## Attendance Sheets

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

Bradford Kendall
Dutchess County Clerk
<table>
<thead>
<tr>
<th>Municipality Name</th>
<th>Count</th>
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<td>Amenia</td>
<td>4</td>
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<tr>
<td>Beekman</td>
<td>2</td>
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<tr>
<td>City of Beacon</td>
<td>4</td>
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<tr>
<td>City of Poughkeepsie</td>
<td>5</td>
</tr>
<tr>
<td>Clinton</td>
<td>2</td>
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<tr>
<td>Dover</td>
<td>2</td>
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<tr>
<td>East Fishkill</td>
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<tr>
<td>Fishkill</td>
<td>3</td>
</tr>
<tr>
<td>Hyde Park</td>
<td>7</td>
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<tr>
<td>La Grange</td>
<td>3</td>
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<tr>
<td>North East</td>
<td>1</td>
</tr>
<tr>
<td>Pawling</td>
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<tr>
<td>Pleasant Valley</td>
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<tr>
<td>Rhinebeck</td>
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<tr>
<td>Stanford</td>
<td>3</td>
</tr>
<tr>
<td>Town of Poughkeepsie</td>
<td>11</td>
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<tr>
<td>Union Vale</td>
<td>2</td>
</tr>
<tr>
<td>Wappinger</td>
<td>8</td>
</tr>
<tr>
<td>Washington</td>
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</tr>
</tbody>
</table>

Total: 74
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 5th 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 3rd 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 18th and 19th 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

<table>
<thead>
<tr>
<th>DATE</th>
<th>AMOUNT</th>
<th>BY PAYMENT TO THE COMMISSIONER OF FINANCE</th>
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<td>March 6th, 2017</td>
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<td>May 4th, 2017</td>
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<td>June 6th, 2017</td>
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<td>July 6th, 2017</td>
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<td>August 4th, 2017</td>
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<td>September 6th, 2017</td>
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<td>October 5th, 2017</td>
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<td><strong>TOTAL</strong></td>
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<td>DESCRIPTION</td>
<td>TOTALS</td>
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<td>---------------------------------------------------------</td>
<td>-----------</td>
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<tr>
<td>RECORDING DEEDS</td>
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<td>RECORDING MORTGAGES</td>
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<td>RECORDING OTHER PAPERS</td>
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<tr>
<td>MOTOR VEHICLE BUREAU FEES*</td>
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<td>SALES TAX COMMISSION-MOTOR VEHICLE</td>
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<td>MORTGAGE TAX ALLOWANCE</td>
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<td>TRANSFER TAX ALLOWANCE</td>
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<td>COURT FEES ALLOWANCE</td>
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<td>LOCAL RECORDS MANAGEMENT</td>
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<td>PASSPORT PHOTOGRAPHS</td>
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<td>INTEREST</td>
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<td>CREDIT CARD SURCHARGE FEES</td>
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<tr>
<td>TOTAL *</td>
<td>$ 4,916,223.40</td>
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* does not include DMV Interest Revenue of $110,327.15 which is electronically deposited from NYSDMV to the Commissioner of Finance
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTALS</th>
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<tbody>
<tr>
<td>Record Deeds</td>
<td>$418,610.00</td>
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<td>Record Mortgages</td>
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<td>Underpayment Fees</td>
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<td>Notary-Clerk Fee</td>
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<td>Photograph</td>
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<td>Express Maller</td>
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<td>Red Hook Affidavit</td>
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<td>Sales Tax Allowance</td>
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<tr>
<td>Mortgage Tax Allowance</td>
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<td>Transfer Tax Allowance</td>
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<td>Interest DMV</td>
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<td>Credit Card Surcharge</td>
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<td><strong>GENERAL TOTAL</strong></td>
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<tr>
<td>Motor Vehicle Poughkeepsie</td>
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<tr>
<td>Motor Vehicle Beacon</td>
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<td>Motor Vehicle Pawling</td>
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<td>Motor Vehicle Millbrook</td>
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<td>Motor Vehicle Wappingers Falls</td>
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<td><strong>MOTOR VEHICLE TOTAL</strong></td>
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<td>Refunds</td>
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<td>Miscellaneous Fines</td>
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<td>Red Hook Transfer Tax</td>
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<td>Notary-State Fee</td>
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<td><strong>TRUST TOTAL</strong></td>
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<td>Motion/Cross Motion</td>
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<td>DNA Reg Fee</td>
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<td>Crime Victims Assistance Fee</td>
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## INSTRUMENT REPORT 2017

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### COURT RECORDS & PAPERS

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### MISCELLANEOUS

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**TOTAL**                                                  **103225**         **99862**         **11.47%**
## LAND RECORDS

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<th>OCT</th>
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- **Assignment of Mortgage**
  - 247
- **Deed**
  - 848
- **Discharge of Mortgage**
  - 727
- **Mortgage**
  - 830
- **Red Hook Transfer Tax**
  - 24
- **RP-5217**
  - 675
- **Transfer Tax (Actual Deed Transfers)**
  - 709
- **Building Loan**
  - 9
- **Condo Lien**
  - 7
- **Mortgage**
  - 20
- **Notice of Lending**
  - 3
- **Redemption Certificate**
  - 156
- **Subtotal**
  - 4241

## COURT RECORDS & PAPERS

- **Certificate of Dissolution**
  - 53
- **Civil Notice/Appeal**
  - 17
- **Index Numbers - Clerks Min**
  - 135
- **NYSCF Index Numbers**
  - 246
- **No Fees Index Numbers**
  - 20
- **Jury Demand**
  - 17
- **Us Pendens**
  - 86
- **Motion/Cross Motion**
  - 123
- **Note of Issue**
  - 72
- **Request For Judicial Intervention**
  - 205
- **SAR**
  - 0
- **Separation Agreement**
  - 3
- **Stipulation/Discontinuance**
  - 152
- **Clerk's Minutes Judgments**
  - 113
- **Defendant Judgment**
  - 15
- **Issue Execution**
  - 11
- **Issue Transcript of Judgment**
  - 4
- **Transcript of Judgment**
  - 80
- **Transcript of Judgment - No Fee**
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- **Satisfactions of Judgment**
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- **Conventions**
  - 40
- **Fine**
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- **Indemnity**
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## MISCELLANEOUS

