Attendance Sheets

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

Date: 1/22/2019

Regular Meeting

of the

Dutchess County Legislature

Tuesday, January 22, 2019

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

Roll Call by the Clerk of the Legislature

PRESENT:	23	Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston Incoronato, Jeter-Jackson, Johnson, Keith, Llaverias, Metzger, Miccio, Munn, Pulver, Sagliano, Surman, Thomes, Truitt, Tyner, Zernike
ABSENT:	2	Amparo, Page
PRESENT, LATE:	0	

Quorum Present.

Pledge of Allegiance to the Flag; Invocation by Father Kent Wilson of Immaculate Conception/St. Anthony's Church in Amenia, followed by a moment of silent meditation.

Commendations and Proclamations

Commendation: K9 Piko

Commendation: Scott L. Volkman

Public Hearings:

Public Hearing for Sewer District 11 in the Town of Red Hook, Dutchess County, New York

The Clerk read the Notice of Public Hearing.

Chair declared the public hearing open.

No one wishing to speak, the Chair declared the public hearing closed.

Public Hearing for Sewer District 12 in the Town of Red Hook, Dutchess County, New York

The Clerk read the Notice of Public Hearing.

Chair declared the public hearing open.

No one wishing to speak, the Chair declared the public hearing closed.

Public Hearing for S Public Hearing for Zone Assessment "W" in the Dutchess County Water District in the Town of Red Hook, Dutchess County, New York

The Clerk read the Notice of Public Hearing.

Chair declared the public hearing open.

No one wishing to speak, the Chair declared the public hearing closed.

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

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

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

The December 2018 minutes were adopted.

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

Legislators Edwards and Horton gave a report on sexual assault, copy attached.

Resolutions considered out of numerical order will be placed in numerical order for fluidity.

Review of Dutchess County Sexual Assault Prevention and Response
Dutchess County Legislature, September 2018

About one in 5 American women and one in 71 men will suffer rape at some point in their lives. While in U.S. colleges, one in 5 female students and one in 16 male students are sexually assaulted. People of any gender or sexual orientation can be perpetrators or victims, and perpetrators come from all backgrounds, income levels, and walks of life. Employers should be aware that 8% of rapes occur while the victim is at work.[1]

Approximately 20% of sexual assaults are committed by a stranger and 80% by an acquaintance, relative, current or former spouse, boyfriend, or girlfriend. Among women (who are about 90% of victims), 30% are assaulted for the first time between ages 11 and 17 and another 12% even earlier—at age 10 or below. Thus it is critical to recognize and address the considerable overlaps among sexual assault, domestic violence, and child abuse.

The goal of this report is to review Dutchess County's current measures to prevent and respond to sexual assaults and suggest measures to strengthen the county's responses. We are grateful to the informants listed at the end who generously shared their time and expertise.

Victim Safety and Support
The main agency serving victims of sexual assault is the Center for Victim Safety and Support (CVSS) at Family Services in Poughkeepsie. CVSS provides 24 hour comprehensive services to victims of domestic violence, sexual assault, and other crimes and works to enhance system response to victims of crime. Everyone in the office is cross-trained to handle both domestic violence and sexual assault, and the office serves anyone in need of help.

CVSS follows a model of co-location, in which staff split their time between the main office and partner agencies throughout the community to facilitate cooperation and streamline services to victims. Partner agencies include the Dutchess County Sheriff's Office, Dutchess County Office of Probation and Community Corrections, and the police departments of the City of Poughkeepsie, City of Beacon, Hyde Park, and Town of Poughkeepsie.

Services provided by CVSS include:
24-hour hotlines for domestic violence and rape crisis/crime victim assistance. The latter is also the Dutchess County hotline for human trafficking victims.
Rape Crisis Services: Victim Advocates provide rape crisis services and are on-call 24 hours a day, 7 days a week to respond to and accompany sexual assault victims and secondary victims to hospital emergency rooms, police departments, and courtrooms.
Advocacy/Accompaniment: Victim Advocates staffed at CVSS are professionals trained to support victims of crime.

---

[1] National Sexual Violence Resource Center, https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf

Counseling: CVSS provides an array of services to help victims through their healing process including three months of free trauma counseling and support groups.
Outreach/Education: CVSS provides outreach and education to community members in an effort to spread awareness of domestic violence, sexual assault, and other crimes as well as to make the community aware of victims' rights and services.

CVSS incorporates several system enhancement projects including the Universal Response to Domestic Violence, Domestic Abuse Response Teams, High Risk Case Management, Lethality Assessment Program, and Sexual Assault Response Team. In all these programs, Family Services works closely with other victim services agencies, the District Attorney, law enforcement, and campus representatives. CVSS also partners with Grace Smith House, Inc., and other agencies working to reduce and address domestic violence.

Prevention
SVP (Sexual Violence Prevention) has a robust program despite financial limitations. They have received, this year, a $145,000 NYS Department of Health grant for rape prevention education, but the grant covers three counties and $75,000 of the grant is subcontracted to agencies in Orange and Westchester. The remaining portion has to cover the oversight work for all three counties as well as programming in Dutchess itself. SVP also received a $10,000 grant from United Way this year but it is year-to-year and renewal is uncertain. Without it, key services would be lost.

The Regional SVP program has initiated **Hudson Valley Educator Coalition**, which meets quarterly for discussion and collaboration and covers the entire Hudson Valley.

For sexual assault prevention, the key evidence-based practice to teach and learn is **bystander intervention**. There is not much evidence of its effectiveness unless an in-depth, 12-hour training is completed. A key initiative in Dutchess is work with school districts, especially high schools, to provide education and training.

The SVP program has memoranda of understanding with all five colleges: Vassar, Marist, DCC, CIA, and newly this year, Bard. The biggest barrier is student participation (incentives have included food and gift cards). Since 2010 the training has been offered at Marist for course credit in Social Work. This has been very successful and ensures the appropriate level of knowledge. It is the first college-credited course of its type in New York.

On social media, SVP has participated in the Start By Believing campaign and has promoted it in Dutchess to encourage support for survivors. SVP also ran its own campaign, disseminating key information through the hashtag #healthyrelationshiptime . Public awareness to undermine myths around sexual violence ("it was her fault because she was drinking or wearing a short skirt") are particularly key.

The prevention team is also developing an innovative nightlife safety program, **Safe Bars**, to teach bystander intervention to bartenders and other employees. The Derby in Poughkeepsie was the first business to participate and others are now signing on. This program has tremendous promise in making nightlife safer and helping bystanders learn to intervene to stop sexual assault before it happens.

Sexual Assault Response Team (SART)
Both Poughkeepsie hospitals have SAFE programs to provide immediate assistance to victims of acute sexual assault. Northern Dutchess Hospital is interested in SAFE but at present does not have the program, and instead sends assault victims to Vassar Brothers Hospital.

Since 2015 SART has worked to ensure a standard protocol by facilitating communication and training among victim services agencies, the District Attorney, college administrators, and law enforcement. Strides have been made toward use of a universal, standardized protocol but there are gaps.

It is especially important for police officers to call a victim advocate as soon as possible. Further work and training with law enforcement is needed to make sure this happens. Law enforcement has shown great success in training for domestic violence (the DART program) and it is now standard for officers to ask a series of 11 questions that help determine the likely lethality of the situation. A similar consistency is still needed in response to sexual assault.

SART is working with local law enforcement to develop trauma-informed spaces where survivors can be interviewed. Detailed, evidence-based recommendations for the design of such spaces include everything from wall color to the availability of tea and water. SART is in dialogue with the City of Poughkeepsie Police Department in hopes that they may renovate a space for such use; SART also hopes that a trauma-informed interview and waiting area will be included in the new Dutchess County Law Enforcement Center, now under construction.

It was noted that local hospitals receive a considerable number of sexual assault cases from prisons located in Dutchess County, including both male and female inmates. No numbers were given but further research seems advisable. These inmates are in state custody but Dutchess is the location providing services and response, and the extent of such assaults is extremely troubling.

Forensic Services and Sex Offender Supervision
In 2006-07 Dutchess County requested and received technical assistance from the federal Center for Sex Offender Management. This two-year project resulted in a comprehensive, evidence-based, victim-centered approach, designed and implemented by multiple agencies.

When someone is convicted of sexual assault, the Office of Probation prepares a pre-sentence report which includes legal and social data and a sentencing recommendation. After reading the report, a judge makes the final sentencing determination. Individuals placed on probation are supervised in a specialized unit with officers and a supervisor trained in sex-offender supervision and treatment. A special set of Order and Conditions of Probation, specifically designed for relapse prevention, is part of the supervision plan. The office revises conditions of probation as needed, better clarifying the expectations of the offenders while providing an evidence-based rationale for condition revisions.

Probation works closely with the Relapse Intervention for Sex Crimes (RISC) program at Family Services, Inc., which is the primary sex-offender-specific treatment program providing services to probation sentenced offenders. Offenders who have successfully completed the standard course of treatment, and who remain on probation, often continue to attend treatment groups on a

maintenance status. This continuation of treatment while concurrently being supervised by the Probation Department serves to reinforce the self-management skills developed during treatment, as well as providing a forum for offenders to seek assistance with changing life circumstances.

The Sex Offender Supervision Unit is working to expand established initiatives, with the goals of ensuring that known victims and other vulnerable populations remain safe in our community, and that offenders are held accountable not only for the offense for which they were convicted, but in demonstrative management and avoidance of high risk activities, reducing the likelihood of recidivism. Supervision Officers do the following:

♦ conduct pre-sentence home visits to offenders living in the community who are awaiting sentencing. This effort ensures that the offender is living at the reported address, in addition to assessing the appropriateness of the residence relative to proposed conditions of probation.

♦ collaborate with local law enforcement in monitoring and verifying offender addresses and activities, improving information-sharing with these agencies and assuring offender adherence to conditions of probation. Supervision Officers regularly verify addresses and other information required to be provided by offenders on the New York Sex Offender Registry.

♦ with the assistance of Crime Victim Assistance Advocates, seek to establish and maintain contact with victims of sexual offenders supervised by the Office of Probation. The goal is to ensure that victims and their families receive services and advocacy they may need.

Of particular note are efforts by the Sexual Offenses Prevention Unit to limit and eliminate potential victimization through technological means. Most offenders, because of the high-risk nature and potential anonymity of the Internet, are not permitted computer use. Probation continues to monitor the permitted computer and Internet usage of a select group of offenders though an offender paid monitoring program. This has proven to be successful in assisting offenders to manage otherwise impulsive computer behavior, while allowing them to develop themselves occupationally and educationally.

CVSS Forensics provides a non-offender program that serves family and friends of both survivors and perpetrators of sexual violence. With more funding, they could expand and advertise these programs, which for non-offenders teach the same bystander skills that are standard in other areas of the prevention programming.

Colleges have made great strides in working on sexual assault, but staff members often do not have the background or expertise to assess the level of future threat posed by perpetrators. Professional forensic interviewers can provide guidance on this. Outreach to campuses has been undertaken but more needs to be done.

Dutchess County Task Force Against Human Trafficking

Human trafficking is a very serious criminal justice issue that lies beyond the scope of this report. Legislators, however, should be aware that Dutchess County has a task force, located in the Department of Social Services, whose mission is to prevent human trafficking by working collaboratively to raise knowledge and awareness in our county, identify potential victims, and

provide comprehensive trauma-informed services. In conjunction with the work of this Task Force, the Children's Home of Poughkeepsie has created a trauma-informed youth screening tool. The organization Give Way to Freedom also provided a "Human Trafficking 101" presentation for task force members. The Task Force is working on a region-wide collaborative response with counterparts in Westchester, Ulster, Orange, Rockland, and Putnam Counties. The Task Force chair is David Garcia in DCFS.

Recommendations

1. CVSS / SART recently created four subcommittees to work with 1) college campuses; 2) law enforcement; 3) the health care system; and 4) community awareness. We recommend that a legislator be regularly appointed and serve as an ex-officio member of the Community Awareness subcommittee. Cost: none.

2. We recommend that the county create a volunteer Citizens Advisory Task Force on Sexual Violence, modeled on the highly successful Citizens Advisory Task Force on Domestic Violence. Such a committee would be very helpful in raising awareness and expanding public education programs. Programs like "Sexual Abuse and How to Prevent It" can be important educational tools if volunteers and staff are able to organize and advertise them, with help from public libraries or other partners. Alternatively, it is possible that the county could expand the current Domestic Violence Task Force to include a sub-committee working specifically on sexual assault prevention and treatment. Cost: minimal (perhaps $500 for supplies).

3. We recommend that funds be made available to ensure that the county's new Law Enforcement Center has a trauma-informed interview space. The Sheriff's office should take the lead in working with SVP to implement this space. Cost: not determined. (Many aspects of a trauma-informed space, such as choices of paint colors and furniture types, could be potentially folded into the planned budget of the Law Enforcement Center.)

4. We recommend that the county provide to CVSS a small emergency "unmet victim needs" fund, to assist victims with necessary purchases related to a crime. The New York State Office for Victim Services pays most expenses but there are occasional gaps, which prevent a victim from obtaining medication or other urgent necessities. Cost: $12,000 is suggested.

5. We recommend that law enforcement agencies throughout the county continue training to ensure that protocols are followed whenever a sexual assault may have been committed—in particular, that the responding officer calls CVSS as soon as possible to ensure that the survivor has access to a victim advocate for support. A trauma-informed approach helps address pre-conceptions or misconceptions about how a victim "should" behave. This training is recommended for anyone handling sexual assault complaints and investigations, so they understand typical victims responses to trauma and how to minimize re-victimization and enhance outcomes through the criminal justice process. A two-day training for 100 officers with a national expert would cost approximately $110,000 (consultant and training expenses plus overtime expenses for 100 officers).

6. We recommend that the county explore the benefit of hiring a sexual assault outreach worker who could facilitate communication between victims and the DA's office. This would not be a lawyer,

but someone always available to assist with information and support. This outreach worker could potentially also maintain and analyze data assessing the justice system's response to sexual assault. Cost: This position could also be located in the District Attorney's office, but if it were created in DSS, state funds might be available to support it. Further conversation with DSS about this possibility is recommended.

7. We recommend that the county support Sexual Violence Prevention by providing additional personnel in CVSS. The highest priority would be a full-time prevention educator to focus solely on sexual violence prevention in Dutchess County. As noted above, Family Services is the lead agency coordinating the NYS Dept. of Health Regional Sexual Violence Prevention Program for Dutchess, Westchester, and Orange. This project includes a number of innovative programs such as the Healthy Nightlife Safe Bars initiative, described above. The New York Department of Health only funds one coordinator at Family Coordinator; the part-time staff in Dutchess, Orange and Westchester work in three large counties. Local funding would substantially strengthen prevention work in Dutchess County. Cost: $81,000.

It is impossible to quantify the extent to which prevention measures might be offset by financial savings through rape *prevention*. However, a rough estimate of the lifetime cost of a single rape, solely to the victim herself, is over $120,000.[2] That does not include taxpayer costs in the criminal justice system.

We appreciate the attention of the legislature to our report and also the initiative of Gregg Pulver, Chairman of the Legislature, in convening the task force and supporting its work.

Respectfully submitted,

Marge J. Horton, Dutchess County Legislator, District 21
Rebecca Edwards, Dutchess County Legislator, District 6

With deepest gratitude to:
Mary Ellen Still, Director of Probation, Dutchess County
Leah Feldman, Director of Domestic Violence Services, Family Services, Inc.
Marti Kardol, Director of Forensic Services, Family Services, Inc.
Erin Boss, Sexual Assault Response Coordinator, Family Services, Inc.
Katie Jablon, Sexual Assault Prevention Coordinator, Family Services, Inc.
Karmen Smallwood, Dutchess County Probation Officer and liaison to Women's Center, Project MORE
Kelly E. Bunt, LCSW, KB Forensics, Mill Street, Poughkeepsie
Charlotte Strauss Swanson, Director, Sexual Assault Violence Prevention Coordinator, Vassar College (outgoing)
Nicole Wong, Director, Sexual Assault Violence Prevention Coordinator, Vassar College

---

[2] National Alliance to End Sexual Violence, https://www.endsexualviolence.org/where_we_stand/costs-consequences-and-solutions/

COMMUNICATIONS RECEIVED FOR THE JANUARY 2019 BOARD MEETING

Received from Department of Taxation and Finance, Title 2 Statement of County Equalization Form and Instructions.

Received from Budget Director, Contingency and Capital Reserve Account Status.

Received from Stephen Clinton, Transportation Maintenance Division, Department of Transportation, a copy of Official Order Number H2606: Abandonment of a Portion of Fishkill Village – Wappingers Falls, State Highway No. 5154, Town of Wappinger, Dutchess County.

NEW YORK STATE | Department of Taxation and Finance

MEMORANDUM

TO: Carolyn Morris, Clerk
Dutchess County Legislature

FROM: Tom Siebert, Equalization Support Services

SUBJECT: 2019 County Tax Apportionment

DATE: January 9, 2019

Each year, the Office of Real Property Tax Services requests that the Clerk to the County Legislature complete and file a Statement of County Equalization form with Equalization Support Services.

Attached is the Title 2 Statement of County Equalization form and instructions stored on separate sheets of an Excel Workbook (.xlsx). The worksheet is specific for your county – all municipalities are pre-filled. While completing the form, please adhere to the following rules:

- The form should be completed and returned in its original Excel format. Don't convert it to a .pdf, .jpg, or to any other type of spreadsheet. (If necessary, it can be converted to an earlier version of Excel.)
- All columns are formatted as we need them to be. Don't change them.
- Make no entries in columns 5 and 8. They'll self-calculate.
- For column 5 to calculate properly, use the exact equalization rates issued by ORPTS in column 4. Don't present them as factors or percentages. (e.g., an equalization rate of 100 should not be presented as 1.00 or as "100%".)
- Signatures are NOT necessary in item 11. A typed name is sufficient.

If you wish to report information regarding "large parcel" legislation pursuant to RPTL 847, please contact me and a sheet will be sent to you.

Please e-mail the completed form to orpts.star@tax.ny.gov no later than February 4, 2019. The information on this form is valuable to this office in our analyses of tax rates and tax shifts throughout the State.

Thank you for your assistance. If you have questions or problems with this form, please contact the STAR Unit at (518) 474-2819.

cc: Director, County RPTS

RP-6094-a (01/2019)

STATEMENT OF COUNTY EQUALIZATION
PURSUANT TO TITLE 2 OF ARTICLE 8 OF THE REAL PROPERTY TAX LAW
For the Calendar Year Beginning January 1, 2019, Based on Assessment Rolls Completed, Verified, and Filed in 2018

NEW YORK STATE

NYS DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES
W. A. Harriman Campus
Building 8A - STAR Unit
Albany, NY 12227

COUNTY: DUTCHESS

SWIS Code	(1) City or Town	(2) Assessed Value Used for Apportionment	(3) Taxable Assessed Value Upon Which the Tax is Actually Levied	(4) Certified County Equalization Rate	(5) Full Valuation of Taxable Real Property Used for Apportionment	(6) County General Tax Levy	(7) Net Amounts of Credits & Adjustment (+ or -)	(8) Net County Tax Levy (after credits & adjustments)	(9) Explanation of Adjustments
130200	Beacon	1,185,259,176	1,185,259,176	100.00	1,185,259,176	4,085,983.71		4,085,983.71	NONE
131300	Poughkeepsie	1,526,074,693	1,525,999,643	100.00	1,526,074,693	5,260,888.47		5,260,888.47	
132000	Amenia	638,921,546	638,921,546	100.00	638,921,546	2,202,575.67		2,202,575.67	
132200	Beekman	1,253,968,238	1,253,955,238	100.00	1,253,968,238	4,322,846.76		4,322,846.76	
132400	Clinton	720,649,346	720,644,346	100.00	720,649,346	2,484,318.66		2,484,318.66	
132600	Dover	375,424,859	375,418,926	53.00	708,348,791	2,441,914.54		2,441,914.54	
132800	East Fishkill	3,976,304,900	3,976,299,050	100.00	3,976,304,900	13,707,649.25		13,707,649.25	
133000	Fishkill	2,376,737,251	2,376,729,251	100.00	2,376,737,251	8,193,406.04		8,193,406.04	
133200	Hyde Park	918,283,119	918,278,619	57.00	1,611,023,016	5,553,733.68		5,553,733.68	
133400	La Grange	1,821,861,523	1,821,861,523	100.00	1,821,861,523	6,280,564.33		6,280,564.33	
133600	Milan	473,870,009	473,865,009	100.00	473,870,009	1,633,587.98		1,633,587.98	
133800	Northeast	570,255,266	570,250,766	100.00	570,255,266	1,965,860.10		1,965,860.10	
134000	Pawling	526,846,781	526,845,651	49.00	1,075,197,512	3,706,564.45		3,706,564.45	
134200	Pine Plains	379,504,449	379,504,449	100.00	379,504,449	1,308,278.42		1,308,278.42	
134400	Pleasant Valley	965,779,875	965,777,825	100.00	965,779,875	3,329,365.36		3,329,365.36	
134600	Poughkeepsie	3,670,383,075	3,670,349,025	100.00	3,670,383,075	12,653,034.68		12,653,034.68	
134800	Red Hook	1,171,459,660	1,171,459,660	100.00	1,171,459,660	4,038,412.18		4,038,412.18	
135000	Rhinebeck	1,325,142,192	1,325,137,692	92.00	1,440,371,948	4,965,442.53		4,965,442.53	
135200	Stanford	765,816,662	765,812,342	100.00	765,816,662	2,640,025.46		2,640,025.46	
135400	Union Vale	585,739,186	585,730,686	100.00	585,739,186	2,019,238.34		2,019,238.34	
135600	Wappinger	2,723,750,013	2,723,741,363	100.00	2,723,750,013	9,389,674.77		9,389,674.77	
135800	Washington	1,181,052,641	1,181,047,641	100.00	1,181,052,641	4,071,482.38		4,071,482.38	
	TOTAL	29,133,084,460	29,132,889,427		30,822,328,775	106,254,847.76	0.00	106,254,847.76	

(10) In addition to the partial exemptions for veterans (RPTL, Sect 458(1)(2)(5)), clergy (RPTL, Sect 460), and volunteer firefighters' associations (RPTL, Sect 464(1)), list by law section or by ORPTS exemption code any other exemptions that the county legislature has passed resolution to be included in the assesed value used for apportionment in column 2:

(11) I hereby certify that the information in this report constitutes a true statement of fact:

NAME Eric Axelsen

NONE

TITLE	Director of Real Property Tax Services
E-MAIL ADDR	eaxelsen@dutchessny.gov
TELEPHONE	(845) 486-2140

Morris, Carolyn

From: Axelsen, Eric
Sent: Wednesday, January 9, 2019 12:30 PM
To: Siebert, Tom (TAX); Morris, Carolyn
Subject: RE: Dutchess County Tax Apportionment
Attachments: county13-2019-B.xlsx

You are correct Tom. My apologies. Most of our spreadsheets go back to the pre-RPS days when the county used its own muni codes - Cities at the bottom.

Carolyn,
Not to worry, we did not mess up the apportionment or rates.

Eric.

Eric Axelsen, IAO, CCD
Director
Dutchess County Real Property Tax Services
22 Market Street
Poughkeepsie, NY 12601
Phone: (845) 486-2140 Fax: (845) 486-2093
email: eaxelsen@dutchessny.gov

www.dutchessny.gov

From: Siebert, Tom (TAX) <Tom.Siebert@tax.ny.gov>
Sent: Wednesday, January 9, 2019 11:56 AM
To: Axelsen, Eric <eaxelsen@dutchessny.gov>; Morris, Carolyn <cmorris@dutchessny.gov>
Subject: RE: Dutchess County Tax Apportionment

Eric, please check the numbers. Assuming the AV and FV figures are correct, the levy amounts are also correct, but misaligned by two spaces. Wappinger and Washington should move to Beacon and Poughkeepsie, respectively, with all other numbers moving down two spaces. If your source document for the levy amounts listed the cities at the bottom instead of the top, that would explain it. Everything else suggests this is where the problem lies, but it isn't my place to make that assumption, just in case the problem is bigger. Please fix and resubmit it. Thanks.

