. 14 & 15  
SHEET 2 OF 3

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 a fee and permanent easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and Eminent Domain Procedure Law,

A PERMANENT EASEMENT TO BE EXERCISED IN, ON AND OVER THE PROPERTY ABOVE DELINEATED FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THEREON THE WIDENING OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) IMPROVEMENTS, IN AND TO ALL THAT PIECE OR PARCEL OF PROPERTY DESIGNATED AS PARCEL NO. 14, SITUATE IN THE TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF MICHAEL J. KUZMICH (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF HUA XIA JI AND XIA PING WANG (REPUTED OWNERS) ON THE EAST, SAID POINT BEING 6.67±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+023.845± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE SOUTH 08°-59'-45" EAST ALONG SAID DIVISION LINE 2.59±m (8.5±FT.) TO A POINT 9.22±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+024.318± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF HUA XIA JI AND XIA PING WANG (REPUTED OWNERS) THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) SOUTH 84°-46'-39" EAST 26.26±m (86.2±FT.) TO A POINT 10.33±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+050.526± OF SAID BASELINE; (2) SOUTH 19°-47'-47" EAST 1.01±m (3.3±FT.) TO A POINT 11.87±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+050.892± OF SAID BASELINE; (3) SOUTH 82°-42'-54" EAST 4.52±m (14.8±FT.) TO A POINT 12.32±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+055.390± OF SAID BASELINE; (4) NORTH 08°-27'-33" EAST 0.93±m (3.0±FT.) TO A POINT 11.40±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+055.503± OF SAID BASELINE; (5) SOUTH 83°-04'-25" EAST 6.88±m (22.6±FT.) TO A POINT 12.05±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+062.352± OF SAID BASELINE; AND (6) SOUTH 87°-29'-41" EAST 24.06±m (78.9±FT.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF HUA XIA JI AND XIA PING WANG (REPUTED OWNERS) ON THE WEST AND THE PROPERTY OF FIORE MUSCETTA AND CAROLYN MUSCETTA (REPUTED OWNERS) ON THE EAST, THE LAST MENTIONED POINT BEING 12.47±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+086.408± OF SAID BASELINE; THENCE NORTH 11°-34'-45" WEST ALONG THE LAST MENTIONED DIVISION LINE 1.19±m (3.9±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 11.31±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+086.139± OF SAID BASELINE; THENCE NORTH 84°-14'-15" WEST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) 8.89±m (29.2±FT.) TO A POINT ON THE PROPOSED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 10.65±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+077.278± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED PROPOSED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 05°-45'-45" WEST 0.50±m (1.6±FT.) TO A POINT 11.15±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+077.241± OF SAID BASELINE; (2) NORTH 84°-14'-15" WEST 46.33±m (152.0±FT.) TO A POINT 7.71±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+031.034± OF SAID BASELINE; AND (3) NORTH 05°-45'-45" EAST 0.50±m (1.6±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 7.21±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+031.071± OF SAID BASELINE; THENCE NORTH 84°-14'-15" WEST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) 7.25±m (23.8±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 116.36± SQUARE METERS (1,252.46± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE, OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT 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 ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE OF THE HEREIN IDENTIFIED PROJECT.

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 15, SITUATE IN THE TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), SAID POINT BEING 10.65±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+077.278± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE THROUGH THE PROPERTY OF HUA XIA JI AND XIA PING WANG (REPUTED OWNERS) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 05°-45'-45" WEST 0.50±m (1.6±FT.) TO A POINT 11.15±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+077.241± OF SAID BASELINE; (2) NORTH 84°-14'-15" WEST 46.33±m (152.0±FT.) TO A POINT 7.71±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+031.034± OF SAID BASELINE; AND (3) NORTH 05°-45'-45" EAST 0.50±m (1.6±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 7.21±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+031.071± OF SAID BASELINE; THENCE SOUTH 84°-14'-15" EAST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) 46.33±m (152.0±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 23.17± SQUARE METERS (249.37± SQUARE FEET) MORE OR LESS.

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		
<b>Present:</b>	<u>11</u>	<b>Resolution:</b>	<u>✓</u>
<b>Absent:</b>	<u>1</u>	<b>Motion:</b>	<u>    </u>
<b>Vacant:</b>	<u>0</u>	<b>Total :</b>	<u>11</u> <u>0</u>
		<b>Yes</b>	<b>No</b>
		<b>Abstentions:</b>	<u>0</u>

**2018039** AUTHORIZING ACQUISITION IN FEE AND A PERMANENT EASEMENT OF REAL PROPERTY FROM HUA XIA JI AND XIA PING WANG, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present:	<u>25</u>	Resolution:	<u>✓</u>	Total :	<u>25</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<u>    </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

**2018039** AUTHORIZING ACQUISITION IN FEE AND A PERMANENT EASEMENT OF REAL PROPERTY FROM HUA XIA JI AND XIA PING WANG, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

February 8, 2018

Public Works & Capital Projects  
PULLED BY COUNTY ATTORNEY 2/13/18

RESOLUTION NO.2018040

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR  
ACQUISITION OF REAL PROPERTY OWNED BY  
JOHN WOLF AND ELIZABETH WOLF FOR THE REALIGNMENT  
OF CR 72 (NORTH AVENUE) AT HURLEY ROAD PROJECT  
IN THE TOWN OF PLEASANT VALLEY

Legislators METZGER and PULVER offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement and realignment of County Route 72, (North Avenue) at the intersection with Hurley Road in the Town of Pleasant Valley, which project includes the acquisition of various properties, and

WHEREAS, the Department of Public Works has determined that the realignment of the roadway known as CR 72 (North Avenue) is necessary to improve a traffic safety condition along said roadway in the Town of Pleasant Valley, and to insure the continued service of the roadway as a link in the greater mobility and transportation system of the area, and

WHEREAS, this Legislature by Resolution No. 2017016, accepted and confirmed the determination and findings made by the Department of Public Works relating to the realignment of CR 72 (North Avenue) at Hurley Road Project in the Town of Pleasant Valley, and

WHEREAS, this Legislature by Resolution No. 2017017, adopted the Department of Public Works' Short Form Environmental Assessment Form and Finding of a Negative Declaration in connection with this project, and

WHEREAS, the Department of Public Works has made a determination that in order to complete the improvement and realignment referenced above, it is necessary to acquire certain real property owned by John Wolf and Elizabeth Wolf, described as a 78,407.39+/- square foot parcel, Map No. 2, Parcel No. 2 (fee acquisition); a 2,186.97+/- square foot parcel, Map 3, Parcel No. 3 (fee acquisition); and a 6,510.33 +/- square foot parcel, Map No. 3, Parcel No. 4 (permanent easement), all three of which pertain to a portion of Tax Grid Nos. 134400-6464-01-347810-0000 and 134400-01-277890-0000, and

WHEREAS, negotiations with the property owners to acquire these properties have reached an impasse and authorization is requested to begin Eminent Domain Proceedings to acquire a portion of property owned by John Wolf and Elizabeth Wolf, 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</u> No.	<u>Parcel</u> No.	<u>Acres</u>	<u>Proffered</u> <u>Amount</u>
John Wolf and Elizabeth Wolf	2	2 (fee)	78,407.39±	\$12,000
John Wolf and Elizabeth Wolf	3	3 (fee)	2,186.97±	\$ 700
John Wolf and Elizabeth Wolf	3	4 (easement)	6,510.33±	\$ 1,800

now therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and is hereby authorized and empowered to commence proceedings against John Wolf and Elizabeth Wolf pursuant to the Eminent Domain Procedure Law for the fee acquisition and permanent easement over the above property in furtherance of the realignment of CR 72 (North Avenue) at Hurley Road Project in the Town of Pleasant Valley, Dutchess County, New York.

CA-023-18  
AMS/kvh/R-0966-F  
1/16/18  
Fiscal Impact: See attached statement

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

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 \$ 14,500

Total Current Year Revenue \$ 0  
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$14,500

Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

RESOLUTION REQUEST TO BEGIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF REAL PROPERTY OWNED BY JOHN WOLF AND ELIZABETH WOLF FOR THE REALIGNMENT OF CR 72 (NORTH AVENUE) AT HURLEY ROAD PROJECT IN THE TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY, NEW YORK

Type	Map No.	Parcel No.	Square Feet	Proffered Amount
Fee Acquisition	2	2	78,407.39+/-	\$12,000.00
Fee Acquisition	3	3	2,186.97+/-	\$700.00
Permanent Easement	3	4	6,510.33+/-	\$1,800.00

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

Prepared by: Matthew W. Davis

Prepared On: 12/12/17

## Morris, Carolyn

---

**From:** Balkind, Robert  
**Sent:** Monday, February 5, 2018 3:22 PM  
**To:** Metzger, John D.  
**Cc:** Baiano, Chris; Morris, Carolyn  
**Subject:** RE: February's resolutions

Greetings John,

Thanks for the note. For res # 035-041 (except #040) the property owners have signed a purchase agreement indicating that they are accepting the terms of the sale. For res #040 (Wolf Property) the owner is seeking more money for the property than it was appraised at. I believe one of the parcels is an undeveloped, landlocked 1.8 acre parcel that appraised at \$12,0000. They are looking for \$40,000 for it. We cannot offer more than the appraised value, otherwise it becomes a gift of public funds. The only adjustment we can make to the appraised value is an "administrative settlement" which is intended to cover any out-of-pocket expenses or fees that the property owner may incur while transferring the property or easements to the County. Typically these administrative adjustments are in the order of 10% (max.) of the offer. In this case we are offering the 10% max. administrative settlement to the Wolf's, so their offer on the parcel in question is now \$13,200.

We are still waiting to hear if they accept this offer but we will not know until this coming Friday February 9. I prefer to keep the resolution on the agenda, so it can be discussed if any Legislator wishes to do so on Thursday Feb 8. This office will continue to try to avoid condemnation but if we don't get this parcel within a month or two (condemnation takes a few months) we may lose out on another construction season. This is the only property that we do not have the rights to. Everything else is ready to go out to bid.

We have been trying to negotiate with the Wolf's for the various pieces of property and easement rights for 4 months now, so we are seeking condemnation to move this process along. We have redesigned the project with our consultants and the Wolf's engineer to reduce the impact to their lands. They are still reluctant to sign the purchase agreements. I am also informing them by letter that the condemnation is being discussed at the committee meeting on Thursday night so they have an opportunity to speak on their behalf if they wish. I hope this helps.

-bob

**Robert H. Balkind, P.E.**  
**Commissioner**  
**Dutchess County Department of Public Works**  
626 Dutchess Turnpike  
Poughkeepsie, NY 12603  
Phone: (845) 486-2085 Fax: (845) 486-6554  
Email: [rbalkind@dutchessny.gov](mailto:rbalkind@dutchessny.gov)

[www.dutchessny.gov](http://www.dutchessny.gov)

**From:** John Metzger [mailto:[metzger4dc@gmail.com](mailto:metzger4dc@gmail.com)]  
**Sent:** Monday, February 5, 2018 11:55 AM  
**To:** Balkind, Robert <[rbalkind@dutchessny.gov](mailto:rbalkind@dutchessny.gov)>  
**Subject:** February's resolutions

Hi Bob,

just few quick questions on this month's resolutions

Resolutions 2018035 - 2018041 with the exception of resolution 2018040 all state "acquisition in fee" would this imply that the property owners are in agreement of the compensation they will be receiving and are willingly selling the property?

As for Resolution 2018040 "authorizing condemnation proceedings" can I ask why we must condemn this property?

Are the owners of the property against the sale of the property?

thank you  
JDM

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

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

**2018040 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY JOHN WOLF AND ELIZABETH WOLF FOR THE REALIGNMENT OF CR 72 (NORTH AVENUE) AT HURLEY ROAD PROJECT IN THE TOWN OF PLEASANT VALLEY**

February 8, 2018

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2018041

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM PAUL HOGAN AND CIARAN EGAN, IN CONNECTION WITH THE PROJECT KNOWN AS THE HARLEM VALLEY RAIL TRAIL, PHASE IV, IN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST, DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA COUNTY (PIN 8758.74)

Legislators METZGER, PULVER, ROMAN, SAGLIANO, and THOMES offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the project known as Harlem Valley Rail Trail, Phase IV, which consists of developing a shared use path along approximately eight (8) miles of an abandoned railroad corridor in the Village of Millerton and Town of North East, Dutchess County, and the Town of Ancram Columbia County and the project (8758.74) includes the acquisition of portions of certain properties, and

WHEREAS, this Legislature adopted the Department of Public Works' Full Environmental Assessment Form and a Finding of Negative Declaration in connection with this project in Resolution No. 2014273, and

WHEREAS, the Department of Public Works has determined that the project (1) constitutes a Type I action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA", and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to complete the project referenced above, it is necessary to acquire in fee a portion of real property described as a 38,240+/- square foot parcel as shown on Map 5, Parcel 5, and located at 1689-1691 Boston Corners Road, in the Town of North East, Dutchess County, which is described as a portion of parcel identification number 133889-7274-00-204418-0000, presently owned by Paul Hogan and Ciaran Egan, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, 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 Commissioner of Public Works has recommended that the subject property be acquired for the sum of \$10,100, plus an authorization to spend up to an additional \$1,000 in related expenses, if necessary; 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 fee acquisition of the property described above in the Town of North East, will not have a significant impact on the environment, and be it further

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

RESOLVED, that upon the receipt from the property owner of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay to the property owner the sum of \$10,100 plus up to an additional \$1,000 in related expenses, if necessary, in connection with the fee acquisition.

CA-026-18  
AMS/kvh/R-0480  
1/16/18  
Fiscal Impact: See attached statement

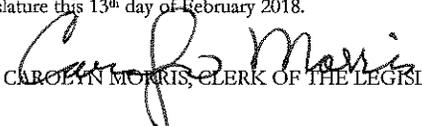
APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/16/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 11,100

Total Current Year Revenue \$ 10,545  
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): \$555

Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This Fiscal Impact Statement Pertains to:

RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM PAUL HOGAN AND CIARAN EGAN, PIN 8758.74: HARLEM VALLEY RAIL TRAIL PHASE IV, TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK

Request authorization to acquire a fee acquisition of a 38,240+/- square foot parcel as shown on accompanying (Map 5, Parcel 5) for the purchase price of \$10,100.00

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

Prepared by: Matthew W. Davis

2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Harlem Valley Rail Trail**  
PIN OR CIN: **8758.74**

Map(s): **5**

Parcel(s): **5**

This Agreement by and between **PAUL HOGAN** and **CIARAN EGAN**, residing at 1691 Boston Corners Rd., Millerton, New York 12546, hereinafter referred to as "Seller", and the **COUNTY OF DUTCHESS**, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey:

- all right title and interest to 38,240± square feet of real property. Purchase price is \$10,100.*
- a permanent easement to 0± square feet of real property. Purchase price is 0.*
- a temporary easement to 0± square feet of real property. Purchase price is 0.*

Located at 1689-1691 Boston Corners Road, Town of North East, Dutchess County, New York, and is further described as parcel(s) 5 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 6/24/2010 and recorded 7/6/2010 in Document # 02 2010 3297 in the Office of the County Clerk for Dutchess County (re: Grid # 7274-00-204418),

2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: misc. trees (firewood).
3. **PURCHASE PRICE.** The total purchase price is **TEN THOUSAND, ONE HUNDRED AND 00/100 DOLLARS (\$10,100.00)**. This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **CLOSING DATE AND PLACE.** Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about January 30, 2018. This Agreement may be subject to the approval of the Dutchess County Legislature.
5. **BUYER'S POSSESSION OF THE PROPERTY.** The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
6. **TERM OF TEMPORARY EASEMENT.** The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The Buyer shall include a check for the sum of \$ \_\_\_\_\_ with said written notification to the Seller.

7. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
  - A. **Deed.** Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
8. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to 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. Seller agrees to cooperate with Buyer in its curative action activities. 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. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
9. **RECORDING COSTS AND CLOSING ADJUSTMENTS.** Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between 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.
10. **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.
11. **ENTIRE AGREEMENT.** This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
12. **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.

IN WITNESS WHEREOF, on this 18<sup>th</sup> day of December, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

Seller:

Paul Hogan  
Paul Hogan

Seller:

Ciaran Egan  
Ciaran Egan

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Department of Public Works

COUNTY OF DUTCHESS

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



HARLEM VALLEY  
RAIL TRAIL

'EXHIBIT A'  
COUNTY OF DUTCHESS  
ACQUISITION MAP  
PIN 8758.74

MAP NO. 5  
PARCEL NO. 5  
SHEET 1 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)  
ARE ON FILE AT THE OFFICES OF THE  
DUTCHESS COUNTY DEPARTMENT OF  
PUBLIC WORKS.

PAUL HOGAN & CIARAN EGAN  
( REPUTED OWNERS )

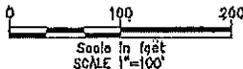
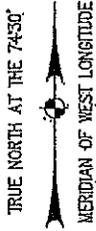
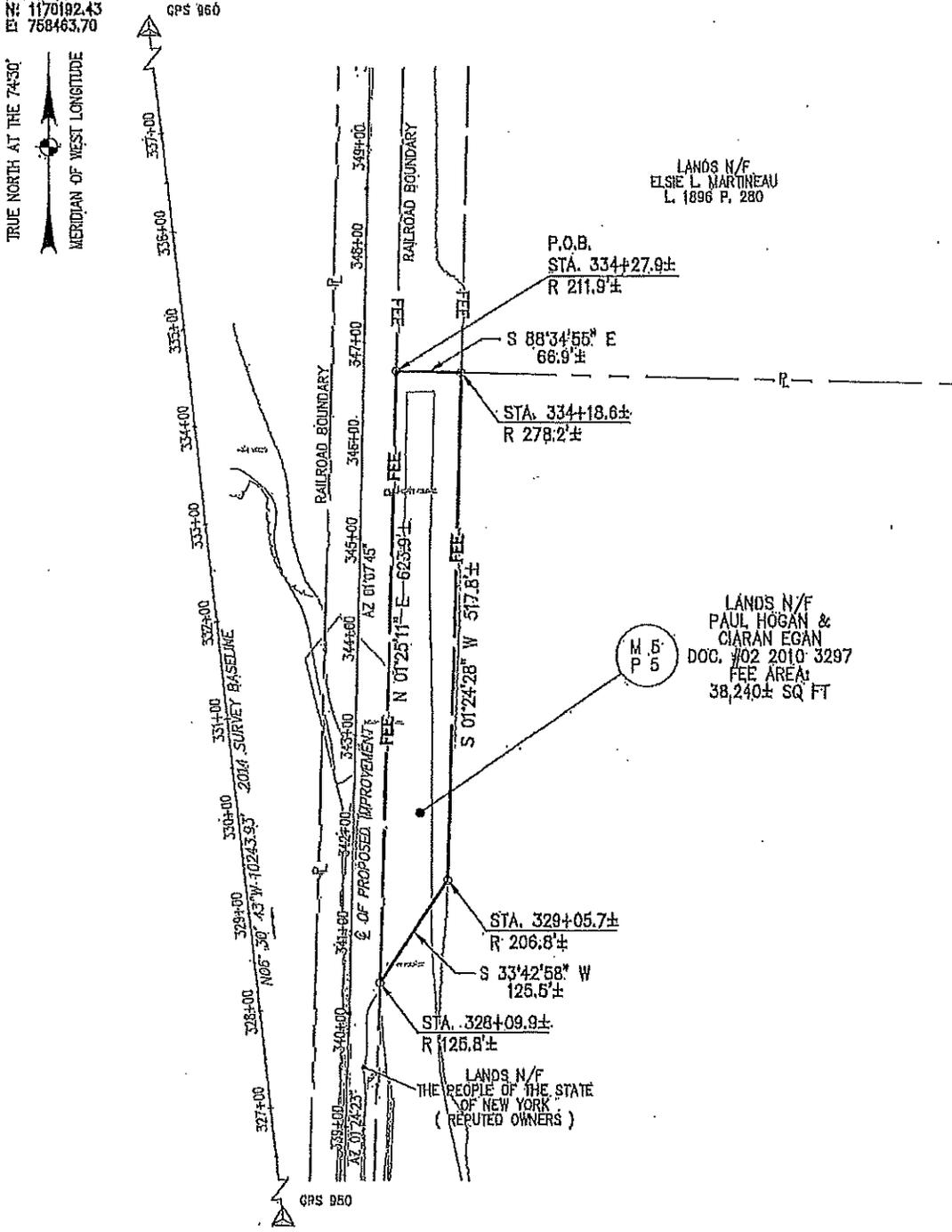
PARCEL SUMMARY  
Type: FEE  
Portion of Tax Map Ref.  
No. 133889-7274-00-204418  
Town of North East  
County of Dutchess  
State of New York

MAP REFERENCE INFORMATION:  
FM 11223 7/10/2001 & FM 11223A 12/30/2005

CCD 02 2010 3297

Parcel Locator Points:

Parcel No:  
N: 1170182.43  
E: 758463.70



PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_ FINAL CHECK BY \_\_\_\_\_

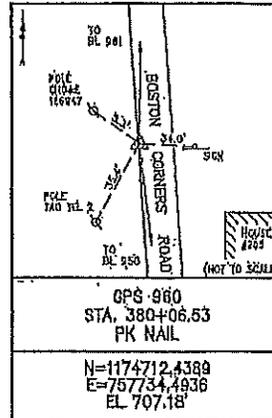
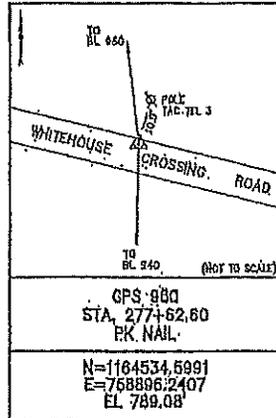


HARLEM VALLEY  
RAIL TRAIL

'EXHIBIT A'  
COUNTY OF DUTCHESS  
ACQUISITION MAP  
PIN 8758.74

MAP NO. 5  
PARCEL NO. 5  
SHEET 2 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)  
ARE ON FILE AT THE OFFICES OF THE  
DUTCHESS COUNTY DEPARTMENT OF  
PUBLIC WORKS.