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- **Corporations**
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- **Express Mailer**
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- **Federal Tax Liens**
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- **Filed Maps (New)**
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- **Map Sold**
  - 22
- **Military Discharges**
  - 5
- **Miscellaneous Record**
  - 3
- **Notaries**
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- **Overpayment**
  - 232
- **Passports**
  - 284
- **Photographs**
  - 294
- **Pilot Permits**
  - 107
- **Underpayment**
  - 71
- **Uniform Commercial Code Filings**
  - 103
- **Subtotal**
  - 1780

## TOTAL

- **8449**

(Continued on next page)
## MOTOR VEHICLE YEARLY REPORT
### DUTCHESS COUNTY CLERK'S OFFICE

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

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<td>23,438</td>
<td>23,374</td>
<td>22,803</td>
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</tr>
</tbody>
</table>
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**

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

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**Chart of Accounts:**
- **COA - US64513**
- **Department:** LEGISLATURE
- **Organization Set:** A.I0I0I
- **Account Number:** 4160

**Grand Total:**
- **1 Transaction(s)**
- **$0.00**
- **$69.99**
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.

Contingency – Adopted $1,500,000

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.

Capital Reserve Balance $147,340
*Includes interest earned

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

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<th>Budget Amendments</th>
<th>Amended Budget</th>
<th>Current Month Transactions</th>
<th>YTD Transactions</th>
<th>YTD Encumbrances</th>
<th>YTD Transactions</th>
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**Thursday, January 18, 2018**

user: Pantano, Gina
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:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Term</th>
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<tbody>
<tr>
<td>Todd Jicha</td>
<td>18 Stoutenburg Drive, Hyde Park, NY 12538</td>
<td>01/01/18-12/31/20</td>
</tr>
<tr>
<td>Ann Rush</td>
<td>c/o Dutchess County Department of Behavioral &amp; Community Health, 85 Civic Center Plaza, Poughkeepsie, NY 12601</td>
<td>01/01/18-12/31/20</td>
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<tr>
<td>Brian Jones</td>
<td>c/o Dutchess County Office for the Aging, 27 High Street, Poughkeepsie, NY 12601</td>
<td>01/01/18-12/31/20</td>
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</table>
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 13th 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 13th day of February 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE
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,

[Signature]

---

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
SUMMARY OF QUALIFICATIONS

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

1. Extensive experience serving as an instructor, instructor and advisor, providing leadership and supervisory qualifications.
2. Adapt with accident reconstruction, site investigation and analysis. 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 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 Reconstruction: 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 (2002-present).
- Experience serving as Acting Sergeant, Certified Police Instructor and General Topics Instructor.
- Diversified experience conducting weapons inspections on department handguns (2005-present).

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, 2009
Outstanding Police Officer Award - Dutchess County STOP-DWI, 1997 & 1999.

EDUCATION

B.S., Criminal Justice, Mercy College, Dobbs Ferry, NY, 1982 (Advisor: Psychology)
A.A.S., Criminal Justice, Dutchess Community College, Poughkeepsie, NY, 1979
Municipal Police Training Council - Basic Course for Police Officer & Patrol Officer, 1983
New York State Commission of Correction, Albany, NY - Correction Officer Basic Training; 1981
Professional Development Training - Sr. Administrator

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.
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
Doppler and Lidar Traffic Radar Certified Operator
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,

Sajida Marzouka, J.D., MPH
Assistant Commissioner for Administration

SJM:send
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
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.

Career history


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)
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

Social media presence:
twitter.com/knockatlze     facebook.com/brian.jones.ny     linkedin.com/in/mlsterjones
Anthony P. Russo

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

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

- 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

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Present: 11  
Absent: 1  
Vacant: 0  

Resolution: ✓  
Motion: ☐  
Total: 11  
Abstentions: 0  
Yes  
No

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2018033 CONFIRMING REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

February 8, 2018
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<th>District</th>
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Present: 25  Resolution: ✔  Total: 24  Abstentions: 0
Absent: 0  Motion:  
Vacant: 0  Yes  No
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
A.6070.4413 Competitive Grant Program $123,250
0

APPROPRIATIONS
A.6070.4413 Competitive Grant Program $55,800
0

REVENUE
A.6070.36230.03 Juvenile Delinquent STS $31,000
A.6119.36190.06 Child Abuse Prevention $24,800
$55,800

CA-024-18
AMS/kvh/G-0179
01/16/18
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 13th 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 13th day of February 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 2/16/18
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 Olumet, 845-486-3635
Prepared On: 1/16/2018
# Environment Committee Roll Call

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**Present:** 1  **Absent:** 0  **Vacant:** 0  **Resolution:** ✓  **Motion:**  ____  **Total:** 12  **Yes**  **No:** 0  **Abstentions:** 0

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**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**
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Present: 25  Resolution: ✓  Total: 25 0
Absent: 0  Motion:  
Vacant: 0  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
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

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 13th 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 13th day of February 2018.

CAROLEE HARRIS, 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

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

Identify Line Item(s):
H0384.5110.3009 Roads ISTEA

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  2829
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 THIS 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__, 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 Basement(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 Basement. The Temporary Basement 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 Basement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Basement for an additional one year. The Buyer shall include a check for the sum of $_______, with said written notification to the Seller.

13239
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 25th day of **October**, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

[Signature]
Department of Law

[Signature]
Department of Public Works

APPROVED AS TO CONTENT:

[Signature]

COUNTY OF DUTCHESS

Print Name: __________________________
Title: __________________________
"EXHIBIT A"
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

ACQUISITION DESCRIPTION

Type: FEE
Portion at Real Property Tax
Parcel ID No.
13689-6250-01-023182-0000

Town of Wappinger
County of Dutchess
State of New York

REALIGNMENT OF COUNTY ROUTE 93
MYERS CORNERS ROAD

O A U H I N I O N OF THE DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS,

John L. Pozo
& Maureen L. Pozo
(REPUTED OWNERS)

L. 1640 P. 146

Town of Wappinger
County of Dutchess
State of New York

John L. Pozo
& Maureen L. Pozo
(REPUTED OWNERS)

AUSTIN A. DEMELLO
(REPUTED OWNER)