Tom Siebert
Real Property Analyst 2, STAR Unit

New York State Department of Taxation and Finance
W A Harriman Campus, Building 8A, Albany NY 12227
(518) 530-4038 | Tom.Siebert@tax.ny.gov

www.tax.ny.gov

From: Axelsen, Eric [mailto:eaxelsen@dutchessny.gov]
Sent: Wednesday, January 09, 2019 10:08 AM
To: Siebert, Tom (TAX) <Tom.Siebert@tax.ny.gov>; Morris, Carolyn <cmorris@dutchessny.gov>
Subject: RE: Dutchess County Tax Apportionment

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Tom,
Any questions or problems, please let me know.

Carolyn,
This is essentially the same information we present to the Legislature for county tax apportionment.

Eric

Eric Axelsen, IAO, CCD
Director
Dutchess County Real Property Tax Services
22 Market Street
Poughkeepsie, NY 12601
Phone: (845) 486-2140 Fax: (845) 486-2093
email: eaxelsen@dutchessny.gov

www.dutchessny.gov

From: Siebert, Tom (TAX) <Tom.Siebert@tax.ny.gov>
Sent: Tuesday, January 8, 2019 3:56 PM
To: Morris, Carolyn <cmorris@dutchessny.gov>
Cc: Axelsen, Eric <eaxelsen@dutchessny.gov>
Subject: Dutchess County Tax Apportionment

Memo and RP-6904 attached.

Tom Siebert
Real Property Analyst 2, STAR Unit

New York State Department of Taxation and Finance
W A Harriman Campus, Building 8A, Albany NY 12227
(518) 530-4038 | Tom.Siebert@tax.ny.gov

www.tax.ny.gov

This communication may contain confidential and/or legally privileged information. It is intended only for the individuals named as recipients. If you are not an intended recipient you are not authorized to disseminate, distribute or copy this communication. If you've received this communication by mistake, please notify the sender immediately and delete or destroy it, as appropriate.

Morris, Carolyn

From: LGSAMonitoring@osc.state.ny.us
Sent: Tuesday, December 18, 2018 2:46 PM
To: Burns, Margaret; Morris, Carolyn
Subject: Reporting 2019 Real Property Taxes and Assessments to OSC

Division of Local Government and School Accountability
Gabriel F. Deyo, Deputy Comptroller

You are required to complete the Tax Data Verification form to report Real Property Taxes and Assessments to the Office of the State Comptroller (OSC).

Timeline for reporting 2019 real property taxes and assessments:

January 2019

- Counties provide tax rolls to New York State Department of Taxation and Finance (Tax and Finance) before January 31, 2019.

February - July 2019, rolling

- OSC reviews tax rolls provided to Tax and Finance.
- OSC notifies local officials by email when the tax roll review is complete.
- Local officials file the tax data verification form through the Online Services portal.
    - If necessary, local officials submit answers to a brief questionnaire.
    - Local officials review and approve the summary.

Need help?

Visit our Tax Data Verification website for more information.

Call our technical assistance line at (866) 321-8503, option 3.

Email us at LGSATaxDataVerification@osc.ny.gov.

Sincerely,

Benjamin Schwartz

Manager, Monitoring and Analysis Unit
Division of Local Government and School Accountability

Notice: This communication, including any attachments, is intended solely for the use of the individual or entity to which it is addressed. This communication may contain information that is protected from disclosure under State and/or Federal law. Please notify the sender immediately if you have received this communication in error and delete this email from your system. If you are not the intended recipient, you are requested not to disclose, copy, distribute or take any action in reliance on the contents of this information.

MARCUS J. MOLINARO
COUNTY EXECUTIVE

JESSICA A. WHITE
BUDGET DIRECTOR

COUNTY OF DUTCHESS
BUDGET OFFICE

Memo

To: John D. Metzger, 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 17, 2019

As of January 17,2019, the **General Contingency-A1990.4007** reflects a balance of **$1,000,000.**

There are no proposed changes to the General Contingency in the resolution agenda packet for the January 22, 2019 Board Meeting.

Contingency – Adopted **$1,000,000**

As of January 17, 2019, the **Capital Reserve** account reflects an available balance of **$622,092**.

There are no proposed changes to the Capital Reserve per the Legislature's Agenda for the January 17, 2019 Board Meeting.

Capital Reserve Balance: **$622,092**

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

22 Market Street, Poughkeepsie, New York 12601 • (845) 486-2010 • Fax: (845) 486-2021
countybudget@dutchessny.gov
www.dutchessny.gov

NEW YORK STATE OF OPPORTUNITY. | Department of Transportation

ANDREW M. CUOMO
Governor

PAUL A. KARAS
Acting Commissioner

January 9, 2019

RECEIVED
JAN 16 2019
By LH 12:03

Carolyn Morris
Clerk, Dutchess County Legislature
22 Market St.
Poughkeepsie, New York 12601

Dear Mrs. Morris:

I, Stephen Clinton, Transportation Maintenance Division, Department of Transportation, State of New York, do HEREBY CERTIFY that the foregoing is a true copy of Official Order H2606 of the Department of Transportation and the same has been compared with the original thereof filed in my office on the 9th day of January 2019 and the same is a correct transcript there from and of the whole thereof. In witness whereof, I have thereunto set my hand and affixed the seal of the Department of Transportation of the State of New York, this 9th day of January 2019.

Stephen Clinton
TRANSPORTATION MAINTENANCE DIVISION
DEPARTMENT OF TRANSPORTATION

NEW YORK STATE OF OPPORTUNITY. Department of Transportation **OFFICIAL ORDER**	**NUMBER: H2606** **DATE: 1/9/2019** **SUPERSEDES:**
	SUBJECT: **ABANDONMENT OF A PORTION OF FISHKILL VILLAGE-WAPPINGERS FALLS, SH 5154, TOWN OF WAPPINGER, DUTCHESS COUNTY**

WHEREAS, pursuant to the provision of Highway Law § 62, upon the completion and acceptance of a section of highway constructed on a new location acquired to accomplish the improvement of alignment or of dangerous conditions, the Commissioner of Transportation shall make an official order discontinuing the maintenance by the state of such section of highway on the old location; and

WHEREAS, under the provision of Highway Law § 345-a, the abandonment or transfer of any state highway to a county, town, city or village shall be deemed a transfer of all right, title and interest of the State of New York to and in such highway to such county, town, city or village respectively unless expressly provided to the contrary;

Now, therefore, it is hereby

ORDERED: That the State of New York abandons all right, title and interest with respect to the following described portion of State Highway No. 5154, Fishkill Village-Wappingers Falls, Town of Wappinger, Dutchess County, including any and all appurtenances located thereon, or immediately adjacent thereto, as it has been maintained by the State of New York as a part of the State Highway System, and the same is transferred to the County of Dutchess, viz:

Beginning at a point on the westerly boundary of the existing Fishkill Village – Wappingers Falls highway at the intersection of the said boundary with the easterly boundary of the existing Old Route 9, said point being 39.01 feet distant easterly, measured at right angles, from station 171+02.14 of the hereinafter described survey baseline for the reconstruction of the Fishkill Village-Wappingers Falls, State Highway No. 5154; thence through the Bed of said existing Old Route 9 the following two (2) courses and distances: (1) North 88°-40'-53" West, 40.46 feet to a point on the said baseline at station 171+12.86; and (2) North 88°-40'-53" West, 27.60 feet to a point on the westerly boundary of said existing Old Route 9 at the intersection of the said boundary with the northerly boundary of the existing Old Hopewell Road (County Route 28), the last mentioned point being 26.61 feet distant westerly, measured at right angles, from station 171+20.18 of said baseline; thence along the last mentioned boundary of said existing Old Route 9 North 12°-47'-14" West, 80.39 feet to a point 24.84 feet distant westerly, measured at right angles, from station 172+00.55 of said baseline; thence through the Bed of said existing Old Route 9 the following two (2) courses and distances: (1) North 77°-12'-46" East, 24.84 feet to a point on the said existing baseline at 172+00.00; and (2) North 77°-12'-46" East, 41.16 feet to a point on the easterly boundary of said existing Old Route 9, the last mentioned point being 41.15 feet distant easterly, measured at right angles, from station 171+99.09 of said baseline; thence along the last mentioned boundary of said existing Old Route 9 South 12°-47'-14" East, 96.97 feet to the point of beginning; being 5,853 square feet or 0.134 acre more or less.

Being a portion of the Colonial Law 1703 Post Road Highway, also known as State Highway No. 5154, accepted as part of the New York State Highway system on August 27, 1912.

The above survey baseline is a portion of the 1925 survey baseline for the reconstruction of the Fishkill Village-Wappingers Falls, State Highway No. 5154, as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

Beginning at station 163+15; thence North 14°-03' West to station 173+37.4 = 173+40.

All of the above as shown on the abandonment map dated June 26, 2018 and filed in the Main Office of the New York State Department of Transportation; and it is

FURTHER ORDERED: That a certified copy of this Official Order shall be mailed to the Clerk of the Dutchess County Legislature.

This Official Order is issued pursuant to the authorization delegated by Official Order No. 1784 dated July 5, 2018.

FOR THE COMMISSIONER

Sam Zhou
Assistant Commissioner
Operations and Asset Management

FISHKILL VILLAGE–
WAPPINGERS FALLS
S.H. NO. 5154

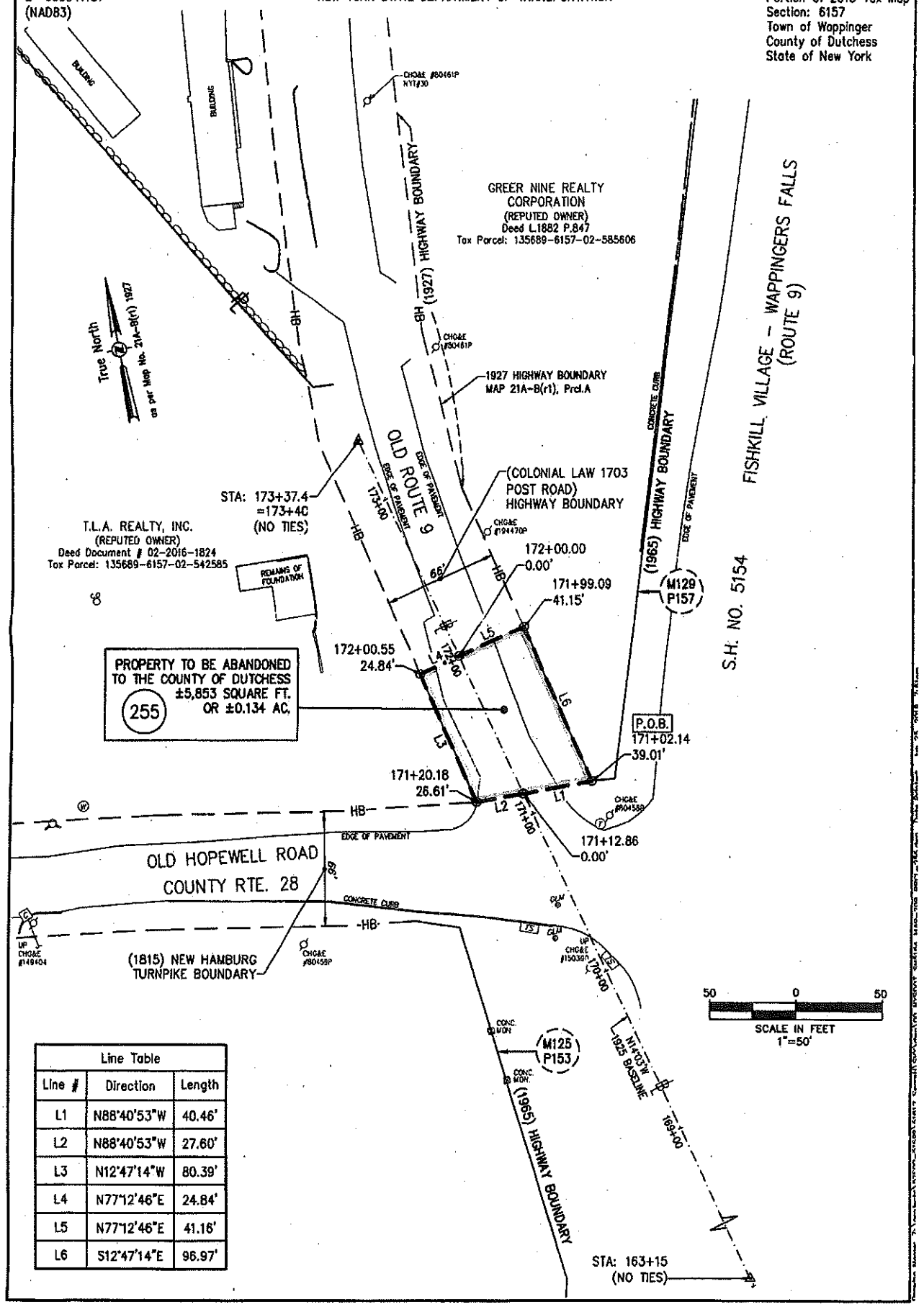
NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ABANDONMENT MAP

MAP NO. 209
PARCEL NO. 255
SHEET 1 OF 2

Parcel Locator Point:
N 1000861.623
E 653641187
(NAD83)

HIGHWAY RIGHT OF WAY
PRESENTLY UNDER THE JURISDICTION OF THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

PARCEL SUMMARY:
Type: ABANDONMENT
Portion of 2018 Tax Map
Section: 6157
Town of Wappinger
County of Dutchess
State of New York



Line Table		
Line #	Direction	Length
L1	N88°40'53"W	40.46'
L2	N88°40'53"W	27.60'
L3	N12°47'14"W	80.39'
L4	N77°12'46"E	24.84'
L5	N77°12'46"E	41.16'
L6	S12°47'14"E	96.97'

PREPARED BY _____ CHECKED BY _____ FINAL CHECK BY _____

Field Survey Records and Control Report are on file in the Regional Office of NYSDOT.

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 8 - POUGHKEEPSIE

FISHKILL VILLAGE - WAPPINGERS FALLS
STATE HIGHWAY NO. 5154
DUTCHESS COUNTY

TO BE MAINTAINED BY THE COUNTY OF DUTCHESS PURSUANT TO SECTIONS 62 AND 345-A OF THE HIGHWAY LAW:

Parcel No. 255

Beginning at a point on the westerly boundary of the existing Fishkill Village - Wappingers Falls highway at the intersection of the said boundary with the easterly boundary of the existing Old Route 9, said point being 39.01 feet distant easterly, measured at right angles, from station 171+02.14 of the hereinafter described survey baseline for the reconstruction of the Fishkill Village-Wappingers Falls, State Highway No. 5154; thence through the Bed of said existing Old Route 9 the following two (2) courses and distances: (1) North 88°-40'-53" West, 40.46 feet to a point on the said baseline at station 171+12.86; and (2) North 88°-40'-53" West, 27.60 feet to a point on the westerly boundary of said existing Old Route 9 at the intersection of the said boundary with the northerly boundary of the existing Old Hopewell Road (County Route 28), the last mentioned point being 26.61 feet distant westerly, measured at right angles, from station 171+20.18 of said baseline; thence along the last mentioned boundary of said existing Old Route 9 North 12°-47'-14" West, 80.39 feet to a point 24.84 feet distant westerly, measured at right angles, from station 172+00.55 of said baseline; thence through the Bed of said existing Old Route 9 the following two (2) courses and distances: (1) North 77°-12'-46" East, 24.84 feet to a point on the said existing baseline at 172+00.00; and (2) North 77°-12'-46" East, 41.16 feet to a point on the easterly boundary of said existing Old Route 9, the last mentioned point being 41.15 feet distant easterly, measured at right angles, from station 171+99.09 of said baseline; thence along the last mentioned boundary of said existing Old Route 9 South 12°-47'-14" East, 96.97 feet to the point of beginning; being 5,853 square feet or 0.134 acre more or less.

Being a portion of the Colonial Law 1703 Post Road Highway, also known as State Highway No. 5154, accepted as part of the New York State Highway system on August 27, 1912.

The above mentioned survey baseline is a portion of the 1925 survey baseline for the reconstruction of the Fishkill Village-Wappingers Falls, State Highway No. 5154, as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

Beginning at station 163+15; thence North 14°-03' West to station 173+37.4 = 173+40.

All bearings referred to TRUE NORTH as per 1927 map 21 A-B R1.

LANCE MACMILLAN, ACTING REGIONAL DIRECTOR OF TRANSPORTATION
REGION 8

DATE 6/26/18, 2018

Public Safety

RESOLUTION NO. 2019007

RE: AUTHORIZING GRANT AGREEMENT WITH NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF EMERGENCY RESPONSE

Legislators HORTON, BOLNER, MICCIO, KEITH, PULVER, TRUITT, SAGLIANO, MUNN offer the following and moves its adoption:

WHEREAS, the Department of Emergency Response has advised that the New York State Division of Homeland Security and Emergency Services has awarded the County a grant, entitled "2018 Statewide Interoperable Communications Grant Program" (2018 SICG Grant), in the sum of $616,793 to provide the funds to purchase a Geo-diverse NG 911CPE, Interoperable base stations, to replace radio dispatch base stations and to provide for a consultant for the development of a consolidated radio system, and

WHEREAS, the grant covers the period January 1, 2019, through December 31, 2020, and

WHEREAS, it is necessary for this Legislature to authorize the execution of the grant agreement and to amend the 2019 Adopted County Budget to accept such funds and provide for the receipt and expenditure of said funds, now therefore, be it

RESOLVED, that this Legislature hereby authorizes the County Executive or his designee to accept the grant award from New York State Division of Homeland Security and Emergency Services in connection with the above grant and further authorizes and empowers the County Executive or his designee to execute said grant agreement and any amendments thereto on behalf of the County of Dutchess, and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2019 Adopted County Budget as follows:

APPROPRIATIONS - Increase		
H0530.3020.2500.10	Other Equipment 10 year	$383,000
H0530.3020.4401.105	Consultant Services	$233,793
		$616,793

REVENUES - Increase		
H0530.3020.33890.17	Other Public Safety SICG Formula Grant	$616,793
		$616,793

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-010-19
MMW/kvh/G-148-A
01/04/19
Fiscal Impact: See attached statement
STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 616,793

Total Current Year Revenue and Source $ 616,793

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): $0

Over Five Years: $0

Additional Comments/Explanation:

Two year grant cycle

Prepared by: Laurie Colgan

Prepared On: 11/29/2018

H0530 - 2019 Integration of 911 Phone System			
APPROPRIATIONS			
Increase			
	H0530.3020.2500.10	Other Equipment 10 Year	$383,000
	H0530.3020.4401.105	Consultant Services	$233,793
			$616,793
REVENUE			
Increase			
	H0530.3020.33890.17	Other Pub Safety SICG Formula Grant	$616,793
			$616,793

Public Safety Roll Call

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

Present: 10 **Resolution:** ✓ **Total :** 10 (Yes) 0 (No)

Absent: 2 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2019007 AUTHORIZING GRANT AGREEMENT WITH NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF EMERGENCY RESPONSE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019007 AUTHORIZING GRANT AGREEMENT WITH NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF EMERGENCY RESPONSE

January 22, 2019

Family/Human Services Committee

RESOLUTION NO. 2019008

RE: REAPPOINTMENTS TO THE MENTAL HYGIENE BOARD

Legislators THOMES, SAGLIANO, GARITO, and HORTON offer the following and move its adoption:

WHEREAS, Article 41 of the Mental Hygiene Law, Section 9.03 of the Dutchess County Charter, and Section 9.03 of the Dutchess County Administrative Code provide for the Creation of an Advisory Mental Hygiene Board whose members are appointed by the Legislature, and

WHEREAS, Section 41.11 of the Mental Hygiene Law provides that each member shall be appointed for a four-year term; that vacancies shall be filled for unexpired terms and that no member may serve more than two consecutive terms, and

WHEREAS, there presently exists vacancies on said Board, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby reappoint the following to the Dutchess County Advisory Mental Hygiene Board:

Reappointments	**Term Ending**
Terry Schneider (2nd term) 32 Kevin Heights Poughkeepsie, NY 12603	12/31/2022
Benjamin Hayden, Ph.D. (2nd term) 10 Gaskin Road Poughkeepsie, NY 12601	12/31/2022
Karen Lynch (2nd term) 18 Louise Lane Hopewell Junction, NY 12533-5112	12/31/2022
Amy W. Tully, Ph.D. (1st term) 62 Hudson View Terrace Hyde Park, NY 12538	12/31/2022
Mark Searle (1st term) 18 Hartstone Drive Poughkeepsie, NY 12603	12/31/2022

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Discussion on Resolution No. 2019008 proceeded as follows:

Legislator Tyner spoke regarding non-violent substance abuse inmates at the Dutchess County Jail.

Legislator Truitt called Point of Order because this resolution was regarding reappointment to the Mental Hygiene Board and not regarding the Jail.

Chair Pulver ruled Legislator Tyner out of order.

Roll call vote on the foregoing Resolution No. 2019008 resulted as follows:

AYES:	23	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
NAYS:	0	
ABSENT:	2	Amparo, Page

Resolution adopted.

Family and Human Services Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias	abst	
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Garito		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (C)		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 11
Absent: 1
Vacant: 0

Resolution: ✓
Motion: ___

Total : 11 Yes, 0 No
Abstentions: 0

2019008 REAPPOINTMENTS TO THE MENTAL HYGIENE BOARD

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019008 REAPPOINTMENTS TO THE MENTAL HYGIENE BOARD

January 22, 2019

Family & Human Services

RESOLUTION NO. 2019009

RE: AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) FOR THE TRADE AND ECONOMIC TRANSITION DISLOCATED WORKER GRANT

Legislators THOMES, SAGLIANO, HORTON, GARITO, TRUITT, BOLNER, and MUNN offer the following and move its adoption:

WHEREAS, the United States Congress enacted the WIOA 2014 to provide the framework for a unique workforce preparation and employment system designed to meet the needs of businesses and the needs of job seekers and those who want to further their careers, and

WHEREAS the United States Department of Labor (USDOL) awarded the New York State Department of Labor (NYSDOL) a Trade and Economic Transition Grant (TETG) for up to $8,000,000, and

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of

- PY 2018 TRADE AND ECONOMIC TRANSITION DISLOCATED WORKER funding for the period of October 1, 2018 through September 30, 2020;

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to accept the allocation of funding under the above TETG Program and amend the following accounts:

APPROPRIATIONS Increase

2018		
CD6292.2018.4842	T-1B WIOA Dislocated Worker	$295,680
		$295,680

REVENUES Increase

2018		
CD6292.2018.47910.42	T-1B WIOA Dislocated Worker	$295,680
		$295,680

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-021-19
TJL/kvh
01/04/19
G-1263

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 295,680

Total Current Year Revenue and Source $ 295,680

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:

Trade and Economic Transition Grant TETG October 1, 2018 through September 30, 2020

Prepared by: Louise McLoughlin, Executive Director

Prepared On: 11/30/18

NEW YORK
STATE OF
OPPORTUNITY.

Department
of Labor

Subrecipient Agreement

Trade and Economic Transition National Dislocated Worker Grant (TET-NDWG)

Grant #DW-32566-18-60-A-36

Karen Coleman, Deputy Commissioner for
Workforce Development

Table of Contents

Section I – Subrecipient Cover Page

Section II – Notice of Obligational Authority

Section III – Subrecipient Application

Section IV – USDOL Grant / Agreement Notification of Obligation (NOO) and Funding Opportunity Announcement (FO)
(Includes NYSDOL TET-NDWG Proposal)

Section V – Subrecipient Attestation

SECTION I

SUBRECIPIENT COVER PAGE

NYS Department of Labor **Division of Employment & Workforce Solutions**	**Subrecipient Agreement** **Notification of Award/Obligation:** **Trade and Economic Transition National Dislocated Worker Grant (TET-NDWG)**
	Federal Award Identification Number **DW325661860A36**
	CFDA No. 17.277
	Federal Award Date **September 26, 2018**

*Under the authority of the Workforce Innovation and Opportunity Act, this grant or agreement is entered into between the above named Grantor Agency and the following named Subrecipient Awardee, for a project entitled – **Trade and Economic Transition National Dislocated Worker Grant.***

Subrecipient:	Marcus J. Molinaro Dutchess County Executive
DUNS Number:	082282195
Project Description:	TET-NDWG - Program Year 2018 Funding
Subaward Period of Performance:	10/1/18 to 9/30/20
Total Funds Committed to Subrecipient (unless otherwise amended)	$295,680
Indirect Cost Rate	To Be Determined
R&D Grant:	Not applicable

Payments to subrecipients will be made via the Notice of Obligational Authority process with subrecipients reporting expenditures, accruals, and obligations via the PeopleSoft Financial application.