MAP AND DESCRIPTION OF LAND TO BE ACQUIRED BY THE COUNTY OF DUTCHESS  
FROM

PAUL HOGAN & CIARAN EGAN  
(REPUTED OWNERS)

FOR THE CONSTRUCTION OF THE HARLEM VALLEY RAIL TRAIL

All that certain piece or parcel of land situate in the Town of North East, County of Dutchess and State of New York being more particularly bounded and described as follows:

Parcel No. 5

Beginning at a point on the easterly boundary of lands now or formerly of the People of the State of New York (reputed owners) at its intersection with the property division line between lands now or formerly of Paul Hogan and Claran Egan (reputed owners) on the south and lands now or formerly of Elsie L. Martineau (reputed owner) on the north, said point being 211.9± feet distant easterly measured at right angles from Station 334+27.9± of the hereinafter described survey baseline for the construction of the Harlem Valley Rail Trail; thence North 88°34'55" East, along said property division line, a distance of 66.9± feet to a point, said point being 278.2± feet distant easterly measured at right angles from Station 334+13.6± of said baseline; thence southerly through said lands of Paul Hogan and Claran Egan (reputed owners) the following two (2) courses and distances: 1) South 01°24'28" West, a distance of 517.8± feet to a point, said point being 206.8± feet distant easterly measured at right angles from Station 329+05.7± of said baseline; and 2) South 33°42'58" West, a distance of 126.5± feet to a point on the said easterly boundary of lands now or formerly of the People of the State of New York (reputed owners), said point being 125.8± feet distant easterly measured at right angles from Station 328+09.9± feet of said baseline; thence North 01°25'11" East, along said easterly boundary of the People of the State of New York (reputed owners), a distance of 623.9± feet to the point or place of beginning, said parcel being 38,240± square feet more or less;

The survey baseline is a portion of the 2014 Survey Baseline for the construction of The Harlem Valley Rail Trail, as shown on the map and described as follows: Beginning at station 277+62.60 thence N 06°30'43" W to Station 380+06.53.

All bearings referred to True North at the 74°30' Meridian of West Longitude.



11 Winberg Circle, P.O. Box 6288 • Albany, NY 12205-0288  
Main (518) 453-4500 • www.charmpanzini.com



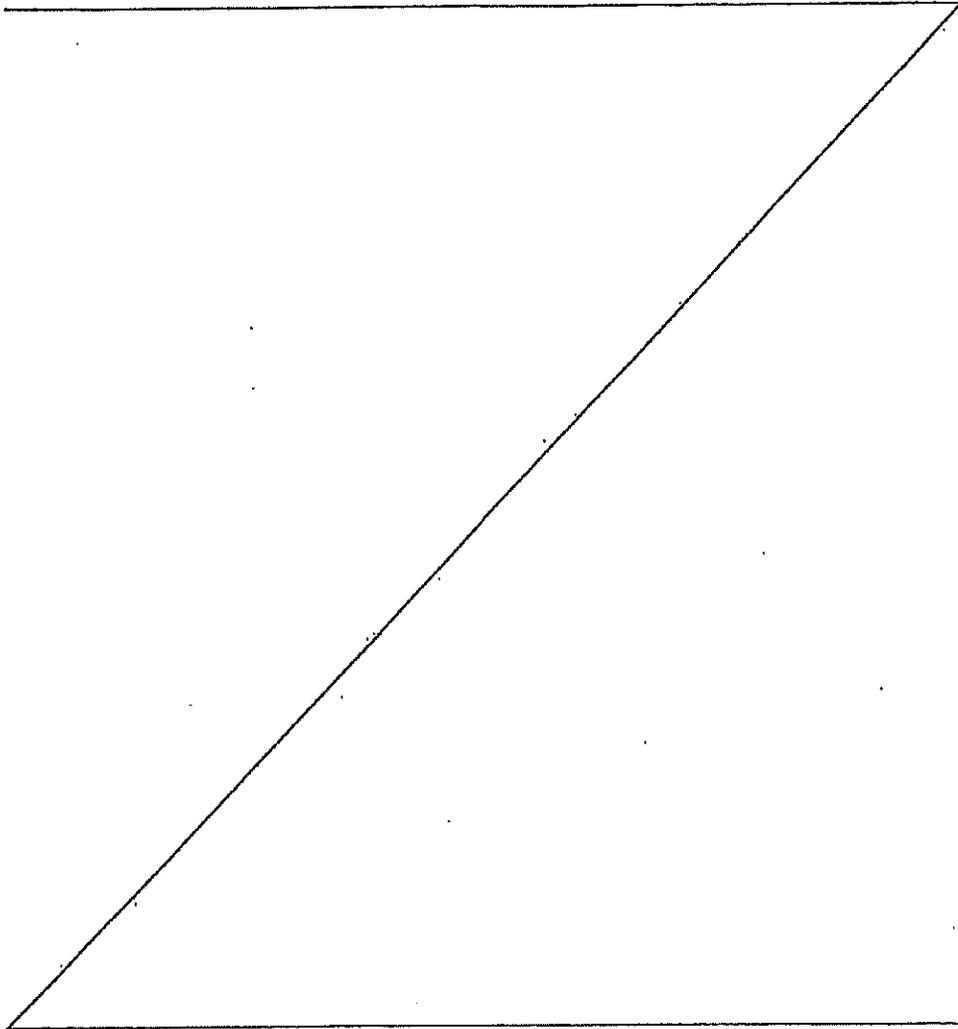
HARLEM VALLEY  
RAIL TRAIL

'EXHIBIT A'  
COUNTY OF DUTCHESS  
ACQUISITION MAP

PN 8768.74

MAP NO. 6  
PARCEL NO. 5  
SHEET 3 OF 3 SHEETS

ORIGINALS OF THIS MAP (SHEETS 1, 2, 3)  
ARE ON FILE AT THE OFFICES OF THE  
DUTCHESS COUNTY DEPARTMENT OF  
PUBLIC WORKS:



I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND  
MAPPED ABOVE IS NECESSARY FOR THIS PROJECT, AND  
THE ACQUISITION THEREOF IS RECOMMENDED.

Date 1-4, 2016  
*Noel H.S. Knille*

NOEL H.S. KNILLE, AIA, ASLA  
COMMISSIONER OF PUBLIC WORKS

RECOMMENDED BY  
*Robert H. Balkind*  
Date 1/4, 2016

ROBERT H. BALKIND, P.E.  
DEPUTY COMMISSIONER OF PUBLIC WORKS



I HEREBY CERTIFY THAT THIS IS AN ACCURATE  
DESCRIPTION AND MAP MADE FROM A LIMITED  
SURVEY, PREPARED UNDER MY DIRECTION

Date DECEMBER 17, 2015

*John E. Quinn, Jr.*  
JOHN E. QUINN, JR., LAND SURVEYOR  
P.S. LICENSE NO. 50289  
CLOUGH-HARBOR & ASSOCIATES LLP

"Unauthorized alteration or addition  
to a survey map bearing a licensed  
land surveyor's seal is a violation of  
Section 7209 Subdivision 2 of the  
New York State Education Law."

**CHIA**

(Hempstead Circle, PO Box 8269 - Albany, NY 12205-0269)  
Mobile (518) 453-4500 • www.chiainsurveys.com

PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_ FINAL CHECK BY \_\_\_\_\_

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger (C)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

Present: 11  
 Absent: 1  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total : 11      0  
           Yes        No  
 Abstentions: 0

**2018041** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM PAUL HOGAN AND CIARAN EGAN, IN CONNECTION WITH THE PROJECT KNOWN AS THE HARLEM VALLEY RAIL TRAIL, PHASE IV, IN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST, DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA COUNTY (PIN 8758.74)

February 8, 2018

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 5 - Town of Poughkeepsie	Roman		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total: 25      0  
           Yes            No  
 Abstentions: 0

**2018041** AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FROM PAUL HOGAN AND CIARAN EGAN, IN CONNECTION WITH THE PROJECT KNOWN AS THE HARLEM VALLEY RAIL TRAIL, PHASE IV, IN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST, DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA COUNTY (PIN 8758.74)

February 8, 2018

RESOLUTION NO. 2018042

RE: AUTHORIZING SETTLEMENT FROM  
JUDGMENT & CLAIMS

Legislators BOLNER and PULVER offer the following and move its adoption:

WHEREAS, Elaine Case, as Administratrix of the Estate of Kaseem J. Pankey, has brought an action against the County of Dutchess in the United States District Court for the Southern District of New York wherein she seeks money damages arising from the death of Kaseem J. Pankey while an inmate in the Dutchess County Jail, and

WHEREAS, it is alleged that the County violated the constitutional rights and was negligent with regard to the custody of Mr. Pankey while an inmate in the jail, and

WHEREAS, settlement negotiations have been conducted with all parties before a United States District Court Magistrate Judge and which have resulted in a recommendation by the County Attorney that all claims against the County of Dutchess and its employees be settled for the sum of \$50,000, and

WHEREAS, the County Attorney recommends the settlement of the case to be in the best interest of the County of Dutchess, now therefore, be it

RESOLVED, that Commissioner of Finance is hereby authorized to pay the sum of \$50,000 from the operating funds (A.1910.12.4463 Judgments and Claims) for the settlement.

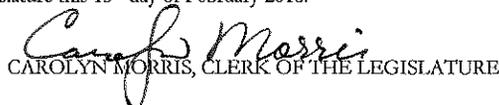
CA-027-18  
JMF/kvh/L-5663  
01/23/18  
Fiscal Impact: attached.

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 2/10/2018

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

  
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 \$ 50,000

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

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

Identify Line Items(s):  
A.1910.12.4463

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

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

Additional Comments/Explanation:

Prepared by: Donna Ogden

Prepared On: 1/22/18

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*	<i>palstein</i>	<i>adviser</i>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (VC)		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner (C)		
District 15 - Town of Wappinger	Incoronato		
District 18 - City of Beacon and Town of Fishkill	Page		

Present:	<u>12</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<u>    </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0/1</u>	

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 5 - Town of Poughkeepsie	Roman	<i>abstain</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
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	Houston		

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total: 24      0  
           Yes           No  
 Abstentions: 1

2018042 AUTHORIZING SETTLEMENT FROM JUDGMENT & CLAIMS

February 8, 2018

RESOLUTION NO. 2018043

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

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

RESOLVED, that the Permanent Rules, as attached hereto, be and they hereby are adopted as the Permanent Rules of the Dutchess County Legislature, effective January 1, 2018.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

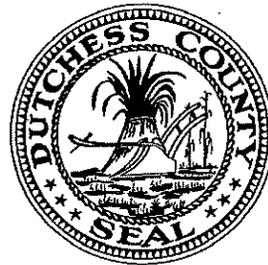
This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13<sup>th</sup> day of February 2018, and that the 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 13<sup>th</sup> day of February 2018.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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2018



**Permanent Rules of the  
Dutchess County Legislature**

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*PERMANENT RULES OF THE  
DUTCHESS COUNTY LEGISLATURE  
FOR THE YEAR 2018*

*ARTICLE I*

*ORGANIZATIONAL MEETING OF THE  
COUNTY LEGISLATURE*

*RULE 1.1 ORGANIZATION MEETING:*

The Dutchess County Legislature shall annually, by resolution duly adopted during the month of December, fix the date, time, and place of the meeting to organize the board.

*RULE 1.2 NOTICE OF ORGANIZATIONAL MEETING:*

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

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

A. A Chair of the County Legislature shall be elected by a roll call vote from the membership of the County Legislature at its Organizational Meeting, or at an adjourned meeting thereof, who shall serve as Chair for the balance of the calendar year. In

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

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

*RULE 1.4 APPOINTMENT OF CLERK OF LEGISLATURE*

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

*RULE 1.5 APPOINTMENT OF COUNSEL TO THE LEGISLATURE:*

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

*RULE 1.6 CONFIRMATION OF APPOINTMENTS:*

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

*ARTICLE II*

*MEETINGS OF THE LEGISLATURE*

*RULE 2.1 GENERAL PROVISIONS OF MEETINGS:*

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

*RULE 2.2 REGULAR MONTHLY MEETINGS:*

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

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

*RULE 2.3 SPECIAL MEETINGS:*

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

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

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

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

*RULE 2.4 DUTIES OF THE CLERK OF THE LEGISLATURE:*

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

*ARTICLE III*

*ORDER OF BUSINESS*

*RULE 3.1 ORDER OF BUSINESS:*

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

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

Condolence resolutions shall be permitted as part of the "adjournment" when they relate to a current or former Dutchess County employee or Dutchess County elected official.

*ARTICLE IV*

*RULES OF ORDER AND PROCEDURE*

*RULE 4.1 ROLL CALL:*

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

*RULE 4.2 ATTENDANCE AND QUORUM:*

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

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

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

*RULE 4.3 POWERS AND DUTIES OF THE CHAIR:*

A. It shall be the duty of the Chair of the Dutchess County Legislature:

- a) to become familiar with the property, function and fiscal affairs of the County;
- b) to see that the statutes, local laws and resolutions of the County Legislature and directions of County officers empowered to make the same are faithfully executed and report to the Legislature any neglect of duty; and
- c) to make recommendations to the County Legislature on legislation and such other matters deemed material and advisable.

B. The Chair shall preside at all meetings of the Legislature at which he/she is present; shall preserve order and decorum and in the event of disruption or disorderly conduct in the chamber, gallery, or hallway the Chair may cause the same to be cleared until order is restored; shall decide all questions of order subject to appeal to the Legislature; and shall perform such duties as are provided by Law and these Rules.

C. In the event that the Chair fails to appear within fifteen (15) minutes of the time fixed for a meeting of the Legislature, it shall be the duty of the Clerk of the Legislature to call the meeting to order and the Legislative members present, by a majority vote, shall select a member of the Legislature as Chair who shall have and exercise all the duties and powers of the Chair as temporary Chair for said meeting.

D. The Chair shall designate a Legislator as acting Chair to preside when the Chair desires to speak from the floor on any

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

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

F. The Chair shall have the power to:

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

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

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

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

*RULE 4.4 PRIVILEGE OF THE FLOOR:*

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

*RULE 4.5 PETITIONS, REPORTS, MOTIONS, RESOLUTIONS AND ANNOUNCEMENTS:*

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

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

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

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

E. All resolutions, to be presented at a regular, adjourned or special meeting of the County Legislature shall be filed with

the Clerk of the County Legislature not later than 4:45 pm on the resolution deadline date established annually except that this requirement may be waived by the Chair of the Legislature.

F. All resolutions amending the adopted budget or directing a capital expenditure must be submitted with a fiscal impact statement. If the chair determines that the estimate or estimates contained in the fiscal impact statement are inaccurate or unsupported by specific budgetary data, such inaccuracies shall impair or invalidate such resolution and such resolution can be pulled by the chair in the same manner set forth in Rule 4.3(I).

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

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

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

As an alternative means of introduction, the Chair of the Legislature may introduce the Local Law by mailing copies to each Legislator in postpaid, properly addressed and securely

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

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

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

L. The Legislature can discharge from committee a matter that has been referred to it upon which the committee has not reported back to the Legislature, or which has been defeated

in committee, by a majority vote of the Legislature as fully constituted, or a majority of those present and voting if previous notice of intent to discharge from said committee is given.

M. A memorialization resolution is used to make any statement that asks another government official or body to act, or intended to encourage support or opposition to an action by or being considered by another government official or body. Any memorialization shall require at least four sponsors and must have a direct impact on Dutchess County Government and also provide a fiscal impact statement and other supporting documentation for such proposed action. Any memorializations to the NYS Legislature or the US Congress must have bill numbers in both houses and the bills must be referred to and attached to the resolution.

N. With respect to Rule 3.1 (h) "Announcements", all such announcements must be submitted to the Clerk of the Legislature by 5:00 p.m. on the day of the Board Meeting and will be announced by the Clerk.

*RULE 4.6 PRIORITY OF BUSINESS:*

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

*RULE 4.7 WHEN DEBATE IN ORDER:*

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

*RULE 4.8 ADDRESSING THE CHAIR:*

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

*RULE 4.9 CALLS TO ORDER:*

If a member shall breach or violate the Rules of the County Legislature or *Robert's Rules of Order* (newly revised), the Chair shall call him/her to order, in which case the member so called shall yield the floor and observe order and decorum until recognized by the Chair. A point of order can be made by the chair or any member of the Legislature who thinks that the rules of the Legislature are being violated. A point of order takes precedence over any pending question out of which it may arise. It is in order when another has the floor who can be interrupted by a member or the chair making the point of order. A point of order does not require a second. It is not debatable but must be explained, if necessary and with the chair's consent, and must be ruled on by the chair before debate can resume.

*RULE 4.10 FLOOR MOVEMENT*

In order to preserve the order, decorum and security of the Legislature, the floor of the Legislative Chamber will be restricted during meetings to Legislators, Legislature Staff, Countywide Elected Officials, Administration Representatives, Department heads, and those granted permission by the Chair.

*RULE 4.11 BANNER, SIGNS AND PLACARDS*

Banners, signs and placards are disruptive to the deliberative process. Any display of banners, signs, or placards in the

Legislative Chambers is prohibited.

*RULE 4.12 PUBLIC CONDUCT*

A. All visitors and spectators in the Dutchess County Legislature must be respectful and obey the rules of order promulgated by the Legislature

B. Except for during commendations and proclamations applause from the public is prohibited.

*RULE 4.13 MEMBERS ENTITLED TO VOTE:*

A. Any member who shall be present when the Chair announces a vote shall vote, unless he/she has obtained permission of the chair to abstain. A member who refuses to cast a vote or who does not obtain permission to abstain, shall be deemed to have voted with the prevailing side on the motion. In the event of a tie vote, the vote shall be deemed to be a nay vote.

1. A member may be allowed to abstain from voting aye or nay on the adoption of minutes of legislative meetings that transpired prior to the member's election to the Legislature.

2. A member may be allowed to abstain from voting aye or nay on the adoption of minutes of legislative meetings wherein that member was not in attendance.

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

C. A member who declares a conflict or an intent to abstain

may not participate in the discussion of the question. A member with an actual conflict as defined in the Dutchess County Code of Ethics shall obtain permission to recuse themselves and shall remove themselves from the Chambers during deliberations.

D. Any member who shall leave the Legislative Chambers without permission from the Chair shall be considered an unauthorized absence and they shall be deemed to have voted with the prevailing side on any motion during their unauthorized absence. In the event of a tie vote, the vote will be deemed to be a nay vote.

*RULE 4.14 APPEAL FROM DECISION OF CHAIR:*

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

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

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

*RULE 4.15 VOTE REQUIRED FOR ADOPTION OF RESOLUTIONS:*

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

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

from any contingency line in the adopted County Budget or from the fund balance.

*RULE 4.16 EFFECTIVE DATE OF RESOLUTIONS*

All resolutions shall become effective as provided by law.

*RULE 4.17 POWER TO AMEND OR REPEAL RESOLUTIONS, ORDINANCES AND LOCAL LAWS:*

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

*RULE 4.18 ROLL CALL VOTE TAKEN:*

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

*RULE 4.19 WITHDRAWAL OF A MOTION:*

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

*RULE 4.20 MOTIONS WHEN RECEIVABLE:*

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

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

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

*RULE 4.21 ADJOURNMENT:*

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

*RULE 4.22 MOVING THE QUESTION:*

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

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

the main question without further debate or amendment.

*RULE 4.23 POSTPONEMENT OF CONSIDERATION:*

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

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

*RULE 4.24 REFERENCE TO COMMITTEE:*

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

*RULE 4.25 RECONSIDERATION GENERALLY:*

No motion for reconsideration shall be in order unless made on the same day, or the meeting, regular or special, next

succeeding that on which the decision proposed to be reconsidered took place, it must be made by a member who voted with the prevailing side on the vote of the motion or resolution proposed to be reconsidered.

*RULE 4.26 MINUTES OF MEETINGS OF THE LEGISLATURE:*

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

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

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

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

*RULE 4.27 WHERE NO EXPRESS RULE IS PROVIDED:*

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

*RULE 4.28 STATE STATUTE OR COUNTY CHARTER SHALL GOVERN:*

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

B. In the absence of any rule or in the event of an inconsistency of any rules of this Legislature with respect to any requirement of the statutes of the State of New York or the County Charter, such statutory provision or requirement shall be deemed to be a part of these Rules and such statute shall govern.