285 MYERS CORNERS ROAD

1. HI VIEW ROAD
292.02 SQ. METER:
3,035.58 SQ. FT

SCALE 1:600
ONE INCH EQUALS 60 FEET

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Sheet 1 of 2
Map No. 37
Parcel No. 45
Pin 07546.45
REALIGNMENT OF COUNTY ROUTE 93
MYERS CORNERS ROAD
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
PIN 8755.45
PARCEL NO. 45
MAP NO. 37
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 for 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 PROPERTY OF JOHN L. POZO AND MAUREEN L. POZO, REPUTED OWNERS ON THE EAST AND THE PROPERTY OF JUSTIN A. DECELLO, REPUTED OWNER ON THE WEST, SAID POINT BEING 8,604.81 DIStANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+776.3204 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) THENCE NORTH 35°37'01" WEST ALONG SAID DIVISION LINE 9,652.13 FT. TO A POINT 17,664.91 DIStANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+721,2902 OF SAID BASELINE; THENCE NORTH 84°36'69" EAST THROUGH THE PROPERTY OF JOHN L. POZO AND MAUREEN L. POZO, REPUTED OWNERS; 22,287.16 FT. TO A POINT ON THE WESTERLY BOUNDARY OF HI VIEW ROAD, THE LAST MENTIONED POINT BEING 18,649.54 DIStANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+763.8194 OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED WESTERLY BOUNDARY OF HI VIEW ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 10,815.86 FT. A DISTANCE OF 19,685.52 FT. TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 7,461.59 DIStANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+760,9903 OF SAID BASELINE; THENCE NORTH 87°38'56" WEST ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD 14,621.90 FT. TO THE POINT OF BEGINNING, SAID PARCEL BEING 282.02 SQUARE METERS (3,032.62 SQUARE FEET) MORE OR LESS.

The above mentioned survey baseline is a portion of the 2016 survey baseline for the realignment of County Route 93 Myers Corners Road, and is described as follows:

BEGINNING AT STATION 3+564.3382; THENCE NORTH 87°37'41" EAST TO STATION 3+706.311.

All bearings referred to true north at the 74°30' MEdIAN OF WEST Longitude.

[Signature]
Robert H. Boland, R.E.
Commissioner of Public Works

[Signature]
Mark Oiler - Land Surveyor
Public License No. 56952
18 Commerce Way, Suite 203
Albany, NY 12206

Unlawful to reproduce or copy this map, in whole or in part, without the written consent of the Commissioner of Public Works, or the owner of the survey, or the person approved to reproduce or copy this map.

Date: Sept. 19, 2017
PREPARED BY: R. Doerks
CHECKED BY: S. Ribulski
Final CHECKED: A. Ribulski
### Public Works and Capital Projects Roll Call

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Present: \[\frac{11}{1}\]  
Absent: \[\frac{1}{0}\]  
Vacant: \[\frac{0}{0}\]  

Resolution: ✓  
Motion:  
Abstentions:  
Total: \[\frac{11}{0}\]  
Yes  
No

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**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
### Roll Call Sheets

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Present: 25  
Absent: 0  
Vacant: 0  
Resolution: ✓  
Motion:  
Total: 25

**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/kvhR-0946-GG
1/16/18
Fiscal Impact: See attached statement

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 13th 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 13th day of February 2018.

CAROLYN WORRIS, CLERK OF THE LEGISLATURE

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 2/16/2018
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 Item(s):
H0384.5110, 3009 Roads ISTEA

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 CATHARINE 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 ________________, 20___. 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 25th day of October, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM: 

[Signature]

Department of Law

APPROVED AS TO CONTENT: 

[Signature]

Department of Public Works

COUNTY OF DUTCHESS

Print Name: ____________________________

Title: ____________________________
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 OR PROPERTY HERETFORTHER 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 DEPUTED OWNER ON THE EAST AND THE PROPERTY OF LINCOLN, INC. DEPUTED OWNER ON THE WEST, SAID POINT BEING 16.975m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF THE SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD; THENCE NORTH 12° 35' 20" WEST ALONG SAID DIVISION LINE 5.473m (12.51 ft.) TO A POINT 16.212m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE THROUGH THE PROPERTY OF CATHERINE HUGHES DEPUTED OWNER ON THE WEST AND THE PROPERTY OF CAROL A. MELISH (REPUTED OWNER) ON THE EAST, THE LAST MENTIONED POINT BEING 3.871m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE; THENCE SOUTH 12° 35' 20" EAST ALONG SAID DIVISION LINE 1.962m (6.43 ft.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) ON THE EAST AND THE PROPERTY OF CAROL A. MELISH (REPUTED OWNER) ON THE WEST, THE LAST MENTIONED POINT BEING 3.043m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE; THENCE SOUTH 83° 32' 40" WEST 3.578m (11.73 ft.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) ON THE EAST AND THE PROPERTY OF CAROL A. MELISH (REPUTED OWNER) ON THE WEST, THE LAST MENTIONED POINT BEING 3.043m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE; THENCE SOUTH 83° 32' 40" WEST 3.578m (11.73 ft.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF CATHERINE HUGHES (REPUTED OWNER) ON THE EAST AND THE PROPERTY OF CAROL A. MELISH (REPUTED OWNER) ON THE WEST, THE LAST MENTIONED POINT BEING 3.043m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 3+926.393± OF SAID BASELINE; AND (2) SOUTH 83° 32' 40" WEST 3.578m (11.73 ft.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 103,632 SQUARE METERS (1,034,867 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+911.192±, THENCE NORTH 66° 35' 40" EAST TO STATION 4+014.759±. 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 the project, and the acquisition thereof is recommended.

Date: Sept 13, 2011

Robert H. Bottorf, P.E.
Commissioner of Public Works

[Stamp] 2011

Mark Deter - Land Surveyor
P.L.S. License No. 050478
Hosier Consulting P.A.
18 Computer Drive East, Suite 203
Albany, NY 12205
### Public Works and Capital Projects Roll Call

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| Present: 11 | Resolution: ✓ | Total: 11 Yes 0 No |
| Absent: 1   | Motion:       | Abstentions: 0 |
| Vacant: 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
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Present: 25  
Absent: 0  
Vacant: 0  
Resolution: ![Yes]  
Total: 25  
Motion:  
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
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/kvb/R-0946-T
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 13th 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 13th 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):
H0384.8110.3009 Roads ISTEA

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 26) 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 2029
AGREEMENT TO PURCHASE REAL PROPERTY

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 227.42± 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.