In performing its responsibilities under this subrecipient agreement, the subrecipient assures that it will fully comply with all applicable state and federal rules and regulations including but not limited to the following NYSDOL Technical Advisories, federal regulations, and federal cost principles, including any subsequent amendment:

NYS Department of Labor Technical Advisories:

- TA #16-8 "Monitoring – Local Workforce Development Board Responsibilities Relating to NYS Department of Labor Fiscal Monitoring and Oversight " http://www.labor.ny.gov/workforcenypartners/ta/ta-16-8-lwdb-oversight-and-monitoring-responsibilities.pdf
- TA #11-2.4 "Financial Reporting and Cash Draw-down Policy and Procedures for WIOA, Trade Adjustment Act and Other Federal Funding" http://labor.ny.gov/workforcenypartners/ta/TA11-2-4-Updated-Financial-Reporting-and-Drawdown-Policy.pdf
- TA #16-7 "Final Fiscal Closeout of Expiring Federal Funds" http://www.labor.ny.gov/workforcenypartners/ta/ta16-7-final-fiscal-closeout-of-expiring-federal-funds-final-7-27-16.pdf
- TA #16-2 "Retention of Records by Local Workforce Development Boards" http://labor.ny.gov/workforcenypartners/ta/ta-16-2-record-retention.pdf

Section IV USDOL GRANT / AGREEMENT NOTIFICATION OF AWARD / OBLIGATION:

- Includes Uniform Administrative Requirements, Cost Principles, and Other Requirements (as applicable)

SECTION II

NOTICE OF OBLIGATIONAL AUTHORITY

NYS Department of Labor
Division of Employment & Workforce Solutions

NOTICE OF OBLIGATIONAL AUTHORITY (NOA)

Authorizing Program Year 2018 Trade and Economic Transition National Dislocated Worker Grant (TET NDWG)
Title 1-B Funding
This funding is authorized for the period 10/01/2018 through 09/30/2020.

Program:	TET NDWG Program Year 2018
NOA Number:	TET PY18-1
Grantor:	Governor of New York through the NYS Department of Labor
FAIN:	DW325661860A36

Local Workforce Development Area (LWDA) Subrecipient Information

LWDA Name:	Dutchess County
LWDA Assigned Number:	60
DUNS Number:	08-228-2195
Subrecipient Contact:	Marcus J. Molinaro
Subrecipient Contact Title:	Dutchess County Executive

WIOA Title 1-B

Program	CFDA #	Prior Approved Level	Change (per this NOA)	New Level
TET NDWG	17.277	$0.00	$295,680.00	$295,680.00

NYSDOL Contact Information

Representative Name:	Nancy Bell
Phone Number:	(518) 457-0239

Approval Signature: Karen A Coleman 10/1/2018

Karen A. Coleman
Deputy Commissioner for Workforce Development
NYS Department of Labor

SECTION III

SUBRECIPIENT APPLICATION

Dutchess County Workforce Investment Board
"Building Partnerships for Workforce Solutions"

August 28, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
NYS Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany, New York 12240

RE: Trade and Economic Transition National Dislocated Worker Grant – *Letter of Commitment from Dutchess County Workforce Investment Board, Inc. (DCWIB)*

Dear Ms. Coleman:

On behalf of the Dutchess County Workforce Development Area., please accept this letter as demonstrated evidence of our commitment to the New York State Department of Labor's (NYSDOL) Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. Dutchess County is committed to partner and collaborate with NYSDOL on projects funded through the TET-DWG.

Dutchess County is dedicated to addressing the ongoing and/or emerging workforce and economic challenges by providing training and career services to dislocated workers seeking reentry into the workforce, and increasing their skill levels to become competitive for growing or high - demand employment opportunities.

We are in support of NYS' workforce vision and the goals as set forth under the Workforce Innovation and Opportunity Act of 2014. The DCWIB will continue to work collaboratively with our County government and local economic development agencies to further strengthen workforce development in Dutchess County through the provision of employment and training assistance to workers affected by major economic dislocations.

Please feel free to contact me with any questions, concerns or requests.

Sincerely,

Louise McLoughlin
Executive Director

3 Neptune Road Poughkeepsie, NY 12601
Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

DUTCHESS COUNTY 2018

Local Workforce Development Area Name

Dutchess County

Number of Projected Participants to be Served by this DWG.

75 (approximate)

Funding requested.

$295,680 (flexible)

A. Project Purpose and Description -- Demonstrate this project will help move its workforce toward sustainable opportunities in high-demand sectors that could transform the LWDA economy. The sectors do not have to be, and likely should not be, those that have suffered dislocations due to economic Transition.

1. Sector(s) of Focus

a. Sector(s) of focus to which grant participants will be transitioned.

Industry. Healthcare has long been an economic driver in the Hudson Valley region, contributing about $1.6 billion to the economy in Dutchess County. Healthcare is among the largest and fastest-growing sources of employment in the region, adding 6,500 healthcare jobs from 2006 to 2009. In that period, 136,613 persons were employed in health care in the Hudson Valley. ***Visas.*** In Westchester, Putnam, and Dutchess counties there were 341applications.for H- 1B visas for open and hard-to-fill positions, including medical technologists and clinical nurse specialists. Our employer-partners were among those making these requests.

Additional Industries. Our high demand industries in Dutchess County also include IT and IT Related Industries, Advanced Manufacturing and Administrative Support Services.

b. Why opportunities in sectors of focus are sustainable.

The Hudson Valley Region, located just north of NYC, is the epicenter of healthcare change in NYS. Seemingly overnight, dozens of community-based hospitals and independent medical practices have transformed into employers with large regional footprints and interests who use health information technology (HIT) and other innovations to improve efficiencies, performance, and profitability. These employers need talent to fuel their continued growth, especially in positions for which they often turn to H-1B visas.

Educational and health services continue to be the region's top job generator, growing by 2.4% or 4,500 jobs and significantly outpacing the next-fastest-growing cluster, leisure and hospitality, which grew by 2.1% or 1,700 jobs. For example, employer-partners report that radiologic and MRI technicians, medical coders and billers, and specialty-area nurses are difficult to fill and / or are expected to be in high demand. Radiologic technologists perform diagnostic imaging examinations (*i.e.*, x-rays, MRIs). Medical coders and billers (also Medical Records and Health Information Technicians), organize and manage health information data and ensure its quality, accuracy, accessibility, and security. They use classification systems to code patient information for insurance reimbursement and to maintain patients' medical and treatment histories. Registered nurses (RNs) provide and coordinate patient care, educate patients and the public about health care.

With the low unemployment rate, we are facing a shortage of middle-skills work who can transition into job openings. Employers have expressed at the local level a need to fill positions left vacate by retiring "boomers" and other workers who leave for various reasons. Customers at the One Stop Career Center, particularly Dislocated Workers have had difficulty securing employment due to a lack of current job-related skills. We have seen this particularly with mature workers, they come to the One Stop seemingly with a wealth of knowledge but many have found it difficult to use their current skill-set to launch into new employment without renewed soft skill and hard skill training.

c. Characteristics of workforce or participants that could speed or ease transition into sectors.

U.S. Census data reports that 86.5% of Dutchess County residents in the Greater Poughkeepsie Area have a high school diploma or higher, 10.2% of families live below the poverty level and there is a 9.5% unemployment rate among youth 16 years and older. This educated population is poised to take on the responsibilities of these jobs with the proper training. (Our youth are ready and motivated to launch into adulthood). The educational breakdown of Dutchess County, NY: 28% have a high school diploma or equivalency, 19% have some college, 10% possess an Associate's degree, 18% attained a bachelor's degree and 15% have completed their graduate studies.

But there is a category of worker who needs our support and focus. It is easy to become discouraged and unmotivated when you lose a job and are having difficulty finding a new one. The dislocated worker can be the key to our success! As it becomes harder to find workers, we need to look to this group of individuals to fill these vacant positions. Dislocated workers, in

particular the "mature worker" are finding it increasingly difficult to secure a new position. Some of these workers need skills upgrade, some of these workers are looking to use their current skill-set in a new industry and are asking for support and guidance. Dislocated workers have expressed to One Stop staff that it can be difficult at job interviews to explain why they are out of work and it has taken a while to acquire a new position. Many times, these workers have been at one company for decades and are not equipped to find a job in our 21st Century job market. Navigating websites, uploading resumes and cover letters and keeping up with social media trends is a challenge for many DW's. Going directly to employers and learning their employment needs has enabled us to bring the DW to their attention. Our One Stop Business Team in meetings with employers has found a renewed interest in work tryouts and OJT's.

d. Existing resources that could speed or ease transition into sector(s) of focus

Dutchess County has the capacity to address the education and skill needs of the local workforce including individuals with barriers to employment. The One Stop Career Center offers comprehensive services to job seekers including assessments, career counseling, skills training, resume development, hands-on job search workshops, mock interview practice, job placement and follow up services. Individuals with barriers to employment such as English Second Language learners, individuals who are basic skills deficient, individuals with a disability, individuals who have been incarcerated, individuals who are homeless are "met where they are" and are provided services tailored to their specific needs. Partner referrals are made when an individual expresses the need for additional assistance.

The ETPL list (Eligible Training Provider List) is updated frequently and offerings change based on the needs of the community concentrating on the needs of the individual and the needs of the business community. Career center staff works closely with individuals to identify career pathways and then works with training providers to add existing training to the ETPL list or to develop training to fit an identified need. The business community is actively involved in education and training and works with the DCWIB staff and DCWBD Board and Career Center staff to identify both current and future workforce needs.

Dutchess Community College (DCC) is located in the heart of Dutchess County and offers many courses leading to postsecondary credentials. Career Center staff is available to discuss options with interested individuals, focusing first on customer choice. DCC has materials available for

individuals at the Career Center. In addition, there are many colleges in Dutchess County and the surrounding area.

Most credentials earned are transferable to other occupations or industries. Someone trained as a Certified Nursing Assistant could work as a Medical Office Assistant or a Direct Care Worker. Someone trained in bookkeeping and attaining a credential could go on and get their associates degree in accounting or could go into business and work as a supervisor or manager in a business or agency. Career Center staff are trained to help individuals identify and articulate their transferable skills. These are incorporated in a resume, used on a job interview and used to change or advance their skills in a training program (certificate or degree).

Service Delivery

a. Describe any innovative employment and training techniques the applicant will deploy, consistent with WIOA sec. 134(c) and (d).

Staffing- Either a new staff person would be hired or current staff would be trained to work specifically with the Dislocated Worker (DW) particularly the mature worker. (Staff development and training to work with the mature worker would be provided this would include developing strategies to work with employment barriers).

Workshops- The One Stop would conduct workshops (using staff and outside contractors) to address barriers to employment, soft skills, job readiness skills, job search skills, interview skills and other employment-related skills.

Career Counseling- DW's would receive the necessary career counseling to identify their interests and transferable skills. Utilizing customer choice, staff would assist the individual to develop an action plan to achieve these goals.

Cohorts- Working with providers on the ETPL list, the program would provide training, soft skills development and externships to DW's, these cohorts would include a job placement strategy upon completion with the goal of employment for all involved in the cohort.

OJT's-On-the-Job Training opportunities allow a worker with a great attitude gain the aptitude for the job they want! Working with local employers, the Business Service team will match workers with skills-gaps to waiting jobs. Being able to train while they work will help the adult on their chosen career pathway.

b. Describe any supportive services that may be provided, or method by which applicant will determine individual needs for supportive services, delivered by the grantee and its partners.

The DCWDB would contract through the RFP/RFQ process for a provider to offer supportive services including; bus passes, transportation vouchers to get to work or to an interview, limited short-term childcare when they start a new job, uniforms and other work-related requirements, license and certification fees, background checks and other supportive services approved by the DCWDB.

2. **Economic Benefit** – Describe the extent to which the training activities could have broader benefit to the geographic areas covered by the DWG, such as by building or improving infrastructure; or, creating the capacity for the area to handle future job loss caused by economic transition without additional federal assistance

A strong labor force is central to a strong economy. Dutchess County has an educated workforce but as industries change and grow the challenge is to keep up with the needs of business. A well-trained workforce that is flexible and evolving will help keep businesses in our county. Companies are more likely to stay or re-locate to an area with a thriving economy and a strong workforce. Investing in our community is essential to our economic health and growth. We cannot let our DW's exit the workforce and lower our (labor force) participation in the workforce numbers, we must engage them now and show them that working is the best way to contribute to the economy while supporting their families.

3. **Strategic Alignment** – Where applicable, describe connections to the WIOA State Plan; other existing sector or career pathways projects; statewide or regional talent; economic development initiatives; development initiatives including existing Comprehensive Economic Development Strategies (CEDS); infrastructure improvement plans such 6 as state highway construction plans approved by the U.S. Department of Transportation; business engagement strategies; or, other similar efforts.
   1. The NYS Plan lists Administrative and Support Services, Healthcare and Social Assistance and Professional, Scientific and Technical Services as the top three industries with the largest number of online ads in the State Plan. In Dutchess County, we too are focused on providing training and support for these industries as we too have noticed and reported that employers need to hire workers.
   2. The DCWDB agrees with the State Plan that "identifying employment needs of businesses require developing and maintaining current business customer relationships and has staff

in the One Stop Center who focus on this. They work to match employers with potential employees.

3. In Dutchess County we are also looking at the labor force participation rates and strive to encourage and motivate potential workers to enter the workforce. Providing training and matching potential employers to hiring managers is a great start.
4. Identifying the skills gap of the dislocated worker is a first step toward renewed employment. Identifying these middle-skills occupations and providing training opportunities can help fulfill both the needs of the employer and the DW worker.

   FINAL COMMENTS- Dutchess County is rich in many resources but our people are our greatest natural resource and strength.

Dutchess County needs to participate in this project for a number of reasons:

1. We have over 600 identified DW's in OSOS.
2. The One Stop staff is willing to focus efforts on DW's and understands the need to maintain a strong and viable workforce. Having additional funding and investing in the people in our community is central to our work efforts (and work ethic).
3. Our WARN notices this year include:

   40 from Astor in July

   Unknown # from Toy's R Us in May

   83 from Jabil in May

   85 from Fluor in February

   As well as:

   83 from

   34 from Sodexo in June of 2017
4. Anticipated downsizing

   One of our bigger employers, Global Foundries, announced an upcoming 5% staff reduction across all of their locations. This affects up to 75 jobs in Dutchess County. Unofficial confirmation has been received that this is happening and that the positions are professional positions (not entry-level).

NYSDOL Internal SAMPLE Budget for Economic Transition DWG Grant Application
Breakdown of SF 424a Contractual Line

LWDB	Anticipated Number of Participants to be Served
Dutchess County	75

Cost Category	Proposed Cost	Narrative Description of Services to be Provided *
Administrative Costs (limited to 10%)	$ 26,880	
Career Services	$ 70,000	1 PT Staff for two years (for the duration of the grant) to provide both Basic and Intensive Career Services. Career Services may include soft skills training as identified by local employers, interviewing skills, employment plan development job coaching and job matching services.
Supportive Services	$ 45,000	Supportive services would include transportation ($10,000), childcare ($30,000), exam/license fees ($2,500) and assistance with uniforms/work attire/work tools, course books and school supplies ($2,500)
Training and Work-Based Training	$ 153,800	Traditional ITA training (or cohorts) may be provided for up to 25 participants for up to $5000 each ($125,000). OJT training ($28800) may be provided for up to 5 individuals for a duration not to exceed 6 months at a reimbursement rate of 50% and a minimum wage requirement of $12 per hour. (40 hours per week x 24 weeks = 960 hours, 960 hours x $12/hour = $11520, $11520 x 50% = $5760 reimbursement per OJT)
Total	$ 295,680	

** Your narrative should describe which of the allowable activities listed in Section 6 of TEGL 2-18 will be provided, and should provide the basis (including calculations where necessary) used to determine your funding requests, so that NYSDOL can confirm that all costs included are allowable under the terms of the TEGL, and in line with the intended program design*

NEW YORK STATE OF OPPORTUNITY. | Department of Labor

SECTION IV

USDOL GRANT/AGREEMENT NOTIFICATION OF OBLIGATION (NOO) AND FUNDING OPPORTUNITY ANNOUNCEMENT (FO)

(Includes NYSDOL TET-NDWG Proposal)

U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION (DOL/ETA)	*NOTICE OF AWARD (NOA)*

Under the authority of the ***WIOA Sec. 170, National Dislocated Worker Grants***, this grant or agreement is entered into between the above named ***Grantor Agency*** and the following named ***Awardee***, for a project entitled - ***TRADE AND ECONOMIC TRANSITION NATIONAL DISLOCATED WORKER GRANTS.***

Name & Address of Awardee:
NEW YORK STATE DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS, BUILDING 12, ROOM 516
ALBANY, NEW YORK 12240-0001

Federal Award Id. No. (FAIN): DW-32566-18-60-A-36
CFDA #: 17.277- WIOA National Dislocated Worker Grants / WIA National Emergency Grants (NEGs)
Amount:$8,000,000.00
EIN: 146013200
DUNS #: 806780607

Accounting Code: 1630-2018-0501741818BD201801740003185DW093A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-

Payment Management System DOC#: DW32566AG0

The Period of Performance shall be from **October 01, 2018 thru September 30, 2020.**
Total Government's Financial Obligation is **$8,000,000.00** (unless other wise amended).

Payments will be made under the Payments Management System, and can be automatically drawn down by the awardee on an as needed basis covering a forty-eight (48) hour period.

Special Conditions of Award: N/A

In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with all applicable Statute(s), and the following regulations and cost principles, including any subsequent amendments:

Uniform Administrative Requirements, Cost Principles, and Audit Requirements:
2 CFR Part 200; Uniform Administrative Requirements, Cost Principles, and Audit Requirements; Final Rule
2 CFR Part 2900; DOL Exceptions to 2 CFR Part 200;

Other Requirements (Included within this NOA):

Condition(s) of Award (if applicable)
Federal Award Terms, including attachments

Contact Information

The Federal Project Officer (FPO) assigned to this grant is Richard Chavez. Richard Chavez will serve as your first line point of contact and can be contacted via e-mail - *chavez.richard@dol.gov*. If your FPO is not available, please call your Regional Office at 617-788-0170 for assistance.

The awardee's signature below certifies full compliance with all terms and conditions as well as all applicable Statues(s), grant regulations, guidance, and certifications.

Signature of Approving Official - ***AWARDEE***

See SF-424 for Signature

No Additional Signature Required

Signature of Approving Official - ***DOL / ETA***

Lynn Fraga, September 26, 2018
Grant Officer

Trade and Economic Transition Dislocated Worker Grant Federal Award Terms

Table of Contents

1. **Order of Precedence** 3
2. **Notice of Award** 3
3. **Funding Opportunity Announcement** 3
4. **Administrative Law Judge Removal of Award (WIOA)** 3
5. **Federal Project Officer** 4
6. **Indirect Cost Rate and Cost Allocation Plan** 4
7. **Approved Statement of Work** 6
8. **Approved Budget** 6
9. **Return of Funds** 6
10. **Evaluation, Data, and Implementation** 6
11. **Resources and Information** 6
12. **Cost Limitation Restrictions** 7
    a. Administrative Costs 7
    b. On-the-Job Training 7
    c. Budget Flexibility 7
    d. Consultants 7
    e. Travel 8
    f. Travel – Foreign 8
    g. Travel – Mileage Reimbursement Rates 8
    h. WIOA Infrastructure 8
13. **Administrative Requirements** 9
    a. Assurances and Certifications 9
    b. Audits 9
    c. Closeout/Final Year Requirements 9
    d. Creative Commons Attributions License 10
    e. Equipment 10
    f. Federal Funding Accountability and Transparency Act (FFATA) 10
    g. Intellectual Property Rights 13
    h. Intellectual Property Rights and the Bayh-Dole Act (for discretionary awards) 13
    i. Personally Identifiable Information 14
    j. Pre-Award 14
    k. Procurement 14
    l. Program Income 14
    m. Publicity 15
    n. Recipient Integrity and Performance Matters 15
    o. Reports 16
    p. Requirements for Conference and Conference Space 17
    q. Subawards 18
    r. Supportive Services & Participant Support Costs 18
    s. System for Award Management 18
    t. Vendor/Contractor 19
14. **Program Requirements** 19

15. Fiscal Year 2018 Federal Appropriations Requirements 19
a. Buy American Notice 19
b. Fair Labor Standards Act Amendment for Major Disasters 20
c. Health Benefits Coverage for Contraceptives 21
d. Privacy Act 21
e. Prohibition on Contracting with Corporations with Felony Criminal Convictions 21
f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities 21
g. Prohibition on Procuring Goods Obtained Through Child Labor 21
h. Prohibition on Providing Federal Funds to ACORN 22
i. Reporting of Waste, Fraud and Abuse 22
j. Requirement for Blocking Pornography 22
k. Requirement to Provide Certain Information in Public Communications 22
l. Restriction on Health Benefits Coverage for Abortions 22
m. Restriction on Lobbying/Advocacy 23
n. Restriction on the Promotion of Drug Legalization 23
o. Restriction on Purchase of Sterile Needles or Syringes 23
p. Salary and Bonus Limitations 23
16. Public Policy 23
a. Architectural Barriers 23
b. Drug-Free Workplace 24
c. Executive Orders 24
d. Flood Insurance 24
e. Hotel-Motel Fire Safety 25
f. Prohibition on Trafficking in Persons 25
g. Veterans' Priority Provisions 26
17. Attachments 27
Attachment A: SF-424
Attachment B: SF-424A
Attachment C: Budget Narrative
Attachment D: Statement of Work
Attachment E: NICRA or Cost Allocation Plan (if applicable)

1. Order of Precedence

In the event of any inconsistency between the terms and conditions of this Notice of Award and other requirements, the following order of precedence shall apply:

I. Workforce Innovation and Opportunity Act;
II. other applicable Federal statutes;
III. Consolidated Appropriations Act, 2018, P.L. 115-141;
IV. Implementing Regulations;
V. Executive Orders;
VI. OMB Circulars, including the Uniform Guidance at 2 CFR 200 and 2900;
VII. Training and Employment Guidance Letter No. 2-18, *Trade and Economic Transition National Dislocated Worker Grants*;
VIII. other applicable DOL-ETA Directives; and the
IX. terms and conditions of this award.

2. Notice of Award

Funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. These obligations and costs may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

3. Funding Opportunity Announcement

Training and Employment Guidance Letter (TEGL) No. 2-18 transmits the funding opportunity associated with this award. TEGL No. 2-18 and all applicable amendments are hereby incorporated into the Notice of Award. Award recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. Therefore, the expenditure of grant funds by the award recipient certifies that the recipient has read and will comply with all the parts that are contained in the NOA.

4. Administrative Law Judge Removal of Award (WIOA)

By drawing down funds, your organization as the award recipient agrees to the provisions of 20 CFR 683.820(b)(6), which states:

> "Any organization selected and/or funded under WIOA title I, subtitle D, is subject to having its award removed if an ALJ decisions so orders. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected grantee and to the grantee whose positions is affected or which is being removed."

5. Federal Project Officer

The DOL/ETA Federal Project Officer (FPO) for this award is:

Name: Richard Chavez
Telephone: 617-788-0133
E-mail: Chavez.richard@dol.gov

The FPO is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

6. Indirect Cost Rate and Cost Allocation Plan

___ A. A **current** Federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or current Federally approved Cost Allocation Plan (CAP) has been provided – copy attached.
For a NICRA only:
(1) Indirect Rate approved: %
(2) Type of Indirect Cost Rate: _____
(3) Allocation Distribution Base: _____
(4) Current beginning and ending period applicable to rate: _____

Estimated Indirect Costs are shown on the SF-424A budget form. If a new NICRA is issued during the grant's period of performance, it must be provided to DOL within 30 days of it being issued. Funds may be re-budgeted as necessary between direct and indirect costs as long as it is consistent with 10% Budget Flexibility term within this agreement, grant requirements and DOL regulations on prior approval. However, the total amount of the grant award will not be increased.

Any changes to the budget that impact the Statement of Work and agreed upon outcomes or deliverables will require a request for modification and prior approval from the Grant Officer.

___ B. (1)_____Latest NICRA or CAP approved by the Federal Cognizant Agency (FCA) is not current, or

(2)_____An indirect cost rate proposal or CAP has not been submitted for approval.

URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category "j", however only $*[N/A]* will be released to support the indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP and document stating that the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

As the award recipient, your organization must submit an indirect cost rate proposal or CAP. These documents should be submitted to the DOL's Division of Cost Determination (DCD) or to the recipient's FCA. In addition, the recipient must notify the Federal Project Officer (FPO) that the documents have been submitted to the appropriate FCA. **If this proposal is not submitted within 90 days of the effective date of the award, no funds will be approved for the reimbursement of indirect costs.** Failure to submit an indirect cost proposal by the above date means the award recipient will not receive further reimbursement for indirect costs until a signed copy of the federally approved NICRA or CAP is provided and the restriction is lifted by the Grant Officer. All indirect costs paid for using grant funds must be returned through the Payment Management System. No indirect costs will be reimbursed without a NICRA or an approved CAP.

The total amount of the DOL's financial obligation under this grant award **will not** be increased in order to reimburse the recipient for higher negotiated indirect costs.

_X_ C. The award recipient elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. According to 2 CFR 200.412, if indirect costs are misclassified as direct costs, such costs may become disallowed through an audit.

___ D. The award recipient has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles of the Uniform Guidance has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition of MTDC) which may be used indefinitely. Governmental departments or agencies that receive more than $35 million in direct Federal Funding must submit an indirect cost rate proposal and cannot request a de minimis rate. This methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

If the DOL is your FCA, as a recipient, your organization must work with DOL's DCD, which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about the DOL's DCD is available at **http://www.dol.gov/oasam/boc/dcd/**. This website has guidelines to develop indirect cost rates, links to the applicable cost principles, and contact information. The DCD also has Frequently Asked Questions to provide general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals at **http://www.dol.gov/oasam/faqs/FAQ-dcd.htm**.

Starting the quarter ending September 30, 2016, all grant recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Form. Please see TEGL 2-16 for additional guidance at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-16_acc.pdf

7. Approved Statement of Work

The award recipient's project narrative is considered the approved Statement of Work. It has been included as Attachment D. If there is any inconsistency between items specified in the project narrative and the program statue, appropriation, regulations, Executive Orders, Uniform Guidance, OMB Circulars, and DOL-ETA directives, the order of precedence will prevail.

8. Approved Budget

The award recipient's budget documents are attached in this Notice of Award. The documents are: 1) the SF-424, included as Attachment A; 2) the SF-424 A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. As the award recipient, your organization must confirm that all costs are allowable before creating any expenses. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR 200 or your grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

9. Return of Funds

Effective October 1, 2017, the U.S. Department of Labor, Employment & Training Administration will no longer be accepting paper checks for any type of returned funds. All return of funds are to be submitted electronically through the Payment Management System (PMS) operated by the U.S. Department of Health and Human Resources via the same method as a drawdown.

If there are questions regarding the return of funds or your organization no longer has access to PMS, contact the U.S. Department of Labor/ETA Office of Financial Administration via email at: ETA-ARteam@dol.gov for further assistance.

10. Evaluation, Data, and Implementation

As the award recipient, your organization must cooperate during the implementation of a third-party evaluation. This means providing DOL or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

11. Resources and Information

Additional resources and information to assist you are located on the ETA website at https://www.doleta.gov/grants/resources.cfm and on the Grants Application and Management collection page located on WorkforceGPS.org at https://grantsapplicationandmanagement.workforcegps.org/. These sites contains information about the Uniform Guidance, grant terms and conditions, financial reporting, indirect costs, recipient training resources, and other relevant information.

12. Cost Limitation Restrictions

a. Administrative Costs

Up to 10 percent of the grant award may be used for administrative costs associated with operating the grant.

b. On-the-Job Training

For on-the-job training (OJT), applicants may use DWG funds to reimburse up to 50 percent of the wage rate for on-the-job training participants and up to 75 percent if certain criteria are met as outlined in 20 CFR 680.730. The use of DWG funds for training are subject to the eligible training provider provisions of WIOA 20 CFR 680.400-.530 and the limitations or requirements as applicable to the Dislocated Worker formula program delineated in WIOA regulations at 20 CFR part 680 and TEGL No. 19-16. Applicants may enter into OJT contracts with apprenticeship program sponsors or participating employers in apprenticeship programs for the OJT portion of the apprenticeship program consistent with 20 CFR 680.700. Depending on the length of the apprenticeship and State and Local WDB OJT policies, these funds may cover some or all of the duration of the apprenticeship.

c. Budget Flexibility

Federal recipients are not permitted to make transfers that would cause any funds to be used for purposes other than those consistent with this Federal program. Any budget changes that impact the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently $150,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget as noted above. It is recommended that your assigned FPO review any within-line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424 (a).

d. Consultants

For the purposes of this award, the ETA Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to $710 per day (representing an eight hour work day). Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

e. Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

f. Travel – Foreign

Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

g. Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. The 2018 mileage reimbursement rates are:

Modes of Transportation	Effective/Applicability Date	Rate per mile
Privately owned automobile	**January 1, 2018**	$0.545
Privately owned motorcycle	**January 1, 2018**	$0.515

Mileage rates must be checked annually at www.gsa.gov/mileage to ensure compliance.

h. WIOA Infrastructure

WIOA sec. 121(b)(1)(B)and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JVSG) programs authorized under chapter 41of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) and WIOA sec. 169.

With the exception of Native American programs established under WIOA sec. 166, all One-Stop partner programs including all programs that are funded under title I of WIOA are required to

contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received as required in 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA sec. 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200and DOL's exceptions at 2 CFR part 2900. The Federal Cost Principles state that a partner's contribution is an allowable, reasonable, necessary, and allocable cost to the program and is consistent with other legal requirements.

13. Administrative Requirements

a. Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf). You do not need to submit the SF-424B form separately.

b. Audits

Organization-wide or program-specific audits shall be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance which apply to audits for fiscal years beginning on or after December 26, 2014. DOL awards recipients including for-profit and foreign entities that expend $750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. OMB's approved exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. For-profit and foreign entities that are recipients or subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200.

c. Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. As the award recipient, your organization will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin once the grant ends. The information concerning the recipient's responsibilities at closeout may be found at 2 CFR 200.343. During the closeout process, the grantee must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the documentation that is required is a Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan issued by the grantee's Federal cognizant agency. Documentation for those approved to utilize a de minimis rate for indirect costs is demonstrated through the grant agreement. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection. The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period (2 CFR 2900.15).

d. Creative Commons Attributions License

As required at 2 CFR 2900.13, any intellectual property developed under a competitive award process must be licensed under a Creative Commons Attribution 4.0 (CC BY) license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the recipient. For general information on CC BY, please visit http://creativecommons.org/licenses/by/4.0. The Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

e. Equipment

Award Recipients must receive **prior approval** from the Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Being awarded this grant ***does not*** automatically mean you are approved for the equipment specified in a recipient's budget or statement of work unless it is specifically approved by the Grant Officer. If not specified above, the recipient must submit a detailed list describing the purchase to the FPO for review within 90 days of the Notice of Award date. We strongly encourage recipients to submit requests for equipment purchase as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment in the last funded year of performance which is defined as full program service delivery (not follow up activities), but yet may not be the same as the last twelve months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item(s) is rescinded.

f. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.
    I. *Applicability*. Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates $25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).
    II. *Where and when to report.*
        I. You must report each obligating action described in paragraph [1.i.] of this award term to https://www.fsrs.gov.
        II. For subaward information, you must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
    III. *What to report.* You must report the information about each obligating action that the submission instructions posted at https://www.fsrs.gov specify.
2. Reporting Total Compensation of Recipient Executives.
    I. *Applicability and what to report*. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

I. the total Federal funding authorized to date under this award is $25,000 or more;

II. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at https://www.sec.gov/answers/execomp.htm.)

II. *Where and when to report.* You must report executive total compensation described in paragraph [2.a.] of this award term:

a. As part of your registration profile at http://www.sam.gov.

b. By the end of the month following the month in which this award is made, and annually thereafter.

3. Reporting of Total Compensation of Subrecipient Executives.

I. *Applicability and what to report.* Unless you are exempt as provided in paragraph [4.]of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

I. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at https://www.sec.gov/answers/execomp.htm.)

II. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:

I. To the recipient.

II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the

month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

4. Exemptions
   If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:
   a. Subawards, and
   b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions.
   For purposes of this award term:
   a. *Entity* means all of the following, as defined in 2 CFR part 25:
      I. A Governmental organization, which is a State, local government, or Indian tribe;
      II. A foreign public entity;
      III. A domestic or foreign nonprofit organization;
      IV. A domestic or foreign for-profit organization;
      V. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
   b. *Executive* means officers, managing partners, or any other employees in management positions.
   c. *Subaward*:
      I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
      II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
      III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
   d. *Subrecipient* means an entity that:
      I. Receives a subaward from you (the recipient) under this award; and
      II. Is accountable to you for the use of the Federal funds provided by the subaward.
   e. *Total* compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
      I. *Salary and bonus.*
      II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
      III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

V. *Above-market earnings on deferred compensation which is not tax-qualified.*

VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

g. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

> "This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it."

h. Intellectual Property Rights and the Bayh-Dole Act (for discretionary awards)

All small business firms, and non-profit organizations (including Institutes of Higher Education) must adhere to the Bayh Dole Act, which requirements are provided at 37 CFR 401.3(a) and at https://doleta.gov/grants/pdf/BayhDoleGrantTerm.pdf. To summarize, these requirements describe the ownership of Intellectual Property rights and the government's nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant. These requirements are in addition to those found in the Intellectual Property Rights term provided in this document.

i. Personally Identifiable Information

Award recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in Training and Employment Guidance letter (TEGL) 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII)), found at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.

j. Pre-Award

All costs incurred by the award recipient prior to the start date specified in the award issued by the Department are ***incurred at the recipient's own expense.***

k. Procurement

For state recipients:

The Uniform Guidance (2 CFR 200.317) require States (as defined at 2 CFR 200.90) to follow the same procurement policies and procedures it uses for non-Federal funds. The state will comply with 200.322 Procurement of recovered *materials* and ensure that every purchase orders or other contract includes any clauses required by section 200.326 Contract provisions. Award recipients must also follow the requirements regarding the competitive award of One-Stop Operators in the Workforce Innovation and Opportunity Act at WIOA Sec. 121(d) and sec. 123.

For non-state recipients:

The Uniform Guidance Procurement Standards at 2 CFR 200.317-326 require all award recipients and subrecipients to conduct procurement transactions in a manner that promote practical, open and free competition. If the award recipient specifies the entity that will provide the goods or services in their statement of work, then the DOL ETA's description of award does not provide the justification for such sole-source procurement.

l. Program Income

The "Addition" method as described in 2 CFR 200.307 must be used in allocating any program income generated for this grant award. Award recipients must expend all program income prior to drawing down additional funds as required at 2 CFR 200.305(b) (5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to the ETA. In addition, recipients must report program income on the quarterly financial report using ETA-9130 form.

m. Publicity

No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislative body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

n. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings about which you must report. Submit the information required about each proceeding that:
   a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from either the Federal Government;
   b. Reached its final disposition during the most recent 5-year period; and
   c. Is one of the following:
      I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
      II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;
      III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of $5,000 or more or a reimbursement, restitution, or damages in excess of $100,000; or
      IV. Any other criminal, civil, or administrative proceeding if:
         (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;

(B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
(C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.

5. Definitions. For purposes of this award term:

   a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
   b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
   c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
      I. Only the Federal share of the funding under any award with a recipient cost share or match; and
      II. The value of all options, even if not yet exercised.

o. Reports

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award, no later than 45 days after the end of each calendar year quarter:

A. Quarterly Financial Reports.

All ETA recipients are required to report quarterly financial data on the ETA-9130 Form. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 90 calendar days after the grant period of performance ends. A closeout report will be submitted during the closeout process.

The instructions for accessing both the on-line financial reporting system and the HHS Payment Management System can be found in the transmittal memo accompanying this Notice of Award.

B. **Quarterly Performance Reports.**

1. Participant Individual Record Layout (PIRL) – Recipients must report the characteristics, services received, and outcomes of participants served with WIOA funds. Performance accountability for DWG generally aligns with WIOA title I programs and WIOA sec. 116(b)(2)(A). The quarterly PIRL submission is the means for calculating individual participant performance outcomes as well as performance for the DWG program. The DOL-only PIRL (ETA 9172) was approved on June 30, 2016 (OMB Control No. 1205-0521). DWG grantees must submit an individual record file quarterly on all participants and exiters. The individual record layout may be found at the following web site: https://doleta.gov/performance/pfdocs/ETA_9172_DOL_PIRL_1.18.81.pdf

2. Workforce Integrated Performance System (WIPS) – Information on how to report are available on the WIPS Resource Page: https://doleta.gov/performance/wips/. All relevant data elements on the individual record layout must be completed. Note that in order to ensure that each DWG participant is appropriately recorded and tracked to a DWG project, the project's grant number must be captured in PIRL element 2003 "DWG Grant Number."

3. WIOA Joint Narrative Template – The narrative report is a vehicle for reporting information on grant activities, accomplishments, services delivered, and identification of technical assistance needs. DWG grantees are required to submit a quarterly narrative progress report, using the ETA-9179 "Quarterly Narrative Report Template" (OMB Control No. 1205-0448). The report template describes the required report components, and may be viewed here: https://performancereporting.workforcegps.org/resources/2018/08/13/20/59/Quarterly-Narrative-Report-ETA-9179. For narrative report submission, grantees utilize a template available to fill out and submit by accessing WIPS.

C. **Project Implementation Plan.**

1. Recipients must adhere to the Project Implementation Plan submission requirements of their respective regional office.

p. Requirements for Conference and Conference Space

Conferences sponsored in whole or in part by the award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and good judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and the allowability of costs associated with conferences, refer to 2 CFR 200.432. Recipients will be held accountable to the requirements in 2 CFR 200.432. Therefore, costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

q. Subawards

A subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient comply with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).

r. Supportive Services & Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or FOA, this award waives the prior approval requirement for participant support costs as described in 2 CFR 200.456. Costs must still meet the basic considerations at 2 CFR 200.402 – 200.411. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the grant.

s. System for Award Management

1. Requirement for System of Award Management (SAM)

Unless you are exempt from this requirement under 2 CFR 25.110, you as the award recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

2. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

i. Must notify potential subrecipients that no entity (*see* definition in paragraph [3] of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.

ii. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

3. Definitions

For purposes of this award term:

i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at *http://www.sam.gov*).

ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM. \iii. *Entity,* as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

a. A Governmental organization, which is a State, local government, or Indian Tribe;

b. A foreign public entity;

c. A domestic or foreign nonprofit organization;

d. A domestic or foreign for-profit organization; and

e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. *Subaward:*

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).

c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. *Subrecipient* means an entity that:

a. Receives a subaward from you under this award; and

b. Is accountable to you for the use of the Federal funds provided by the subaward.

t. Vendor/Contractor

The term "contractor", sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program. (2 CFR 200.23) These goods or services may be for an organization's own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.330. When procuring contractors for goods and services, DOL ETA recipients and subrecipients must follow the procurement requirements 2 CFR 200.319, which calls for free and open competition.

14. Program Requirements

Training and Employment Guidance Letter (TEGL) No. 2-18 contains the program requirements for this award.

15. Fiscal Year 2018 Federal Appropriations Requirements

a. Buy American Notice

Pursuant to P.L. 115-141, Division E, Title VI, Section 606 and 607, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act.

For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2) manufactured items that have been manufactured in the Unites States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States.

These exceptions do not apply to 1) items for use outside of the United States, 2) items that are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and 3) manufactured items procured under any contract with an award value that is less than the micro-purchase threshold

(currently $3,500). In order to claim an exception under options 1 or 2, the recipient must get prior approval from the Grant Officer. Prior approval is not needed for purchases under the micro-purchase threshold.

b. Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 115-141, Division H, Title I, Section 109, additional language will be applied to the Fair Labor Standards Act of 1938 in the "Maximum Hours Worked" section. This language specifically relates to occurrences of a major disaster (as designated by the State or Federal government) and are applied for a period of two years afterwards. The language is as follows:

> "(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—
> "(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;
> "(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and "(C) whose duties include any of the following:
> "(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; "(ii) inspecting property damage or reviewing factual information to prepare damage estimates;
> "(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;
> "(iv) negotiating settlements; or
> "(v) making recommendations regarding litigation.
> "(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).
> "(3) For purposes of this subsection—
> "(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;
> "(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and
> "(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

c. Health Benefits Coverage for Contraceptives

Pursuant to P.L. 115-141, Division E, Title VII, Section 726, Federal funds may not be used to enter into or renew a contract which includes a provision for drug coverage unless the contract includes a provision for contraceptive coverage. Exemptions to this requirement apply to contracts with 1) the religious plans of Personal Care's HMO and OSF HealthPlans, Inc. and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs.

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals' religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

d. Privacy Act

Pursuant to P.L. 115-141, Division E, Title VII, Section 732, no funds can be used in contravention of the 5 USC 552a (Privacy Act) or regulations implementing of the Privacy Act.

e. Prohibition on Contracting with Corporations with Felony Criminal Convictions

Pursuant to P.L. 115-141, Division E, Title VII, Section 746, the recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

Pursuant to P.L. 115-141, Division E, Title VII, Section 745, the recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

g. Prohibition on Procuring Goods Obtained Through Child Labor

Pursuant to P.L. 115-141, Division H, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host

countries identified by the DOL prior to December 18, 2015. DOL has identified these goods and services here: http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm .

h. Prohibition on Providing Federal Funds to ACORN

Pursuant to P.L. 115-141, Division H, Title V, Section 522, these funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

i. Reporting of Waste, Fraud and Abuse

Pursuant to P.L. 115-141, Division E, Title VII, Section 743, no entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

j. Requirement for Blocking Pornography

Pursuant to P.L. 115-141, Division H, Title V, Section 521, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

k. Requirement to Provide Certain Information in Public Communications

Pursuant to P.L. 115-141, Division H, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The requirements of this part are separate from those in the 2 CFR 200 and, when appropriate, both must be complied with.

l. Restriction on Health Benefits Coverage for Abortions

Pursuant to P.L. 115-141, Division H, Title V, Sections 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the abortion due to a pregnancy that is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, including life-endangering physical conditions caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless and abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do no come from a Federal source. Additionally, no funds made available

through this award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

m. Restriction on Lobbying/Advocacy

Pursuant to P.L. 115-141, Division H, Title V, Section 503, no federal funds may be used by a grant recipient, other than for normal and recognized executive-legislative relationships, to engage in lobbying or advocacy activities related to the enactment of federal, state, or local legislation, regulation, appropriations, order, or other administrative action, except in presentation to Congress or a State or local legislature itself or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

n. Restriction on the Promotion of Drug Legalization

Pursuant to P.L. 115-141, Division H, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal recognized executive-congressional communications or where the grant agreement provides for such use because there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance.

o. Restriction on Purchase of Sterile Needles or Syringes

Pursuant to P.L. 115-141, Division H, Title V, Section 520, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

p. Salary and Bonus Limitations

Pursuant to P.L. 115-141, Division H, Title I, Section 105 Recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2016/executive-senior-level). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.330. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification, available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262

16. Public Policy

a. Architectural Barriers

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq., as amended, the Federal Property

Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

b. Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. The award recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

c. Executive Orders

12928: Pursuant to Executive Order 12928, the recipient is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043: Pursuant to Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

13166: As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to http://www.lep.gov.

13513: Pursuant to Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

d. Flood Insurance

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no

Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood -prone , unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

e. Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, and, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at https://apps.usfa.fema.gov/hotel/ to see if a property is in compliance, or to find other information about the Act.

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

a. *Provisions applicable to a recipient that is a private entity.*

I. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

(A). Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

(B). Procure a commercial sex act during the period of time that the award is in effect; or

(C). Use forced labor in the performance of the award or subawards under the award.

II. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

(A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or

(B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 2998.

b. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

I. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

(A). Associated with performance under this award; or

(B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 29 CFR Part 98.

c. *Provisions applicable to any recipient.*

I. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

II. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

(A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(B). Is in addition to all other remedies for noncompliance that are available to us under this award.

III. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. *Definitions.* For purposes of this award term:

I. "Employee" means either:

(A). An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

(B). Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

II. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

III. "Private entity":

(A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(B). Includes:

i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

ii. A for-profit organization.

IV. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

g. Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and

placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR part 1010. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Recipients must comply with the DOL guidance on veterans' priority. ETA's Training and Employment Guidance Letter (TEGL) No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

17. Attachments

Attachment A: SF-424
Attachment B: SF-424A
Attachment C: Budget Narrative
Attachment D: Statement of Work
Attachment E: NICRA or Cost Allocation Plan (if applicable)

Attachment A: SF-424

OMB Number: 4040-0004
Expiration Date: 12/31/2019

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
09/07/2018	

5a. Federal Entity Identifier:	5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: New York State Department of Labor

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:
146013200	8067806070000

d. Address:

* Street1:	New York State Department of Labor
Street2:	State Office Building Campus, Building 12, Room 516
* City:	Albany
County/Parish:	
* State:	NY: New York
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	12240-0001

e. Organizational Unit:

Department Name:	Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	Ms.	* First Name:	Carolyn
Middle Name:			
* Last Name:	Piccirillo		
Suffix:			

Title: Assistant Director of Finance

Organizational Affiliation:

* Telephone Number:	518-457-2647	Fax Number:	518-457-7550

* Email: Carolyn.Piccirillo@labor.ny.gov

Application for Federal Assistance SF-424

8. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Employment and Training Administration

11. Catalog of Federal Domestic Assistance Number:

17.277

CFDA Title:

WIOA National Dislocated Worker Grants / WIA National Emergency Grants

*** 12. Funding Opportunity Number:**

ETA-TEGL-2-18-DWG

* Title:

de and Economic Transition National Dislocated Worker Grants

13. Competition Identification Number:

ETA-TEGL-2-18-DWG

Title:

Trade and Economic Transition National Dislocated Worker Grants

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

New York State Department of Labor Trade and Economic Transition National Dislocated Worker Grants Application

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant NY-020 * b. Program/Project NY-ALL

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2018 * b. End Date: 09/30/2020

18. Estimated Funding ($):

* a. Federal	8,000,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	8,000,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Ms. * First Name: Carolyn

Middle Name:

* Last Name: Piccirillo

Suffix:

* Title: Assistant Director of Finance

* Telephone Number: 518-457-2647 Fax Number: 518-457-7550

* Email: Carolyn.Piccirillo@labor.ny.gov

* Signature of Authorized Representative: Carolyn Piccirillo * Date Signed: 09/07/2018

Attachment B: SF-424A

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 01/31/2019

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Trade and Economic Transition National Dislocated Worker Grants	17.277	$	$	$ 8,000,000.00	$	$ 8,000,000.00
2.						
3.						
4.						
5. Totals		$	$	$ 8,000,000.00	$	$ 8,000,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1) Trade and Economic Transition National Dislocated Worker Grants	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	8,000,000.00				8,000,000.00
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	8,000,000.00				$ 8,000,000.00
j. Indirect Charges					$
k. TOTALS (sum of 6i and 6j)	$ 8,000,000.00	$	$	$	$ 8,000,000.00
7. Program Income	$	$	$	$	$

Authorized for Local Reproduction

Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 1A

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8. Trade and Economic Transition National Dislocated Worker Grants	$	$	$	$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 4,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00
14. Non-Federal	$				
15. TOTAL (sum of lines 13 and 14)	$ 4,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b)First	(c) Second	(d) Third	(e) Fourth
16. Trade and Economic Transition National Dislocated Worker Grants	$ 4,000,000.00	$	$	$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$ 4,000,000.00	$	$	$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

Attachment C: Budget Narrative

NEW YORK STATE OF OPPORTUNITY. | Department of Labor

Trade and Economic Transition National Dislocated Worker Grants
New York State

---

1. **Personnel: $0**

   No funds are requested for this cost at the state level.

2. **Fringe Benefits: $0**

   No funds are requested for this cost at the state level.

3. **Travel: $0**

   No funds are requested for this cost at the state level.

4. **Equipment: $0**

   No funds are requested for this cost at the state level.

5. **Supplies: $0**

   No funds are requested for this cost at the state level.

6. **Contractual: $8,000,000**

   The entire $8 million request will be transferred by the New York State Department of Labor (NYSDOL) to Local Workforce Development Boards (LWDBs) via NYSDOL's existing Notice of Obligation Authority (NOA) process. NYSDOL will partner with thirty (30) LWDBs across the state to coordinate training (classroom and work-based), career, and supportive services to dislocated workers affected by major economic dislocations.