*RULE 4.29 AMENDMENT TO RULES:*

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

*ARTICLE V*

*COMMITTEES*

*RULE 5.1 CREATION OF COMMITTEES:*

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

**RULE 5.2 GENERAL DUTIES AND FUNCTIONS  
OF COMMITTEES:**

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

**RULE 5.3 TIME AND MANNER OF APPOINTMENT  
COMMITTEES:**

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

**RULE 5.4 TERM OF COMMITTEE MEMBERSHIP:**

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

**RULE 5.5 RULES OF PROCEDURE FOR COMMITTEES:**

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

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

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

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

For the purpose of conducting the business of any given committee, a quorum must be maintained. Except as provided

in Rule 4.13, once a quorum has been established all voting shall be decided by a majority of those present and voting, including the Chair of the Legislature, the Majority Leader, the Minority Leader, the Assistant Majority Leader and the Assistant Minority Leader. Except as provided in Rule 4.13, all committee determinations shall be on recorded roll call vote of a majority of those present and voting. All votes shall be cast in person in open session of the committee.

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

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

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

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

**RULE 5.6 COMMITTEE AUTHORIZED TO ACCEPT  
HELP FROM NON-MEMBERS**

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

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

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

**RULE 5.8 REFERENCE TO COMMITTEES:**

A. No action shall be taken by the Legislature upon any matter or resolution on the same day on which it is presented, except for the election or appointment of the Chair, Clerk, and Deputy Clerk of the County Legislature, members of committees whose terms have expired, resolutions directing the Chair and the Clerk of the Legislature to sign tax rolls and affix the seal of the Legislature thereto, resolutions ratifying and confirming the tax rolls and directing the collection of taxes, and matters or resolutions which have theretofore been considered by and reported out of committee.

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

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

agenda.

*RULE 5.9 REFERENCE TO SPECIAL COMMITTEE:*

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

*RULE 5.10 RESIGNATION FROM COMMITTEE:*

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

*RULE 5.11 PRESIDING OFFICER OF THE COMMITTEE OF THE WHOLE:*

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

*RULE 5.12 RULES FOR THE COMMITTEE OF THE WHOLE:*

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

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

*RULE 5.13 STANDING COMMITTEES OF THE LEGISLATURE:*

*A. BUDGET, FINANCE, AND PERSONNEL*

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

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

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

Notwithstanding Rule 5.5 (B)(c) it is intended that public comment on the Tentative Budget and Capital Project Plan and the reports by these committees will be reserved for a public hearing(s) on said budget and capital project plan.

**B. ENVIRONMENT**

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

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

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

**C. FAMILY AND HUMAN SERVICES**

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

Except as to matters specifically assigned to other committees,

this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

- 1) Aging
- 2) Community Action Agency
- 3) Community and Family Services, Department of Youth Services
- 4) Family Court
- 5) Grants
- 6) Health Department  
Weights and Measures  
Veterans Services
- 7) Mental Hygiene Department
- 8) Voluntary Action Agency
- 9) Above Department Budget Amendments

**D. GOVERNMENT SERVICES AND ADMINISTRATION**

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

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

- 1) Board of Elections
- 2) Board/Code of Ethics
- 3) Central and Information Services, Office of Central Services
- 4) County Attorney
- 5) County Charter
- 6) County Clerk
- 7) County Executive
- 8) County Legislature

- 9) Grants
- 11) Local Laws
- 12) Above Department Budget Amendments

**E. PUBLIC SAFETY**

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

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

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

**F. PUBLIC WORKS AND CAPITAL PROJECTS**

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

Except as to matters specifically assigned to other committees,

this committee shall have referred to it all matters relating to or arising out of the requirements of law and the action of the Legislature with respect to:

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

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Majority Leader Roman, duly seconded by Assistant Majority Leader Sagliano, moved the foregoing resolution. Discussion proceeded as follows:

Assistant Minority Leader Munn, duly seconded by Legislator Black, made a motion to amend the foregoing resolution to strike Section D from Rule 4.13.

Legislator Miccio Moved the Question, duly seconded by Legislator Borchert.

Roll call on the foregoing motion resulted as follows:

AYES:        14     Pulver, Roman, Sagliano, Borchert, Truitt, Metzger,  
                                 Bolner, Incoronato, Miccio, Horton, Coviello, Thomes,  
                                 Surman, Houston

NAYS:        11     Black, Munn, Llaverias, Amparo, Brendli, Edwards,  
                                 Jeter-Jackson, Johnson, Page, Tyner, Zernike

Motion defeated.

Legislator Tyner stated that this rule was humiliating and insulting.

Legislator Miccio called point of order.

Chairman Pulver ruled Legislator Tyner out of order.

Legislator Borchert asked Legislative Counsel if there was an amendment that could be made to reduce the number of votes necessary to pass something.

Scott L. Volkman, Legislative Counsel, responded that would violate the New York State Construction Law. We are required to have a majority of the body as fully constituted. So it's always going to be 13 unless a super majority vote is required by certain statutes like a bodying resolution requires a majority vote but that's if the body as fully constituted not of those present and voting. There's no way to amend that requirement. The only time we have a lesser requirement is for procedural motions between committees where once a quorum is obtained we can make motions and have votes carried by a majority of those present and voting. A full vote of the legislature on a final resolution is always going to require either majority or super majority of the board as fully constituted.

Roll call on the foregoing amendment resulted as follows:

AYES: 11 Black, Munn, Llaverias, Amparo, Brendli, Edwards,  
Jeter-Jackson, Johnson, Page, Tyner, Zernike

NAYS: 14 Pulver, Roman, Sagliano, Borchert, Truitt, Metzger,  
Bolner, Incoronato, Miccio, Horton, Coviello, Thomes,  
Surman, Houston

Motion defeated.

At this time, Chair Pulver entertained a motion from the floor, which was seconded and carried, for a Democratic Caucus.

At this time, Chair Pulver entertained a motion from the floor, which was seconded and carried, to resume the regular order of business.

Legislator Tyner, duly seconded by Assistant Minority Leader Munn, made a motion to amend Rule 3.1 to add the following:

e) Privilege of the Floor with respect to non-agenda items;

Roll call on the foregoing motion resulted as follows:

AYES: 8 Black, Munn, Llaverias, Amparo, Brendli, Johnson,  
Page, Tyner

NAYS: 17 Edwards, Jeter-Jackson, Zernike, Pulver, Roman,  
Sagliano, Borchert, Truitt, Metzger, Bolner, Incoronato,  
Miccio, Horton, Coviello, Thomes, Surman, Houston

Motion defeated.

Legislator Incoronato made a motion to add Rule 6.1 as follows:

#### Rule 6.1 CENSURE

An incumbent Dutchess County Legislator can only be cited for legislative censure in the event that such individual is convicted of a felony or a misdemeanor resulting in a jail sentence. There shall be no other basis for censure. Approval of such reprimand shall require a resolution citing the reasons for such action, at least four cosponsors, and a majority vote of the legislature.

The foregoing motion failed due to a lack of second.

Roll call on the foregoing resolution resulted as follows:

AYES:        13     Pulver, Roman, Sagliano, Borchert, Truitt, Metzger,  
                         Bolner, Miccio, Horton, Coviello, Thomes, Surman,  
                         Houston

NAYS:        12     Black, Munn, Llaverias, Edwards, Brendli, Johnson,  
                         Jeter-Jackson, Tyner, Amparo, Incoronato, Zernike,  
                         Page

Resolution adopted.

# Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger (VC)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Coviello		

Present: 10  
 Absent: 2  
 Vacant: 0

Resolution:       
 Motion:   ✓  

Total : 10 0  
           Yes       No  
 Abstentions: 0

# 1

*HB/R Bagliano  
ok*

*see attached sheet*

2018043  
2.8.18

# Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 5 - Town of Poughkeepsie	Roman*		2
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	3	
District 12 - Town of East Fishkill	Metzger (VC)		6
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Coviello		7
Present:	<u>10</u>	Resolution:	<u>        </u>
Absent:	<u>2</u>	Motion:	<u>  ✓  </u>
Vacant:	<u>0</u>	Total :	<u>3</u> / <u>7</u>
		Yes	No
		Abstentions:	<u>0</u>

# 2KMunn / HB /

defeated

see attached sheet

2018043

2.8.18

# Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 5 - Town of Poughkeepsie	Roman*		2
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	3	
District 12 - Town of East Fishkill	Metzger (VC)		6
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Coviello		7
Present:	<u>10</u>	Resolution:	<u>      </u>
Absent:	<u>2</u>	Motion:	<input checked="" type="checkbox"/>
Vacant:	<u>0</u>	Total :	<u>3</u> / <u>7</u>
		Abstentions:	<u>0</u> / <u>      </u>

#3 HBI KM

*defeated*

*see attached sheet*

2018043

2.8.18

# Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	1	
District 5 - Town of Poughkeepsie	Roman*	2	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*	3	
District 4 - Town of Hyde Park	Black*	4	
District 20 - Town of Red Hook/Tivoli	Munn*	5	
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 3 - Town of LaGrange	Borchert	6	
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)	7	
District 11 - Towns of Rhinebeck and Clinton	Tyner	8	
District 12 - Town of East Fishkill	Metzger (VC)	9	
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Coviello	10	
Present: <u>10</u>	Resolution: _____	Total: <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <input checked="" type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

JT/D S

#4

*see attached sheet*

2018043

2.8.18

# Government Services and Administration Roll Call

	<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
	District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
	District 5 - Town of Poughkeepsie	Roman*		2
	District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		3
	District 4 - Town of Hyde Park	Black*	1	
	District 20 - Town of Red Hook/Tivoli	Munn*	2	
	District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
	District 3 - Town of LaGrange	Borchert		4
	District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
	District 11 - Towns of Rhinebeck and Clinton	Tyner	3	
	District 12 - Town of East Fishkill	Metzger (VC)		6
	District 14 - Town of Wappinger	Amparo	<i>absent</i>	
	District 22 - Towns of Beekman and Union Vale	Coviello		7
Present:	<u>10</u>	Resolution:	<u>3</u>	<u>7</u>
Absent:	<u>2</u>	Motion:	Yes	No
Vacant:	<u>0</u>		<u>0</u>	

# 5 JT/KM

*defeated*  
*see attached sheet*

2018043  
2.8.18

## Amendments to propose for 2018

①

### AMENDMENT #1: TABLE OF CONTENTS

In the TABLE OF CONTENTS, change the line that reads **Petitions, Reports, Motions and Resolutions to Petitions, Reports, Motions, Resolutions and Announcements** to make it consistent with what appears on page 10.

EFFECT: Consistency.

②

### AMENDMENT #2: VOTING

Revise RULE 4.13 (MEMBERS ENTITLED TO VOTE) by striking Sections A & D entirely, allowing Robert's Rules for voting to apply. Sections B & C to remain in effect. Pages 15-16

EFFECT: To allow members to abstain from votes at their own discretion and prevent members who have left the chamber from having their votes cast without their consent.

③

### AMENDMENT #3: PUBLIC COMMENT

Revise RULE 3.1 (ORDER OF BUSINESS) by moving rule j after current rule d and shifting the current rules e-k to f-k. Rule e to read as follows:

e) Privilege of the Floor with respect to non-agenda County business.

Therefore, Rule 3.1 a-d would remain the same, and e-k would read as follows:

- e) Privilege of the Floor with respect to non-agenda County business;
- f) Approval of prior month's meeting minutes;
- g) Reports of standing committees, special committees, and liaisons to other committees and boards;
- h) Resolutions;
- i) Other County business
- j) Announcements; (limited to three minutes); and
- k) Adjournment.

EFFECT: To allow the public to speak on non-agenda items at the start of meetings, yet still allowing the public to speak on agenda items first in a separate section

④

### AMENDMENT #4: MINUTES OF MEETINGS OF THE LEGISLATURE

Revise RULE 4.26 section D by adding "accepted minutes to the meetings of the County Legislature's committees shall be added to the County Legislature's website separately titled as Committee Meeting Minutes with appropriate date." - before the last sentence in section D. on page 20.

EFFECT: To allow transparency in our local government and to provide accessibility to the public.

3

**AMENDMENT #5: PETITIONS, REPORT, MOTIONS, RESOLUTIONS AND ANNOUNCEMENTS**

Revise RULE 4.5 by adding section O to read as follows:

O. Any resolutions sponsored by at least four members of the Legislature and filed with the Clerk shall be allowed onto the agenda for the Committee Meeting of the County Legislature to be discussed and considered for a vote. Page 13

## Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		
District 5 - Town of Poughkeepsie	Roman*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 4 - Town of Hyde Park	Black*		✓
District 20 - Town of Red Hook/Tivoli	Munn*		✓
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger (VC)		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Coviello		

Present: 10  
 Absent: 2  
 Vacant: 0

Resolution: ✓  
 Motion: ✓

Total : 8 2  
           Yes       No  
 Abstentions: 0

2018043 Adoption of the Permanent Rules  
 of the Dutchess County Legislature

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	1	
District 5 - Town of Poughkeepsie	Roman	2	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	3	
District 4 - Town of Hyde Park	Black		1
District 20 - Town of Red Hook/Tivoli	Munn		2
District 1 - Town of Poughkeepsie	Llaverias		3
District 3 - Town of LaGrange	Borchert	4	
District 6 - Town of Poughkeepsie	Edwards		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt	5	
District 8 - City and Town of Poughkeepsie	Brendli		5
District 9 - City of Poughkeepsie	Johnson		6
District 10 - City of Poughkeepsie	Jeter-Jackson		7
District 11 - Towns of Rhinebeck and Clinton	Tyner		8
District 12 - Town of East Fishkill	Metzger	6	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	7	
District 14 - Town of Wappinger	Amparo		9
District 15 - Town of Wappinger	Incoronato	8	
District 16 - Town of Fishkill and City of Beacon	Zernike		10
District 17 - Town and Village of Fishkill	Miccio	9	
District 18 - City of Beacon and Town of Fishkill	Page		11
District 21 - Town of East Fishkill	Horton	10	
District 22 - Towns of Beekman and Union Vale	Coviello	11	
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	12	
District 24 - Towns of Dover and Union Vale	Surman	13	
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston	14	

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution:   
 Motion:

Total: 14      11  
                   Yes           No  
 Abstentions: 0

JM/DBorchert  
 "Call the question"  
 defeated

2018043  
 2.13.18

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		1
District 5 - Town of Poughkeepsie	Roman		2
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		3
District 4 - Town of Hyde Park	Black	1	
District 20 - Town of Red Hook/Tivoli	Munn	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 6 - Town of Poughkeepsie	Edwards	4	
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		5
District 8 - City and Town of Poughkeepsie	Brendli	5	
District 9 - City of Poughkeepsie	Johnson	6	
District 10 - City of Poughkeepsie	Jeter-Jackson	7	
District 11 - Towns of Rhinebeck and Clinton	Tyner	8	
District 12 - Town of East Fishkill	Metzger		6
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		7
District 14 - Town of Wappinger	Amparo	9	
District 15 - Town of Wappinger	Incoronato		8
District 16 - Town of Fishkill and City of Beacon	Zernike	10	
District 17 - Town and Village of Fishkill	Miccio		9
District 18 - City of Beacon and Town of Fishkill	Page	11	
District 21 - Town of East Fishkill	Horton		10
District 22 - Towns of Beekman and Union Vale	Coviello		11
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		12
District 24 - Towns of Dover and Union Vale	Surman		13
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		14

Present: 25

Absent: 0

Vacant: 0

Resolution:

Motion:

Total: 11

Yes

No

Abstentions: 0

#2D

Km/HB

2018043

2.13.18

(see attached)

*defeated*

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		1
District 5 - Town of Poughkeepsie	Roman		2
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		3
District 4 - Town of Hyde Park	Black	1	
District 20 - Town of Red Hook/Tivoli	Munn	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 6 - Town of Poughkeepsie	Edwards	1	5
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		6
District 8 - City and Town of Poughkeepsie	Brendli	4	
District 9 - City of Poughkeepsie	Johnson	5	
District 10 - City of Poughkeepsie	Jeter-Jackson		7
District 11 - Towns of Rhinebeck and Clinton	Tyner	6	
District 12 - Town of East Fishkill	Metzger		8
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		9
District 14 - Town of Wappinger	Amparo	7	
District 15 - Town of Wappinger	Incoronato		10
District 16 - Town of Fishkill and City of Beacon	Zernike		11
District 17 - Town and Village of Fishkill	Miccio		12
District 18 - City of Beacon and Town of Fishkill	Page	8	
District 21 - Town of East Fishkill	Horton		13
District 22 - Towns of Beekman and Union Vale	Coviello		14
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		15
District 24 - Towns of Dover and Union Vale	Surman		16
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		17

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution:   
 Motion:

Total: 8      17  
 Yes                      No  
 Abstentions: 0

#3      JT/KM      *defeated*

2018043  
 2.13.18

(see attached)

## Amendments to propose for 2018

### AMENDMENT #1: TABLE OF CONTENTS

In the TABLE OF CONTENTS, change the line that reads ~~Petitions, Reports, Motions and Resolutions~~ to ~~Petitions, Reports, Motions, Resolutions and Announcements~~ to make it consistent with what appears on page 10.

EFFECT: Consistency.

### AMENDMENT #2: VOTING

KM/HB  
Revise RULE 4.13 (MEMBERS ENTITLED TO VOTE) by striking Sections A & D entirely, allowing Robert's Rules for voting to apply. Sections B & C to remain in effect. Pages 15-16

EFFECT: To allow members to abstain from votes at their own discretion and prevent members who have left the chamber from having their votes cast without their consent.

### AMENDMENT #3: PUBLIC COMMENT

JT/KM  
Revise RULE 3.1 (ORDER OF BUSINESS) by moving rule j after current rule d and shifting the current rules e-k to f-k. Rule e to read as follows:

e) Privilege of the Floor with respect to non-agenda County business.

Therefore, Rule 3.1 a-d would remain the same, and e-k would read as follows:

- e) Privilege of the Floor with respect to non-agenda County business;
- f) Approval of prior month's meeting minutes;
- g) Reports of standing committees, special committees, and liaisons to other committees and boards;
- h) Resolutions;
- i) Other County business
- j) Announcements; (limited to three minutes); and
- k) Adjournment.

EFFECT: To allow the public to speak on non-agenda items at the start of meetings, yet still allowing the public to speak on agenda items first in a separate section

### AMENDMENT #4: MINUTES OF MEETINGS OF THE LEGISLATURE

Revise RULE 4.26 section D by adding "accepted minutes to the meetings of the County Legislature's committees shall be added to the County Legislature's website separately titled as Committee Meeting Minutes with appropriate date." - before the last sentence in section D. on page 20.

EFFECT: To allow transparency in our local government and to provide accessibility to the public.

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 5 - Town of Poughkeepsie	Roman		
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District 20 - Town of Red Hook/Tivoli	Munn		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Edwards		
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District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
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District 18 - City of Beacon and Town of Fishkill	Page		
District 21 - Town of East Fishkill	Horton		
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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	Houston		

Present: 25  
 Absent: 0  
 Vacant: 0

Resolution:       
 Motion:

Total:            
           Yes      No  
 Abstentions:     

2018043  
 2-13-18

*J I failed for lack of a second (see attached)*

According my motion would include a new section article 6 1 to the permanent rules to clearly define a meaningful basis for censure as follows: an incumbent Dutchess County legislator can only be cited for legislative censure in the event that such individual is convicted of a felony or a misdemeanor resulting in a jail sentence.

There shall be no other basis for censure.

Passage of such reprimand shall require a resolution citing the reasons for such action, four coponents, and a majority vote of the legislature

# Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	1	
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District 7 - Towns of Hyde Park and Poughkeepsie	Truitt	5	
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District 17 - Town and Village of Fishkill	Miccio	8	
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District 24 - Towns of Dover and Union Vale	Surman	12	
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston	13	

Present: 25

Absent: 0

Vacant: 0

Resolution:

Motion:

Total: 13      12

Yes      No

Abstentions: 0

**2018043 ADOPTION OF THE PERMANENT RULES OF THE DUTCHESS COUNTY LEGISLATURE**

February 8, 2018

LAI D ON DESKS 2/13/18  
Amended in Government Services & Administration 3/10/18  
RE-LAI D ON DESKS 3/12/18  
Government Services & Administration

## DEFEATED IN COMMITTEE

RESOLUTION NO. 2018044

RE: LOCAL LAW NO. \_\_\_\_\_ OF 2018, A LOCAL LAW PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, LIQUID NICOTINE OR ELECTRONIC CIGARETTES TO PERSONS UNDER 21 YEARS OF AGE

Legislators INCORONATO, PULVER, and SURMAN offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. \_\_\_\_\_ of 2018, which has been submitted this day for consideration by said Legislature.

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 9<sup>th</sup> day of April 2018, 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 9<sup>th</sup> day of April 2018.~~

\_\_\_\_\_  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. \_\_\_\_2018

RE: A LOCAL LAW PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, LIQUID NICOTINE OR ELECTRONIC CIGARETTES TO PERSONS UNDER 21 YEARS OF AGE

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

Section 1 – Legislative Findings and Intent.