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, 201___. 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 Basement(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 Basement. The Temporary Basement 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 Basement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Basement 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 collected on a fiscal year basis, excluding delinquent items, interest and penalties; real 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 ______ day of ____________, 20____, the parties have entered into this Agreement.

APPROVED AS TO FORM:

[Signature]

WILLIAM EDWARDS

 Seller: KAREN SEIDEN EDWARDS

Department of Law

Department of Public Works

APPROVED AS TO CONTENT:

COUNTY OF DUTCHESS

Print Name: ____________________________

Title: ____________________________
EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS.

REALIGNMENT OF
COUNTY ROUTE 93
MYERS CORNERS ROAD

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 HEREAFTER DESIGNATED AS PARCEL NO. 2B, 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 MARK A. LANCASTER AND LINDSEY LANCASTER, IMPYED OWNERS ON THE EAST, AND THE PROPERTY OF WILLIAM EDWARDS AND KAREN SEIDER EDWARDS, IMPYED OWNERS ON THE EAST, SAID POINT BEING 5.221m, DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 4+172.504 of the hereinbefore described survey baseline for the realignment of County Route 93 Myers Corners Road, thence South 21° 52' 56" East along said division line 2.155m to a point 9.01m distant southeasterly measured at right angles from station 4+172.513 of said baseline. Thence along the last mentioned southerly boundary of County Route 93 Myers Corners Road the following two (2) courses and distances: (1) South 99° 43' 54" West 13.501m 0.026ft. to a point 6.33m distant southeasterly measured at right angles from station 4+172.321 of said baseline and (2) South 55° 10' 26" West 6.222m 0.026ft. to the point of beginning. Said parcel being 21.13m square, meters 227.432 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 4+074.759 thence North 60° 05' 41" East to STATION 4+187.644 thence South 88° 35' 29" East to STATION 4+358.151.

All bearings referred to true north at the 74°30' meridian of west longitude.

I hereby certify that the property shown above is necessary for the project, and the acquisition described below is recommended.

Date: 2017

Robert R. Biddulph, P.E.
Commissioner of Public Works

Unintended omission 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: 2017

Mark Dolzer - Land Surveyor
P.L.S., License No. 050470

Nazar Consulting P.E.
1B Computer Drive East, Suite 203
Brockport, NY 14420

MAP NUMBER
REVISED DATE
DATE PREPARED
## Public Works and Capital Projects Roll Call

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- **Present:** 11
- **Absent:** 1
- **Vacant:** 0
- **Resolution:** ✓
- **Motion:**
- **Total:** 11 | 0
- **Abstentions:** 0

### Resolution 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

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Present: 25
Absent: 0
Vacant: 0

Resolution: ✓
Motion: ___

Total: 25 Yes 0 No
Abstentions: 0

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**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
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 13th 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 13th 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):
HO384.5110.3009 Roads ISTEA

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

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.

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 4th 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

**APPROVED AS TO CONTENT:**

Department of Public Works

**SOLDIER:**

[Signature]

**Print Name:**

[Signature]

**Title:**

MOUNT HOPE GRANGE # 902

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

**APPROVED AS TO FORM:**

Department of Law

**APPROVED AS TO CONTENT:**

Department of Public Works

**SOLDIER:**

[Signature]

**Print Name:**

[Signature]

**Title:**

COUNTY OF DUTCHESS

[Signature]

**Print Name:**

[Signature]

**Title:**

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 simple, 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. 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 MIE-HUDSON ISLAMIC ASSOCIATION, INC. (REPUTED OWNER) ON THE EAST, SAID POINT BEING 2.502m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+467.624± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD; THENCE SOUTH 12°-03'-04" EAST ALONG SAID DIVISION LINE 3.053m+10.0±FT.± TO A POINT 5.54± DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+467.624± OF SAID BASELINE; THENCE SOUTH 77°-30'-00" WEST THROUGH THE PROPERTY OF MOUNT HOPE GRANGE 902 (REPUTED OWNER) 16.82±m±5.5±FT.± TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 7.0±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 2+467.624± OF SAID BASELINE THENCE ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD NORTH 67°-06'-03" EAST 16.82±m±5.5±FT.± TO THE POINT OF BEGINNING, SAID PARCEL BEING 25.39± SQUARE METERS 127.3± SQUARE FEET MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2016 SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 2+604.71±4 THENCE NORTH 42°-32'-46" EAST TO STATION 2+599.32±.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74°-30' MERIDIAN OF WEST LONGITUDE.
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, 5th Floor
Poughkeepsie, NY 12601
Tel: 845-486-2110
Fax: 845-486-2002
### Public Works and Capital Projects Roll Call

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

Present: 11
Absent: 1
Vacant: 0

Resolution: ✔
Motion: 

Total: 11
Yes
No

Abstentions: 0

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**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
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.

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 13th 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 13th day of February 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

APPROVED

MARCUS J. MOLINARO
COUNTRY EXECUTIVE

DATE 2/16/2018
FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

<table>
<thead>
<tr>
<th>Total Current Year Cost</th>
<th>$5,700</th>
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</thead>
<tbody>
<tr>
<td>Total Current Year Revenue</td>
<td>$5,415</td>
</tr>
</tbody>
</table>

and Source

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

Identify Line Items(s):  
H0364,6110.3009(6) Roads ISTEA

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 116.38+/- 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

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: Gld #6258-02-820317),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: lawn, mls, 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 ___/___/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 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 21st day of September, 2017, the parties have entered into this Agreement.

**APPROVED AS TO FORM:**

Department of Law

**APPROVED AS TO CONTENT:**

Department of Public Works

**SELLER:**

Hua Xia

Attorney in Fact

Xia Ping Wang

**COUNTY OF DUTCHESS:**

Print Name: ________________________________

Title: ________________________________
REALIGNMENT OF COUNTY ROUTE 93
MYERS CORNERS ROAD
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

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 Enforcement Procedure Law.