   Training and work-based training strategies, career services, and supportive services proposed with this project will align with Workforce Innovation and Opportunity Act (WIOA) requirements as described in TEGL No. 19-16.

Funding allocated by NYSDOL to each of the local areas will be closely monitored by staff from NYSDOL's Quality Assurance Unit. Some discretion will be provided to the participating local areas, and all allowable activities highlighted in TEGL No. 02-18 will be permitted, including an up to 10% administrative allocation.

Because the entire funding request will be allocated to the LWDBs for the service provision, NYSDOL will utilize other available funding sources to support staff at the grantee level that will perform the necessary functions to effectively administer the project, including facilitating timely implementation of the project, program and fiscal monitoring of the local partners; completion of any required reports; and the provision of any necessary technical assistance.

Table 1, *Summary of Funding Allocated by LWDB and Services to be Provided*, is included on the next page, which (1) identifies the anticipated funding allocation to each partnering LWDB and (2) summarizes services to be provided by each LWDB.

NEW YORK STATE OF OPPORTUNITY | Department of Labor

Table 1 – Summary of Funding Allocated by LWDB and Services to be Provided

LWDB	Funding Allocation	Training and Work Based Training	Career Services	Supportive Services
Broome-Tioga	$ 334,400	X	X	X
Buffalo -Erie	$ 1,245,216	X	X	X
Capital Region (Albany-Schenectady-Rensselaer)	$ 300,000	X	X	X
Cattaraugus-Allegany	$ -	Letter of Support provided but no funds requested		
Central New York (Cayuga-Cortland / Onondaga / Oswego)	$ 400,000	X	X	X
Chautauqua	$ 187,000	X	X	X
Chemung-Schuyler-Steuben	$ 411,828	X	X	X
Chenango-Delaware-Otsego	$ 150,000	X	X	X
Dutchess	$ 295,680	X	X	X
Finger Lakes (Ontario-Seneca-Wayne-Yates)	$ 155,100	X	X	X
Fulton-Montgomery-Schoharie	$ 371,485	X	X	X
Genesee-Livingston-Orleans-Wyoming	$ 83,300	X		X
Herkimer-Madison-Oneida	$ 300,000	X	X	X
Jefferson-Lewis	$ -	Letter of Support provided but no funds requested		
Monroe County/Rochester	$ 119,202	X		X
New York City	$ 1,502,173	X	X	X
Niagara	$ -	Letter of Support provided but no funds requested		
North Country (Clinton-Essex-Franklin-Hamilton)	$ 99,900	X	X	X
Orange	$ 300,000	X	X	X
Oyster Bay-North Hempstead-Glen Cove	$ 137,500	X		X
Rockland	$ -	Letter of Support provided but no funds requested		
St. Lawrence	$ -	Letter of Support provided but no funds requested		
Suffolk	$ 355,000	X		
Sullivan	$ 123,332	X	X	X
Tompkins	$ 147,125	X	X	X
Town of Hempstead-City of Long Beach	$ 330,000	X	X	X
Ulster	$ 151,759	X	X	X
Westchester-Putnam	$ 500,000	X	X	X
	$ 8,000,000			

7. **Construction: $0**

No funds are requested for this cost at the state level.

8. **Other: $0**

Total Direct Charges: $8,000,000

9. **Indirect Charge: $0**

No funds are requested for this cost at the state level.

Grand Total: $8,000,000 (sum of I and J above)

I.) Total Direct Charges:	$8,000,000
J.) Indirect Charges:	$ 0
Total:	**$8,000,000**

****Total Budget Request from NYSDOL: $8,000,000****

Administrative Cost Recap

Local Area Administration	$800,000
Total Administrative Costs (10.00% of Total Request)	**$800,000**

Attachment D: Statement of Work

NEW YORK STATE OF OPPORTUNITY. | Department of Labor

2018 Trade and Economic Transition National Dislocated Worker Grant Project Synopsis

Applicant Organization Name: New York State Department of Labor (NYSDOL)

Applicant Organization Type: State Workforce Agency

Name of Required Partners: NYSDOL will partner with 30 Local Workforce Development Boards (LWDBs) in New York State (NYS) to coordinate training (classroom and work-based), career, and supportive services to workers affected by major economic dislocations. Commitment letters from these partners have been provided in *Attachment B – Support Letters*.

Applicant Consents to Submitting Performance Data: Yes.

Number of Projected Participants to be Served by this DWG: NYSDOL proposes to serve 2,066 participants using Trade and Economic Transition National Dislocated Worker Grant (TET-NDWG) project funds described in Training and Employment Guidance Letter (TEGL) 2-18. Participants will be dislocated workers. Please note that in developing a response to this application, LWDB partners identified a need for funding that meets the $8 million cap.

Performance Measure Targets: NYSDOL acknowledges and understands the required performance measure targets for this proposed TET-NDWG. It is anticipated that programmatic activities will take place in every region, including the 30 local areas overseen by the LWDBs identified in *Attachment B – Support Letters*. Services will begin as soon as NYSDOL is in receipt of the TET-NDWG award and funding is then issued to the LWDBs via Notice of Obligational Authority (NOA). The resulting increase in available Dislocated Worker funds will allow for an increase in the number of participants served, and a greater depth of service provided. Successful implementation of the project will be monitored through the Primary Indicators of Performance under WIOA. Prospective interim measures include enrollment into training, training completion, certification completion, entered employment rate (for jobseekers receiving employment services), and reemployment retention rate (for job seekers that receive training or OJT services).

Applicant commits to coordinating with Local Elected Officials or LWDBs: Yes.

QUALIFYING EVENT

A. **Demonstrating Economic Transition:**

1. **Counties Covered by the Economic Transition:** Statewide

2. **Type of Economic Transition:** Other Transition – Global Economic Pressures exacerbated by technological change and globalization.

Over the past quarter century, two powerful economic phenomena – technological change and globalization – have led to increasing numbers of displaced workers in the United States (US):

Technological Change: Whether in the form of robotics, automation, artificial intelligence, or the internet, technological change is becoming more prevalent in the workplace. Today, even the most basic jobs require escalating levels of skills and education. Technology is replacing human tasks and jobs, as well as changing the skill sets that businesses are looking for. A parallel, but related development has been an overall increase in the educational attainment of the NYS population.

This trend is expected to continue, dampening demand for many lower-skilled, blue-collar, and administrative support titles, the traditional source of jobs for many workers with less formal education. Workers in many of these occupations have already experienced large job losses in recent years. For example, the President's Council of Economic Advisers found that 83% of jobs making less than $20/hour would come under pressure from automation, compared to only 4% of jobs making above $40/hour.

A recent report from consulting firm McKinsey predicts that artificial intelligence "will increase productivity and improve our life," while also cautioning that its use "will replace some kinds of activity which are carried out now by people." Businesses cannot shield jobs replaced by technology, but they can protect employees by promoting adaptability, dexterity, and retraining.

Globalization: Another important economic trend responsible for displacing workers is globalization. Globalization in simple terms is the integration of culture, information, investment, and most notably, free trade across countries. Some argue free trade creates economic opportunities and

jobs, particularly in developing countries through increased trade, diversification, and improvements in standards of living. Others claim the complete opposite is true; that the ability of a business to succeed competitively on a global scale requires it to eschew nationalism in search of the greatest profit, often at the expense of its workers.

There are two primary ways that globalization negatively affects NYS workers:

Fewer Manufacturing Jobs. Between 2007 and 2017, employment in the NYS manufacturing sector fell by 107,000, or 19.5%. Differences in labor costs between the US and China are one explanation for this drop. When China entered the World Trade Organization in 2001, it gained entry into the US and other international markets. Since then, trade with China has soared, with Chinese companies exporting more low-priced goods to the US, including NYS, than the US can ship to China.

Lower Wages for Unskilled Workers. As a result of globalization, NYS businesses are at a competitive disadvantage to businesses that can pay lower wages to low-skilled workers in developing countries, who can in turn produce goods, such as manufactured goods, at lower costs. Low-skill and low-wage jobs have correspondingly low educational and training requirements and as such are easy to outsource to countries that will yield the highest profit to businesses. As low-skill jobs are outsourced, there are fewer employment opportunities for the American workers who previously filled those jobs. Even when employed, low skill workers in the US are negatively impacted by globalization. The Economic Policy Institute (EPI) estimates that in 2011, rising trade with less-developed countries reduced annual wages by 5.5%, or $1,800, for full-time workers without a four-year college degree. The EPI researchers noted that when workers are laid-off from jobs that have been outsourced, they often accept lower-paying jobs that are impossible to outsource—landscaping or waiting tables, for example.[1]

B. Significant Worker Dislocation: By reviewing Worker Adjustment and Retraining Notifications (WARNs) from February of 2017 to August of 2018, NYS has documented over 36,000 dislocations

[1] Bevins, J. (2013, March 22). Using standard models to benchmark the costs of globalization for American workers without a college degree (Rep.). Retrieved September 6, 2018, from Economic Policy Institute website: https://www.epi.org/publication/standard-models-benchmark-costs-globalization/

statewide. These dislocations impact a cross section of the NYS economy and are most notable in the following industries: manufacturing, wholesale trade, retail trade, and publishing. Of the 36,000 layoffs documented over this 18-month period, almost 7,000 were in these four industries alone. Table A provides a summary by region of the number of businesses affected by economic transition in these four industries, with the names of the businesses omitted to allow space to address other required elements of the application. However, a list of businesses by individual name has been provided in *Attachment A – Supporting Documentation*.

TABLE A: Significant Worker Dislocations Resulting from the Identified Economic Transition, February 2017 to August 2018

Region	Number of Businesses	Layoff Date	Number of Layoffs	WARN Issued? Y/N
Capital	5	07/10/2017 - 08/30/2018	496	Y
Central	5	07/20/2017 - 08/13/2018	599	Y
Finger Lakes	10	05/16/2017 - 08/14/2018	993	Y
Long Island	11	02/28/2017 - 07/31/2018	781	Y
Mid-Hudson	5	07/08/2017 - 07/27/2018	217	Y
Mohawk Valley	2	10/10/2017 - 01/31/2018	173	Y
New York City	15	05/30/2017 - 08/30/2018	1,761	Y
North Country	5	05/27/2017 - 08/30/2018	285	Y
Southern Tier	7	06/29/2017 - 08/16/2018	869	Y
Western NY	10	02/16/2017 - 10/01/2018	681	Y

C. Linking the Economic Transition and the Identified Dislocations

1. **Describe how the identified layoffs are linked to the identified economic transition:** Quarterly Census of Employment and Wages (QCEW) data were analyzed to identify industry sectors in NYS that experienced job loss due to technological change and/or globalization. Table B documents these declines for each of NYS's 10 labor market regions, and for the state. The four industry sectors mentioned above were identified using the North American Industry Classification System (NAICS): manufacturing (NAICS 31-33), wholesale trade (NAICS 42), retail trade (NAICS 44-45) and publishing

(NAICS 511). Table B shows the net and percentage change in annual average job count by industry sector in NYS and its 10 labor market regions from 2007 to 2017.

TABLE B: Percent and Net Change in Annual Average Employment for Selected Industries, NYS and Labor Market Regions*, 2007 - 2017

Region	Manufacturing (NAICS 31-33)		Retail Trade (NAICS 44-45)		Wholesale Trade (NAICS 42)		Publishing (NAICS 511)	
	%	Net	%	Net	%	Net	%	Net
Capital Region	+7.7%	+2,459	-3.7%	-2,246	-5.5%	-863	-30.3%	-1,009
Central NY	-20.6%	-7,931	-3.8%	-1,572	-6.8%	-1,055	-51.9%	-730
Finger Lakes	-22.0%	-17,902	-3.3%	-2,091	-8.6%	-1,613	-50.6%	-1,613
Hudson Valley	-26.8%	-15,690	+0.6%	+710	-9.2%	-3,134	-49.6%	-3,198
Long Island	-14.8%	-12,299	-0.2%	-335	-4.8%	-3,201	-40.5%	-3,157
Mohawk Valley	-11.9%	-2,410	-5.2%	-1,249	-6.2%	-286	-46.2%	-469
New York City	-27.6%	-27,771	+18.3%	+53,548	-4.1%	-5,700	-17.5%	-9,465
North Country	-25.4%	-3,460	-3.8%	-838	-12.0%	-377	-28.4%	-235
Southern Tier	-23.8%	-10,372	-7.9%	-2,558	-3.8%	-272	-58.7%	-859
Western NY	-16.5%	-12,994	-1.3%	-938	-11.9%	-2,909	-18.1%	-530
New York State	-19.5%	-107,588	+4.9%	+43,915	-4.9%	-17,543	-24.1%	-20,112

Source: Quarterly Census of Employment and Wages (QCEW)
*Note: Regions will not sum to statewide totals due to establishments that cannot be coded to a particular region

2. Indicate the type of documentation provided in attachment to the DWG application package:

The documentation included in *Attachment A – Supporting Documentation* to this application supplements the information provided in section C.1., above. It provides the names of specific companies that issued WARNs, their locations; the layoff dates, and the number of workers affected. It also includes a sample response to our solicitation for partnerships under the TET-NDWG.

PROJECT PROPOSAL

A. Project Purpose and Description – NYS has one of the largest and most diverse economies in the country. As such we propose to serve participants across multiple industry sectors; including but not limited to those identified in the Table B above. This accounts for differences in local and regional economies ranging from the urban seat of international business that is New York City to the agricultural enclaves reliant upon food crops, dairy, and meat production. Opportunities for jobs paying family sustaining wages exist throughout NYS, with sectors expanding or contracting depending upon where in

the state one resides. In conducting outreach for partnerships under the TET-NDWG, NYSDOL received letters of commitment from 30 LWDBs representing each of the 10 labor market regions in NYS. Given the responses provided by each local board, the level of specificity required to describe sectors of focus, service delivery, economic benefit, and strategic alignment across NYS would encompass 50 pages or more. As such, the responses provided in sections A.1., A.2., A.3., and A.4., below will be described in broad terms. A sample response provided by Erie County in *Attachment A – Supporting Documentation* will demonstrate the quality of partnerships solicited under this application.

1. **Sector(s) of Focus:** Responses received from 30 out of 33 LWDBs in NYS include the following sectors: healthcare, advanced manufacturing, information technology, transportation and warehousing, hospitality and tourism, agribusiness, agriculture, food/beverage production, administrative support services, business and professional services, and construction. It is important to note that out of the 30 respondents, 17 indicated that both healthcare and advanced manufacturing would be sectors of focus in the use of TET-NDWG funding. Seven respondents indicated transportation as their focus, and six indicated Information technology. These responses align with priority sectors outlined in the NYSDOL WIOA State Plan, described in section C.1., below.

2. **Service Delivery:** Career, Training, and Supportive Service as described in TEGL 19-16 will be provided in all areas covered under this grant. While each LWDB has goals and milestones specific to their local area, there are consistent elements that will be implemented statewide: recruitment and assessment of training participants; training implementation and monitoring; expanding training provision as needed; enrollment of eligible participants; continued employment and training activities; compiling of appropriate documentation of services; provision of technical assistance; assessment of program and workforce outcomes; program evaluation; and convening of appropriate stakeholders to review results and make recommendations for future action. Other notable services mentioned in response to our solicitation include case management; apprenticeship, OJTs, and other paid work experiences; small training classes; mentoring; industry orientation and assessment; wrap-around

referral systems; preventative drug counseling and support; classroom support for retention; monetary incentives; transportation beyond public transit routes; and follow-up.

LWDBs and partner organizations will work together through a common referral system to provide supportive service to jobseekers based on individual needs. Partners and American Job Center staff will complete assessments of need and available resources, and will consider referring jobseekers to other organizations that may also provide supportive services. Local level coordination will ensure that all jobseekers receive the support they need while avoiding duplication of services. Those services include daycare, transportation, books, test fees, certifications, uniforms, tools, and other supportive services described in TEGL 19-16.

3. **Economic Benefit:** As discussed in Section C.1. above, advanced manufacturing and healthcare were identified as a sector of focus in 17 out of 30 responses for partnerships under the TET-NDWG.

Advanced manufacturing is the largest multiplier of any economic sector. Each dollar's worth of manufactured goods generates $1.40 in output from other sectors of the economy. It also provides higher wages for blue-collar workers. According to the latest Bureau of Labor Statistics data, goods-producing industries pay an average of $56,799 a year as compared to other working-class fields like health care and education (averaging $45,676 annually).[2] By upgrading the skills of workers along career pathways in advanced manufacturing, the NYS workforce will be better prepared for the skilled jobs that this industry sector requires for its competitive growth. With competitive growth comes a more robust NYS economy, creating job opportunities with family sustaining wages.

Health care accounts for a significant share of the economy at both the state and national levels. For a variety of economic and demographic reasons, most projections expect health care's share of the economy to continue to increase over the next decade. By 2030, the nation's 76 million baby boomers (people born in 1946-1964) will account for one in five Americans. As this group ages, they will require

[2] Kotkin, J. (2018, May 23). Where U.S. Manufacturing Is Thriving In 2018. Retrieved September 6, 2018, from https://www.forbes.com/sites/joelkotkin/2018/05/23/where-u-s-manufacturing-is-thriving-in-2018/#2fd9488a53b3

more care and have more long-term medical need. In general, most health care occupations are expected to experience job growth faster than the overall New York State economy (+13.1%) over the 2014-2024 period.[3]

Ultimately, without any intervention there will continue to be a smaller available labor force as older workers age out of the workforce and younger people move to other, more economically opportunistic areas of the state, country, or world. Retraining and assimilating dislocated workers, while encouraging a diverse group of incomers from other regions, states, and countries, promotes a more vibrant community, which in turn creates more employment opportunities as businesses choose to stay, reinvest, expand, and/or relocate to the different regions of our state.

4. **Strategic Alignment:** The unified workforce development system in NYS and process through which local areas and regions coordinate services in a way that is informed by economic priority is described with greater specificity in responses to Sections C.1., C.2., and C.3, below.

B. **Community Partnerships:** As mentioned above, in soliciting partnerships with LWDBs across NYS, NYSDOL received 30 responses. To describe all local-level community partnerships in detail would exceed the 10-page allotment for this application, so they will instead be listed here in general terms. Dislocated workers with multiple barriers to employment will need referrals to partner agencies, such as Adult Career and Continuing Education Services-Vocational Rehabilitation (WIOA Title IV) offices; Centers for Independent Living; County Departments of Social Services; and other community providers. Workforce demand occupations in which dislocated workers need to be trained will be identified by local Workforce Coalitions; County Offices of Economic Development; County Offices of Employment and Training; and County Chambers of Commerce. Finally, dislocated workers will need to receive training from providers on the Eligible Training Provider List, including community colleges; State

[3] The Health Care Sector in New York State (pp. 1-12, Rep.). (2016). New York: New York State Department of Labor. https://labor.ny.gov/stats/PDFs/The-Health-Care-Sector-in-NYS.pdf

Universities of New York (SUNY); County Boards of Cooperative Educational Services (BOCES) and other WIOA Title II training providers; and local apprenticeship sponsors.

C. Required Demonstrations Related to Grant Activities

1. *Where appropriate, the activities are designed to fit within any regional economic development visions or priorities, including the WIOA State Plan, as well as any state or regional economic strategies involving the Economic Transition identified in the application.*

NYS operates a unified workforce development system that is regionally coordinated and programmatically seamless, delivering workforce training, business services, and statewide job linkages to all New Yorkers. As a part of this seamless system, TET-NDWG activities will be coordinated with regional sector-based workforce strategies that align with Governor Cuomo's NYS Regional Economic Development Council (REDC) Initiative. In order to empower each region to chart its own course, the Governor created 10 REDCs to encourage an approach to economic development driven by local experts and stakeholders from business, academia, local government, and non-governmental organizations. The Regional Councils turned around NYS's top-down approach to economic development, shifting to a community-based, performance-driven model that empowers localities to develop and invest in their own economic future. Each of the 10 REDCs developed their own strategic regional plan to capitalize on their established strengths and unique resources. In their various plans, the REDCs listed priority areas specific to their region. Based on information in the plans, the sectors of Advanced Manufacturing, Healthcare, and Information Technology align with the priority sectors described in this application.

NYSDOL has long encouraged Regional Planning as a way to further inform and enhance the regional progress reports developed by the REDCs, and requested that LWDBs develop formal Regional Plans for a number of years under the Workforce Investment Act. Regional Planning is now a required function of the LWDBs under WIOA. In addition to the required elements under WIOA, NYSDOL requires that LWDBs ensure their Regional Plan aligns with the Priority Projects of their associated REDC by

reviewing the appropriate REDC Progress report. It is in this way that all LWDBs under the NYSDOL TET-NDWG will be able to effectively coordinate project activities in alignment with the regional economic development vision for their area.

2. *The proposed career and training activities prepare eligible dislocated workers for employment in high-growth sectors of the economy within the area to be covered by the grant.*

The career and training services outlined in this proposal will prepare job-seekers to work in current and emerging in-demand industries. Targeted sectors include but are not limited to statewide priorities such as healthcare, advanced manufacturing, and information technology. Current and emerging in-demand sector industries will be defined by: local boards under their required local plans; regional plans submitted by the 10 REDCs; Regional Priority Projects determined by the Governor; Labor Market Information (employment projections) demand lists; and analysis of the over 130,000 jobs listed daily on the NYS Job Bank.

3. *All activities supported by the grant, including supportive services, are appropriate for transitioning dislocated workers into high-growth sectors, with opportunities to earn a family-sustaining wage.*

The NYS workforce system is driven by a state plan that recognizes the importance of moving dislocated workers into occupations with family sustaining wages. As described in section C.2. above, all career, training, and supportive services under the TET-NDWG will be aligned with state, regional, and local high growth sectors. This focus on workforce demand will create a responsive supply of workers that are ready to meet the challenges of the technological transitions that are coming about in response to globalization. The services provided using grant funds will align with NYS's strong emphasis on preparing dislocated workers to enter middle-skills occupations that are more resistant to the effects of globalization and are the primary gateway through which job-seekers will enter stable, high-growth, and in-demand sectors that pay a family sustaining wage.