The Dutchess County Legislature hereby finds as follows:

A. The prevention of adolescent tobacco product use is detailed in Article 13-F of the Public Health Law of the State of New York, known as the Adolescent Tobacco-Use Prevention Act (ATUPA), which expressly prohibits the sale of tobacco products or herbal cigarettes, rolling papers or pipes to minors.

B. The Commissioner of Behavioral and Community Health of Dutchess County has the duty to enforce the provisions of ATUPA and the Dutchess County Board of Health encourages the Commissioner to utilize his/her time to reduce the prevalence of tobacco use and addiction as well as tobacco smoke exposure in Dutchess County.

C. Warnings by the U.S. Surgeon General, the American Heart Association, the American Lung Association, the American Cancer Society, and other medical authorities echo the adverse health effects of tobacco products.

D. Smoking has been proven to be a leading risk factor for heart disease, stroke, lung cancer and a host of other tobacco-related maladies.

E. The irreparable physical harm such products inflict on the human body is undeniable, resulting in thousands of related deaths and costly medical treatment throughout New York and across the nation.

F. Unfortunately, because of second-hand smoke, many persons — especially young children — are unknowingly or unwillingly exposed to the same deadly risk factors as smokers.

G. The U.S. Food and Drug Administration reports that electronic cigarettes, which may contain nicotine, could increase nicotine addiction and tobacco use in young people.

H. The long-term effects of electronic cigarettes and their contents are presently unknown and may pose significant health risks to consumers.

I. The New York State Legislature has found that “there is a substantial body of scientific research showing that breathing secondhand smoke is a significant health hazard for non-smokers,” and the Dutchess County Legislature seeks to protect the health of all of the residents of Dutchess County, including those under 21 years of age.

J. A survey done by the Dutchess County Department of Behavioral and Community Health revealed that over 55% of local high school students have used tobacco products, of which 57% first tried tobacco products before the age of 14 and over 92% first tried tobacco products before the age of 16.

K. The Dutchess County Board of Health has passed a Resolution urging Dutchess County to take action to prohibit the sale of tobacco and tobacco products to individuals under 21 years of age.

L. By enacting this Local Law, Dutchess County can further the goals of New York State’s tobacco use prevention control program, as identified in New York State Public Health Law § 1399-ii.

#### Section 2 – Definitions.

A. “Tobacco products” means cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic cigarettes, liquid nicotine and all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

B. “Herbal cigarette” means any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.

C. "Bidis" means a product containing tobacco that is wrapped in Temburni leaf (diospyros melanoxylon) or tendra leaf (diospyros exculpra), or any other product offered to consumers as "beedies" or "bidis".

D. "Gutka" means a product containing lime paste, spices, areca and tobacco.

E. "Nicotine water" means bottled water that is laced with nicotine.

F. "Shisha" means any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

G. "Electronic cigarettes" or "e-cigarettes" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a devise.

H. "Paraphernalia" shall include: snuff, rolling papers and smoking paraphernalia, as those terms are defined in New York State Public Health Law Article 13-F and, when not so defined, as commonly understood to be defined.

I. "Person" means a person, firm, company, corporation, partnership, sole proprietor, limited partnership or association.

### Section 3 – Tobacco-Prohibited Sale.

Any person operating a place of business in the County of Dutchess wherein cigarettes, tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale is prohibited from selling such cigarettes, herbal cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes to persons under twenty-one (21) years of age **except for all persons who are 18 years of age and are serving in the United States Military, including National Guard and Reserves.**

Section 4 – Non-Tobacco Products-Prohibited Sale.

Any person operating a place of business wherein non-tobacco shisha, pipes, rolling papers or smoking paraphernalia are sold or offered for sale is prohibited from selling such non-tobacco shisha, pipes, rolling papers or smoking paraphernalia to individuals under twenty-one (21) years of age.

Section 5 – Businesses Selling Tobacco Products and Paraphernalia.

Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale shall post in a conspicuous place a sign, in accordance with the rules of the Dutchess County Department of Behavioral and Community Health, advising persons about the minimum age requirements for the sale of such items.

Section 6 – Identification Requirements.

The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this Local Law by reference, except that the age to be proven by such identification shall be 21.

Section 7- Enforcement.

This article shall be enforced by the Department of Behavioral and Community Health.

Section 8 – Penalties.

Any person found to be in violation of any provision of this Local Law shall be subject to the imposition of a civil penalty by the Commissioner of the Department of Behavioral and Community Health of a minimum of three hundred dollars (\$300.00), but not to exceed one thousand dollars (\$1,000.00) for a first violation, and a minimum of five hundred dollars (\$500.00), but not to exceed one thousand five hundred dollars (\$1,500.00) for each subsequent violation.

Section 9– Reverse Preemption.

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as contained in this law, or in the event that a pertinent State or Federal Administrative Agency issues and promulgates regulations preempting such action by the County of Dutchess. The County legislature may determine via mere resolution whether or not identical or substantially similar Statewide legislation has been enacted for the purpose of triggering the provisions in this section.

Section 10 – Severability.

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 11 – Effective Date.

This Local Law shall take effect on June 1, 2018 and shall apply to all transactions occurring on or after the effective date of this local law. Enforcement shall not commence until January 1, 2019.



2/8/2018

Dear Dutchess County Legislator,

As organizations committed to encouraging healthier lifestyles and reducing the risks affiliated with chronic diseases, we ask for your rejection of the military exemption in Dutchess County's Tobacco 21 bill.

We are optimistic to hear that Dutchess County Government **will soon take up the important issue of raising the legal sales age of tobacco products to 21**. Smoking remains a leading risk factor for heart disease and stroke, lung disease, and is the main cause of preventable death and disease in New York.

We as public health groups are very concerned to hear that this life-saving bill includes harmful language that exempts those serving in the military from having to be 21 to purchase tobacco. Not only is this a disservice to our youth who serve in the armed forces, as they deserve to be protected from a lifetime of lung disease and other health problems that could cost them their lives. But equally important, is the fact that the military is not seeking an exemption for its soldiers. On the contrary, the Department of Defense released a statement condemning the use of tobacco for all military personnel. They also stated that in coming decades 171, 000 of the personnel currently serving are at risk of dying prematurely due to tobacco use.

The science is clear- giving highly addictive tobacco products to 18-year-olds can cause long term health effects. After all, the brain continues to develop until age 25, especially in the areas impacting impulsivity, addiction, and decision making. By raising the tobacco sales age to 21 for **everyone**, we can significantly reduce the risk of tobacco related death. While almost 95% of people who start smoking do so before the age of 21, data shows that if a youth reaches the age of 21 without smoking, the likelihood that they ever will drops to 2%.

The tobacco industry has long targeted our youth- with their ad campaigns specifically targeting highschool and college age kids. There are laws that prevent ALL youth under 21 from drinking alcohol, considering that tobacco is the single most addictive legal substance, we should protect our young New Yorkers accordingly. With the military themselves pursuing smokefree policies, and the sacrifice that our young soldiers make for us – we have a duty to protect them from the tobacco industry.

We, as public health professionals urge legislators to extend the same protections to ALL youth, irrespective of their military status.

For more information, contact Kristina Wieneke [Kristina.wieneke@lung.org](mailto:Kristina.wieneke@lung.org) or Caitlin O'Brien [Caitlin.O'Brien@heart.org](mailto:Caitlin.O'Brien@heart.org)



## RAISING THE TOBACCO SALE AGE TO 21 AND THE MILITARY

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Military leaders recognize the toll tobacco takes on troop readiness and on the military health care system and are actively taking steps to reduce tobacco use in the military. Tobacco use remains this nation's number one preventable cause of premature death and disease, killing more than 480,000 Americans annually.<sup>1</sup> The Department of Defense (DoD) estimates that 175,000 current Active Duty Service members will die from smoking unless they are able to quit.<sup>2</sup> Almost all smokers start smoking before the age of 21,<sup>3</sup> and the ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use.

Tobacco use is not a rite of passage or a sign of adulthood. It is important to remember that age 18 is not the age of majority for everything – from buying alcohol to running for certain political offices, and so on. Tobacco companies target young people before they can fully appreciate the consequences of becoming addicted to the nicotine in tobacco. Nearly 70% of adult smokers want to quit<sup>4</sup>, but once a person is addicted to nicotine, it is difficult to stop, and the health consequences begin immediately and accumulate over a lifetime.

Tobacco companies have a long history of promoting tobacco to members of the military and have a vested interest in tobacco use by the military, an important market for recruitment of the next generation of smokers.<sup>5</sup> Raising the tobacco sale age to 21 will help prevent our service members from starting to use this deadly and addictive product and support DoD efforts to reduce tobacco use among service members.

### **Military Leaders Support Tobacco Prevention and Cessation**

Tobacco use is bad for military preparedness. The military recognizes the negative impact of tobacco on troop readiness and soldiers' health and has initiated a series of actions to curb tobacco use in the military.<sup>6</sup> The Department of Defense and the Army, Navy, Marines, and Air Force have each set goals to become tobacco-free.<sup>7</sup> In April 2016, Secretary of Defense Carter approved actions "to ensure a comprehensive tobacco policy that assists with preventing initiation of tobacco use, helping those who want to quit using tobacco succeed, and decreasing exposure to secondhand smoke for all our people."<sup>8</sup>

Our military leaders understand the toll tobacco takes on our troops. Below are specific examples of military leaders supporting tobacco prevention and a tobacco sale age of 21:

- As part of the military's tobacco prevention efforts, General Robert Magnus, Assistant Commandant of the Marine Corps, has stated, "*Tobacco impairs reaction time and judgment. It stands in the way of a Marine's number one priority: to be in top physical and mental shape - combat ready.*"<sup>9</sup>
- After Hawaii raised its tobacco sale age to 21, effective January 1, 2016, Hawaii's military bases opted to comply with the higher age in recognition of its benefits to readiness, health and finances:<sup>10</sup>
  - Bill Doughty, spokesman for the Navy Region Hawaii, stated, "*We see it as a fitness and readiness issue. When we can prevent sailors from smoking or using tobacco, if we can get them to quit, then that improves their fitness and readiness, and it saves them a ton of money too.*"<sup>11</sup>

- Rear Admiral John Fuller, Navy Region Hawaii and Naval Surface Group Middle Pacific stated, *"I've heard this argument by some shipmates against cracking down on tobacco: 'If someone is young enough to die for their country, they should be free to be allowed to smoke.' But, turning that argument on its head: 'If someone is young enough to fight for their country, they should be free from addiction to a deadly drug.' Tobacco harms people's physical wellbeing, leads to illness and costs them money."*<sup>12</sup>
- 27-year senior officer of the Air Force and Chautauqua, New York, County Executive Vince Horrigan, stated, on signing a bill to raise the tobacco sale age to 21: *"As a retired 27-year senior officer of the Air Force, I join with many other military leaders in the perspective that tobacco products are a threat to our military readiness and too often compromise the health of our professional military who put their lives on the line to defend our freedoms."*<sup>13</sup>
- Major General Bret Daugherty, the Adjutant General for the state of Washington and Commander of the Washington National Guard stated in testimony supporting raising the tobacco sale age: *"...I want to address the age-old argument that if someone is old enough to serve their country in the military, then they are old enough to use tobacco products. This is clearly an outdated argument. There is a laundry list of things that we as a country have decided are contrary to the interest of young people and public health, whether they are in the military or not. Decades ago, this very body saw the wisdom in raising the drinking age to 21. That policy change significantly reduced drunk driving deaths and contributed to the overall health of our public here in the state."*<sup>14</sup>
- Retired military leaders supported an Illinois bill to raise the tobacco sale age to 21. Major General (Ret) William Enyart, U.S. Army, Former Adjutant General of Illinois, 2007-2013; Major General (Ret) Randal Thomas, U.S. Army Former Adjutant General of Illinois, 2003-2007; Brigadier General (Ret) John "Jay" Sheedy, U.S. Air Force, Brigadier General (Ret) Avrum Mark Rabin, Illinois Air National Guard stated: *"Americans owe much to the young people who choose to serve in our military. But early addiction to a deadly drug is no reward. Their physical fitness and health should be paramount in policymaking decisions."*<sup>15</sup>

### **Tobacco Use Hurts Military Readiness and Is Costly**

While tobacco use takes an enormous toll on all users, it has particularly detrimental consequences for active duty military personnel. Tobacco use reduces soldiers' physical fitness and endurance and is linked to higher rates of absenteeism and lost productivity. In addition, service members who use tobacco are more likely to drop out of basic training, sustain injuries and have poor vision, all of which compromise troop readiness.<sup>16</sup> Tobacco use places a significant burden on the Department of Defense (DoD). The DoD spends more than \$1.6 billion each year on tobacco-related medical care, increased hospitalizations, and lost days of work.<sup>17</sup>

### **Tobacco Use Among Active Duty U.S. Military**

Smoking rates are higher among active duty military than among civilians. Nearly one-quarter (24.0%) of active duty military personnel in 2011 reported currently smoking, compared to 19 percent of civilians at that time.<sup>18</sup> Smoking rates vary significantly by service, ranging from 16.7 percent in the U.S. Air Force to 30.8 percent in the U.S. Marine Corps. Many of the military's

current cigarette smokers are dual users of smokeless tobacco.<sup>19</sup> In addition, close to half of all military service members (49.2%) used a nicotine product\* in the past twelve months.<sup>20</sup>

Alarming, many current military smokers - 36 to 40 percent - report initiating tobacco use *after* joining the military.<sup>21</sup> Given everything we know about what smoking does to the body and how it weakens our combat preparedness, it is unacceptable that soldiers smoke at higher rates than the general population and that more than 1 in 3 soldiers who are current smokers started smoking *after* joining the military.

### Raising the Minimum Legal Sale Age Will Help Save Lives

Raising the tobacco sale age is an evidence-based policy that is an important part of a comprehensive approach to tobacco prevention. A 2015 report by the Institute of Medicine (IOM), one of the most prestigious scientific authorities in the world, concluded that raising the tobacco age to 21 will have a substantial positive impact on public health and save lives.<sup>22</sup> Specifically, raising the age to 21 is predicted to reduce the smoking rate by about 12 percent and smoking-related deaths by 10 percent, which translates into 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost.<sup>23</sup>

Tobacco use is a deadly and addictive behavior that compromises the readiness and health of our military and prematurely kills half its adult users.<sup>24</sup> Raising the tobacco sale age to 21 is an important step that will protect young people and service members from a deadly addiction and will complement other tobacco prevention and cessation efforts being undertaken by the military.

### Campaign for Tobacco-Free Kids, September 27, 2017 /Becca Knox

<sup>1</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>2</sup> Department of Defense, Memorandum re: Reducing Tobacco Use in the Armed Forces and Department of Defense, March 14, 2014.

<sup>3</sup> United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>

<sup>4</sup> Babb, Stephen. "Quitting Smoking Among Adults—United States, 2000–2015." *MMWR. Morbidity and Mortality Weekly Report* 65 (2017)

<sup>5</sup> Smith, Elizabeth A., and Ruth E. Malone. "“Everywhere the soldier will be”: wartime tobacco promotion in the US military." *American Journal of Public Health* 99.9 (2009): 1595-1602 and Smith, Elizabeth A., and Ruth E. Malone. "Tobacco promotion to military personnel: the plums are here to be plucked." *Military Medicine* 174.8 (2009): 797

<sup>6</sup> Partnership for Prevention and Action to Quit, *Help Your Patients Quit Tobacco: An Implementation Guide for the Armed Forces*, July 2014, <http://actiontoquit.org/wp-content/uploads/2015/06/armedforcesstobaccocessationguide.pdf> and Secretary of Defense Ashton Carter, "Policy Memorandum 16-001, Department of Defense Tobacco Policy," April 8, 2016, <http://www.med.navy.mil/sites/nmcphc/Documents/health-promotion-wellness/tobacco-free-living/INCOMING-CARTER-Tobacco-Policy-Memo.pdf>

<sup>7</sup> Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009. <http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>; see also, <https://www.ucanquit2.org/AboutUs/Policy>

<sup>8</sup> Secretary of Defense Ashton Carter, "Policy Memorandum 16-001, Department of Defense Tobacco Policy," April 8, 2016, <http://www.med.navy.mil/sites/nmcphc/Documents/health-promotion-wellness/tobacco-free-living/INCOMING-CARTER-Tobacco-Policy-Memo.pdf>

<sup>9</sup> U.S. Department of Defense, *UCanQuit2.org*, [https://www.ucanquit2.org/~media/Files/CampaignMaterials/Print/SRLeaderPrintAds/DOD\\_Magnus\\_FLYER.pdf](https://www.ucanquit2.org/~media/Files/CampaignMaterials/Print/SRLeaderPrintAds/DOD_Magnus_FLYER.pdf)

<sup>10</sup> Seck, Hope Hodge, "Marines Will Comply With Hawaii Law Raising Smoking Age to 21," December 29, 2015, <http://www.military.com/daily-news/2015/12/29/marines-will-comply-with-hawaii-law-raising-smoking-age-to-21.html>; Uyeno, Kristine, "Tobacco, eCig laws take effect on New

\* Nicotine product includes cigarettes, chewing tobacco, snuff, other smokeless tobacco including new forms of smokeless (e. g. dissolvables), cigars, pipes, and electronic nicotine delivery products.

Year's Day; Hawaii first state to raise legal age to 21," December 28, 2015, <http://khon2.com/2015/12/28/new-years-day-tobacco-ecig-laws-hawaii-first-state-to-raise-legal-age-to-21-3/>

<sup>11</sup> Houck, John, "Hawaii's Legal Smoking Age Increases to 21 Starting Today, New Law Will Penalize Retailers and Underage Smokers," *Inquisitr*, January 1, 2016, <http://www.inquisitr.com/2672520/hawaiis-legal-smoking-age-increases-to-21-starting-today-new-law-will-penalize-retailers-and-underage-smokers/>

<sup>12</sup> Rear Admiral Fuller, John, "Young Enough To Not Die From Smoking," *Navy Medicine Live*, <http://navymedicine.navy.mil/archives/9815>

<sup>13</sup> Chautauqua County, New York, *Horrigan Provides Statement Upon Signing Local Law to Raise Tobacco Purchase Age*, May 17, 2017, <http://www.co.chautauqua.ny.us/CivicAlerts.aspx?AID=540>

<sup>14</sup> Major General Bret Daugherty, *Testimony in Support of SB 5025 to the Washington State Senate Commerce, Labor, and Sports Committee*, February 9, 2017

<sup>15</sup> Mission: Readiness, Military Leaders for Kids, *Letter in support of IL SB3011 to raise the tobacco sale age to 21*, April 19, 2016

<sup>16</sup> Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009. <http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

<sup>17</sup> Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009. <http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

<sup>18</sup> Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*, <http://prevent.org/data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013; 2011 National Health Interview Survey.

<sup>19</sup> Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*, <http://prevent.org/data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013.

<sup>20</sup> Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*, <http://prevent.org/data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013.

<sup>21</sup> Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009. <http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

<sup>22</sup> Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://www.nationalacademies.org/hmd/Reports/2015/TobaccoMinimumAgeReport.aspx>

<sup>23</sup> Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://www.nationalacademies.org/hmd/Reports/2015/TobaccoMinimumAgeReport.aspx>

<sup>24</sup> U.S. Department of Health and Human Services, Reports of the Surgeon General. *The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General*. Atlanta (GA), Centers for Disease Control and Prevention (US), 2014

## Morris, Carolyn

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**From:** Duncan, Eileen  
**Sent:** Wednesday, January 17, 2018 5:33 PM  
**To:** Morris, Carolyn  
**Cc:** Vaidian, Anil; Brule, Marie; Jones, Monique; Joseph Calabro, MD; Incoronato, Joseph; Lobsang Lhungay, MD; Melissa Ann D. Dizon, Esq.; Shantala Sonnad, MD; William T. Barrick, MD  
**Subject:** Tobacco Free Action Communities Information regarding "Tobacco 21" Legislation and the military exemption

Hello Carolyn,

The attached email is from Ellen Reinhard, Executive Director of the Tobacco Free Action Communities. It contains information regarding "Tobacco 21" Legislation and the military exemption. Ms. Reinhard requested that it be sent to all the Dutchess County Legislators.

Thank you very much!  
Eileen

**Eileen M. Duncan**  
**Confidential Administrative Assistant**  
**Dutchess County Department of Behavioral & Community Health**  
85 Civic Center Plaza, Suite 106  
Poughkeepsie, NY 12601  
Phone: (845) 486-3432 Fax: (845) 486-3448  
Email: eduncan@dutchessny.gov  
www.dutchessny.gov

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**From:** Ellen Reinhard [mailto:Ellen.Reinhard@hahv.org]  
**Sent:** Wednesday, January 17, 2018 2:44 PM  
**To:** Duncan, Eileen; Wanyo, Carol; Vaidian, Anil; 'Melissa Dizon'  
**Cc:** 'Didi Raxworthy'  
**Subject:** RE: Tobacco 21 Legislation and the military exemption

I am forwarding to you the information that I had received from our Policy Center regarding "Tobacco 21" Legislation and the military exemption for your information and review:

Information about T21 and military exemption...