A PERMANENT EASEMENT TO BE EXERCISED BY ON AND OVER THE PROPERTY ABOVE DELINEATED FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING AND MAINTAINING WITHIN THE WIDENING OF COUNTY ROUTE 93 MYERS CORNERS ROAD FOR THE REALIGNMENT OF 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. KUWICZ REPUTED OWNER ON THE WEST AND THE PROPERTY OF JUNIA XIA JI AND XIA PING WANG REPUTED OWNERS ON THE EAST, SAID POINT BEING 6.67± DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION (3+031.034± OF SAID BASELINE) THROUGH THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD THENCE SOUTH 08°.24'·45" EAST ALONG SAID DIVISION LINE 2.93±±m53±TFI TO A POINT 9.82±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE THENCE THROUGH THE PROPERTY OF JUNIA XIA JI AND XIA PING WANG REPUTED OWNERS THE FOLLOWING SIX (6) COURSES AND DISTANCES:

(1) SOUTH 84°.46'·39" EAST 23.2±±m6.6±TFI TO A POINT 10.1±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE, THENCE ALONG THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD 7.1±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE THENCE NORTH 84°.24'·45" WEST ALONG THE LAST MENTIONED SURVEY BASELINE 14.4±±m9±TFI TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 25.2±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

(2) SOUTH 84°.11'·15" WEST 45.6±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

(3) SOUTH 84°.46'·39" WEST 2.9±±m±±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

(4) SOUTH 84°.11'·15" EAST 25.2±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

(5) SOUTH 84°.46'·39" WEST 45.6±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

(6) SOUTH 84°.11'·15" EAST 25.2±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

THENCE NORTH 11'·34'·45" WEST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD 7.2±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE, THENCE SOUTH 84°.11'·15" EAST 25.2±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 1.3±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+014.55± OF SAID BASELINE.

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER 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, SAID POINT BEING 10.65± DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD. THENCE THROUGH THE PROPERTY OF JUNIA XIA JI AND XIA PING WANG REPUTED OWNERS THE FOLLOWING THREE (3) COURSES AND DISTANCES:

(1) SOUTH 08°.24'·45" EAST 14.4±±m9±TFI TO A POINT 7.1±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF SAID BASELINE,

(2) SOUTH 84°.46'·39" EAST 2.9±±m±±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD,

(3) SOUTH 84°.11'·15" WEST 25.2±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 7.2±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF SAID BASELINE.

THENCE SOUTH 84°.11'·15" EAST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD 6.3±±m±±TFI TO THE POINT OF BEGINNING, SAID PARCEL BEING 35.1±±m2 SQUARE METERS 0.4±±m2 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 OWNERS' SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING THE CHANNEL OF WAPPONGER CREEK THROUGH THE PROPERTY OF JUNIA XIA JI AND XIA PING WANG REPUTED OWNERS, WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES AND ESTABLISHED THEREUPON, 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± DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 MYERS CORNERS ROAD. THENCE THROUGH THE PROPERTY OF JUNIA XIA JI AND XIA PING WANG REPUTED OWNERS THE FOLLOWING THREE (3) COURSES AND DISTANCES:

(1) SOUTH 08°.24'·45" WEST 14.4±±m9±TFI TO A POINT 7.1±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF SAID BASELINE,

(2) SOUTH 84°.46'·39" EAST 2.9±±m±±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD,

(3) SOUTH 84°.11'·15" WEST 25.2±±m12±TFI TO A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 MYERS CORNERS ROAD, THE LAST MENTIONED POINT BEING 7.2±±m DISTANCE SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+017.27± OF SAID BASELINE.
Public Works and Capital Projects Roll Call

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Present: 11
Absent: 1
Vacant: 0

Resolution: ✓
Motion: ___
Abstentions: 0

Total: 11 Yes 0 No

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

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**Present:** 25  
**Absent:** 0  
**Vacant:** 0  
**Resolution:** ✓  
**Total:** 25  
**Abstentions:** 0

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
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:
Name | Map No. | Parcel No. | Acres | Proffered Amount
--- | --- | --- | --- | ---
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.

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 13th 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 13th 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

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

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<td>6,510.33 +/-</td>
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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
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 ‘’. 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

www.dutchessny.gov
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**

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Present: 11
Absent: 1
Vacant: 0

Resolution: ✓
Motion: ___

Total: 11
Abstentions: 0

**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.
FISCAL IMPACT STATEMENT

□ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

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<td>Other (explain)</td>
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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 875874: 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 $10,100.00.

   ☐ 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 February 3G, 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 ___ day of December, 2017, the parties have entered into this Agreement.

APPROVED AS TO FORM:

Department of Law

Paul Hogan

Seller:

Claran Egan

Seller:

APPROVED AS TO CONTENT:

COUNTY OF DUTCHESS

Print Name: ________________________________

Title: ________________________________
EXHIBIT A
COUNTY OF DUTCHESS
ACQUISITION MAP
FIN 0708.74

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

PAUL HOGAN & CIARAN EGAN
(REPUTED OWNERS)

PARCEL SUMMARY
Type: Fee
Parcel of Tax Map Blk.
No. 133989-7274-06-204418
Town of North East
County of Dutchess
State of New York

PUBLIO MARKS
DOC. 2010 3297

0 100 200
Scale 1" = 100'
Scale 1" = 100'

LANDS N/F
PAUL HOGAN & CIARAN EGAN
DOC. 2010 3297
FEE AREA:
38,243 sq. ft.
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 situated 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 the intersection with the property division line between lands now or formerly of Paul Hogan and Ciaran Egan (reputed owners) on the south and lands now or formerly of Elvis L. Morin (reputed owner) on the north, said point being 211.6± feet distant easterly measured at right angles from Station 334+27.8± of the survey baseline for the construction of the Harlem Valley Rail Trail; thence North 68°34'56" East, along said property division line, a distance of 93.9± feet to a point, said point being 278.2± feet distant easterly measured at right angles from Station 334+27.8± of said baseline; thence southerly through said lands of Paul Hogan and Ciaran Egan (reputed owners) the following two (2) courses and distances: 1) South 01°24'28" West, a distance of 517.5± feet to a point, said point being 205.6± feet distant easterly measured at right angles from Station 328+05.7± of said baseline; and 2) South 33°42'58" West, a distance of 125.5± feet to a point on the easterly boundary of lands now or formerly of the People of the State of New York (reputed owners), said point being 125.5± feet distant easterly measured at right angles from Station 328+05.7± 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 623.8± feet to the point or place of beginning, said parcel being 39,240± 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 08°30'43" W to Station 355+05.53.