Supplement to TABLE A: Significant Worker Dislocations Resulting from the Identified Economic Transition

Company	City	Layoff Date	# Affected Workers	WARN Issued? Y/N
A.I. Friedman, L.P.	New York	05/30/2017	27	Y
ACHIEVE NY, Broadway	Owego	06/29/2017	35	Y
Advanced Motors and Drives	East Syracuse	08/13/2018	51	Y
Allenair Corp., A.K. Allen Co. Inc.	Mineola	06/21/2017	69	Y
Alstom Signaling, Inc.	West Henrietta	03/31/2018	86	Y
Amesbury Truth, Inc.	Rochester	03/01/2018	142	Y
Auburn Armature, Inc.(Albany)	Albany	07/20/2017	6	Y
Auburn Armature, Inc.(Auburn)	Auburn	07/20/2017	64	Y
Auburn Armature, Inc.(Cheektowaga)	Cheektowaga	07/20/2017	26	Y
Auburn Armature, Inc.(East Syracuse)	East Syracuse	07/20/2017	9	Y
Auburn Armature, Inc.(Rochester)	Rochester	07/20/2017	5	Y
Auburn Armature, Inc.(Vestal)	Vestal	07/20/2017	8	Y
AVX Corporation (Olean Advanced Products)	Olean	01/28/2018-03/30/2018	63	Y
B&H Foto and Electronics Corp.	Brooklyn	06/11/2018	150	Y
B&H Foto and Electronics Corp.(warehouse)	Brooklyn	08/07/2017	57	Y
Carthage Specialty Paperboard, Inc.	Carthage	07/31/2018	77	Y
Casabella Holdings, LLC	Congers	03/01/2018	43	Y
Cascades Holding US Inc.	Maspeth	11/27/2017	148	Y
Cenveo Corporation	Orchard Park	02/17/2017	111	Y
Citizen Watch Company of America, Inc.	New York	07/27/2018	29	Y
Citizen Watch Company of America, Inc.	Woodside	03/29/2018	59	Y
D.F. Stauffer Biscuit, Co.	Cuba	12/29/2017	51	Y
Davis Vision - Manufacturing Plant	Plainview	05/08/2017	151	Y
Delft Blue LLC	New York Mills	10/10/2017	83	Y
Eastman Kodak Company	Rochester	05/16/2017 - 10/22/2018	99	Y
G.A.F. Seelig, Inc.	Woodside	03/10/2018	81	Y
Gannett Publishing Services (Elmira)	Elmira	06/16/2018	2	Y
Gannett Publishing Services (Ithaca)	Ithaca	06/16/2018	1	Y
Gannett Publishing Services (Johnson City)	Johnson City	06/16/2018	93	Y
General Electric MDS, LLC	Rochester	01/16/2018	89	Y
Genpak, LLC	Glens Falls	07/10/2017	55	Y
Geritrex, LLC	Mount Vernon	05/25/2018	26	Y
Global Brands Group (Warehouse)	Plattsburgh	12/31/2017	49	Y
Global Foundries	Malta	08/30/2018	455	Y
Greatbatch, Ltd. (Integer)	Clarence	01/14/2018	59	Y
Harbor Footwear Group, Ltd.	Port Washington	07/31/2018	53	Y
Harden Furniture, LLC	McConnellsville	01/31/2018	90	Y
Hebeler LLC	Tonawanda	09/26/2018	55	Y
Hebeler Process Solutions LLC	Buffalo	09/26/2018	5	Y
Heidenhain Corporation	Jamestown	10/01/2018	39	Y
Jabil Inc.	Poughkeepsie	04/24/2018	83	Y
Jay Strongwater	Union Springs	12/31/2017	29	Y
Kellogg Snacks (Distribution Center)	N. Syracuse	07/29/2017	255	Y
Kellogg Snacks (Hauppauge Distribution Center)	Hauppauge	07/08/2017	16	Y

Company	City	Layoff Date	# Affected Workers	WARN Issued? Y/N
Kellogg Snacks (Orangeburg distribution center)	Orangeburg	07/08/2017	25	Y
Knickerbocker Partition Corp.	Freeport	12/08/2017	58	Y
Kraft Heinz Foods Company	Campbell	08/23/2017	380	Y
Lanco Corporation	Ronkonkoma	12/01/2017	130	Y
Liberty Coca-Cola Beverages	Maspeth	04/30/2018	115	Y
LSC Communications US, LLC	Mineola	04/30/2018	31	Y
Luxfer Magtech Inc.	Riverhead	02/28/2017	60	Y
Mattel, Inc.	New York	07/13/2018	143	Y
MD Electronics Corporation	Jamestown	12/23/2017	87	Y
Menu Solutions, Inc.	Bronx	05/28/2018	60	Y
Mettler-Toledo, LLC Hi-Speed Division	Ithaca	03/01/2018	69	Y
New York Air Brake LLC	Watertown	11/14/2017	39	Y
Nine West Holdings, Inc.	New York	07/04/2018	203	Y
Nypro Inc., a Jabil Inc. Company	Rochester	08/14/2018	53	Y
Oak-Mitsui, Inc.	Hoosick Falls	01/02/2018	20	Y
Pfizer, Inc.	Rouses Point	05/27/2017 - 08/31/2018	93	Y
Sabra Dipping Company	Farmingdale	05/16/2017	22	Y
Sam's Club (#6526)	Jamestown	04/13/2018	114	Y
Sam's Club (#8171)	Syracuse	04/13/2018	151	Y
Sam's Club (#8178 & #8179)	Rochester	04/13/2018	292	Y
Sanmina Corporation	Owego	03/07/2018	161	Y
Seneca Foods Corporation	Marion	09/28/2018	45	Y
Shake-N-Go Fashion, Inc.	Port Washington	03/29/2018	97	Y
Soho Studio Corp. (Bank St)	Brooklyn	07/14/2017	18	Y
Soho Studio Corp. (Snediker Ave)	Brooklyn	07/14/2017	38	Y
Tahari ASL, LLC	New York	08/31/2018	137	Y
Terrafina, LLC	Bronx	02/15/2018	109	Y
The Neiman Marcus Group LLC Last Call	Central Valley	07/27/2018	40	Y
Trans-Packers Services Corp.	Brooklyn	07/31/2018	105	Y
Union Beer Distributors	Brooklyn	04/22/2018	233	Y
Vanguard Graphics LLC	Ithaca	08/16/2018	120	Y
VWR (Part of Avantor)	Rouses Point	08/28/2018	27	Y
WestRock	Wheatley Heights	10/13/2017	94	Y
Will Foods, LLC	Buffalo	02/24/2017	71	Y
Xerox Corporation - Parts Distribution	Webster	12/18/2017	138	Y
Xylem Inc. (Global Financial)	Seneca Falls	06/1/2018-10/07/2018	44	Y
Zeluck, Inc.	Brooklyn	07/14/2017	49	Y
		Total:	6855	

Total WARN Summary Report
02/01/2017 thru 07/31/2018

Region	# Affected Workers	# Businesses
Capital	896	18
Central	1,488	21
Finger Lakes	2,824	42
Long Island	5,288	88
Mid-Hudson	2,854	50
Mohawk Valley	861	7
New York City	18,353	228
North Country	777	11
Southern Tier	1,328	20
Western	2,043	36
Total	**36,712**	**521**

TEGL 02-18 LWDA Project Proposal Template

Local Workforce Development Area Name

Buffalo and Erie County Workforce Development Area

Number of Projected Participants to be Served by this DWG.

We will serve 250 participants. 100 of these participants will participate in career pathways training using Individual Training Accounts.

Funding requested.

$1,245,216

A. Project Purpose and Description -- Demonstrate this project will help move its workforce toward sustainable opportunities in high-demand sectors that could transform the LWDA economy. The sectors do not have to be, and likely should not be, those that have suffered dislocations due to economic Transition.

1. Sector(s) of Focus

a. Sector(s) of focus to which grant participants will be transitioned.

(Response)

Advanced Manufacturing

b. Why opportunities in sector(s) of focus are sustainable.

(Response)

Manufacturing makes up $9.6 billion in gross national product (14% of the total) with the two largest export industries in our region being basic chemical manufacturing and machinery manufacturing. Western NY is home to more than 1600 manufacturing companies who employ more than 66,000 skilled workers. See: http://www.city-data.com/us-cities/The-Northeast/Buffalo-Economy.html

Manufacturing is the largest multiplier of any economic sector: each dollar's worth of manufactured goods generates $1.40 in output from other sectors of the economy. It also provides higher wages for blue-collar workers. According to the latest BLS data, goods-producing industries pay an average of $56,799 a year as compared to other working-class fields like health care and education (averaging $45,676 annually). See: *Where U.S. Manufacturing is Thriving in 2018.* https://www.forbes.com/sites/joelkotkin/2018/05/23/where-u-s-manufacturing-is-thriving-in-2018/

c. Characteristics of workforce or participants that could speed or ease transition into sectors.

(Response)

A study by Chicago-based consultants McKinsey & Co. projected that 17,000 manufacturing jobs would be opening in our region by 2020. That is approximately one-

third of Buffalo Niagara's current direct manufacturing employment, which as of March 2016 was 50,800. As a result, many manufacturing companies are experiencing a workforce challenge. This is based not only on retirements, other attrition and forecasted growth, but on a skills-gap in the local workforce of the core skills required to fill needs. This has created career opportunities for machinists, welders, CNC machinist, and other skilled workers in advanced manufacturing. https://labor.ny.gov/stats/wny/index.shtm

Our pathways training programs are designed to meet this need and provide nationally recognized credentials in advanced manufacturing. For example, our training in Certified Production Technician (CPT) results in certification from the Manufacturing Skill Standard Council (MSSC) and an OSHA-10 General Industry certification, and provides the pathway skills for participants to advance into other career opportunities in advanced manufacturing, such as Welding, CNC Machining, Electro-Mechanical Maintenance, and Industrial Electricity.

d. Existing resources that could speed or ease transition into sector(s) of focus.

The Buffalo and Erie County Workforce Investment Board, Inc. (BECWIB) has facilitated and developed an Industry Sector Partnership in Advanced Manufacturing consisting of employers, training providers and manufacturing intermediaries. Our employer partners participate in a paid work experience with trainees, and agree to interview successful completers for job openings. In addition, our training program includes a case management strategy that addresses barriers to job connectivity, provides classroom support, supportive services, job placement assistance, and follow-up with employers in the trainee's first month of employment to ensure a smooth employment transition.

2. Service Delivery

a. Describe any innovative employment and training techniques the applicant will deploy, consistent with WIOA sec. 134(c) and (d).

Our innovative program techniques include a paid work experience, monetary incentives for milestone achievements, preventive drug counseling and support, transportation to work-experience worksites that are beyond public transit, and follow-up assistance for any post-employment transition issues that arise. In addition, successful completers achieve nationally recognized industry credentials, such as the Manufacturing Skill Standard Council's Certified Production Technician (CPT) Certification, OSHA-10 General Industry Certification, the American Welding Society D1.1 Structural Welding Code Certification, and the Act's Inc. Career Readiness Credential. With nationally recognized credentials, employers can be confident that these trainees are qualified job applicants.

b. Describe any supportive services that may be provided, or method by which applicant will determine individual needs for supportive services, delivered by the grantee and its partners.

(Response)

Using Individual Training Accounts (ITAs) and a comprehensive case management approach, our supportive services strategy contains the following components:

1. Small Training Classes. Classes consist of 10 to 14 students per training class. This ensures that each student receives individualized attention and mentoring by their teachers who have vocational experienced in advanced manufacturing.

2. Mentoring. This will occur in the classroom, during the paid work experience and in the first 30 days of employment. Past trainee completers, who are identified by the training instructor as leaders and good role models, will be asked to mentor current trainees. Current trainees may also be paired with past trainees to assist them with successful on-the-job experiences. Employer guest speakers will be invited into the classroom to discuss job skills and behaviors that employers look for in job candidates, and provide advice concerning job retention skills and strategies. During the paid work-experience, supervisors will mentor trainees for a successful on-the-job experience. Once employed, the Program Navigator will be in weekly contact (via phone or email) with the trainee to help address any issues that may arise.

3. Industry Orientation and Assessment. We will provide an industry orientation to all interested dislocated workers. This orientation will present an understanding of advanced manufacturing and its career pathways. The Buffalo Niagara Manufacturing Alliance (BNMA) will present an industry overview and the skills and behaviors required to succeed on the job. This orientation will include past graduates of our prior pathway trainings, a meet and greet with our employer-partners, as well as a video of 21st century advanced manufacturing and its career pathways leading to sustaining wages.

   Staff at the Buffalo Employment and Training Center (BETC), our local area's Comprehensive AJC, will then provide all interested applicants with an assessment using the NYSDOL Job-Zone program. This assessment will be the basis for the applicant's interest and aptitude for occupational training in advanced manufacturing. Applicants will also undergo the TABE (test of adult basic education) to determine math and reading scores. Applicants, whose scores are below the required math and reading scores of 7th grade and 9th grade, respectively, will be provided remedial services through Erie-1 BOCES or the Buffalo Public Schools, two of our mandated career center system partners.

4. An Individual Plan. The Program Navigator will interface with the AJC Career Counselor/Case Manager and each eligible trainee to assess & address barriers that may thwart the successful completion of training and job placement. This Individual Plan will include:

(a) A wrap-around referral system linking services with mandated one-stop career system partners. Referral services will be through our WIOA system partners. This will ensure that trainees have the support necessary to manage issues that may thwart success.

The Case Manager will ensure that targeted referrals are timely made, with weekly follow-up (via phone or email) to system partner-agencies. For example, housing issues will be addressed through the Buffalo Municipal Housing Authority. Those with special needs will be referred to ACCES-VR. Those who require public assistance will be referred to the Erie County Department of Social Services. Individuals in need of remedial academic services will be assisted through the Buffalo Public Schools, our Title II partner co-located at BETC.

(b) Preventive drug counseling and support. Where necessary, referrals to community agencies, such as Catholic Charities, will be provided to address and prevent the possible loss of employment from random drug testing in the workplace.

(c) Supportive Services and Needs-Related Payments. Under BECWIB's supportive services policy, eligible trainees may receive a needs-related payment of $10 per day for each day the trainee is in training for 4 hours or more per day, not to exceed $50 per week.

5. Classroom Support for Retention. The Program Navigator and the training instructor will be in daily contact concerning participant progress. They will be on-site and available at all times for any support that is needed to facilitate completion. Weekly progress-sheets monitoring student attendance and achievement will be maintained. This will provide continuous follow-up during training and if any issues arise, appropriate steps will be taken to timely resolve those issues. Remediation will be available before or after class, as needed, to ensure training success. Non-vocational issues that may arise, such as transportation, child care, or housing will also be addressed and appropriate referrals made. This weekly monitoring will ensure that barriers to either training or employment will be removed or minimized in an extremely timely and coordinated fashion.

6. Monetary incentives. Five monetary incentives will be offered to trainees. Trainees will receive a $200 incentive for successfully completing each of the 4 milestones designated in each training program. Trainees placed in employment after completion of the training program, and who provide evidence of employment by submitting their first wage statement, will receive $250.

7. Paid Work Experience. Trainees will apply what they've learned through a paid work experience. Depending on the career pathway program, Trainees will be employed for 120 to 192 hours per training and paid no less than the minimum wage. During this paid work experience, the Program Navigator will interface with the trainee and employer (via phone call or email) to assist with any issues that may arise.

8. Transportation to paid work experience beyond public transit routes. BECWIB will establish policy and procedures to fund the cost of transportation to work-sites participating in the paid-work experience that are beyond public transportation routes. BECWIB has had experience providing this service through its collaboration with non-mandated partners in our community.

9. Follow-up. Within two weeks after training is completed, the Case Manager and/or Program Navigator will follow up with participants via email, phone call, or letter to assess their employment status. If the participant has not obtained employment, they will receive further job placement assistance from the Program Navigator.

   The Program Navigator will maintain weekly contact with the employer in the first month of employment to assist with any employment transition difficulties that may arise. After one month of employment, the Program Navigator will send a job-placement information form to the employer, which will be used to track employment in NYS' One-Stop Operating System (OSOS), the case management system used to record data related to WIOA programs.

   In the next 30 days, the Case Manger will follow-up with the participant and employer every 2 weeks via email, phone call or letter. The Case Manager will provide counseling and guidance on any work-related issues or barriers that arise and assist in resolving those issues. Thereafter, follow-up assistance will continue for up to one year in accordance with BECWIB's follow-up services policy under WIOA.

3. **Economic Benefit** – Describe the extent to which the training activities could have broader benefit to the geographic areas covered by the DWG, such as by building or improving infrastructure; or, creating the capacity for the area to handle future job loss caused by economic transition without additional federal assistance.

   Manufacturing is the largest multiplier of any economic sector: each dollar's worth of manufactured goods generates $1.40 in output from other sectors of the economy. It also provides higher wages for blue-collar workers. According to the latest BLS data, goods-producing industries pay an average of $56,799 a year as compared to other working-class fields like health care and education (averaging $45,676 annually). See: *Where U.S. Manufacturing is Thriving in 2018.* https://www.forbes.com/sites/joelkotkin/2018/05/23/where-u-s-manufacturing-is-thriving-in-2018/

   By upskilling workers along career pathways in advanced manufacturing, our WNY workforce is better prepared for the skilled jobs that this industry sector requires for its competitive growth. With competitive growth comes a more robust WNY economy and job opportunities with family sustaining wages.

4. **Strategic Alignment** – Where applicable, describe connections to the WIOA State Plan; other existing sector or career pathways projects; statewide or regional talent; economic development initiatives; development initiatives including existing Comprehensive Economic Development Strategies (CEDS); infrastructure improvement plans such as state highway construction plans approved by the U.S. Department of Transportation; business engagement strategies; or, other similar efforts.

   Our career pathways training programs stem from an industry-sector partnership model developed by the Buffalo and Erie County Workforce Development Area in 2014. BECWIB's sector partnership in advanced manufacturing, a target-industry identified by the Western New York Regional Economic Development Council (WNYREDC), was developed in 2016. Our Advanced Manufacturing Sector Partnership brought together industry

employers, training providers, industry associations, and community organizations to assess the local area's workforce skills-gap in that industry. Together we developed training curricula addressing salient core skills and providing industry recognized credentials along career pathways in critical industry occupations, such as Certified Production Technician, Welding, CNC Machining, Electro-Mechanical Maintenance, and Industrial Electricity.

WNYREDC 2018 priorities include identifying workforce development strategies and shrinking the skills gap. Its Opportunity Agenda includes (1) addressing the challenges and barriers to job connectivity, economic self-sufficiency, and equal access to resources for the most vulnerable in our region, which includes the unemployed, and (2) creating transferable skill-training programs.

Our career pathways training has been designed to (1) address and overcome the barriers to employment that these vulnerable populations face; (2) provide transferable skills training and pathways that lead to economic self-sufficiency, and (3) provide the manufacturing sector with applicants who are qualified to fill their current workforce needs.

americanjobcenter
Broome-Tioga Workforce New York

171 Front Street
Binghamton, NY 13905
(607) 778-2136
www.broometiogaworks.com

Find your career in the Southern Tier!

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am pleased to offer this letter as statement of the Broome-Tioga Workforce Development Board's commitment to the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. The Broome-Tioga Workforce Development Area commits to working in collaboration and partnership with New York State Department of Labor on projects funded through the TET-DWG.

Our commitment will include the delivery of Career Services such as: on-the-job trainings (OJT), customized work-based training programs, and supportive services to Trade Adjustment Act (TAA) certified dislocated workers (DW), enhancing and expanding services currently being provided to these customers. Our commitment to this effort stems from a growing need for trained workers, specifically in skilled trades, Advanced Manufacturing, Health Care, Hospitality, and Transportation. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs throughout the Southern Tier and New York State.

The Broome-Tioga Workforce Development Board, or Broome-Tioga Workforce, believes that the economic future of Broome and Tioga Counties is dependent on a Workforce that is regionally and globally competitive. A skilled workforce united with initiatives that directly support current industry needs translates to economic growth. We further believe that employees and businesses need to have access to innovative Customized Work-Based Training and OJT funding that will result in the development of the skills and knowledge needed to contribute to the success and viability of our State, Region, and Local Workforce Development Area.

We look forward to actively participating in the delivery of Career Services, OJTs, and Supportive Services enhancing and expanding service delivery to TAA DW customers and area businesses.

Sincerely,

Sara Liu
Executive Director
Broome-Tioga Workforce Development Board

A PROUD PARTNER OF

SERVING BUFFALO & ERIE COUNTY

WORKFORCE BUFFALO

BUFFALO AND ERIE COUNTY
WORKFORCE INVESTMENT BOARD, INC.

August 29, 2018

Karen Coleman
Deputy Commissioner of Workforce Development
New York State Department of Labor
Harriman State Office Campus, Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Buffalo/Erie LWDB is committed to participating in the Trade and Economic Transition DWG with the New York State Department of Labor, and will the coordinate provision of services under this project.

Participants interested in Advanced Manufacturing training will be enrolled into one of the established Advanced Manufacturing career pathways programs that exist within our LWDA. Our innovative approach has been developed with employer input, combines small training classes with paid work experience, and leads to an industry-recognized credential. In addition, our training program includes a case management strategy that addresses barriers to employment, provides academic support, mentoring, supportive services, job placement assistance, and follow-up services.

Industry and educational partners in the career pathways programs include the Buffalo Niagara Manufacturing Association and Erie 1 BOCES. Our employer partners include: Sealing Devices Inc., Taylor Devices Inc., Zehnder-Rittling, DIMAR Manufacturing of WNY, K-Technologies, Industrial Support, Inc., and Tapecon. All employers have agreed to interview those who complete the program successfully for positions within their companies.

Participants that do not choose to participate in Advanced Manufacturing pathways program will receive the full complement of Career Services provided by the comprehensive AJC.

We enthusiastically support this project, which will enhance the ability of our local area to address ongoing workforce challenges in Western New York.

Kind Regards,

Heather Gresham
Executive Director

726 Exchange Street, Suite 630 – Buffalo, NY 14210 – Ph: (716) 504-1480 – Fax: (716) 504-1483 – www.workforcebuffalo.org

THE CAPITAL REGION WORKFORCE DEVELOPMENT BOARD

Providing Workforce Solutions for Albany, Rensselaer, and Schenectady

Capital Region Workforce New York
Put us to work for you

CHIEF ELECTED OFFICIALS

Kathy M. Sheehan
Mayor City of Albany

Daniel P. McCoy
Albany County Executive

Steven F. McLaughlin
Rensselaer County Executive

Anthony Jasenski
Schenectady County Legislature, Chair

Robert C. Wildermuth III
Executive Director

Joseph A. Giansante
Chair
Ellis Medicine
Executive Vice President

August 31, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

The Capital Region Workforce Development Board supports the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application and commits to working in collaboration and partnership with our Chief Elected Officials and the New York State Department of Labor on projects funded through the TET-DWG. We will also work with local business groups, community organizations, community colleges, and other training programs to address the needs of these dislocated workers and businesses.

Our commitment to this grant will include the delivery of Career Services, on-the-job trainings (OJT), classroom training (CRT) and supportive services to TAA-eligible and non-TAA eligible Dislocated Workers. Our commitment to this effort stems from the recent large scale layoffs at General Electric and the imminent layoffs at Global Foundries, as well as from a growing need for trained workers in our local area and region, specifically in Advanced Manufacturing, Health Care, Warehousing and Distribution, and Agri-Business. I am confident that the New York State Departm. of Labor's TET-DWG Application will address the current and future workforce needs in Capital Region and throughout New York State.

The Capital Region Workforce Development Board believes in empowering and educating job seekers and businesses in order to maintain skill development, employment retention, expansion, and success. Access to OJT funding, particularly, results in the development of the skills and knowledge needed to contribute to the success and viability of our state, region, and local workforce development area.

We look forward to actively participating in the delivery of services as described above to support the re-entry of dislocated workers into the workforce.

On behalf of Capital Region WDB, I fully endorse this application for funding. Should you have any questions regarding this correspondence, please contact me at (518) 242-8220, or rwildermuth@capreg.org.

A proud partner of the AmericanJobCenter network

Thank you,

Robert C. Wildermuth III

Robert C. Wildermuth III
Executive Director

Cattaraugus-Allegany
Workforce Development Board

Jason Miller
Executive Director

Tiffany Mager
Administrative Assistant

Tammy Komidar
Fiscal & Program Monitor

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am writing this letter to state that the Cattaraugus-Allegany Workforce Development Area (CAWDB) commits its support of the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. To the extent that it can, the CADWB commits to working in collaboration and partnership with our Chief Elected Officials and the New York State Department of Labor on projects funded through the TET-DWG.

We currently have no major employers who are laying off employees right now. Which would make it hard for us to expend the funds now. However, we may in the future and our hope is that by supporting this effort now we will be able to take advantage of the funds as the need may arise in the future.

Should the need arise for these funds in our area in the future we would look forward to actively participating in the delivery of Career Services, OJTs, and Supportive Services enhancing and expanding service delivery to TAA-eligible and non-TAA-eligible DW customers and area businesses.

Sincerely,

Jason E. Miller

Jason Miller
Executive Director

One Blue Bird Square – Lower Level
Phone: 716.806.0060 Fax: 716.806.0062 Website: www.cawfny.com Email: mailbox@cawfny.com

A proud partner of the americanjobcenter network

Cayuga-Cortland
Workforce Development Board

"Bridging the gap between workforce and business"

Rob Ferri
Director

Tom Hartner
Board Chair

Heather Burnham
Fiscal & Program Monitor

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am writing this letter on behalf of the Cayuga Cortland Workforce Development Board (CCWDB) as a statement of commitment to the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. The Cayuga Cortland Workforce Development Area is committed to working in collaboration and partnership with the Chief Elected Officials of each county and New York State Department of Labor on projects funded through the TET-DWG.

Our commitment could include the delivery of Career Services, On-the-Job Trainings (OJT), and Supportive Services to TAA eligible and non-eligibly Dislocated Workers. CCWDB is dedicated in any effort that provides assistance in educating job seekers and businesses in order to maintain skill development, employment retention, expansion, and success. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs throughout all the regions in New York State.

Our commitment to this effort stems from the many WARN notices of the last 18 months in our LWDA and the contiguous workforce development areas as well as a growing need for trained workers in our LWDA and region.

We believe that employees and businesses need to have access to OJT funding that result in the development of the skills and knowledge needed to contribute to the success and viability of our State, Region, and Local Workforce Development Area.

We look forward to actively participating in the delivery of Career Services, OJTs, and Supportive Services enhancing and expanding service delivery to TAA DW customers and area businesses.