None of the 18 NYS municipalities that have adopted a T21 local law have a military exemption. There's no public health reason to do so.

Even the military doesn't want its members to use tobacco (the local base voluntarily complied with Hawaii's T21, though state law doesn't apply to military bases). The Tobacco Industry has preyed on military members, promoting tobacco use in and around bases (including through lower-than-average prices and price promotions at nearby venues). This day, smoking among members of the military remains higher than among the general population.

See: [CDC's Tips from Former Smokers \(military\)](#)

Pentagon is trying to crack down: <http://www.washingtontimes.com/news/2016/apr/27/pentagon-raise-tobacco-prices-military-bases-curb/>

See also p. 22 of [Oh Snap! Countering Tobacco Industry Opposition to Local Tobacco Controls](#).

<http://www.reuters.com/article/us-health-military-smoking-injuries-idUSKBN19I2WY>

The Policy Center we work with uses this general response from the "countering common concerns" doc:

**Industry claim:** Raising the legal age to purchase tobacco will deprive legal-age adults from deciding for themselves what legal products they choose to purchase and use. Personal liberty and freedom are being restricted... Young adults have the liberty to vote, serve in the military, take out loans to pay for college tuition, get married and divorced, buy lottery tickets, and are required to purchase health insurance. Most importantly, 18, 19 and 20 year olds have the right to make decisions about themselves, including the right to refuse lifesaving medical decisions."

**Policy Center response:** Scientific evidence does not support the sale of highly addictive products to 18-year-olds: The brain continues to develop until age 25, particularly in ways that affect impulsivity, addiction, and decision-making.[i] In fact, nicotine addiction (which can develop at low levels of exposure, well before established daily smoking[ii]) causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years.[iii] Truly, it is the tobacco industry that deprives users of their "liberty" by recruiting adolescents to use their addictive and deadly products.

Notably, Tobacco 21 policies have broad public support, including that of the majority of smokers.[iv]

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[i] IOM Report, *supra* note 5, at 72; Winickoff et al., *supra* note 5, at e18.

[ii] IOM REport, *supra* note 5 at 2–20.

[iii] Campaign for Tobacco Free Kids, *Increasing the Minimum Legal Sale Age for Tobacco Products to 21, 2* (2015) (citing 2012 Surgeon General's Report).

[iv] King et al., *supra* note 5 at 583; Jonathan P. Winickoff et al., *Public support for raising the age of sale for tobacco to 21 in the United States*, 25 *Tob. Control* 284, 286 (2016).

**Ellen Reinhard | Director | TFAC-Tobacco Free Action Communities in Ulster, Dutchess, Sullivan**

HealthAlliance Hospital: Broadway Campus

*Member of the Westchester Medical Center Health Network*

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[www.tobaccofreeactioncommunities.org](http://www.tobaccofreeactioncommunities.org) | [www.hahv.org](http://www.hahv.org)



Background  
2018044

**Wager, Leigh**

From: Morris, Carolyn on behalf of CountyLegislature  
Sent: Thursday, March 8, 2018 10:35 AM  
To: Cheryl L. Richter  
Cc: Wager, Leigh  
Subject: RE: Tobacco 21 Increases Smoking in Teens--Request for meeting/Written Testimony for the Record

Good morning Cheryl:

Thank you for contacting the Legislature. Your input is very important and I will make sure all legislators receive a copy of your email. Have a great day and I hope you are traveling smoothly in the snow.

*Carolyn Morris*  
*Clerk*  
*Dutchess County Legislature*  
*845.486.2100*

From: Cheryl L. Richter <cheryl@nysva.org>  
Sent: Wednesday, March 7, 2018 11:17 PM  
To: Truitt, Will <wtruitt@dutchessny.gov>; Metzger, John D. <metzger4dc@gmail.com>; Borchert, Dale <dborchertdc03@gmail.com>; Coviello, Marc <mcoviello@dutchessny.gov>; Amparo, Francena <francena.amparo@gmail.com>; Llaverias, Giancarlo <gllaverias@dutchessny.gov>; Tyner, Joel <Joeltyner@earthlink.net>; CountyLegislature <CountyLegislature@dutchessny.gov>  
Subject: Tobacco 21 Increases Smoking in Teens--Request for meeting/Written Testimony for the Record

**March 8, 2018**

Ms. Carolyn Morris

Clerk to the Legislature

Dutchess County Legislature  
22 Market St.  
Poughkeepsie, NY 12601

Dear Clerk and Legislators of Dutchess County:

New York State Vapor Association is a registered trade association recognized by the attorneys general in all counties in New York as well as the State. We represent more than 700 vapor businesses, their more than 2600 employees and hundreds of thousands of consumers in the State of New York.

On behalf of the businesses, employees and the consumers of Dutchess County, NY, we submit the following opposition to raise the age to purchase vapor products to 21.

We believe that adults, who are old enough to go to war, vote, enter into binding contract and get married are mature enough to chose a harm reduction product such as an e-cigarette to help them

switch from combustible tobacco products such as cigarettes, which are the leading cause of preventable death and disease in New York State and the US.

Below we present the scientific data that supports our position:

➤ **Teen smoking rates are increasing in municipalities where sales of vapor products is restricted.**

"ENDS age purchasing restrictions are associated with an increase in adolescent cigarette use. There is causal evidence that ENDS age purchasing restrictions increased adolescent regular cigarette use by 0.8 percentage points." They showed an 11.7 percent increase in teen cigarette use after states introduced new age restrictions for e-cigarettes between 2007 and 2013. Weill Cornell Medical College, *Preventative Medicine* <http://www.sciencedirect.com/science/article/pii/S009174351600039>

"Bans on e-cigarette sales to minors appear to have slowed [the decline of cigarette use] by about 70 percent in the states that implemented them...as a result of these bans, more teenagers are using conventional cigarettes than otherwise would have done so," says author, Dr. Abigail Friedman, Yale School of Public Health, [http://scholar.harvard.edu/files/afriedman/files/how\\_do\\_electronic\\_cigarettes\\_affect\\_adolescent\\_smoking\\_circulate\\_0.pdf](http://scholar.harvard.edu/files/afriedman/files/how_do_electronic_cigarettes_affect_adolescent_smoking_circulate_0.pdf)

"It appears that some portion of the decrease in e-cigarette use...may come at the cost of higher conventional cigarette use, at least in the short-term until the youth has aged out of the restrictions...e-cigarette Minimum Legal Sale Age (MLSA) laws leading to increased smoking may cause greater harm than benefits. However, such net costs need to be balanced against other considerations such as the potential use of e-cigarettes for smoking cessation among older youth and among longer-term smokers." Bentley University, Weill Cornell Medical College and Georgia State University, *National Bureau of Economic Research (NBER)* [www.nber.org/papers/w23313.pdf](http://www.nber.org/papers/w23313.pdf)

"We show that ENDS MLSA laws had the unintended effects of increasing pregnant teen's cigarette use." Princeton University, Woodrow Wilson School of Public and International Affairs, working paper by National Bureau of Economic Research (NBER), [www.nber.org/papers/w22792.pdf](http://www.nber.org/papers/w22792.pdf)

➤ **Growing evidence shows vapor products are NOT a gateway to cigarette use in youth.**

CDC and NYTS (National Youth Tobacco Survey) Data 2011-2016 shows the youth smoking rate declined to a record low with an initial uptake in vapor products and use of vapor products subsequently declined from 2015-2016. <https://goo.gl/qbcWO7> and <https://www.cdc.gov/mmwr/volumes/66/wr/mm6623a1.htm#contribAff>

NYTS (National Youth Tobacco Survey), Centers for Disease Control <https://1.bp.blogspot.com/-WtCROvRJI0o/WHeiZv7Qa3I/AAAAAAACC4/tm7TQLELJloFFUthIDti-GeOh0fyCWACLcB/s1600/2011-2015%2BNYTS.png1>

"The national trends in vaping and cigarette smoking do not support the argument that vaping is leading to smoking," Lynn Kozlowski, University at Buffalo and the University of Michigan *Journal Drug and Alcohol Dependence*, <https://medicalxpress.com/news/2017-03-e-cigarettes-gateway-published.html#iCp>

"To the extent that electronic cigarette use remains distinguishable from smoking combustible cigarettes there is a possibility that vaping may be associated with further denormalization of smoking." Centre for Substance Use Research, West of Scotland Science Park [https://clinmedjournals.org/articles/iaarm/international-archives-of-](https://clinmedjournals.org/articles/iaarm/international-archives-of-addiction-research-and-medicine-iaarm-2-023.pdf)

[addiction-research-and-medicine-iaarm-2-023.pdf](https://clinmedjournals.org/articles/iaarm/international-archives-of-addiction-research-and-medicine-iaarm-2-023.pdf)

"... the available evidence to date indicates that e-cigarettes are being used almost exclusively as safer alternatives to smoked tobacco, by confirmed smokers who are trying to reduce harm to themselves or others from smoking, or to quit smoking. The Royal College of Physicians report, *Nicotine without Smoke*, <https://www.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report>

"Extremely low e-cigarette use among never-smokers and longer term former smokers suggest that e-cigarettes neither promote widespread initiation nor relapse among adults." *Patterns of Electronic Cigarette Use Among Adults in the United States* Christine D. Delnevo, PhD, MPH, et al. Center for Tobacco Studies, Rutgers Schools of Public Health, New Brunswick, NJ. <https://academic.oup.com/ntr/article-abstract/18/5/715/2511612>

"this study did not demonstrate any health concerns associated with long-term use of EC in relatively young users who did not also smoke tobacco." Polosa, 2017 <https://www.nature.com/articles/s41598-017-14043-2>

➤ The National Academy of Sciences, Engineering and Medicine Consensus Study Report released January 24, 2018, shows the potential for e-cigarettes to deliver a positive net public health benefit

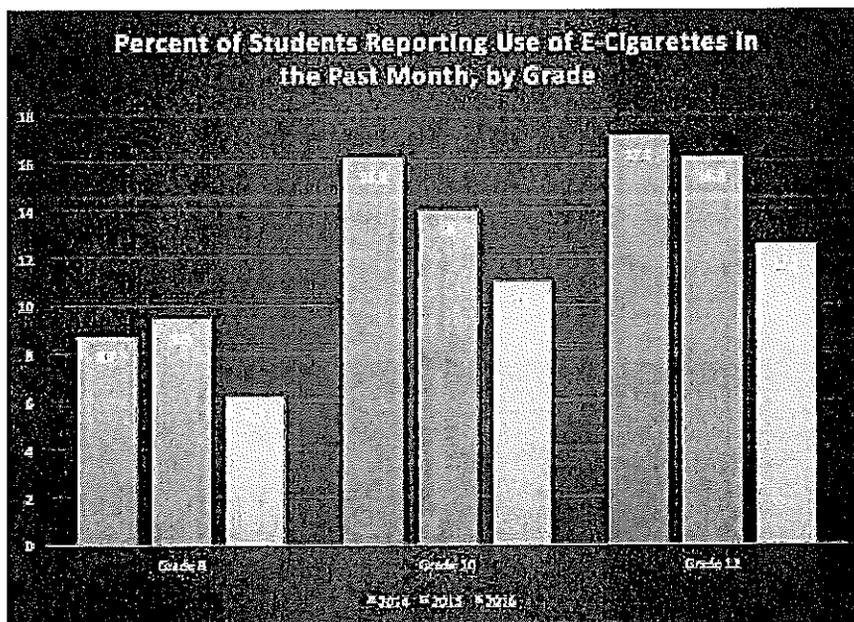
"e-cigarettes contain fewer toxicants; can deliver nicotine in a manner similar to combustible tobacco cigarettes; show significantly less biological activity in a number of in vitro, animal, and human systems; and might be useful as a cessation aid in smokers who use e-cigarettes exclusively."

"Thus, among adult populations," the Report states, "to the extent that e-cigarette use promotes either reduction or complete abstinence from combustible tobacco smoking, e-cigarettes may help to reduce health risks. E-cigarettes could similarly reduce risks to youth who take up e-cigarettes instead of combustible tobacco cigarettes." <https://www.nap.edu/catalog/24952/public-health-consequences-of-e-cigarettes>

➤ The overall smoking rates decline as vapor product use increases.

Daily or frequent use of vapor products is under 4 percent for all subgroups of youth except when including current daily/frequent tobacco users (10 percent). *Understanding Vaping: Who, What, and Why Patterns of Use and Disparities*. Daniel Giovenco, Mailman School of Public Health [www.youtube.com/watch?v=qQoaVewJBL4&feature=youtu.be&t=3m12s](http://www.youtube.com/watch?v=qQoaVewJBL4&feature=youtu.be&t=3m12s)

NIDA website shows data from Monitoring the Future study that past 30 day e-cigarette use among youth has decreased from 2014 - 2016 for 8th, 10th and 12th Graders.



This is likely due to a slowing of experimentation as many youth had already tried the product upon first introduction into the US Market. NYTS (National Youth Tobacco Survey, CDC) <http://tobaccocontrol.bmi.com/content/early/2016/07/21/tobaccocontrol-2016-053014>

"Current e-cigarette users at baseline were no more likely to progress to current smoking than young adults who were not using e-cigarettes." Michael Siegel, Boston University School of Public Health <http://tobaccoanalysis.blogspot.com/2017/01/first-longitudinal-study-to-examine.html>

➤ Flavors are for adults

Fruit and candy flavors appeal to adults and the majority of adult vapor product consumers, are using primarily non-tobacco flavors. The Impact of Flavor Descriptors on Nonsmoking Teens' and Adult Smokers' Interest in Electronic Cigarettes. *Nicotine & Tobacco Research, Oxford Journals* <https://academic.oup.com/ntr/article-abstract/17/10/1255/1028251/The-Impact-of-Flavor-Descriptors-on-Nonsmoking?redirectedFrom=fulltext>

The number using primarily non-tobacco flavors is even higher when including only former smokers. Flavored e-cigarette use: Characterizing youth, young adult, and adult users. *Pub Med* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5121224/>

Scientists suggest that, as shown above, regular e-cigarette use by nonsmoking youth is currently minimal (0.2 percent 6) and implementing regulatory restrictions on flavors could cause harm to current adult vapers with no public health benefit to youth. Any potential future risk for youth can be sufficiently minimized by strictly prohibiting sales of vapor products to youth and properly enforcing these restrictions. Impact of Flavour Variability on Electronic Cigarette Use Experience: An Internet Survey. *Int. J. Environ. Res. Public Health* <http://www.mdpi.com/1660-4601/10/12/7272/h1>

### ➤ Kids most often not using Vapor Products with nicotine

Studies show that only a small percentage of the small number of youth using e-cigarettes are likely using them with nicotine. What are kids vaping? Results from a national survey of US adolescents. *Tobacco Control, BMJ* <http://tobaccocontrol.bmj.com/content/early/2016/07/21/tobaccocontrol-2016-053014>

Youth and adolescents should not be using nicotine products. Members of NYSVA have always supported preventing sales to youth under 18 and believes enforcement of these laws should be a priority for the state of New York.

However, we firmly request that you not include vaping in this proposed sales ban of tobacco products. As presented above, 18-20 year olds are using vapor products for the same reason as adults older than them -- to help them quit smoking. With the data we have now that shows youth return to smoking when they do not have access to vapor products, we request you legally treat these two very different products separately.

Before voting on this matter, we respectfully request a meeting to present our scientific evidence on our position to the Government Services and Administration Committee. Please contact me at [cheryl@nysva.org](mailto:cheryl@nysva.org) to schedule a time.

Thank you.

Sincerely,

***Cheryl L. Richter***

*Executive Director, Lower NY State  
New York State Vapor Association  
[cheryl@nysva.org](mailto:cheryl@nysva.org)  
203-253-2372  
NYSVA.org*

c:

Will Truitt  
John Metzger

Dale L. Borchert  
Marc Coviello  
Francena Amparo  
Giancarlo Llaverias  
Joel Tyner

March 8, 2018

**VIA Electronic Mail: [countylegislatre@dutchessny.gov](mailto:countylegislatre@dutchessny.gov)**

A. Gregg Pulver, Chair  
Dutchess County Legislature  
22 Market St.  
Poughkeepsie NY 12601

**RE: A local law prohibiting the sale of cigarettes, tobacco products, liquid nicotine or electronic cigarettes to persons under 21 years of age in Dutchess County.**

Dear Chairman A. Gregg Pulver:

I am writing on behalf of Public Health and Tobacco Policy Center, a national health law and policy organization based at Northeastern University School of Law. We provide tobacco prevention policy guidance to municipalities, including throughout New York. While the Center does not provide legal services or advice, I am submitting information concerning the proposed local law prohibiting the sale of tobacco and electronic aerosol delivery systems to youth and young adults under 21 years of age.

**Increasing the minimum legal consumer age for tobacco sales to 21 years will delay and potentially prevent smoking initiation.**

Tobacco use is a pediatric epidemic, with nearly 90 percent of adult regular smokers beginning by age 18.<sup>1</sup> Approximately 96 percent of smokers begin smoking before age 21<sup>2</sup> with most beginning before age 16.<sup>3</sup> Moreover, smokers frequently transition from experimentation to addiction between the ages of 18 and 21.<sup>4</sup>

While state and local laws have proven effective at preventing minors from purchasing tobacco products, youth turn to social sources for these products,<sup>5</sup> most of whom are peers ages 18 to 21.<sup>6</sup> Today, there are more 18 and 19 year olds in high school than in past years, and their ability to legally purchase tobacco products allows their friends easy access to tobacco products.<sup>7</sup> Raising the minimum legal consumer age for tobacco product sales to 21 ("Tobacco 21") will effectively remove this critical social source of tobacco,<sup>8</sup> thereby delaying or preventing smoking initiation.<sup>9</sup>

Communities that have passed ordinances to increase the minimum legal sales age for tobacco products have realized greater declines in youth (under 18) smoking than communities that have not.<sup>10</sup> Additionally, similar age restrictions for alcohol sales have reduced youth alcohol consumption.<sup>11</sup>

**Starting later means fewer addicted, long-term smokers.**

Evidence shows the younger the age of initiation, the greater the risk of nicotine addiction, heavy daily smoking, and difficulty quitting.<sup>12</sup> Adolescents are particularly susceptible to the "rewarding" effects of nicotine.<sup>13</sup> In fact, nicotine addiction (which can develop at low levels of exposure, well before established daily smoking<sup>14</sup>) causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years.<sup>15</sup> We now know

the brain continues to develop until around age 25,<sup>16</sup> particularly in ways that affect impulsivity, addiction,<sup>17</sup> and decision-making;<sup>18</sup> and we know that nicotine is harmful to brain development.<sup>19</sup>

In short, the available evidence no longer supports permitting the sale of tobacco products to 18 year olds. Delaying tobacco use initiation reduces the likelihood of ever starting; it also reduces the number of regular smokers<sup>20</sup> and the immediate, mid- and long-term health effects of tobacco use to an individual.<sup>21</sup>

**There is no “right” to sell or use tobacco products at any age<sup>22</sup> and addiction, not a sales restriction, deprives individuals of choice.**

Industry will have you believe restricting sales of tobacco products to those under age 21 unfairly denies young adults personal liberty and freedom to make adult choices. In reality, most youth smokers mistakenly believe they will not become addicted to tobacco,<sup>23</sup> and the majority of those who transition to regular tobacco use want to quit.<sup>24</sup> In fact, nicotine addiction (which can develop at low levels of exposure, well before established daily smoking<sup>25</sup>) causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years.<sup>26</sup> In short, addiction deprives individuals of the choice of whether or not to use tobacco.