All bearings referred to True North at the 74°30' Meridian of West Longitude.
I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT, AND THE ACQUISITION THEREOF IS RECOMMENDED.

Date: [Signature]

HERBERT H. BALDWIN, P.E.
DEPUTY COMMISSIONER OF PUBLIC WORKS

RECOMMENDED BY

Date: [Signature]

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

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

Date: December 17, 2018

JOHN G. CUNN, JR., LAND SURVEYOR
P.A., LICENSE NO. 99029
CUNN-SCARRA & ASSOCIATES LLP
### Public Works and Capital Projects Roll Call

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Present: 11
Absent: 1
Vacant: 0

Resolution: ✓
Motion: ___

Total: 11 0
Yes 0
No

**Resolutions:**

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

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Present: 25  
Absent: 0  
Vacant: 0

Resolution: ✓  
Motion:  
Total: 25  
Yes:  
No: 0  
Abstentions: 0

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### 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
JMT/kvh/L-5663
01/23/18
Fiscal Impact: attached.

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 13th 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 13th 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)

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<th>Total Current Year Cost</th>
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<td>Total Current Year Revenue</td>
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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

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Present: 19
Absent: 0
Vacant: 0

Resolution: √

Total: 11 Yes 0 No

Abstentions: 0

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2018042 AUTHORIZING SETTLEMENT FROM JUDGMENT & CLAIMS

February 8, 2018
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Present: 25
Absent: 0
Vacant: 0

Resolution: √
Motion: 

Total: 24
Yes: 24
No: 0
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
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 13th 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 13th day of February 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE
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; the Legislature or his/her designee, who is competent to execute service of process in the State of New York. In the event that 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(1).

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 (b) "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 as 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 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
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 yea 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,
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</table>
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

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Present: 12
Absent: 2
Vacant: 0

Resolution: ✓
Motion: ✓

Total: 10 Yes 0 No

Abstentions: 0

#1
HB/R Sagliano
ok

2018043
2.8.18
See attached sheet
### Government Services and Administration Roll Call

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- **Present:** 10
- **Absent:** 2
- **Vacant:** 0
- **Resolution:** 
- **Motion:** ✓
- **Total:**
  - **Yes:** 3
  - **No:** 7
  - **Abstentions:** 0

- Signature:
  - 2K
  - H B

- Notes:
  - defeated
  - see attached sheet

- Date: 2018043
- 2-8-18
# Government Services and Administration Roll Call

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Present: 10  
Absent: 2  
Vacant: 0  
Resolution:  
Total: 3 7  
Motion: Y  
Abstentions: 0  
Yes  
No

#3 HBL KM

defeated

see attached sheet

2018043  
2.8.18
## Government Services and Administration Roll Call

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**Absent:** 2  
**Vacant:** 0  

**Resolution:** ✓  
**Motion:** ✓  
**Total:** Yes 10, No 0  
**Abstentions:** 0

JT / DS

#4

See attached sheet

2018043  
2.8.18
## Government Services and Administration Roll Call

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Present: 10  
Absent: 2  
Vacant: 0  
Resolution: Yes
Motion: ✓
Total: 3  
Abstentions: 0  

# 5  JT/Km

2018043  2.8.18

defeated  see attached sheet
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.

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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.
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

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<th>District</th>
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<th>No</th>
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Present: 10  
Absent: 2  
Vacant: 0  
Resolution: ✔  
Motion: ✔  
Total: 8  
Yes  
No  
Abstentions: 0

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2018043  Adoption of the Permanent Rules of the Dutchess County Legislature
## Roll Call Sheets

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**Present:** 25  
**Absent:** 0  
**Vacant:** 0

**Resolution:**  
**Motion:**  
**Total:** 14 **Yes** 11 **No**

Call the question

Defeated

2018043  
2.13.18
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Present: 25
Absent: 0
Vacant: 0

Resolution: √

Motion: Yes

Total: 11
Yes
No

Abstentions: 0

#20 KM/HB
2018043
(see attached)
2.13.18
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Present: 25
Absent: 0
Vacant: 0

Resolution: 1
Motion: 
Total Yes: 8
No: 9
Abstentions: 0

Signed:

2018043
2.13.18 (see attached)
Amendments to propose for 2018

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Present: 25
Absent: 0
Vacant: 0

Resolution: 
Motion: 
Total: Yes No
Abstentions: 

2018.043
2.13.18

failed
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 coponsors, and a majority vote of the legislature.
### Roll Call Sheets

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<tr>
<th>District</th>
<th>Last Name</th>
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Present: 25  
Absent: 0  
Vacant: 0  
Resolution: 1  
Motion:  
Total: 13  
Abstentions: 0  

2018043 ADOPTION OF THE PERMANENT RULES OF THE DUTCHESS COUNTY LEGISLATURE

February 8, 2018
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, Carolyn Morris, 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 9th 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 9th day of April 2018.

Carolyn Morris, Clerk of the Legislature
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 high school 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 or Caitlin O Brien Caitlin.Obrien@heart.org
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.\(^1\) The Department of Defense (DoD) estimates that 175,000 current Active Duty Service members will die from smoking unless they are able to quit.\(^2\) Almost all smokers start smoking before the age of 21,\(^3\) 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\(^4\), 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.\(^5\) 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.\(^6\) The Department of Defense and the Army, Navy, Marines, and Air Force have each set goals to become tobacco-free.\(^7\) 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.”\(^8\)

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.”\(^9\)
- 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.\(^10\)
  - 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."\(^11\)
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."\(^\text{12}\)

- 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."\(^\text{13}\)

- 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."\(^\text{14}\)


**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.\(^\text{16}\) 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.\(^\text{17}\)

**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.\(^\text{16}\) 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. In addition, close to half of all military service members (49.2%) used a nicotine product in the past twelve months.

Alarmingly, many current military smokers - 36 to 40 percent - report initiating tobacco use after joining the military. 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. 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.

Tobacco use is a deadly and addictive behavior that compromises the readiness and health of our military and prematurely kills half its adult users. 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

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Raising the Tobacco Sale Age to 21 and The Military


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

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). On this day, smoking among members of the military remains higher than among the general population.

See: CDC’s Tips from Former Smokers (military)

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-idUSKBN1912WY

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.