Sincerely,

Rob Ferri

Executive Director
Cayuga Cortland WDB

Room B3B, 60 Central Ave, Cortland, NY 13045; 607-753-5071

A proud partner of the americanjobcenter network

ChautauquaWorks

americanjobcenter®

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am writing this letter as statement of the Chautauqua Workforce Development Area's commitment to New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. The Chautauqua Workforce Development Area commits to working in collaboration and partnership with our Chief Elected Officials and New York State Department of Labor on projects funded through the TET-DWG. We will also work with local business groups, community organizations, community colleges, and other training programs to address the needs of these dislocated workers and businesses.

Our commitment will include the delivery of Career Services, on-the-job trainings (OJT), and supportive services to Trade Adjustment Act (TAA) certified dislocated workers (DW) enhancing and expanding services currently being provided to these customers. Our commitment to this effort stems from a growing need for trained workers, specifically in skilled trades in Advanced Manufacturing, Health & Life Sciences, Tourism, and Transportation. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs throughout the Chautauqua Workforce Development Area and New York State.

WIB Inc. dba Chautauqua Works believes in empowering and educating job seekers and businesses in order to maintain skill development, employment retention, expansion, and success. We further believe that employees and businesses need to have access to OJT funding that result in the development of the skills and knowledge needed to contribute to the success and viability of our State, Region, and Local Workforce Development Area.

We look forward to actively participating in the delivery of Career Services, OJTs, and Supportive Services enhancing and expanding service delivery to TAA DW customers and area businesses.

Sincerely,

Kathleen Geise

Kathleen Geise, Executive Director
Chautauqua Workforce Development Board

Katie Geise, Executive Director
Cheryl Calhoun, Finance Director

kgeise@chautauquaworks.com
ccalhoun@chautauquaworks.com

4 East 3rd Street, Suite 102
Jamestown, NY 14701
(716) 661-9324
Fax (716) 483-2012

Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities.

Chemung Schuyler Steuben
Workforce New York
Put us to work for you

8 Denison Parkway E, Suite 305
Corning, NY 14830
www.csswfny.com
Tel: 607-238-5730

August 29, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

RE: New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application

Dear Ms. Coleman:

The Chemung Schuyler Steuben Local Workforce Development Area supports the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application and commits to working in collaboration and partnership with our Chief Elected Officials and the New York State Department of Labor on projects funded through the TET-DWG. We will also proactively work with local business groups, community organizations, community colleges, and other training programs to address the needs of these dislocated workers and businesses.

Our commitment to this grant will include the delivery of Career Services, on-the-job trainings (OJT), classroom training (CRT) and supportive services to TAA-eligible and non-TAA eligible Dislocated Workers. Our commitment to this effort stems from a combination of two forces impacting our area simultaneously; the recent announcement of the closure of the Sitel Corporation facility in Painted Post, NY, and the economic impacts form the macro-economic shifts impacting the retail and customer service sectors causing large scale re-alignment such as the closures of notable brick-and-mortar Bon Ton, Macy's Sears, K-Mart, and Toys R' Us locations, while simultaneously growing careers in higher skilled online retailers in our region such as Wayfair. These two challenges, as well as from a growing need for trained workers in our local area and region, specifically in Advanced Manufacturing, Health Care, Warehousing and Distribution, and Agri-Business, speak to the need for this type of intentional investment. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs in and our local area and throughout New York State.

We look forward to actively participating in the delivery of services to support the re-entry of dislocated workers into the workforce.

Sincerely,

Daniel Porter
Executive Director

CDO WORKFORCE
an americanjobcenter

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Karen:

I am writing this letter to state that the Chenango, Delaware & Otsego Workforce Development Board commits its support of the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application.

Although the regional economy has been fortunate not to have many mass dislocations recently, we recognize that in this time of economic transitions, employers who are facing global competition are not always able to succeed and will reduce staff as the economy fluctuates, creating more small-scale dislocations as well as larger ones. Further, at a time when many of the jobs taken by lower-skilled individuals are in sectors that are vulnerable to consumer spending changes, we recognize that dislocations in the retail, wholesale and logistics sectors can also be a time of opportunity that allows us to upskill individuals to assume jobs in the growing advanced manufacturing sector as well as our thriving health care and hospitality sectors.

Based upon our expectations, we plan to serve 50 individuals over the time period covered by this project. We estimate that over the time of the project, we would; spend about $150,000. Much of that spending would come through wages of On-the-Job training, which the TEGL caps at 50 percent of an employee's wages. Local small manufacturers rely upon OJT as a way to train incoming workers, and this funding would allow us to work with them.

We also project that the population we would serve will need classroom training in the manufacturing and health care sectors, as well as intensive career services provided by staff that can be dedicated to work with the highest-needs populations we will serve.

We appreciate this opportunity to work with the New York State Department of Labor on this project to assist those currently impacted by dislocations and those who will be affected in the time period covered by this project.

Sincerely,

Alice J. Savino
Executive Director

Chenango Delaware & Otsego Workforce Development Board
209 Elizabeth St., Utica, NY 13501 - 315.793.6037 -asavino@working-solutions.org

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION DWG – Trade and Economic Transition
	CORRESPONDENCE SYMBOL OWI - DWASWS
	DATE August 8, 2018

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 2-18

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARDS AND CHAIRS
STATE LABOR COMMISSIONERS
INDIAN AND NATIVE AMERICAN PROGRAM GRANTEES

FROM: ROSEMARY LAHASKY
Deputy Assistant Secretary

SUBJECT: Trade and Economic Transition National Dislocated Worker Grants

1. **Purpose.** To announce the availability of up to $100 million for Trade and Economic Transition National Dislocated Worker Grants (DWGs), with funding amounts of up to $8 million for each award. This grant will enable successful applicants to address ongoing or emerging workforce and economic challenges by providing training and career services to dislocated workers seeking reentry into the workforce, and increasing their skill levels to become competitive for growing or high-demand employment opportunities. Available funds for this grant could be reduced by other, unforeseen DWG funding needs, such as natural disasters and national emergencies, including national health emergencies such as the opioid crisis.

2. **References.**
   - Workforce Innovation and Opportunity Act (WIOA), Section 170, Pub. L. No. 113-128, 128 STAT. 1425, 1573-1576 (July 22, 2014);
   - Consolidated Appropriations Act of 2017 (PL 115-31);
   - 20 CFR pt. 687;
   - Training and Employment Guidance Letter (TEGL) No. 2-15, *Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act)* (July 1, 2015);
   - ETA Form 9130 (OMB Control No. 1205-0461); and
   - TEGL No. 19-16 – *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017).

RESCISSIONS	EXPIRATION DATE
None	Continuing

3. **Background.** Trade and Economic Transition (Economic Transition) DWGs are offered under the Workforce Innovation and Opportunity Act (WIOA) National Dislocated Worker Grant program. The funding is authorized under Section 170 of WIOA and administered according to 20 CFR part 687.

   Under WIOA Section 170(b), Employment Recovery DWGs, such as the Economic Transition DWG, generally provide resources to states and other eligible applicants to provide employment and training assistance to workers affected by major economic dislocations. The Consolidated Appropriations Act of 2017 (PL 115-31), which appropriates the funds being used for Economic Transition DWGs, includes statutory language specifying that these grants are available to address cases where there are worker dislocations across multiple sectors or across multiple local areas.

   Consistent with the appropriation, Economic Transition DWGs are intended to allow eligible applicants to implement innovative training and employment services to help address dislocations that can be traced to broader workforce needs or economic changes that could reach across multiple sectors, including those in reaction to changes in trade policy. Economic transformation has created new and exciting opportunities for American workers, but has also resulted in worker dislocations. For example, increased automation and global economic pressures have threatened traditional jobs and careers. In many cases, mature workers[1] in the middle or later stages of their careers have been disproportionately impacted by these changes.

   The Economic Transition DWG allows grantees to take a holistic approach in addressing economic and workforce challenges that may not be limited to one employer, one industry, or one geographic area. Evidence shows that providing laid-off workers with intensive employment services can improve their re-attachment to the labor force, with positive outcomes in employment and earnings.[2] Evidence further suggests that training is most effective when it is closely related to an identified job or occupation.[3] Accordingly, a successful applicant will align with these findings by demonstrating that it has suffered significant worker dislocations stemming from a broader Economic Transition, and that it will deploy innovative career and training services that move dislocated workers into in-demand careers or professional areas that could improve the long-term economic or workforce health of the applicant's selected geographic areas.

   The deadline for all Economic Transition DWG application packages filed in response to this TEGL through www.grants.gov is September 7, 2018 at 11:59:59 P.M. EDT.

4. **Goals of Economic Transition DWGs.** In awarding Economic Transition DWGs, the Employment and Training Administration (ETA) will use its discretion under WIOA to

[1] For the purposes of this TEGL, this term refers to workers 40 years of age and older

[2] Providing Public Workforce Services to Jobseekers: 15-month Impact Findings on the WIA Adult and Dislocated Worker Programs. Mathematica. November 8, 2016. Available at https://wdr.doleta.gov/research/FullText_Documents/ETAOP-2016-04_15-Month-Impact-Report-%28accessible%20pdf%29.pdf

[3] What Works in Job Training: A Synthesis of the Evidence. July 22, 2014. Available at https://www.dol.gov/asp/evaluation/jdt/jdt.pdf

prioritize projects that respond to large-scale and largely unaddressed 21st Century economic and workforce challenges by helping move the workforce into 21st Century professions. This section provides an overview of the requirements to apply for an Economic Recovery DWG. Section 8 below describes how applicants will meet these requirements in submitting an application.

To receive an Economic Transition DWG, applicants first must show they qualify by documenting that they have been affected by an Economic Transition and have significant worker dislocations. For the purposes of this TEGL, an "Economic Transition," as described in Section 8 below, is a far-reaching economic or workforce trend or event, beyond the operating conditions of one employer, which has caused a significant worker dislocations in a stated geographic area. "Significant worker dislocation" generally is either a dislocation that affects 50 or more workers, or a dislocation that an applicant can demonstrate is significant for a particular geographic area. More information on how applicants must show significant worker dislocations is in Section 8 below.

ETA has identified three types of Economic Transitions that, if appropriately documented in an application, qualify an applicant for DWG funds under this TEGL:

- job loss or employer/industrial reorganization due to trade or automation;
- the loss, significant decline, or major structural change/reorganization of a primary or legacy industry in a regional economy, such as the manufacturing downturn due to technological advances, impacts on the agricultural industry due to trade, or other economic trends; or
- other Economic Transition or stagnation that may disproportionately impact mature workers, putting them at risk for extended unemployment, lower wages, underemployment, and more.

While not an exclusive list, the following are examples of fundable activities:

- training and employment activities that result in the preparation or placement of workers in professional areas in fast-developing employment sectors;
- training that prepares an applicant's workforce to participate in infrastructure-building projects, including, but not limited to the development and redevelopment of transportation and communications system. However, Economic Transition DWG funds may not be used to pay for infrastructure projects or to create temporary jobs supporting infrastructure projects; or
- training and career activities that result from regional economic strategies.[4]

5. **Eligibility.**
   a. **Eligible Applicants.**
   Under 20 C.F.R. 687.120(a), the following entities are eligible for Economic Transition DWGs:
      i. states or outlying areas, or a consortium of states;
      ii. Local Workforce Development Boards (WDBs), or a consortium of WDBs;

[4] While ETA encourages partnership and coordination with other organizations to achieve the goals of the project, funds from the Economic Transition DWG may not be used to pay the costs of strategic planning, partnership development, or related activities.

iii. an entity described in Section 166(c) of WIOA (relating to Indian and Native American programs);

iv. Other entities determined to be appropriate by the Governor of the state or outlying area involved. To demonstrate that a Governor has determined the entity appropriate to be a grantee under this TEGL, such an applicant must attach a signed letter from the Governor, on official letterhead, identifying the organization and indicating why the Governor has determined it appropriate to carry out an Economic Transition DWG. The entity must consent, in its completed Project Synopsis Form (Attachment A) or written proposal, that it will arrange a method of reporting performance data prior to the receipt of any grant funds.

v. Other entities that demonstrate to the Secretary the capability to respond effectively to circumstances relating to particular dislocations. To demonstrate its capability to the Secretary, such an applicant must submit documentation of no more than five pages, not counting toward any other page limitations in this document, that the applicant has:

1. expertise with systemic economic issues;
2. expertise with workforce development or training;
3. the geographic or administrative reach to handle large-scale workforce issues like Economic Transitions, as the term is defined in Section 3 above;
4. financial and administrative capability to administer a federal grant;
5. a letter of support for its Economic Transition DWG application from its state workforce agency and WDBs for the geographic area(s) in which it will serve; and
6. consent in its completed Project Synopsis Form (Attachment A) or written proposal that, prior to receiving any grant funds, it will arrange a method of reporting performance data.

Multiple entities from within the same state are eligible to submit applications for Trade and Economic Transition DWGs. The Department strongly encourages coordination among states, local workforce development boards, and other entities that may seek or obtain eligibility for DWG funds under 20 CFR 687.120(a), in order to avoid duplication. To maximize the use of these grant funds, ETA may choose not to fund multiple applications from different applicants within the state if those applications are duplicative. For the purposes of this TEGL, applications are "duplicative" if they (i) cover some or all of the same geographic territory and (ii) use one or more of the same dislocation events. In the event of duplicative applications, ETA will review the date and time it received each application submission and prioritize the first application received.

Those entities proposing a regional focus are strongly encouraged to coordinate with their partners to ensure effective delivery of career and training services to meet the existing or future needs of employers in the region.

b. **Eligible Participants.** The only eligible participants for this grant are dislocated workers as defined in 20 C.F.R. 687.170(a)(1)(i)–(iii).

6. **Allowable Activities**. Applicants for Economic Transition DWGs must show that the proposed grant activities will support the workforce in meeting the challenges of its Economic Transition to sustainable employment opportunities in emerging or expanding

industry sectors and give priority to training over other types of services. All activities must be permissible under 20 CFR 687.180(a).

The types of activities and services that may be provided include the following:

a. **Training and Work-Based Training Models.** Some of the allowable training and work-based training approaches include, but are not limited to:
   - traditional classroom training funded through Individual Training Accounts (ITAs) including apprenticeship programs on the state's Eligible Training Provider List; or
   - connecting businesses and workers to on-the-job or customized training programs and apprenticeships before or after layoff, in order to help facilitate reemployment.

   Note: Applicants are encouraged to investigate existing training curricula and approaches, including those housed on the Skills Commons (www.skillscommons.org). However, if existing curricula or appropriate tools do not meet the goals of the proposed project, Economic Transition DWG funds may be used to develop appropriate curricula with prior approval from the Grant Officer.

   Training and work-based training strategies included in an application must follow WIOA requirements as described in TEGL No. 19-16.

b. **Career Services.** Career services provide dislocated workers with a range of services, training, and job placement assistance they need to fill jobs in the identified emerging or high-demand sectors. Allowable career services are described in detail in TEGL No. 19-16. Examples of allowable career services include, but are not limited to:
   - soft skills such as punctuality, personal maintenance skills, and professional conduct;
   - in-depth interviewing and evaluation to identify employment barriers and development of individual employment plans; and
   - career planning (that includes a career pathway approach), job coaching, and job matching services.

c. **Supportive Services.** Grant recipients may offer supportive services to participants either directly or through partner organizations, based upon the specific needs and focus of the project plan. Generally, supportive service strategies should align with those described in TEGL No. 19-16, and may include, but are not limited to:
   - assistance with transportation;
   - assistance with child care and dependent care;
   - linkages to community services, including services offered by partner organizations designed to support grant participants;
   - Needs-Related Payments (available only to individuals enrolled in training services and must be consistent with 20 CFR 680.930, 680.940, 680.950, 680.960, and 680.970);
   - assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear;
   - assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes; and
   - payments and fees for employment and training-related applications, tests, and certifications.

7. **Use of Funds.**
   a. For on-the-job training (OJT), applicants may use DWG funds to reimburse up to 50 percent of the wage rate for on-the-job training participants and up to 75 percent if certain criteria are met as outlined in 20 CFR 680.730. The use of DWG funds for training are subject to the eligible training provider provisions of WIOA 20 CFR 680.400-.530 and the limitations or requirements as applicable to the Dislocated Worker formula program delineated in WIOA regulations at 20 CFR part 680 and TEGL No. 19-16. Applicants may enter into OJT contracts with apprenticeship program sponsors or participating employers in apprenticeship programs for the OJT portion of the apprenticeship program consistent with 20 CFR 680.700. Depending on the length of the apprenticeship and State and Local WDB OJT policies, these funds may cover some or all of the duration of the apprenticeship.
   b. Up to 10 percent of the grant award may be used for administrative costs associated with operating the grant.
   c. DWGs are subject to the Uniform Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 and OMB's approved exceptions for the Department at 2 CFR Part 2900.

8. **Qualifying Event, Project Purpose, and Grant Activities.** As with other DWGs, DOL will only fund applications that are responsive to the requirements of WIOA and this TEGL. For an application to be considered responsive, the applicant must complete the suggested Project Synopsis form (see Attachment A), which contains all information and requirements set out in this TEGL, or submit a written proposal, not exceeding 10 pages double-spaced (this page limit does not apply to any additional documentation required below), containing all information required by this TEGL and the Project Synopsis form. Where the Project Synopsis and this TEGL require attachment of additional documentation, this documentation must be independently verifiable and not exceed more than 10 pages. This page limit does not count toward the 10-page limit on the proposal.

   The informational requirements of a responsive application are explained below:
   - Qualifying Event; and
   - Project Purpose and Description.

   a. **Qualifying Event.** To demonstrate eligibility for the Economic Transition DWG, an applicant must show: (i) that it has experienced an Economic Transition; and (ii) that this Economic Transition has caused significant worker dislocations. Instructions for how to meet both of these requirements are below:
      - **Demonstrating Economic Transition:** Applicants must first identify and document the specific Economic Transition issue it is facing, as well as the geographic areas affected by the transition. An "Economic Transition" is a far-reaching economic or workforce trend or event, beyond the operating conditions of one employer, which has caused a significant worker dislocations in a stated geographic area.
        i. One of the following, if documented as described below, is an eligible qualifying event for DWG funding under this TEGL:
           1. job loss or employer/industrial reorganization due to trade or automation;
           2. the loss, significant decline, or major structural change or reorganization of a primary or legacy industry in a regional economy, such as manufacturing

downturn due to technological advances, impacts on the agricultural industry due to trade, or other economic trends; and

3. other Economic Transition or stagnation that may disproportionately impact mature workers, putting them at risk for extended unemployment, lower wages, underemployment, and more.

ii. If the Economic Transition is not one of the qualifying events listed above, the applicant must identify and describe a far-reaching economic workforce trend or event, document its existence, and connect it to the significant worker dislocations it includes in its application according to the directions below. The description of the Economic Transition must include supporting documentation of the Economic Transition. ETA will not fund applications providing only generalized discussions of job loss in the state or region.

iii. The application must include additional documentation verifying the existence of the Economic Transition described. ETA places no restrictions on the type of documentation an applicant may use, and documentation could include labor-market analysis, trends in the growth or decline of types of employers or industrial employment opportunities, excerpts of media reports and academic studies, etc.

- **Significant Worker Dislocations:** The applicant must demonstrate that:

  i. The geographic areas that the DWG would serve have experienced a significant number of dislocations over the past 18 months and that these dislocations result from the Economic Transition it has described according to the directions above. For the purposes of this TEGL, a "significant worker dislocation" means either:

     1. 50 or more workers; or
     2. If fewer than 50 workers, the applicant must demonstrate that the total number of dislocations in particular geographic area has had a substantial enough economic impact that it necessitates additional assistance beyond normal Rapid Response or formula Dislocated Worker activities.

  ii. An applicant may document that significant worker dislocations have occurred through any method it deems appropriate, including but not limited to:

     1. Labor Market Information or other official data demonstrating dislocations, extended periods of unemployment, or other relevant information, within the area(s) to be covered by the grant; or
     2. layoff notifications (including Worker Adjustment and Reemployment Notification (WARN) Act notices) or Rapid Response data.

  Provided the identified dislocations stem from the same Economic Transition, dislocations may be from different, unrelated employers or in different, unrelated sectors. For example, unconnected dislocations in the affected area's manufacturing and financial services sectors could qualify if the applicant successfully demonstrates both stem from increased automation in the areas the grant would serve.

b. **Project Purpose and Description.** The applicant must demonstrate that its project will help move its workforce toward sustainable opportunities in high-demand sectors that could transform the applicant's economy. There are two components (listed below) to the project description and purpose of the Trade and Economic Transition DWG.

Service Delivery Strategies and Innovations

The applicant must describe the sectors or areas included in the proposed project, and the types of services the applicant proposes to provide to eligible participants. Applicants must address the following:

- The sector(s) to which the applicant wishes to transition workers dislocated during its Economic Transition, describing and documenting:
  i. why opportunities in this sector are sustainable; and
  ii. any characteristics of the applicant's workforce, or any resources easily available to the applicant, that could speed or ease transition to these sector(s).
- Any innovative employment and training techniques the applicant will deploy, consistent with WIOA Section 134(c) and (d).
- Supportive services that will be provided by the grantee and its partners to ensure participant success (see Section 6 above).
- The extent to which the training activities could have broader benefit to the geographic areas covered by the DWG, such as by building or improving infrastructure or creating the capacity for the area to handle future job loss caused by Economic Transition without additional federal assistance.
- Where appropriate, applicants should include copies, excerpts, or descriptions of any connections to the WIOA State Plan or other existing sector or career pathways projects; statewide or regional talent or economic development initiatives, including existing Comprehensive Economic Development Strategies (CEDS); infrastructure improvement plans, such as state highway construction plans, approved by the U.S. Department of Transportation; business engagement strategies; or similar efforts. If an applicant attaches these materials to its application, they count toward the 10-page limit on additional documentation, but not the 10-page limit on the application proposal.

In addition, state performance goals for the WIOA Core Dislocated Worker program serve as a basis for each DWG's performance goals, and are based on the primary indicators of performance found in WIOA Section 116. These goals will be utilized for DWGs unless applicants request additional considerations in setting performance targets for an individual grant. Native American Program Section 166 applicants should use goals established for that program as a basis for DWG performance targets. Goals approved in the DWG application process serve as final performance targets. Primary indicators of performance and reporting requirements will be set out in the grant agreement.

Community Partnerships

Applicants are encouraged to develop new or enhance existing partnerships with relevant entities that support the goals of the project in the areas covered by the grant activities.

To ensure proper participant eligibility determinations, as well as delivery of appropriate career, training, and supportive services, at least one local Workforce Development Board (WDB) or American Job Center (AJC), located in the area(s) proposed to be covered by the grant, must be a partner in the grant. Applications that do not demonstrate

commitment from at least one WDB or AJC will not be awarded grant funds. Applicants will demonstrate such commitment by including at least one letter of support.

Applications that do not demonstrate commitment from at least one AJC or local WDB will not be awarded grant funds. Applicants also must indicate in their application that they will coordinate with the chief elected officials of any local areas in which the proposed DWG project would operate.

In cases where a local WDB or consortium of local boards is the applicant, the application must include a letter of support from the state workforce agency.

In addition, applicants are strongly encouraged to demonstrate partnerships with local economic development organizations, unless the applicant can successfully demonstrate that the proposed activities fit within an existing economic development plan for a regional economic transition. Other partners are likely to vary based on the unique characteristics of each area and the specific needs of each proposed grant approach. Applicants may partner with additional community organizations as necessary to create innovative and collaborative approaches to addressing the specific challenges to be addressed by the grant. Such partners may include, but are not limited to:

- employers or industry organizations;
- business engagement-focused partner organizations at the state or regional level;
- community planning, development, or transportation organizations;
- faith- and community-based organizations; and
- educational institutions.

Applicants must identify in the Project Synopsis, or written proposal, any such partners that may be included in the project and describe roles of each partner and how the partnership network may support a comprehensive approach to serving participants or address a particular aspect of the grant operation.

Grant funds received under the Economic Transition DWG may not be used to pay for services delivered or activities carried out by partner organizations, nor for strategic planning or related activities.

c. **Demonstration of Grant Activities.** Applications must demonstrate the following about activities for which applicants intend to use Economic Transition DWG funds:

- Where applicable, the activities are designed to fit within any regional economic development visions or priorities, including the WIOA State Plan, as well as any state or regional economic strategies involving the Economic Transition identified in the application.
- The proposed career and training activities prepare eligible dislocated workers for employment in high-growth sectors of the economy within the area to be covered by the grant.
- All activities supported by the grant, including supportive services, are appropriate for transitioning dislocated workers into high-growth sectors, with opportunities to earn a family-sustaining wage.