**Stopping the tobacco epidemic requires policy change.<sup>27</sup>**

Tobacco Industry survival depends on youth tobacco use and addiction, as companies “replace” deceased adult customers with new (youth) users.<sup>28</sup> The industry drives these new users and addiction through its marketing—marketing that the U.S. Surgeon General has concluded causes youth smoking.<sup>29</sup> Without policy intervention, the industry will continue to successfully entice youth to initiate tobacco use.<sup>30</sup>

Despite declines in New York State’s smoking rate, 2.1 million adults continue to smoke statewide.<sup>31</sup> Groups suffering from poor mental health, LGBT individuals, and individuals of low-socioeconomic status or lower education use tobacco at higher rates compared to the general population.<sup>32</sup> Despite declines in youth smoking rates, one in four New York high school students reported current use of a tobacco product in 2016.<sup>33</sup> Without sustained action, nearly 874,000 New York youth alive in 2014 are projected to become smokers, and an estimated 280,000 of them will die prematurely.<sup>34</sup> In Dutchess County, the adult smoking prevalence rate is 15 percent, and the County’s health outcome ranking was 51<sup>st</sup> out of 62 counties in 2017.<sup>35</sup>

**Tobacco 21 policies have been successfully implemented in New York and beyond.**

The public understands and supports policies to reduce youth smoking. Three out of four American adults favor Tobacco 21 policies, including 7 in 10 smokers.<sup>36</sup> In fact, with the implementation of Tobacco 21 policies in New York City and nine other New York counties, more than half of New Yorkers (and more than half of active tobacco retail outlets in the state) are covered by the policy prohibiting the sale of tobacco products to individuals under age 21.<sup>37</sup>

**Tobacco 21 policies do not harm local stores or hurt their businesses.**

The tobacco industry’s’ repeated forecasts of economic disaster resulting from tobacco control policies, including a Tobacco 21 policy, have been consistently proved wrong. While economic hardship is of course secondary to preventing youth tobacco addiction, a commonly voiced concern over tobacco sales restrictions is that retailers will lose vital revenue. Yet smoke-free laws have not economically harmed the airline, restaurant, or bar industries,<sup>38</sup> or beaches or parks; local pharmacy sales restrictions have not harmed drug stores’ bottom lines;<sup>39</sup> nor have

sales restrictions based on purchase price<sup>40</sup> or consumer age driven retailers to close up shop,<sup>41</sup> despite tobacco industry insistence that they would cause significant losses in revenue to those businesses.<sup>42</sup> Further, declines in smoking prevalence spawned by Tobacco 21 will occur gradually, so retailers have ample time to adjust to changing market conditions.<sup>43</sup> Moreover, only 2 percent of national cigarette sales are made to 18-20 year olds, making it unlikely that a Tobacco 21 policy will significantly impact retailers.<sup>44</sup>

Notably, despite initial resistance to raising the legal drinking age to 21, the policy resulted in lower rates of youth drinking.<sup>45</sup> Additionally, the alcohol industry was unharmed.<sup>46</sup> Importantly, Tobacco 21 will make ID checks and compliance easier for New York retailers.<sup>47</sup>

### **Tobacco controls may be more effective if implemented through tobacco retail licensing.**

The proposed increase to the minimum legal sales age may be more effectively implemented and enforced as part of a tobacco retail licensing system. A licensing system not only permits effective enforcement by identifying outlets that are subject to the regulations, but also allows a local jurisdiction to recoup the cost of inspecting licensees, administering licenses, and enforcing sales restrictions (such as Tobacco 21) through license fees. Fees do not need to be burdensome on tobacco outlets; the tobacco industry has a record of assisting retailers in complying with regulations. In the absence of a local licensing system, localities could benefit from identifying a funding source for the enforcement activities of the agency designated as responsible for ensuring compliance with the provisions of the law.

### **New York localities are regulating smoking paraphernalia alongside tobacco products.**

Increasing the minimum sales age for products used with tobacco product (*i.e.* smoking paraphernalia) eases retailer compliance with Tobacco 21 laws by streamlining compliance checks: Clerks and retailers are enforcing a single minimum sales age across all tobacco products and smoking paraphernalia. Smoking paraphernalia have been defined in a variety of ways in New York, but generally refer to devices designed for the inhalation of tobacco, including pipes, water pipes, and rolling papers. In 2011, New York expanded the scope of the New York Adolescent Tobacco Use Prevention Act (ATUPA) to restrict and prohibit the sale of shisha and smoking paraphernalia (*e.g.* hookahs and rolling paper) to match the sales restrictions on tobacco products,<sup>48</sup> in order to reduce youth access to smoking paraphernalia. Since then, several New York jurisdictions (*e.g.* Tompkins County,<sup>49</sup> Chautauqua County,<sup>50</sup> and Orange County<sup>51</sup>), raised the minimum legal age to purchase smoking paraphernalia to 21 years old contiguous to raising the minimum legal sales age for tobacco products.

### **Regulating non-tobacco shisha and non-nicotine-containing e-liquids alongside tobacco-containing products will ease enforcement.**

Non-tobacco shisha, which can cause serious adverse health effects,<sup>52</sup> is virtually indistinguishable from tobacco-containing shisha upon inspection, making the enforcement of regulations that distinguish between tobacco-shisha and non-tobacco-shisha challenging. Enforcement officers cannot tell the difference between the two kinds of products during a compliance inspection. Additionally burdensome for enforcement efforts, tobacco is frequently present in shisha marketed as tobacco-free.<sup>53</sup> To further complicate matters, retailers of non-tobacco shisha are not required to register with the New York State Department of Tax and Finance as tobacco retailers, despite the fact that the product is identical in appearance and used in the same manner as tobacco-containing shisha. Recent New York City enforcement activities have found that hookah bars claiming to sell non-tobacco shisha may actually be

selling tobacco-containing shisha (and should therefore be registered and periodically inspected).<sup>54</sup>

Similarly, some e-liquids do not contain nicotine, but still pose health risks to users,<sup>55</sup> and are indistinguishable from nicotine-containing e-liquids absent laboratory testing. E-cigarettes labeled as nicotine-free have been found to commonly contain nicotine.<sup>56</sup> Given the comparable difficulty, faced by local enforcement efforts, of determining whether shisha is tobacco-containing or tobacco-free, or whether or not e-liquids contain nicotine, and due to the health risks posed by the use of any of these products, localities in New York would benefit from setting a single minimum legal sales age for all types of shisha and all types of electronic cigarettes and e-liquids.

### Conclusion

In sum, increasing to 21 the minimum legal sales age for tobacco products will likely help reduce tobacco use by delaying or preventing youth initiation. By raising the minimum legal sales age, municipalities can reduce youth access to tobacco products by removing the most important tobacco product source for youth—their friends and acquaintances of legal age. Applying an identical minimum sales age restriction across all product categories, including non-tobacco and non-nicotine containing products and other smoking paraphernalia, can aid retailer compliance and local law enforcement.

Should you have any questions about the information presented here, please do not hesitate to contact me.

Sincerely,

*Emily Nink 3/8/18*

Emily Nink, Policy Associate

Cc: Giancarlo Llaverias  
Don Sagliano  
Dale L. Borchert  
Hannah Black  
Kenneth Roman  
Rebecca Edwards  
Will Truitt  
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Joel Tyner  
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Nick Page  
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John M. Thomes  
Alan V. Surman  
Dierdre Houston

<sup>1</sup> U.S. DEP'T. OF HEALTH & HUMAN SERVS., PREVENTING TOBACCO USE AMONG YOUTH AND YOUNG ADULTS, A REPORT OF THE SURGEON GENERAL, 165 (2012) [hereinafter 2012 SG REPORT].

<sup>2</sup> *Id.* at 268, Table 3.1.9; see also CAMPAIGN FOR TOBACCO FREE KIDS, INCREASING THE MINIMUM LEGAL SALE AGE FOR TOBACCO PRODUCTS TO 21, 1 (2015).

<sup>3</sup> 2012 SG REPORT, *supra* note 1 at 268, Table 3.1.9; see E. Croghan et al., *The importance of social sources of cigarettes to school students*, 12 TOBACCO CONTROL 67, 67 (2003); INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMIES, PUBLIC HEALTH IMPLICATIONS OF RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS, S-4 (2015) [hereinafter IOM REPORT] (concluding an effective Tobacco 21 policy would lead to reduction in tobacco initiation particularly among 15 to 17 year olds).

<sup>4</sup> CAMPAIGN FOR TOBACCO FREE KIDS, INCREASING THE MINIMUM LEGAL SALE AGE FOR TOBACCO PRODUCTS TO 21, 1 (2015).

<sup>5</sup> Croghan, *supra* note 3 at 69-70; see also *id.* at 68 (finding 74% of occasional smokers report obtaining cigarettes from social sources); Leslie A. Robinson et al., *Changes in Adolescents' Sources of Cigarettes*, 39 J. ADOLESCENT HEALTH 861, 865 (2006); Leslie A Robinson et al., *Gender and Ethnic Differences in Young Adolescents' Sources of Cigarettes*, 7 TOBACCO CONTROL 353, 357 (1998).

<sup>6</sup> IOM REPORT, *supra* note 3 at 6-15; Joseph R DiFranza et al., *Sources of Tobacco for Youths in Communities with Strong Enforcement of Youth Access Laws*, 10 TOBACCO CONTROL 323, 327 (2001); CAMPAIGN FOR TOBACCO FREE KIDS, WHERE DO YOUTH SMOKERS GET THEIR CIGARETTES?, 1-2 (January 6, 2015) [hereinafter CTFK CIGARETTES]; see also Sajjad Ahmad, *Closing the youth access gap: The projected health benefits and cost savings of a national policy to raise the legal smoking age to 21 in the United States*, 75 HEALTH POLICY 74, 75 (2005); Kurt M Ribisl et al, *Which Adults Do Underaged Youth Ask for Cigarettes?*, 89 AM. J. PUBLIC HEALTH, 1561, 1562.

<sup>7</sup> CTFK CIGARETTES *supra* note 6; Jonathan P. Winickoff et al., *Retail Impact of Raising Tobacco Sales Age to 21 Years*, AM. J. PUBLIC HEALTH, e1 (September 2014) [hereinafter *Retail Impact*].

<sup>8</sup> Ahmad, *supra* note 6 at 75; Winickoff, *Retail Impact*, *supra* note 7 at e1.

<sup>9</sup> See IOM REPORT, *supra* note 3 at 5-19 (concluding the importance of social sources has increased since 1997 and that youth are unlikely to obtain cigarettes from other sources); see also *id.* at 5-9 (reporting no evidence youth are using illicit channels to get cigarettes and that bans on non-commercial distribution of cigarettes are unenforced).

<sup>10</sup> Shari Kessel Schneider et al., *Community reductions in youth smoking after raising the minimum tobacco sales age to 21*, 25 Tobacco Control 355, 357-358 (2016); Winickoff, *Retail Impact*, *supra* note 7 at e3; Jennifer A. Fidler et al., *Changes in Smoking Prevalence in 16-17-year-old versus older adults following a rise in Legal Age of Sale: Findings from an English Population Study*, 105 ADDICTION 1984-1988, 1986 (2010); see also Christopher Millet et al., *Increasing the age for the legal purchase of tobacco in England: Impacts on Socio-Economic Disparities in Youth Smoking*, 66 THORAX 10, 862-865 (2011) (finding a decrease in regular youth smoking across socioeconomic groups when legal age to purchase cigarettes was increased to 18).

<sup>11</sup> See Sajjad Ahmad, *The Cost-Effectiveness of Raising the Legal Smoking Age in California*, MEDICAL DECISION MAKING, 330-340, 331 (May/June 2005) 331 (finding that states with a consistent alcohol drinking age limit of 21 had lower levels of youth drinking than states that had a legal age limit of 18 at some period during the same time period); Winickoff, *Retail Impact*, *supra* note 7 at e2.

<sup>12</sup> IOM REPORT, *supra* note 3 at 2-21; see also *id.* at 4-14 ("A younger age of initiation is associated with an increased risk of many adverse health outcomes, such as a hospital inpatient stay in the past year and lifetime risk of respiratory disease, especially chronic obstructive pulmonary disease, and lung cancer"); see U.S. DEP'T. HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF SMOKING—50 YEARS OF PROGRESS: A REPORT OF THE SURGEON GENERAL, 113 (2014); see also Winickoff, *Retail Impact*, *supra* note 7 at e20.

<sup>13</sup> IOM REPORT, *supra* note 3 at 3-13 and 3-16; Winickoff, *Retail Impact*, *supra* note 7 at e3.

<sup>14</sup> IOM REPORT, *supra* note 3 at 2-20.

<sup>15</sup> CAMPAIGN FOR TOBACCO FREE KIDS, INCREASING THE MINIMUM LEGAL SALE AGE FOR TOBACCO PRODUCTS TO 21, 2 (2015) (citing 2012 SG REPORT, *supra* note 1).

<sup>16</sup> IOM REPORT, *supra* note 3 at 3-12.

<sup>17</sup> Winickoff, *Retail Impact*, *supra* note 7 at e1.

<sup>18</sup> IOM REPORT, *supra* note 3 at 3-14; see also *id.* at 3-8 ("The development of some cognitive abilities, such as understanding risks and benefits, is achieved by age 16. However, many areas of psychosocial

maturity, including sensation seeking, impulsivity, and future perspective taking continue to develop and change through late adolescence and into young adulthood.”); *see also id.* at 3-12 (“While the development of some cognitive abilities is achieved by age 16, the parts of the brain most responsible for decision making, impulse control, sensation seeking, future perspective taking, and peer susceptibility and conformity continue to develop and change through young adulthood.”); Alexander C. Wagenaar and Traci L. Toomey, *Effects of Minimum Drinking Age Laws: Review and Analyses of the Literature from 1960 to 2000*, J. STUDIES ON ALCOHOL, Suppl. 14, 220, 222 (2002).

<sup>19</sup> Natalia A. Goriounova & Huibert D. Mansvelter, Short- and Long-Term Consequences of Nicotine Exposure during Adolescence for Prefrontal Cortex Neuronal Network Function, 2 Cold Spring Harb Perspect Med (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3543069/> (last visited Mar 8, 2018).

<sup>20</sup> IOM REPORT, *supra* note 3 at S-6 and S-3.

<sup>21</sup> IOM REPORT, *supra* note 3 at 8-20.

<sup>22</sup> *See generally* SAMANTHA K. GRAFF, TOBACCO CONTROL LEGAL CONSORTIUM, THERE IS NO CONSTITUTIONAL RIGHT TO SMOKE 1-2 (2008); *see also* CounterTobacco, Rebutting Industry Arguments against POS, *available at* <http://countertobacco.org/resources-tools/evidence-summaries/rebutting-economic-arguments-against-pos/> (last visited Mar 8, 2018).

<sup>23</sup> 2012 SG REPORT, *supra* note 1, at 513.

<sup>24</sup> Stephen Babb, *Quitting Smoking among Adults — United States, 2000–2015*, 65 MORB. MORTAL. WKLY. REP., 1457, 1457 (2017).

<sup>25</sup> IOM REPORT, *supra* note 3 at 2–20.

<sup>26</sup> CAMPAIGN FOR TOBACCO FREE KIDS, INCREASING THE MINIMUM LEGAL SALE AGE FOR TOBACCO PRODUCTS TO 21, 2 (2015) (citing 2012 SURGEON GENERAL’S REPORT).

<sup>27</sup> *See* Ahmad, *supra* note 6 at 74 (finding that efforts to prevent youth smoking initiation could produce health benefits seven times greater than efforts to promote adult smoking cessation).

<sup>28</sup> *See* RJ Reynolds, “Estimated Change in Industry Trend Following Federal Excise Tax Increase,” September 10, 1982, Bates Number 513318387/8390, <http://legacy.library.ucsf.edu/tid/tib23d00;jsessionid=211D4CCF0DBD25F9DC2C9BB025239484.tobacco03> (“If a man has never smoked by age 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one.”); *see also* August 30, 1978 Lorillard memo from Achey to CEO Curtis Judge about the “fantastic success” of Newport. Bates No. TINY0003062 (“Our profile taken locally shows this brand [Newport] being purchased by black people (all ages), young adults (usually college age), but the base of our business is the high school student.”); *see also* September 30, 1974 R.J. Reynolds Tobacco Co. marketing plan presented to the company’s board of directors. Bates No. 501421310-1335 (“They represent tomorrow’s cigarette business. . . As this 14-24 age group matures, they will account for a key share of the total cigarette volume -- for at least the next 25 years.”)

<sup>29</sup> 2012 SG REPORT, *supra* note 1 at 8.

<sup>30</sup> 2012 SG REPORT, *supra* note 1 at 8, (discussing comprehensive policies as “effective in reducing the initiation, prevalence, and intensity of smoking among youth and young adults”); 2012 SG REPORT, *supra* note 1, at 135, (“further reductions in cigarette smoking are necessary and will likely require renewed intervention efforts” to achieve Healthy People 2020 goals).

<sup>31</sup> *See* Press Release, Governor of New York, Governor Cuomo Announces New York’s Smoking Rates Reduced to Lowest Levels in Recorded State History (June 8, 2015), <https://www.governor.ny.gov/news/governor-cuomo-announces-new-yorks-smoking-rates-reduced-lowest-levels-recorded-state-history> (last visited February 17, 2017) (adult smoking rate was 14.5% in 2014); *see also* New York State Behavioral Risk Factor Surveillance System (2014) (weighted adult population for 2014 was 14,461,387).

<sup>32</sup> CTRS FOR DISEASE CONTROL & PREVENTION, CURRENT CIGARETTE SMOKING AMONG ADULTS IN THE UNITED STATES, [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/adult\\_data/cig\\_smoking/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/adult_data/cig_smoking/) (2013); *see also* N.Y. Dept. of Health, Bureau of Tobacco Control, *Adult Smoking Prevalence in 2013: Overall and Disparities*, Statshot Vol. 8 No. 2 (February 2015), *available at* [https://www.health.ny.gov/prevention/tobacco\\_control/reports/statshots/volume8/n2\\_adult\\_smoking\\_prevalence\\_in\\_2013.pdf](https://www.health.ny.gov/prevention/tobacco_control/reports/statshots/volume8/n2_adult_smoking_prevalence_in_2013.pdf); IOM REPORT, *supra* note 3 at 2-9; *see also* LEGACY, TOBACCO FACTSHEET: YOUTH AND SMOKING, 2-3 (finding more than twice as many LGB students have smoked before age of 13 compared to heterosexual students; they smoke more than heterosexual counterparts; LGBT young adults smoke more than heterosexual young adults; Youth smoking increases with decreasing levels of parental education; more 19-22 year olds NOT enrolled in a 4 year college are smokers (compared to those who ARE enrolled in college).

- <sup>33</sup> N.Y. DEP'T OF HEALTH, BUREAU OF TOBACCO CONTROL, *Youth Cigarette Use at All-Time Low, ENDS Use Doubles*, Statshot Vol. 10, No.1 (March 2017).
- <sup>34</sup> AMERICAN CANCER SOCIETY CANCER ACTION NETWORK, PREVENTING MILLIONS OF LIVES LOST TO TOBACCO USE: MAKING THE NEXT GENERATION TOBACCO-FREE, <https://www.acscan.org/sites/default/files/Potential-for-Millions-Lives-Lost-to-Tobacco-Use.pdf> (February 2014) (last visited Mar 8, 2018); see also NEW YORK STATE DEPARTMENT OF HEALTH, SMOKING AND TOBACCO USE-CIGARETTES AND OTHER TOBACCO PRODUCTS, [https://www.health.ny.gov/prevention/tobacco\\_control/](https://www.health.ny.gov/prevention/tobacco_control/) (last visited Mar 8, 2018).
- <sup>35</sup> Robert Wood Johnson Foundation, County Health Rankings & Roadmaps, available at [www.countyhealthrankings.org](http://www.countyhealthrankings.org) (2017 County Health Rankings for New York).
- <sup>36</sup> King et al., *Attitudes toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults*, AM. J. OF PREVENTIVE MED. 1, 3 (July 15, 2015).
- <sup>37</sup> N.Y. DEP'T OF HEALTH, Non-Work Plan Policy Status, November 13, 2017, on file with authors.
- <sup>38</sup> Laura Cornelsen et al., *Systematic review and meta-analysis of the economic impact of smoking bans in restaurants and bars*, 109 ADDICT. ABINGDON ENGL. 720, 720 (2014); CAMPAIGN FOR TOBACCO FREE KIDS, SMOKE-FREE LAWS DO NOT HARM BUSINESS AT RESTAURANTS AND BARS, available at <https://www.tobaccofreekids.org/research/factsheets/pdf/0144.pdf> (2014); CAMPAIGN FOR TOBACCO FREE KIDS, SMOKE-FREE LAWS ARE GOOD FOR BUSINESS! (summarizing studies from 2006 to 2010), available at [https://www.tobaccofreekids.org/content/what\\_we\\_do/state\\_local\\_issues/smokefree/Business.pdf](https://www.tobaccofreekids.org/content/what_we_do/state_local_issues/smokefree/Business.pdf).
- <sup>39</sup> See KS Hudmon, *Tobacco sales in pharmacies: time to quit*, 15 TOB. CONTROL 35, 37 (2006) (reporting no pharmacy closures in Ontario following pharmacy sales ban and predicting limited profit impact); see also *id.* at 37 (studies show that pharmacy tobacco sales restrictions have no effect on retail economy or on consumers' decision to shop at pharmacies).
- <sup>40</sup> Jidong Huang & Frank J. Chaloupka, *The economic impact of state cigarette taxes and smoke-free air policies on convenience stores*, 22 TOB. CONTROL 91, 91 (2013); COUNTERTOBACCO, *supra* note 5.
- <sup>41</sup> See Jonathan P. Winickoff et al., *Retail impact of raising tobacco sales age to 21 years*, 104 AM. J. PUBLIC HEALTH e18, e20 (2014) (while high school smoking rate declined by 47% in 4 years following tobacco minimum sales age increase to 21, no retailers went out of business as of 2014).
- <sup>42</sup> Michael Erikson & Frank Chaloupka, *The Economic Impact of Clean Indoor Air Laws*, 57 CA CANCER J. CLIN. 367, 373 (Nov./Dec. 2007), available at <http://onlinelibrary.wiley.com/doi/10.3322/CA.57.6.367/pdf>.
- <sup>43</sup> Winickoff, *Retail Impact*, *supra* note 7 at e2.
- <sup>44</sup> Winickoff, *Retail Impact*, *supra* note 7 at e2 (uses number of cigarettes consumed by 18-20 year olds, so includes sales to those individuals as well as to others on behalf of those individuals.)
- <sup>45</sup> Winickoff, *Retail Impact*, *supra* note 7 at e2.
- <sup>46</sup> Winickoff, *Retail Impact*, *supra* note 7 at e2.
- <sup>47</sup> NEW YORK, DEPARTMENT OF MOTOR VEHICLES, NEW YORK'S NEW DRIVER LICENSE, available at <http://dmv.ny.gov/driver-license/nys-new-driver-license> (last visited February 17, 2017).
- <sup>48</sup> N.Y. Pub. Health Law § 1399-cc (2017).
- <sup>49</sup> Tompkins County, N.Y., LOCAL LAW No. 2, (May 3, 2017).
- <sup>50</sup> Chautauqua County, N.Y., Local Law No. 2 of 2016 (October 1, 2017).
- <sup>51</sup> Orange County, N.Y., Local Law No. 2 of 2017, (June 1, 2017).
- <sup>52</sup> CTRS FOR DISEASE CONTROL AND PREVENTION, FACT SHEET: HOOKAH SMOKING AND TOBACCO USE (2016), [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/) (last visited Mar 8, 2018); citing American Lung Association, HOOKAH SMOKING: A GROWING THREAT TO PUBLIC HEALTH (2011), <http://www.lung.org/assets/documents/tobacco/hookah-policy-brief-updated.pdf> (last visited Mar 8, 2018).
- <sup>53</sup> Erin Durkin, City Health Department busts 13 hookah bars, NY DAILY NEWS, <http://www.nydailynews.com/blogs/dailypolitics/city-health-departmentbusts-13-hookah-bars-blog-entry-1.2069318> (last visited Jan 20, 2017) (reporting that an undercover sting by the New York City Health Department in 2015 caught 13 hookah bars serving tobacco-containing shisha in violation of the Clean Indoor Air Act).
- <sup>54</sup> See Durkin, *supra* note 53 (reporting that New York City health officials sampled purportedly tobacco-free shisha sold by 13 hookah bars and found tobacco).
- <sup>55</sup> Vicky Yu et al., *Electronic Cigarettes Induce DNA Strand Breaks and Cell Death Independently of Nicotine in Cell Lines*, 52 ORAL ONCOL. 58-65 (2016); Kelly S. Schweitzer et al., *Endothelial Disruptive Proinflammatory Effects of Nicotine and E-Cigarette Vapor Exposures*, 309 AM. J. PHYSIOL. LUNG CELL. MOL. PHYSIOL. L175-187 (2015).
- <sup>56</sup> Esther E. Omaiye et al., *Counterfeit Electronic Cigarette Products with Mislabeled Nicotine Concentrations*, 3 Tobacco Regulatory Science 347-357 (2017).