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Ellen Reinhard | Director | TFAC-Tobacco Free Action Communities in Ulster, Dutchess, Sullivan
HealthAlliance Hospital: Broadway Campus
Member of the Westchester Medical Center Health Network
741 Grant Avenue, Lake Katrine, NY 12449
P: 845-943-6070 ext. 1
F: 845-943-6080
elen.reinhard@hahv.org
www.tobaccofreeactioncommunities.org | www.hahv.org

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Is there anything tobacco companies wouldn't do to get cigarettes in front of our kids?
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

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, Preventive Medicine. http://www.sciencedirect.com/science/article/pii/S0091745515000399

" 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/riedman/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 long-term smokers." Bentley University, Weill Cornell Medical College and Georgia State University. National Bureau of Economic Research (NBER) 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

> Growing evidence shows vapor products are NOT a gateway to cigarette use in youth.


NYTS (National Youth Tobacco Survey), Centers for Disease Control https://blogs.politicalquotes.com/WICR0yE20c/WHa2v7Ca3V/AAAAAAAACkk/fm7TQLELJisFFUtjR6-GoO4f6ywCWACqB/s1600/2011-2015%2BNYTS.pdf

"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#Jcp

"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/jaarm/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


"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](https://www.youtube.com/watch?v=qQoaVewJBL4&teature-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.

![Percent of Students Reporting Use of E-Cigarettes in the Past Month, by Grade](chart.png)

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.bmj.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

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/](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) 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/](http://www.mdpi.com/1660-4601/10/12/7272)

**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-2016-050314](http://tobaccocontrol.bmj.com/content/early/2016/07/21/tobaccocontrol-2016-050314)

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 to schedule a time.

Thank you.

Sincerely,

*Cheryl L. Richter*

Executive Director, Lower NY State New York State Vapor Association

cheryl@nysva.org

203-253-2372

NYSVA.org

cc: Will Truitt
John Metzger
March 8, 2018

VIA Electronic Mail: countylegislature@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. Approximately 96 percent of smokers begin smoking before age 21 with most beginning before age 16. Moreover, smokers frequently transition from experimentation to addiction between the ages of 18 and 21.

While state and local laws have proven effective at preventing minors from purchasing tobacco products, youth turn to social sources for these products, most of whom are peers ages 18 to 21. 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. Raising the minimum legal consumer age for tobacco product sales to 21 ("Tobacco 21") will effectively remove this critical social source of tobacco, thereby delaying or preventing smoking initiation.

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. Additionally, similar age restrictions for alcohol sales have reduced youth alcohol consumption.

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. Adolescents are particularly susceptible to the "rewarding" effects of nicotine. In fact, nicotine addiction (which can develop at low levels of exposure, well before established daily smoking) causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years. We now know...
the brain continues to develop until around age 25, particularly in ways that affect impulsivity, addiction, and decision-making, and we know that nicotine is harmful to brain development.

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 and the immediate, mid- and long-term health effects of tobacco use to an individual.

There is no “right” to sell or use tobacco products at any age 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, and the majority of those who transition to regular tobacco use want to quit. In fact, nicotine addiction (which can develop at low levels of exposure, well before established daily smoking) causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years. In short, addiction deprives individuals of the choice of whether or not to use tobacco.

Stopping the tobacco epidemic requires policy change.

Tobacco Industry survival depends on youth tobacco use and addiction, as companies “replace” deceased adult customers with new (youth) users. The industry drives these new users and addiction through its marketing—marketing that the U.S. Surgeon General has concluded causes youth smoking. Without policy intervention, the industry will continue to successfully entice youth to initiate tobacco use.

Despite declines in New York State’s smoking rate, 2.1 million adults continue to smoke statewide. 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. Despite declines in youth smoking rates, one in four New York high school students reported current use of a tobacco product in 2016. 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. In Dutchess County, the adult smoking prevalence rate is 15 percent, and the County’s health outcome ranking was 51st out of 62 counties in 2017.

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. 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.

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, or beaches or parks; local pharmacy sales restrictions have not harmed drug stores’ bottom lines; nor have...
sales restrictions based on purchase price or consumer age driven retailers to close up shop, despite tobacco industry insistence that they would cause significant losses in revenue to those businesses. Further, declines in smoking prevalence spawned by Tobacco 21 will occur gradually, so retailers have ample time to adjust to changing market conditions. 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.

Notably, despite initial resistance to raising the legal drinking age to 21, the policy resulted in lower rates of youth drinking. Additionally, the alcohol industry was unharmed. Importantly, Tobacco 21 will make ID checks and compliance easier for New York retailers.

**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, in order to reduce youth access to smoking paraphernalia. Since then, several New York jurisdictions (e.g. Tompkins County, Chautauqua County, and Orange County), 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, 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. 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).\textsuperscript{54}

Similarly, some e-liquids do not contain nicotine, but still pose health risks to users,\textsuperscript{55} and are indistinguishable from nicotine-containing e-liquids absent laboratory testing. E-cigarettes labeled as nicotine-free have been found to commonly contain nicotine.\textsuperscript{56} 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, Policy Associate

Emily Nink 3/8/18

Cc: Giancarlo Llaverias
Don Sagliano
Dale L. Borchert
Hannah Black
Kenneth Roman
Rebecca Edwards
Will Truitt
Craig P. Brendli
Randy Johnson
Barbara Jeter-Jackson
Joel Tyner
John D. Metzger

Donna J. Bolner
Francena I. Amparo
Joseph Incoronato
Frits Zernike
James J. Miccio
Nick Page
Kristofer Munn
Marge J. Horton
Marc Coviello
John M. Thomas
Alan V. Surman
Dierdre Houston

Public Health Advocacy Institute at Northeastern University School of Law
360 Huntington Avenue, 117CU, Boston, MA 02115
such as understanding risks and benefits, is achieved by age 16. However, many areas of psychosocial
progress: a report of the Surgeon General, 113 (2014); see
2012 SG REPORT, supra note 1 at 268, Table 3.1.8; 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 among 15 to 17 year olds).

CAMPAIGN FOR TOBACCO FREE KIDS, Increasing the Minimum Legal Sale Age for Tobacco Products
to 21, 1 (2015).

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).

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.

CTFK Cigarettes supra note 6; Jonathan P. Winickoff et al., Retail Impact of Raising Tobacco Sales
Age to 21 Years, 66Thorax 10, 862-865 (2011); Winickoff, Retail Impact, supra note 7 at e1.