## Morris, Carolyn

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**From:** William Gannon <navyman25@gmail.com>  
**Sent:** Monday, March 12, 2018 9:11 AM  
**To:** CountyLegislature  
**Subject:** Pls read

Dear Legislatures, I am a Veteran who has Never smoked, and have experienced first hand the side effects of smoking and those who smoked within my own family.. I do NOT agree active Military or in the reserves are exempt from this bill....

I have seen first hand at the local Veteran's Clubs the daily toll smoking has taken on veterans who have smoked for years and now have cancer and or have passed away, as within my own family.

Please watch this video from Chesterfield during WW2 and how they supported the War effort with free cigarettes... Unreal in today's world.

My Letter here supporting Joel Tyner as my legislature in this issue.

From: William Gannon  
Sent: Feb 10, 2018 9:02 PM  
To: Joel Tyner  
Subject: Smoking

utchess County Legislature Joel Tyner

I am asking you to approve and raise the the purchase of smoking products to 21 years old for all, including the Military.

I have seen the effects of smoking in my family first hand and what second hand smoke in the home can do since my birth.

I lost my mother at age 61, my twin in 2005 at age 54 and my sister in 1992 at age 51 due to medical issues caused by being a smoker. My father lived a long life but had heart disease with bypasses, cancer of the bladder and COPD being a heavy smoker. My father did quit, but it took a toll on him for many years after . Not easy to see your father who cannot breath, a terrible way to die.

I am a Veteran Era Veteran who has experienced this issue and was exposed from birth to current health laws preventing smoking in the workplace and all over in public buildings, parks etc. Very sad smoke breaks in the Navy were the only breaks in boot camp and in the work place for years and I never smoked..

I am very happy my wife and I never smoked and my children as adults now do not either.

Please vote to approve this bill and hopefully these kids will have a better chance to live a long life...

chesterfield video  
<https://www.youtube.com/watch?v=1A4oTyyRg4Y>

The foregoing Resolution No. 2018044, A Local Law Prohibiting the Sale of Cigarettes, Tobacco Products, Liquid Nicotine or Electronic Cigarettes to Persons Under 21 Years of Age, was laid on desks on February 13, 2018, amended at the Government Services and Administration Committee on March 8, 2018, relaid on desks March 12, 2018, and defeated in Government Services and Administration Committee on April 5, 2018.

No further action was taken on this resolution.

## Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	1	
District 5 - Town of Poughkeepsie	Roman*	2	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*	3	
District 4 - Town of Hyde Park	Black*	4	
District 20 - Town of Red Hook/Tivoli	Munn*	5	
District 1 - Town of Poughkeepsie	Llaverias	6	
District 3 - Town of LaGrange	Borchert		1
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)	7	
District 11 - Towns of Rhinebeck and Clinton	Tyner	8	
District 12 - Town of East Fishkill	Metzger (VC)	9	
District 14 - Town of Wappinger	Amparo	10	
District 22 - Towns of Beekman and Union Vale	Coviello	11	
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>	

MC / J Metzger

Moved to amend Section 3 after the last word add - except for all persons who are 18 years of age and are serving in the U.S. Military, 2018044 including National Guard and 3.8.18 Reserves.

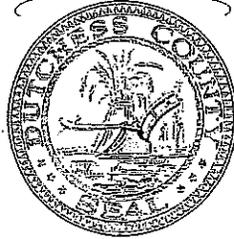
## *Government Services and Administration Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 5 - Town of Poughkeepsie	Roman*		2
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*		4
District 1 - Town of Poughkeepsie	Llaverias	2	
District 3 - Town of LaGrange	Borchert	3	
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner		6
District 12 - Town of East Fishkill	Metzger (VC)		7
District 14 - Town of Wappinger	Amparo		8
District 22 - Towns of Beekman and Union Vale	Coviello		9
<b>Present:</b>	<u>12</u>	<b>Resolution:</b>	<input checked="" type="checkbox"/>
<b>Absent:</b>	<u>0</u>	<b>Motion:</b>	<input type="checkbox"/>
<b>Vacant:</b>	<u>0</u>	<b>Total :</b>	<u>3</u> <u>9</u>
		<b>Abstentions:</b>	<u>0</u> <u>0</u>
			Yes     No

**2018044 A LOCAL LAW PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, LIQUID NICOTINE OR ELECTRONIC CIGARETTES TO PERSONS UNDER 21 YEARS OF AGE**

April 5, 2018

*Dutchess County Legislature*



Condolence: Salvatore "Tony" Domicoli

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

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Salvatore Domicoli, on January 19, 2018, at the age of 81, and

WHEREAS, Salvatore Domicoli, was born in Sicilia, Italy on January 6, 1937, and came to the United States in 1957, and

WHEREAS, Salvatore started as a laborer for Dutchess County May 1960, before becoming a Motor Equipment Operator in 1966 and a Construction Equipment Operator in 1978, retiring after 40 years of service to Dutchess county and its members, and

WHEREAS, Salvatore married Marie Digirolamo in 1957 and spent 59 years of marriage together. He is predeceased in death by Marie who passed away May 2017. Salvatore is survived by his 3 children; Anthony Domicoli, Nancy Domicoli, and Thomas J. Domicoli, and

WHEREAS, his 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 Salvatore Domicoli, and, be it further

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Salvatore Domicoli.

Resolution No. 2018045

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 13<sup>th</sup> day of February 2018, 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 13<sup>th</sup> day of February 2018.

*Carolyn Morris*  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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

Weston Blalock, Woodstock, NY, spoke regarding smart meters, information attached.

Cora Santos, Comprehensive Opioid Recovery Expansion Program, spoke regarding reducing opioid addiction and reducing the epidemic.

Dave Heller, Rhinebeck, spoke in opposition to smart meters and in favor of rank choice voting.

Constantine Kazolias, Poughkeepsie, spoke regarding censorship.

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

There being no further business, the Chairman adjourned the meeting at 8:20 p.m in memory of Salvatore "Tony" Domicoli.

TOWN OF WOODSTOCK  
45 COMEAU DRIVE  
WOODSTOCK, NY 12498

Public Service Commission

Re: Opt-Out Tariff Regarding Installation of Advanced Digital Metering Devices in Central Hudson's Service Territory, Case # 14-M-0196, Matter #14-0-01027

January 9, 2018

Hon. Kathleen H. Burgess  
Secretary to the Commission  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

Re: Petition for Rehearing

Dear Hon. Kathleen H. Burgess:

On June 17, 2015 the Town of Woodstock passed a resolution for an electro-mechanical analog utility meter opt-out with no fees. This was a unanimous vote (one absent). Further this resolution was supported by a petition signed by over 1,000 persons.

Please be advised that this issue continues to be of passionate interest to many townspeople—who see digital utility meters as a threat to their safety, health and privacy.

We therefore support Stop Smart Meters NY's petition to rehear this case. Most particularly since the commission failed to mention and take into consideration the 1,000-person petition in its October 20<sup>th</sup> decision.

Sincerely,

Bill McKenna, Supervisor

RESOLUTION NO. 2014016

RE: URGING PASSAGE OF STATE LEGISLATION TO ALLOW OPT-OUT RE:  
SMART METERS

Legislators TYNER, STRAWINSKI, JETER-JACKSON, MAC AVERY, and PERKINS offer the following and move its adoption:

WHEREAS, the American Academy of Environmental Medicine opposes the installation of "wireless smart meters" and states "chronic exposure to wireless radiofrequencies radiation is a preventable environmental hazard that is sufficiently well documented to warrant immediate preventative health action", and

WHEREAS, concerns come from, among other places, a recognition that the International Agency for Research on Cancer, part of the World Health Organization, classifies radiofrequency electromagnetic fields as possibly carcinogenic to humans, and

WHEREAS, research on the potential health impacts of smart meters it not yet conclusive, this Legislative Body believes there is sufficient concern expressed that consumers should be given a choice to "opt-out" of being forced to utilize "Smart Meters" rather than go without electricity, and

WHEREAS, in addition to public health concerns, public safety concerns exist in that many are concerned that utilizing "Smart Meters" enables "hackers" to electronically monitor the electricity usage of individuals making persons more susceptible to becoming crime victims if it can be determined when persons are home or not, and

WHEREAS, a bipartisan effort is underway in the New York State Legislature to ensure consumer choice exists in the State of New York as to whether persons should be forced to utilize "Smart Meters", and

WHEREAS, Senate Bill 3379-A and Assembly Bill 7799-A, sponsored by Senator Joseph Griffo and Assemblymember Michael DenDekker respectively are presently pending in the Finance Committee (in the case of the Senate) and the Energy Committee (in the case of the Assembly), and

WHEREAS, these bills would enable consumers to choose not to have a "Transmitting Utility Meter" utilized on their home, and, therefore be it

**RESOLVED, that the Dutchess County Legislature requests that a copy of this resolution be sent to the Dutchess County Board of Health to examine the potential health side effects "Smart Meters" would have on Dutchess County residents, the findings of the Board of Health will then be sent to our delegation within the New York State Legislature.**

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 21st day of January 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 21st day of January 2014.

## STATE OF NEW YORK

3379--A

2013-2014 Regular Sessions

IN SENATE

February 1, 2013

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to providing consumers the option to elect not to use transmitting utility meters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The public service law is amended by adding a new section  
 2 67-b to read as follows:  
 3 S 67-B. TRANSMITTING UTILITY METER; ELECTION NOT TO USE. NOTWITHSTAND-  
 4 ING ANY OTHER PROVISION OF LAW, THE COMMISSION IS AUTHORIZED TO PROVIDE  
 5 THAT CONSUMERS MAY ELECT NOT TO USE TRANSMITTING UTILITY METERS OF ANY  
 6 INVESTOR OWNED ELECTRIC LIGHT AND POWER COMPANY SUBJECT TO REGULATION BY  
 7 THE COMMISSION; PROVIDED, HOWEVER, THAT THE COMMISSION SHALL NOT CREATE  
 8 AND REGULATE A SURCHARGE FOR CONSUMERS WHO MAKE SUCH AN ELECTION. FOR  
 9 PURPOSES OF THIS SECTION, THE TERM "TRANSMITTING UTILITY METER" MEANS AN  
 10 ELECTRIC METER THAT IS CAPABLE OF RECORDING CONSUMPTION OF ELECTRIC  
 11 ENERGY AND COMMUNICATING SUCH INFORMATION UTILIZING TWO-WAY COMMUNI-  
 12 CATION BETWEEN THE METER AND THE ELECTRIC SUPPLIER FOR MONITORING AND  
 13 BILLING PURPOSES.  
 14 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06558-03-3

STATE OF NEW YORK

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7799--A

2013-2014 Regular Sessions

I N A S S E M B L Y

June 4, 2013

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Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to providing consumers the option to elect not to use transmitting utility meters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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12 CATION BETWEEN THE METER AND THE ELECTRIC SUPPLIER FOR MONITORING AND  
13 BILLING PURPOSES.  
14 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06558-02-3

NEW YORK STATE  
PUBLIC SERVICE COMMISSION

Case 14-M-0196 – Tariff filing by Central Hudson Gas & Electric Corporation to establish fees for residential customers who choose to opt out of using Automated Meter Reading devices.

PETITION FOR REHEARING

Pursuant to 16 NYCRR §3.7(b) "Rehearing may be sought only on grounds that the Commission committed an error of law or fact." In this case, the Commission has done both.

In its Order Granting, In Part, and Denying, in Part, Requests for Modifications of Opt-Out Tariff (Issued and Effective October 20, 2017) in Case 14-M-0196, the Commission has committed several factual errors, ignores evidence presented in "Filed Documents" and "Public Comments", which is an error of law, and draws conclusions based on false and irrelevant information. In addition, while Case 14-M-0196 was in process, the Commission refused to accept a number of "Public Comments" relating to health.<sup>1</sup> [footnotes at end]. In its report, the Commission also failed to mention a petition, sent to the NYSPSC and signed by over 1,000 Woodstock residents, seeking a no-fee analog meter choice. These are additional errors of law depriving the commenters of their right to be heard and violating the Commission's long-standing policy of transparency.

The Commission concluded that New York State residents must accept electronic utility meters, transmitting or not, without full disclosure concerning them. Further they opined that analog meters are not available and do not comply with undisclosed standards.

This ruling was based on the conclusion by the Commission that "The question of safety in this context is a public policy determination and not a scientific conclusion." This determination is erroneous. It is science - human health and biology, radiofrequency radiation, electrical engineering, and electrical fire safety that must be examined, but has been ignored.

Although the NYSPSC is not a health agency, this report shows a disregard for public health and safety and a lack of understanding of the topics.

The Commission has concluded in its report that there are no health and safety hazards associated with electronic utility meters, but it has never investigated health and safety-related complaints.

Consequently, Stop Smart Meters NY asks that the NYS PSC review these errors of fact and law, requesting rehearing of Case 14-M-0196.

### **BACKGROUND**

Since 2011, many complaints have been made to the NYSPSC from across New York State regarding illnesses and electrical problems caused by the installation of both transmitting and "non-transmitting" electronic utility meters, especially from Central Hudson customers. The NYSPSC has not investigated any of these complaints.

New York State residents have submitted comments to several NYSPSC proceedings, relating to health and electrical problems they experienced after the installation of transmitting and "non-transmitting" electronic meters. The NYSPSC has ignored these comments.

Throughout the last six years, as evidenced in the proceedings below, the NYSPSC has ignored the public health and electrical fire dangers caused by electronic utility meters. Public Comments and Filed Documents continue to be disregarded in all of the following NYSPSC proceedings:

#### **NYSPSC Case Number 10-E-0285** (see Public Comments)

"Proceeding on Motion of the Commission to Consider Regulatory Policies Regarding Smart Grid Systems and the Modernization of the Electric Grid" (See 59 Public Comments)

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=10-E-0285>

After this proceeding, the PSC wrote the 2011 "Smart Grid Report". The report raised questions about the health safety, privacy and cyber security aspects of electronic utility meters. However, the Commission's own questions were subsequently ignored and never investigated or resolved.

#### **NYSPSC Case Number 14-M-0101**

New York State Public Service Commission "Reforming the Energy Vision" proceeding:

(See Public Comments - mainly on pages 13,14,15)

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=14-m-0101&submit=Search+by+Case+Number>

Video -NYSPSC REV Hearings in Kingston, NY

[https://www.youtube.com/watch?v=0w7W7-aL\\_jg](https://www.youtube.com/watch?v=0w7W7-aL_jg)

<https://www.youtube.com/watch?v=pBp0sCQL28A>

("smart" meter complaints and comments were made at the NYSPSC Long Island and Westchester REV hearings but were not filmed)

Over 1,000 Woodstock residents signed a petition regarding "smart" meters that

prompted a SAPA proceeding:

**DOS SAPA**

document: <http://docs.dos.ny.gov/info/register/2016/march23/pdf/rulemaking.pdf>  
(Page 8) relates to the following:

**NYSPSC Case: 14-M-0196**

Tariff filing by Central Hudson Gas & Electric Corporation to establish fees for residential customers who choose to opt out of using Automated Meter Reading devices.

(See Public Comments and Filed Documents)

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=14-M-0196&submit=Search+by+Case+Number>

**In its report for case number 14-M-0196, the Commission:**

- Refers to information and misinformation relating to electronic utility meters, taken from the opinions of industry, EPRI—an organization funded by the electric utility industry—and government regulators from other states relating to utility meters that are not the same as the ones being installed by Central Hudson.
- Fails to uphold freedom of speech by refusing to allow some New York State residents to submit comments, if those comments were related to health.
- Claims falsely that analog meters are not available.
- States that analog meters do not comply with ANSI standards. For decades, analog meters complied with all regulations required by the NYSPSC for accuracy and this has not changed.
- States that analog meters are difficult to fix. Parts are available, analog meters rarely break and they last for about 30 years.
- Fails to mention the petition, signed by 1,000 people, mostly residents of Woodstock, asking for a no-fee analog meter choice.
- Fails to address the electrical fire hazards of transmitting and "non-transmitting" electronic utility meters that were raised in case number M-14-0196.
- Risks public health by making the decision not to disclose to the public that electronic utility meters have risks.

- Endangers public health by relying on 30-year-old FCC guidelines as a benchmark for RF radiation safety. These outdated guidelines are in the process of being reviewed. Close to 1,000 scientists, doctors, professionals and citizens submitted comments to an FCC proceeding requesting that the FCC change its guidelines to be more protective of biological life. Also submitted were thousands of scientific studies and documentation about RF radiation harm. More information about this can be found at: Why the FCC Must Strengthen Radiofrequency Radiation Limits in the U.S. <https://ecfsapi.fcc.gov/file/7520956218.pdf>
- Suggests that studies show there is no harm from RF radiation exposure. The Commission, without any scientific analysis and based on only industry opinion, dismisses the BioInitiative Report, an important compilation of studies related to RF radiation emissions. Many more scientific studies that show biological harm can be found at PowerWatch.org
- Fails to mention the United States government study released by the National Toxicology Program (NTP) in 2016. This study showed that RF radiation causes biological harm and cancer. This study cannot be dismissed when investigating transmitting electronic utility meters because, in many cases, where there are electronic utility meters installed, there is whole body exposure to RF radiation. In addition, Stop Smart Meters NY has measured RF from so called non-transmitting electronic meters, as can be seen in the following video: Central Hudson Fortis Smart Meter Destroy Family's Health N.Y. <https://www.youtube.com/watch?v=VuIWjLhMvh8>
- Fails to address the exposure to RF radiation of New York State residents who live with these meters inside their homes or residents who live near banks of transmitting utility meters in apartment buildings.
- Concludes falsely that "Solid-state meters are no different than other electronic devices used inside and outside the home such as razors, coffee makers, cameras, and cell phones, all of which have devices that convert AC to DC." Electronic utility meters are completely different from all other electrical and electronic devices and should never have been treated as the same. Electronic utility meters, transmitting or not, are installed upstream from the circuit breaker panel, connected to both the entire electrical system of a building and at the same time to the utility-side electrical wiring. This is not true of any other electrical or electronic device. As an example - a coffee maker is plugged into one outlet that is connected to one electrical circuit that is, in turn, attached to one circuit breaker inside of a circuit breaker panel.

The decision made in this proceeding to eliminate analog meters is not based on facts, but instead on a number of untrue statements and flawed conclusions by the Commission.

The Commission made its decisions without ever investigating the RF emissions and the electrical fire hazards caused by electronic utility meters.

We therefore ask the Commission to provide us with any and all testing that was required or performed on electronic utility meters before the meters were approved by the NYSPSC. This would include testing for RF radiation emissions exposure, electrical fire safety and meter accuracy. We also ask that the Commission provide us with any and all cost analysis or cost studies done by the NYSPSC relating to the installation of electronic utility meters.