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).

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).

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.

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, ad 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.

IOM REPORT, supra note 3 at 3-13 and 3-16; Winickoff, Retail Impact, supra note 7 at e3.

IOM REPORT, supra note 3 at 2-20.

CAMPAIGN FOR TOBACCO FREE KIDS, Increasing the Minimum Legal Sale Age for Tobacco Products

IOM REPORT, supra note 3 at 3-12.

Winickoff, Retail Impact, supra note 7 at e1.

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).


20 IOM REPORT, supra note 3 at S-6 and S-3.

21 IOM REPORT, supra note 3 at 8-20.


23 2012 SG REPORT, supra note 1, at 513.


27 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).

28 See RJ Reynolds, “Estimated Change in Industry Trend Following Federal Excise Tax Increase,” September 10, 1982, Bates Number 513313387/8390, http://legacy.library.ucsf.edu/tid/lib2bd0j;sessionid=211D4CCF0DBD25F9DC299BB92523948410c 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 of 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."").

29 2012 SG REPORT, supra note 1 at 8.

30 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).

31 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-york’s-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).

32 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/ (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; 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).
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).


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).


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).

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.

See Jonathan P. Winickoff et al., Retail impact of raising tobacco sales age to 21 years, 104 AM. J. PUBLIC HEALTH 1818, 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).


Winickoff, Retail impact, supra note 7 at e2.

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.)

Winickoff, Retail impact, supra note 7 at e2.

Winickoff, Retail impact, supra note 7 at e2.


Chautauqua County, N.Y., Local Law No. 2 of 2016 (October 1, 2017).

Orange County, N.Y., Local Law No. 2 of 2017, (June 1, 2017).


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).


Morris, Carolyn

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 suppmiing Joel Tyner as my legislature in this issue.

From: William Gannon
Sent: Feb 10, 2018 9:02 PM
To: Joel Tyner
Subject: Smoking

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.

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=IA4oTyyRg4Y
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

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Present: 12
Absent: 0
Vacant: 0

Resolution: ✓
Motion: ✓
Total: Yes 11 No 1

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 Reserve.

M C / J Metzger

3.8.18
### Government Services and Administration Roll Call

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<td>District 22 - Towns of Beekman and Union Vale</td>
<td>Coviello</td>
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**Present:** 12  
**Absent:** 0  
**Vacant:** 0  
**Resolution:** ✓  
**Total:** 3  
**Motion:**  
**Abstentions:** 0

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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
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. Dornicoli, 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
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 13th 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 13th day of February 2018.

CAROLINE MURPHY, 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.
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 20th 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.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE
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:

Section 1. The public service law is amended by adding a new section 67-b to read as follows:

S 67-B. TRANSMITTING UTILITY METER; ELECTION NOT TO USE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION IS AUTHORIZED TO PROVIDE THAT CONSUMERS MAY ELECT NOT TO USE TRANSMITTING UTILITY METERS OF ANY INVESTOR OWNED ELECTRIC LIGHT AND POWER COMPANY SUBJECT TO REGULATION BY THE COMMISSION; PROVIDED, HOWEVER, THAT THE COMMISSION SHALL NOT CREATE AND REGULATE A SURCHARGE FOR CONSUMERS WHO MAKE SUCH AN ELECTION. FOR PURPOSES OF THIS SECTION, THE TERM "TRANSMITTING UTILITY METER" MEANS AN ELECTRIC METER THAT IS CAPABLE OF RECORDING CONSUMPTION OF ELECTRIC ENERGY AND CommunicATING SUCH INFORMATION UTILIZING TWO-WAY COMMUNICATION BETWEEN THE METER AND THE ELECTRIC SUPPLIER FOR MONITORING AND BILLING PURPOSES.

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
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:

Section 1. The public service law is amended by adding a new section 67-b to read as follows:

S 67-B. TRANSMITTING UTILITY METER; ELECTION NOT TO USE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION IS AUTHORIZED TO PROVIDE THAT CONSUMERS MAY ELECT NOT TO USE TRANSMITTING UTILITY METERS OF ANY INVESTOR OWNED ELECTRIC LIGHT AND POWER COMPANY SUBJECT TO REGULATION BY THE COMMISSION; PROVIDED, HOWEVER, THAT THE COMMISSION SHALL NOT CREATE AND REGULATE A SURCHARGE FOR CONSUMERS WHO MAKE SUCH AN ELECTION. FOR PURPOSES OF THIS SECTION, THE TERM "TRANSMITTING UTILITY METER" MEANS AN ELECTRIC METER THAT IS CAPABLE OF RECORDING CONSUMPTION OF ELECTRIC ENERGY AND COMMUNICATING SUCH INFORMATION UTILIZING TWO-WAY COMMUNICATION BETWEEN THE METER AND THE ELECTRIC SUPPLIER FOR MONITORING AND BILLING PURPOSES.

Section 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
Case 14-M-0196 – Tariff filing by Central Hudson Gas & Electric Corporation to establishes 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.1 [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 NYPSC 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)

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)

Video -NYSPSC REV Hearings in Kingston, NY
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
(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)

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=VulWjLhMvh8

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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1 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
info@stopsmartmeters.org • SSMI 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) is a serious health condition that has been found to cause serious health problems. Children, pregnant women, seniors, those with immune deficiencies, medical conditions, pacemakers and implants are especially at risk.

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.”
• Don’t agree to illegal ‘opt out’ fees. We never opted in!

If you have a “smart” meter:

• 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.

STOP SMART METERS


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.

Please contact your local organization above, or use our local group directory at StopSmartMeters.org/groups. Information at: SmartGridAwareness.Org, Cancer & RF Radiation.org, To/I-Free Hotline 682-682 CA 96122, Cancer & RF Radiation.org, Cancer & RF Radiation.org, Cancer & RF Radiation.org.
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 electromagnet radiation. 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) broadcasts 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

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.

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...

Although a neighbor may choose to keep or replace their analog meter, they may still be exposed to microwave radiation from surrounding meters.

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.

"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.

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."

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.

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.

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. 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.

In violation of Constitutional rights, police, government agencies including the NSA and others suddenly have access to your lifestyle data without needing a warrant.

Let's shut down the power grid!

Let's send them an e-mail with a coupon for a new one!

Selling people's private data is the perfect new revenue stream. MARKETERS

“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