Consequently, we ask that the NYSPSC answer our questions, review the errors of law and fact itemized above and we request a rehearing of case 14-M-0196.

Thank you.

Michele Hertz  
StopSmartMetersNY.org  
Hastings on Hudson, NY

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<sup>1</sup> In a phone conversation on March 24, 2017, Michele Hertz (SSMNY) asked Michael Corso (NYSPSC) why the PSC was not posting some comments. Mr. Corso refused to give a reason, but told Hertz that no more comments relating to health would be posted in this proceeding.

**Comment submitted to PSC 14-M-0196 on 2/12/18:**

Bradley M. Barnes

33 Whispell Rd.

West Shokan, NY 12494

(845) 657-8625

Ms. Kathleen Burgess

Secretary of The NY Public Service Commission

Empire State Plaza

Agency Building 3

Albany, NY 12223-1350

1 (800) 342-3377

Dear Secretary Burgess,

Smart meters ruin lives. People are being hurt. I have seen women cry because of the smart meters on their homes. People must have a choice to be allowed not to have the digital smart meter on their homes for the protection of their health. The most important function of government is to protect its citizens. Why are we not being protected? Why do we not have a choice of a safe analog mechanical electric meter?

I was at home when my smart meter was installed. Within one hour I noticed my symptoms: a high-pitched ringing in my head and I couldn't relax as before. I immediately called Central Hudson to report this and asked for my old meter to be re-installed, as I already felt and knew I was in big trouble. Soon I found I could not work, sleep or read as well as I did before the smart meter was installed. The stress and irritability caused by my smart meter is constant and non-stop. There is NO relief; my problems concentrating are continuous. I work from my home, and I feel I have become partially disabled. My entire quality of life has been destroyed.

I am absolutely certain my digital smart meter is without any doubt in my mind the cause of my problems. Because I am NOT allowed to remove my smart meter, I did all I could do and was permitted to do on my own to try and solve the problem and to counter-act or neutralize the smart meter and alleviate my symptoms. I was allowed to have the smart meter moved 200 ft. away from my home at the personal expense of \$5,000, all to no avail and no relief. I went to visit a medical doctor. The only solution, of course, is to have the digital smart meter removed. The smart meter is still here. I am still having the same horrible symptoms as the day it was installed.

Collateral damage is a term used in warfare. When a few civilian are killed because a bomb went off in the wrong place; these lives cannot be brought back. My experience of collateral damage is not death but something called "living in hell". Now, my own home, which I own because of my own hard work, has become hell; to live there and be unable to rest is torture. Health, home and happiness is all gone since the installation of my digital smart meter. How many people must continue to become "collateral damage" before any one in State Government cares about US!?

I soon learned that, already, four years ago, both my Town of Olive Board and The Ulster County Board had passed resolutions supporting the right of meter choice. Many states have now passed laws for Free Choice of Meters for their residents. Many intelligent people have looked into this health problem and taken action to protect people. Why hasn't New York State yet to do the same thing?

These are not just words written on paper. If you could think and empathize for a moment this could happen to you or a loved one of your own. Perhaps, then you could have some compassion for those of us being impacted and made very sick by digital smart meters. We might be only a small group of people who are affected by their digital smart meter. However, we are their "collateral damage"; it is NOT fair lives are being ruined! I am a citizen, I am a consumer, it is on my home and property. Isn't the burden of responsibility always to weigh on the side the side of safety? I should have the right of choice a safe electric meter for my health. The utility company needs to give people, like me, a choice and allow them remove the smart meter from their homes.

Sincerely yours,

Bradley Barnes

**Comment submitted to PSC 14-M-0196 on 2/11/18:**

On January 17, 2018 my letter to the Daily Freeman was published. In it I assert that analog meters are the only safe meter and express my concerns about fire safety and health issues. Well. Next thing I know I receive a letter from Central Hudson dated January 19, 2018 entitled Mandatory Testing Program. In this letter there is no mention of testing at all. It is totally about replacement. Letter offers me a 30 day opt out of an AMR for a non-transmitting digital meter. Otherwise, if i don't opt out CH will slap an AMR meter on my home.

I surely feel CH has targeted me and violated my right to free speech because of my letter to the editor wherein I also mentioned the opt out is now available without any added monthly charges.

I want to keep my analog meter. I have felt threatened and as I say targeted because I spoke against CH. The idea of having a health and fire causing device on my home is revolting and causing me tremendous anxiety. My relative in Maryland gets to keep her analog, with a \$16 fee per month. I would prefer to keep my analog or a refurbished analog without an added fee but I would just as soon give CH \$16 a month to keep the analog.

## Protect yourself and those you love:

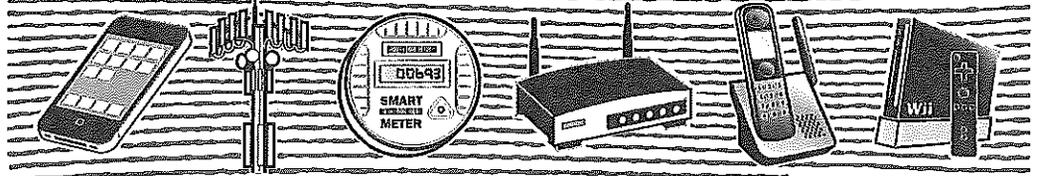


- **GET WIRED!** Ethernet cables provide faster, safer, more secure internet connections.
- **USE A CORDED LANDLINE.** Cordless phones are as dangerous as cell phones.
- **KEEP YOUR DISTANCE. TURN IT OFF.** Manuals tell you to keep phones out of your pocket and away from your skull. Run notebook computers on battery, turn off wireless functions, and use a corded external keyboard and mouse.
- **DO NOT USE WIRELESS DEVICES INSIDE METAL ENCLOSURES,** like cars, elevators, buses, and trains. Here, radiation greatly increases, harming you and those around you.
- **WIRELESS RADIATION IS NOT FOR CHILDREN OR PREGNANT WOMEN.** Prenatal and childhood exposure is linked to hyperactivity, behavioral problems, brain changes, and autism.
- **DITCH THE "SMART" METER**—it pulses microwave radiation 24/7/365. Demand a non-electronic, electromechanical analog meter—no "dirty electricity" or microwaves.
- **TELL YOUR FRIENDS AND FAMILY.** Browse our website for sources, scientific studies, and solutions. Help those you love rethink their exposure and reduce their risk.

**References & Resources Available at: [StopSmartMeters.Org/warning](http://StopSmartMeters.Org/warning)**  
info@stopsmartmeters.org • SSM! PO Box 682 Portola, CA 96122 • Toll Free Hotline (888) 965-6435

# PUBLIC HEALTH WARNING

**ALL WIRELESS DEVICES EMIT MICROWAVE RADIATION—a known biological hazard**



**EVERY TIME YOU USE A WIRELESS DEVICE, YOU ARE EXPOSED TO MICROWAVE RADIATION.** The World Health Organization (WHO) labels this radiation a Class 2B possible cancer-causing agent in the same category as lead, DDT, and chloroform. Cell phones, towers, cordless phones, tablets, laptops, "smart" meters, microwaves and wi-fi routers all add to the "electro-smog."

**MICROWAVE RADIATION IS HARMFUL TO YOU.** Scientists link this radiation to diseases, both long-term and short-term: cancer, infertility, DNA damage, damage to fetuses, sleep problems, memory and behavior problems, heart problems and many others.

**MANY PEOPLE HAVE BECOME "ELECTRO-HYPER-SENSITIVE" (EHS)** and cannot tolerate common exposures, seriously impacting their health, job, housing, and social lives.

**GOVERNMENT REGULATIONS DO NOT PROTECT YOU.** FCC guidelines were written decades ago and ignore current science linking microwaves to human disease. The City of Berkeley, CA has passed a law requiring health warnings at all cell phone retailers, though the wireless industry is fighting these efforts in court under the guise of free speech.



**Fires and Explosions:** Fatalities and serious injuries have been caused by smart meter fires and explosions. Following fire incidents, hundreds of thousands of smart meters have been recalled in Saskatchewan, Pennsylvania, Arizona, Florida, Oregon, and elsewhere. In early 2015, electrical surges caused hundreds of smart meters to explode off of the walls in Stockton and Capitola, California.



## “Smart” Meter Radiation is a Serious Risk to Our Health.

**Cancer & RF Radiation.** The World Health Organization (WHO) states that radio frequency (RF) electromagnetic fields (EMF) from non-ionizing radiation-emitting devices (such as “smart” meters, cell phones, and wi-fi) are a Class 2B possible cancer causing agent in the same category as lead, DDT, and chloroform. Studies show DNA breaks and damage.

“Smart” meters pulse RF radiation up to 190,000 times/ day at levels hundreds of times stronger than that which have been found to cause serious health problems. Children, pregnant women, seniors, those with immune deficiencies, medical conditions, pacemakers and implants are especially at risk.

**Upon installation of smart meters and infrastructure,** some people report headaches, ringing ears, dizziness, breathing problems, insomnia, nausea, cognitive problems, memory loss, muscle spasms, rashes, heart problems, and even seizures. Some have had to abandon their homes. Electro-Hypersensitivity (EHS) can be caused (and worsened) by exposure.

**Time bomb.** Peer-reviewed science confirms many harmful effects of EMF emitting technologies like smart meters. At first, the dangers of smoking and asbestos were ignored. Many illnesses, like cancer, take years to develop. Will you allow the utilities to put your family’s health at risk?

“Adverse neurological effects have been reported in people who sustain close proximity to wireless meters, especially under 10 feet,” say 54 experts in 20 countries, including Joel Moskowitz of UC Berkeley School of Public Health and David Carpenter, Director, University of Albany NY Institute for Health and the Environment.



## WHAT CAN WE DO?

- Inform elected officials that you oppose smart meters—hold them accountable.
- Organize a public meeting or panel discussion on the subject.

- Refuse together with your community. There is power in numbers.
- Take direct action to block deployments and have smart meters removed.

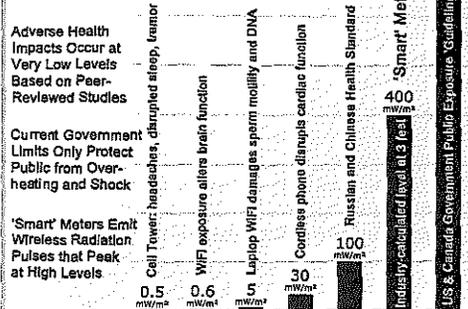
### If you have an analog meter:

- Send a certified letter to utility refusing consent.
- Secure analog meters behind locked gates or lock box.
- Do not allow installers on your property. Call police if they trespass. Form a neighborhood watch.
- Tell them “You are trespassing, Get off my property, I prohibit installation of the digital meter.”

### If you have a “smart” meter:

- Don’t agree to illegal ‘opt out’ fees. We never opted in!
- Revoke consent by certified letter (samples on our website). Set a deadline for removal.
- Insist on written confirmation that replacement meters are “electromechanical analogs with no electronics.”
- When utilities refuse to remove unauthorized “smart” meters, people are buying analog meters online and having them installed. **It can be dangerous to swap an electric meter if you don’t know what you are doing.**
- In the event of a disconnect, be prepared to speak out to the local council, the community, and the media. Report service cuts and other abuses to us.
- Get it in writing! Keep copies of all correspondence. Avoid circular conversations. Ask for a supervisor. **Insist on an analog meter for no charge. Don’t back down.**
- Don’t give up your power or your rights—assume the utility company is being deceptive.

## “Smart” Meter Wireless Radiation Comparison



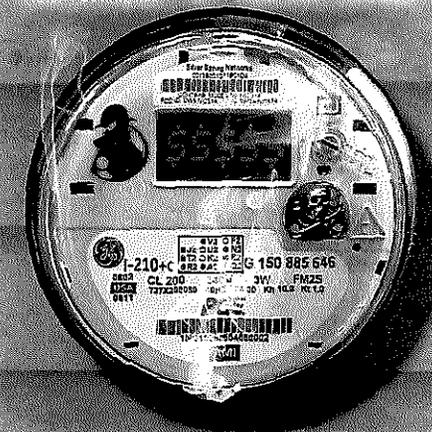
More detailed information at: [SmartGridAwareness.Org](http://SmartGridAwareness.Org)

Please contact your local organization above, or use our local group directory at [StopSmartMeters.org/groups](http://StopSmartMeters.org/groups) info@stopsmartmeters.org • PO Box 682 Portola, CA 96122 Toll-Free Hotline 888 965-6435

For more info, copies of this brochure, FAQ, DVD’s, EMF meters, organizing support and advice, and to donate or volunteer please contact us



# “SMART” METERS



**Costing You Money. Risking Your Health, Privacy and Safety.**

## What is a “Smart” Meter?

An electronic utility meter that:

- Allows utilities, governments, and third parties the ability to spy on your home life
- Emits wireless microwave radiation and dirty electricity that cause health problems
- Can catch fire, explode and damage appliances
- Typically increases utility bills

Communities worldwide are rejecting “smart” meters, ordering safety recalls, and restoring analogs. However, utilities continue to mislead the public and install without a mandate, using coercion,

**VERIFY!** Thousands of published and peer-reviewed scientific papers show environmental and human health damage from microwave radiation. To learn more and reduce your risk, go to: [StopSmartMeters.org/warning](http://StopSmartMeters.org/warning). You and your community have the right to safety, health, and justice. Did you know? Health



## Why are utilities replacing reliable analog electric, gas and water meters with "smart" meters?

- To cut costs by firing meter readers.
- To obtain federal grants (your tax dollars).
- To charge you more during "peak" hours.
- To enable remote shut-off.
- To extract data on your family's behavior.

## Smart Meters are NOT Green.

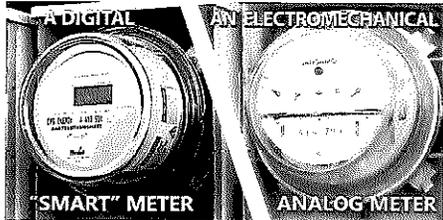
The manufacture and operation of millions of power-consuming "smart" meters and data centers increases carbon and electrosmog pollution. No power savings have been attributed to "smart" meters, which squander resources needed for efficiency and local renewable energy. RF radiation damages life.

## Types of "Smart" Meters:

**AMI (Advanced Metering Infrastructure)** uses a "mesh network" of wireless pulses between meters and utility antennas; can remotely shut off power.  
**AMR (Automated Meter Reading - aka OMR/ERT)** broadcast your info for utility drive-by reading. 'Bubble up' type transmit all the time, 'wake up' when signaled.  
**PLC (Power Line Communication) aka TWACS** transmits your data over power lines. Though this is a wired system, 'dirty electricity' radiates inside homes.  
**"Radio Off" Digital Meters** can still be surveillance devices, cause "dirty electricity" and health problems, overcharge and burn. Utilities may turn radio "on."

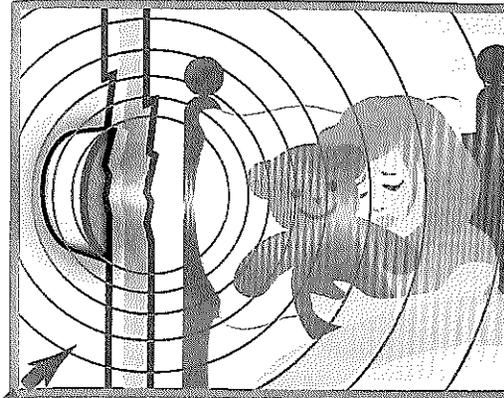
## Know the Difference

**Bottom Line: If it's plastic and electronic, refuse it.** Demand a "non-electronic electromechanical analog." Beware "Trojan Horse" meters that resemble analogs. An FCC number = wireless. Use an EMF Meter from Stop Smart Meters! to be sure. Discounted Meters, advice, and support available at: [StopSmartMeters.org/store](http://StopSmartMeters.org/store)



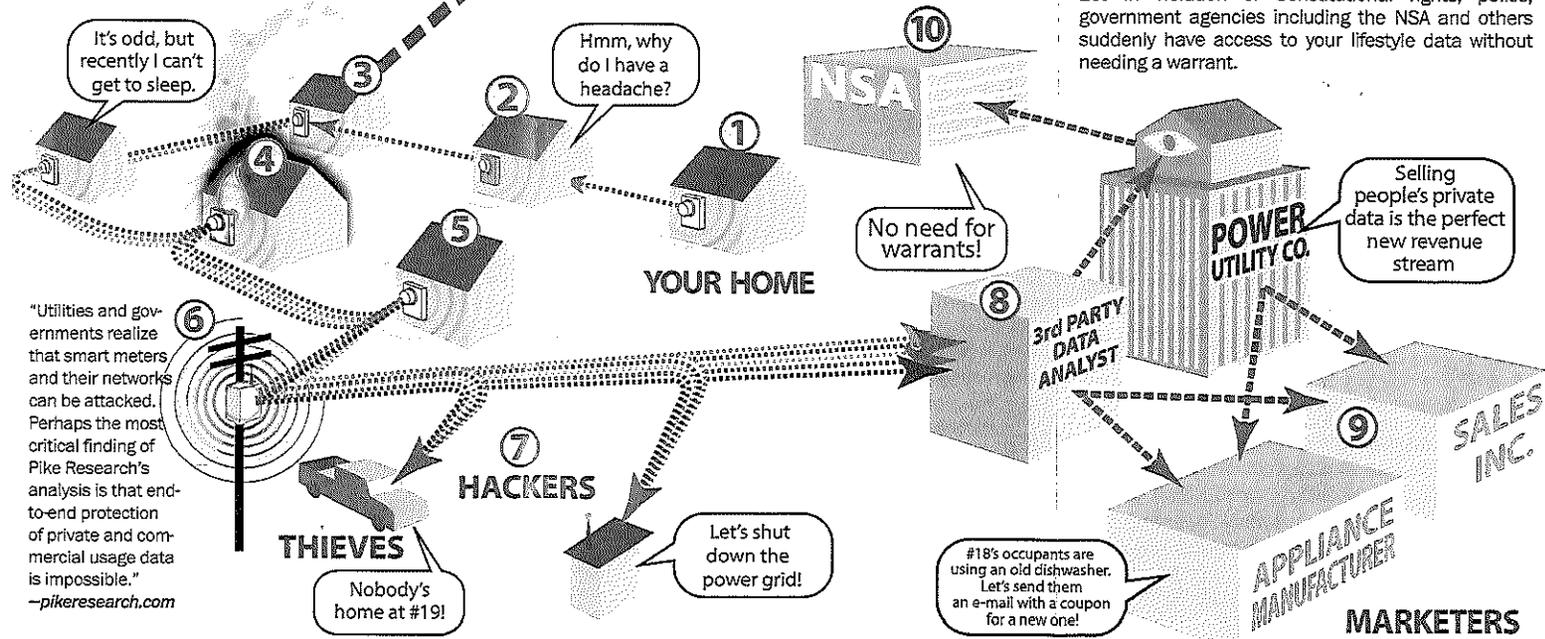
# The Path of Your Privacy: How an AMI "SMART" METER MESH NETWORK really works

1. In an AMI "mesh network," data is transmitted from one "smart" meter and sent by wireless microwave pulses on to the next house's meter, and the next . . .
2. Although a neighbor may choose to keep or replace their analog meter, they may still be exposed to microwave radiation from surrounding meters.
3. Anyone whose outside wall has a "smart" meter, or who lives adjacent to banks of meters suffers strong bursts of pulsed radiation, all day and night long, up to 190,000 times/day.
4. "Smart" Meters- made cheaply of plastic, carrying high voltage, and installed by temp workers, are prone to fire and explosion and have caused multiple injuries and fatalities.
5. Random homes get "collector meters," through which data from hundreds of homes is funneled. Radiation exposure is dramatically multiplied for these families who are never informed that their meter is the "collector."



A child sleeping on the other side of the wall from a meter or meters is subject to involuntary pulsed radiation at levels far above what peer-reviewed science has found harmful.

6. The accumulated data is sent to the utility's data collection unit mounted on a pole (maybe near your home) where it is sent on to a data collection company via cell tower.
7. But first, the easily-hacked wireless data may be intercepted by unauthorized parties, and electricity to homes, or entire cities can be remotely shut down.
8. A third-party company hired by the utility receives detailed data about your private activities; what appliances you use, how many people are home, when you go to bed, when you go on vacation, what TV program you watch etc. Utility bills often significantly rise after a "smart" meter is installed.
9. Utilities want us to buy smart-grid-enabled appliances (that also emit RF into our homes) so they can remotely power down or shut them off, and get more precise usage info that they can sell to marketers. Your personal info may be sold on by the data subcontractor.
10. In violation of Constitutional rights, police, government agencies including the NSA and others suddenly have access to your lifestyle data without needing a warrant.



"Utilities and governments realize that smart meters and their networks can be attacked. Perhaps the most critical finding of Pike Research's analysis is that end-to-end protection of private and commercial usage data is impossible."  
 -pikeresearch.com

"A so-called 'Smart Grid' that is as vulnerable as what we've got is not smart at all, it's a really really stupid grid."

-James Woolsey, former CIA Director, 2011

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