9. **Availability of Funds and Application Review and Award.** The Department is making up to $100 million available under this TEGL, with the total available funds subject to reduction due to unforeseen DWG funding needs, such as natural disasters and national emergencies. Applicants may apply for grants of up to $8 million each. To receive funding for an Economic Transition DWG, applicants must meet all eligibility requirements described in this TEGL, as well as submit a responsive application that addresses the mandatory programmatic components outlined in this document and the Project Synopsis.

   ETA will fund applications that meet all requirements based on the order ETA received them, until all funds are depleted. If there are more responsive applications than available funds, ETA will fund applications based on the order of receipt until it depletes available funds. Available funds for this grant could be depleted by other, unforeseen DWG funding needs, such as natural disasters and national emergencies. ETA will not review non-responsive applications, which are those that do not meet all requirements in this TEGL and the Project Synopsis form. If an applicant initially submits a non-responsive application, and then later resubmits a responsive application meeting all requirements before the application deadline, its place in the order of receipt will be when the applicant submitted the responsive application.

   ETA will determine final award amounts subject to available funds. If the total requests are less than the available funding, or if additional funds become available, grant awards may be increased proportionately. The Department will negotiate the final funding amount. ETA may require grant recipients to revise budget documents prior to award execution to account for discrepancies between funding requests and actual award amounts. The period of performance for Economic Transition DWGs is two years. Grant funds will be available for expenditure through September 30, 2020. However, the Department reserves the right to provide period of performance extensions beyond this date, as it deems appropriate and necessary, to achieve the purposes of these awards.

10. **Application Requirements.** In an effort to achieve greater efficiency and as part of ETA's ongoing effort to streamline the grant award process, grantees must submit the following items through Grants.gov at www.grants.gov:
    - An electronically signed copy of a SF-424 - Application for Federal Assistance (OMB Control No. 4040-0004);
    - An SF-424A - Budget Information – Non-Construction Programs (OMB Control No. 4040-0006);
    - A Budget Narrative to explain the projected costs reflected in each line item of the SF-424A, demonstrating how grant funds will be used. See Attachment B for instructions on completing the budget narrative;
    - A completed Project Synopsis form (Attachment A) or written proposal;
    - Documentation, not to exceed 10 pages, in support of the identified Economic Transition Event and worker dislocations as described in Section 8 above. These may include labor market analysis, academic studies, excerpts of media reports, trends in employment or industry growth, or other verifiable documentation;
    - For applicants submitting an application under the eligibility designation of demonstrating to the Secretary the capability to respond effectively to circumstances relating to particular dislocations, the following documentation of no more than five

pages, not counting toward any other page limitations, must be included as an attachment to the application:

- expertise with systemic economic issues;
- expertise with workforce development or training;
- the geographic or administrative reach to handle large-scale workforce issues like Economic Transitions, as the term is defined in Section 3 above;
- financial and administrative capability to administer a federal grant;
- signoff to apply for an Economic Transition DWG from its State workforce agency and WDBs for the geographic area(s) in which it will serve; and
- consent in its completed Project Synopsis Form (Attachment A) or written proposal that, prior to receiving any grant funds, it will arrange a method of reporting performance data.

- Depending on the applicant, applications will need to attach letter(s) demonstrating established partnerships, support, or eligibility, per the table below:

Applicant Type	Required Letters Confirming Partnerships in the Economic Transition DWG	Required Letters Confirming Support for Economic Transition DWG	Required Letters Regarding Eligibility for the Economic Transition DWG
State Workforce Agency	Local Workforce Development Board (at least one)	n/a	n/a
Local Workforce Development Board	If partnering with another Local Workforce Development Board, include at least one support letter.	State Workforce Agency	n/a
Section 166 Entity (Native American Tribe)	Local Workforce Development Board (at least one)	n/a	n/a
Other entities demonstrating to the Secretary the capability to effectively implement this grant	Local Workforce Development Board (at least one)	State Workforce Agency	n/a
Entity determined eligible by the Governor of the state involved	Local Workforce Development Board (at least one)	n/a	Letter from the Governor in support of eligibility. This letter must be from Governor, not the State Workforce Agency.

If an applicant fails to provide any of the documents described above, their application will be deemed non-responsive and will not be reviewed or funded.

All applicants must consent to submitting performance data through the Workforce Integrated Performance System (WIPS) as a condition of award and must affirm this in the submission of the Project Synopsis form or written proposal. If an applicant is unable to have the appropriate systems or partnerships in place to submit required performance data, as described in Section 13 (below) by the time of the first funding increment, ETA may rescind the grant award.

NOTE: Grantees that are states, Outlying Areas, a consortium of states, WDBs, or a consortium of WDBs are required to request participants' social security numbers (SSN), but these entities must not report SSNs to the Department, while any other grantee receiving a grant award under this funding opportunity may be required to submit participants' SSNs to the Department. More information will be detailed in the grant agreement.

An electronically submitted SF-424 through Grants.gov constitutes the official signed document and must reflect the total amount requested in item #18, *Estimated Funding*. Item #11 must include the *Catalog of Federal Domestic Assistance Number*, 17.277. ETA encourages application submission as soon as possible; however, **applications must be received by 11:59:59 PM EDT on September 7, 2018.** ETA plans to award these grants by September 30, 2018.

11. Grants.gov Submission Process. Applicants must submit the application package through Grants.gov. Applicants needing to register with Grants.gov may do so here: https://www.grants.gov/web/grants/register.html. Registration is a one-time process, and applicants that already have a Grants.gov account do not need to register again.

To submit the required application package, applicants must:

a. Select the *SEARCH GRANTS* tab on the Grants.gov homepage.
b. Under the Section, *BASIC SEARCH CRITERIA*, enter the Funding Opportunity Number: **ETA-TEGL-2-18-DWG.**
c. Select the link to the applicable Opportunity Number provided in the search results.
d. Select the *PACKAGE* tab.
e. Under the *ACTIONS* column, select *APPLY*.

Submitting the SF-424 through www.grants.gov constitutes an electronically signed SF-424, Application for Federal Assistance. This submission process may at times be complicated and time-consuming. As such, the Department strongly encourages applicants to initiate the process as soon as possible, in order to allow time to resolve unanticipated technical problems.

Submission requirements stipulate that all applicants for Federal grant and funding opportunities must have a Data Universal Numbering System (D-U-N-S®) number and must supply their D-U-N-S® number on the SF-424.

Before submitting, applicants must also ensure its registration with the System for Award Management (SAM) is current. Applicants may find instructions for registering with SAM at https://www.sam.gov. An awardee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, entities must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting the application submission.

For technical issues encountered during application submission, applicants may call 800-518-4726 or 606-545-5035 to speak to a Customer Support Representative, or email support@grants.gov. The Contact Center is open 24 hours a day, seven days a week, but closes on federal holidays.

12. **Other Award Considerations.** At its discretion, ETA intends to fund applicants who submit responsive applications by meeting the application requirements set out in Sections 8 and 10 above as well as any other requirements on the Project Synopsis form. ETA may elect to award a grant with or without discussions with the applicant. Should a grant be awarded without discussions, the award will be based on the applicant's signature on the SF-424, including electronic signature, which constitutes a binding offer by the applicant.

NOTE: The Department will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award or to impose conditions on the award.

All applications deemed to be complete and responsive by the Grant Officer will go through a risk review process. Before making an award, ETA will review information available through any OMB-designated repository of government-wide eligibility qualification or federal integrity information, such as the Federal Awardee Performance and Integrity System (FAPIIS), Dun and Bradstreet, and "Do Not Pay." Additionally, ETA will comply with the requirements of 2 CFR Part 180 (Government-wide Debarment and Suspension (Non-Procurement)). This risk evaluation may incorporate results of the evaluation of the applicant's eligibility (application screening) or the quality of its application (technical review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria evaluated include:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
3. History of performance. The Applicant's record in managing awards, cooperative agreements, or procurement awards, if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements, and if available, the extent to which any previously awarded amounts will be expended prior to future awards;
4. Reports and findings from audits performed under Sub-part F – Audit Requirements of the Uniform Grant Guidance (2 CFR Sections 200.500 – 200.520) or the reports and

findings of any other available audits and monitoring reports containing finds, issues of non-compliance, or questioned costs; and

5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

Selection of an organization as a recipient does not constitute approval of the grant application as submitted. Before the actual grant is awarded, the Department may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. The Department reserves the right to not fund any application related to this TEGL.

13. **Grantee Reporting.** Primary indicators of performance and reporting requirements will be set out in the grant agreement. Additionally, performance accountability requirements for Economic Transition DWGs will be described in forthcoming DOL-only performance guidance, "*Performance Accountability Guidance Relating to Reporting Performance and Aligning Performance Definitions and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor.*" Information on WIOA performance is available at https://www.doleta.gov/performance/reporting/.

    DWG grantees submit performance data using the Workforce Integrated Performance System (WIPS). Information on this system is available on the WIPS Resource Page: https://doleta.gov/performance/wips/.

    DWG grantees must submit financial reports using the ETA-9130 (G) Financial Report. Guidance and instructions are available at the following link: https://www.doleta.gov/grants/financial_reporting.cfm.

    ETA expects an applicant to have the appropriate systems or partnerships in place to submit required performance data as described in this section. An applicant must consent to submitting the required performance data to receive a grant award under this funding announcement.

14. **Program Evaluation.** As a condition of grant award, grantees are required to participate in evaluations if undertaken by DOL. To support DOL's evaluations, as a condition of award, grantees must agree to: (1) make data, documents and records available to the evaluation contractor; (2) timely scheduling and participation in site visits, and providing access to personnel, participants, and partners; (3) timely responses to surveys, (4) encourage participants, partners, and other stakeholders to participate in evaluation activities, (5) follow evaluation procedures as specified by the evaluation contractor under the direction of DOL, and (6) participate in peer learning and information-sharing sessions facilitated by the evaluation contractor.

15. **Paperwork Reduction Act (PRA) Statement.** The OMB Information Collection No 1225-0086 expires May 31, 2019.

    According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number.

Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This information is being collected for the purpose of awarding a grant. DOL will use the information collected through this solicitation to ensure that grants are awarded to the applicants best suited to perform the functions of the grant. This information is required to be considered for this grant.

16. **Inquiries.** Questions regarding this guidance should be directed to Grant Specialist Diane Easterling at Easterling.Diane@dol.gov.

17. **Resources.** More information is also available at www.doleta.gov/dwgs.

18. **Attachments.**
    A. Project Synopsis Form
    B. Instruction Sheet for Budget Narrative

ATTACHMENT A

2018 Trade and Economic Transition National Dislocated Worker Grant (DWG)
Project Synopsis Form – Suggested Format

This form is intended to streamline the process for completing an application for the Trade and Economic Transition DWG. Please complete the form below electronically and submit with the other required components of the application package, in accordance with the instructions in Section 10 of the TEGL. Instead of using this form, an applicant also may submit a written proposal, not to exceed 10 double-spaced pages. The written proposal must address all informational requirements specified in the TEGL and this suggested form.

APPLICANT INFORMATION	
1. Applicant Organization Name	
2. Applicant Organization Type	☐ State Workforce Agency or Outlying Area
	☐ Local Workforce Development Board (WDB)
	☐ WIOA Section 166 Entity
	☐ Entities demonstrating to the Secretary the capability to implement this grant (These entities must submit additional documentation supporting their eligibility, as well as additional letters of support / partnership, per Section 10 of the TEGL.)
	☐ Entities determined eligible by the Governor of the state involved (These entities must provide a letter from the Governor with application submission, as well as a letter from at least one WDB.)
3. Name(s) of Required Partner(s)	
4. Applicant Consents to Submitting Performance Data	☐ Yes ☐ No
5. Number of Projected Participants to be Served by this DWG	
6. Performance Measure targets for this DWG, as described in the TEGL under Section 8, Qualifying Event and Project Purpose	☐ Applicant acknowledges and understands required performance measure targets for this proposed DWG.

7. Applicant Commits to Coordinating with Local Elected Officials or Local WDBs in Areas Grant Would Serve.	☐ Yes ☐ No
QUALIFYING EVENT	
A. Demonstrating Economic Transition: Applicant must identify the specific economic transition issue it is facing, as well as the counties affected by the transition.	
1. Counties Covered by the Economic Transition (enter "Statewide" if project will serve all counties)	
2. Type of Economic Transition (choose one)	☐ Job loss, or employer or industrial reorganization due to trade or automation.
	☐ The loss, significant decline, or major structural change or reorganization of a primary or legacy industry in a regional economy, such as a manufacturing downturn or impacts on the agricultural industry due to trade.
	☐ Other economic transition or stagnation that may disproportionately impact mature workers, putting them at risk for extended unemployment, lower wages, underemployment, and more.
3. Other Transition (if not one of the options listed in #2 above)	*Identify and describe the applicable economic transition, indicating how it is impacting the affected counties that the DWG would serve.*

B. Significant Worker Dislocation:
Identify the worker dislocations occurring within the last 18 months in the counties proposed to be served by the DWG, which occurred as a result of the identified economic transition.

Name of Employer	City	Layoff Date	Number of Layoffs	WARN Issued? Y/N

Name of Employer	City	Layoff Date	Number of Layoffs	Warn Issued? Y/N

Explanation of Significance if Fewer Than 50 Workers Dislocated	*If fewer than 50 affected workers were laid off in the dislocation events you have listed above, explain why the total number of dislocations has had a substantial enough economic impact that it necessitates additional assistance. Attach to the application supporting documentation demonstrating this significance.*

C. Linking the Economic Transition and the Identified Dislocations

Describe how the identified layoffs are linked to the identified economic transition. Note that the dislocations may be from unrelated employers or unrelated sectors, yet still be the result of the same economic transition (i.e. increased automation).	

Indicate the type of documentation provided as an attachment to the DWG application package, by which provides ETA may verify the Economic Transition and the worker dislocation events listed above.	☐ Labor Market Information data or analysis ☐ Academic Studies ☐ Media Reports ☐ Trends in the growth or decline of types of employers / industrial employment opportunities An applicant may submit, in addition or in place of, another form of documentation of these events. Note other documentation attached:

PROJECT PROPOSAL

A. Project Purpose and Description.

The applicant must demonstrate that its project will help move its workforce toward sustainable opportunities in high-demand sectors that could transform the applicant's economy. *These sectors do not have to be, and likely should not be, those that have suffered dislocations due to economic transition.*

1. Sector(s) of Focus	Sector(s) of focus to which grant participants will be transitioned	
	Why opportunities in sector(s) of focus are sustainable	
	Characteristics of workforce or participants that could speed or ease transition into sectors	
	Existing resources that could speed or ease transition into sector(s) of focus	

2. Service Delivery	Describe any innovative employment and training techniques the applicant will deploy, consistent with WIOA sec. 134(c) and (d)	
	Describe any supportive services that may be provided, or method by which applicant will determine individual needs for supportive services, delivered by the grantee and its partners	
3. Economic Benefit	Describe the extent to which the training activities could have broader benefit to the geographic areas covered by the DWG, such as by building or improving infrastructure; or, creating the capacity for the area to handle future job loss caused by economic transition without additional federal assistance	
4. Strategic Alignment	Where applicable, describe connections to the WIOA State Plan; other existing sector or career pathways projects; statewide or regional talent; economic development initiatives; development initiatives including existing Comprehensive Economic Development Strategies (CEDS); infrastructure improvement plans such	

	as state highway construction plans approved by the U.S. Department of Transportation; business engagement strategies; or, other similar efforts.	
B. Community Partnerships. Applicants are encouraged to develop new or enhance existing partnerships with relevant entities that support the goals of the project in the areas being covered by the grant activities.		
Optional Partnerships	If applicable, indicate additional organizations, other than the required partners identified on page 1 of this form, that the applicant intends to include in the project, and describe their anticipated roles. Include how they may support a comprehensive approach to serving participants, or address a particular aspect of the grant operation.	

C. Required Demonstrations Related to Grant Activities. Applicants must demonstrate the following about activities for which applicants intend to use Trade and Economic Transition DWG funds. Please answer in the space given as to how this requirement is met by your project.	
1. Where appropriate, the activities are designed to fit within any regional economic development visions or priorities, including the WIOA State Plan, as well as any state or regional economic strategies involving the Economic Transition identified in the application.	
2. The proposed career and training activities prepare eligible dislocated workers for employment in high-growth sectors of the economy within the area to be covered by the grant.	
3. All activities supported by the grant, including supportive services, are appropriate for transitioning dislocated workers into high-growth sectors, with opportunities to earn a family-sustaining wage.	

ATTACHMENT B

General Instructions for the Completion of a Budget Information Narrative

Economic Transition Dislocated Worker Grants

The budget information Narrative must include the following information:

- Each line item on the SF-424A must be explained, and the cost provided for each. Each line item on the SF-424A pertains to projected costs at the recipient level, with the exception of the Contractual line item.
- The total for each line item on the Budget Information Narrative must match the total for each line item on the SF-424A.
- Although there is not a separate line item for Administrative Costs, please provide a breakout of costs in this category, not to exceed 10 percent of the requested funding.

1. **Personnel** – List all staff positions by title. State the annual salary of each person, the percentage of each person's time devoted to the project, the amount of each person's salary funded by the grant, and the total personnel cost for the period of performance.

2. **Fringe Benefits** – Provide the overall fringe benefit percentage which reflects the recipient's organizational fringe, and list the components included, such as health insurance, FICA, retirement, etc. Provide the fringe benefit calculation for each staff position listed under the Personnel line item.

3. **Travel** – Specify the type and purpose of the travel, the number of travelers, approximate mileage, per diem rates, estimated number of trips, and other associated travel costs.

4. **Equipment** – Identify each item of equipment to be purchased which has an estimated acquisition cost of $5,000 or more per unit and a useful lifetime of more than one year. List the quantity and unit cost per item. Items with a unit cost of less than $5,000 are supplies.

5. **Supplies** – Supplies include all tangible personal property other than "equipment." Identify supply categories (e.g. office supplies, cell phones, personal tools for disaster clean-up, etc.). List the cost associated with each category.

6. **Contractual** – Identify each contracted entity, the funding allocation made to the organization, and a brief summary of services provided by each.

7. **Construction** – Construction costs are not allowed and this line must be left as zero. Minor alterations to adjust an existing space for grant activities (such as a classroom alteration) may be allowable. DOL does not consider this as construction and the costs must be shown on other appropriate lines such as Contractual.

8. **Other** – List each item in sufficient detail for DOL to determine whether the costs are reasonable or allowable. Costs included under *Other* should not fit into any other line item category.

9. **Indirect Charges** – If charging indirect costs to the grant, this line item must be populated. Include the current approved Negotiated Indirect Cost Rate Agreement, signed by the Federal cognizant agency, as an attachment to the grant application.

ATTACHMENT A

2018 Trade and Economic Transition National Dislocated Worker Grant (DWG) Project Synopsis Form – Suggested Format

This form is intended to streamline the process for completing an application for the Trade and Economic Transition DWG. Please complete the form below electronically and submit with the other required components of the application package, in accordance with the instructions in Section 10 of the TEGL. Instead of using this form, an applicant also may submit a written proposal, not to exceed 10 double-spaced pages. The written proposal must address all informational requirements specified in the TEGL and this suggested form.

APPLICANT INFORMATION	
1. Applicant Organization Name	
2. Applicant Organization Type	☐ State Workforce Agency or Outlying Area
	☐ Local Workforce Development Board (WDB)
	☐ WIOA Section 166 Entity
	☐ Entities demonstrating to the Secretary the capability to implement this grant (These entities must submit additional documentation supporting their eligibility, as well as additional letters of support / partnership, per Section 10 of the TEGL.)
	☐ Entities determined eligible by the Governor of the state involved (These entities must provide a letter from the Governor with application submission, as well as a letter from at least one WDB.)
3. Name(s) of Required Partner(s)	
4. Applicant Consents to Submitting Performance Data	☐ Yes ☐ No
5. Number of Projected Participants to be Served by this DWG	
6. Performance Measure targets for this DWG, as described in the TEGL under Section 8, Qualifying Event and Project Purpose	☐ Applicant acknowledges and understands required performance measure targets for this proposed DWG.

7. Applicant Commits to Coordinating with Local Elected Officials or Local WDBs in Areas Grant Would Serve.	☐ Yes ☐ No
QUALIFYING EVENT	
A. Demonstrating Economic Transition. Applicant must identify the specific economic transition issue it is facing, as well as the counties affected by the transition.	
1. Counties Covered by the Economic Transition (enter "Statewide" if project will serve all counties)	
2. Type of Economic Transition (choose one)	☐ Job loss, or employer or industrial reorganization due to trade or automation.
	☐ The loss, significant decline, or major structural change or reorganization of a primary or legacy industry in a regional economy, such as a manufacturing downturn or impacts on the agricultural industry due to trade.
	☐ Other economic transition or stagnation that may disproportionately impact mature workers, putting them at risk for extended unemployment, lower wages, underemployment, and more.
3. Other Transition (if not one of the options listed in #2 above)	*Identify and describe the applicable economic transition, indicating how it is impacting the affected counties that the DWG would serve.*

B. Significant Worker Dislocation.
Identify the worker dislocations occurring within the last 18 months in the counties proposed to be served by the DWG, which occurred as a result of the identified economic transition.

Name of Employer	City	Layoff Date	Number of Layoffs	WARN Issued? Y/N

Name of Employer	City	Layoff Date	Number of Layoffs	Warn Issued? Y/N

Explanation of Significance if Fewer Than 50 Workers Dislocated	*If fewer than 50 affected workers were laid off in the dislocation events you have listed above, explain why the total number of dislocations has had a substantial enough economic impact that it necessitates additional assistance. Attach to the application supporting documentation demonstrating this significance.*

C. Linking the Economic Transition and the Identified Dislocations

Describe how the identified layoffs are linked to the identified economic transition. Note that the dislocations may be from unrelated employers or unrelated sectors, yet still be the result of the same economic transition (i.e. increased automation).	

Indicate the type of documentation provided as an attachment to the DWG application package, by which provides ETA may verify the Economic Transition and the worker dislocation events listed above.	☐ Labor Market Information data or analysis ☐ Academic Studies ☐ Media Reports ☐ Trends in the growth or decline of types of employers / industrial employment opportunities An applicant may submit, in addition or in place of, another form of documentation of these events. Note other documentation attached:

PROJECT PROPOSAL

A. Project Purpose and Description.
The applicant must demonstrate that its project will help move its workforce toward sustainable opportunities in high-demand sectors that could transform the applicant's economy. ***These sectors do not have to be, and likely should not be, those that have suffered dislocations due to economic transition.***

1. Sector(s) of Focus	Sector(s) of focus to which grant participants will be transitioned	
	Why opportunities in sector(s) of focus are sustainable	
	Characteristics of workforce or participants that could speed or ease transition into sectors	
	Existing resources that could speed or ease transition into sector(s) of focus	

2. Service Delivery	Describe any innovative employment and training techniques the applicant will deploy, consistent with WIOA sec. 134(c) and (d)	
	Describe any supportive services that may be provided, or method by which applicant will determine individual needs for supportive services, delivered by the grantee and its partners	
3. Economic Benefit	Describe the extent to which the training activities could have broader benefit to the geographic areas covered by the DWG, such as by building or improving infrastructure; or, creating the capacity for the area to handle future job loss caused by economic transition without additional federal assistance	
4. Strategic Alignment	Where applicable, describe connections to the WIOA State Plan; other existing sector or career pathways projects; statewide or regional talent; economic development initiatives; development initiatives including existing Comprehensive Economic Development Strategies (CEDS); infrastructure improvement plans such	

	as state highway construction plans approved by the U.S. Department of Transportation; business engagement strategies; or, other similar efforts.	
B. Community Partnerships. Applicants are encouraged to develop new or enhance existing partnerships with relevant entities that support the goals of the project in the areas being covered by the grant activities.		
Optional Partnerships	If applicable, indicate additional organizations, other than the required partners identified on page 1 of this form, that the applicant intends to include in the project, and describe their anticipated roles. Include how they may support a comprehensive approach to serving participants, or address a particular aspect of the grant operation.	

C. Required Demonstrations Related to Grant Activities. Applicants must demonstrate the following about activities for which applicants intend to use Trade and Economic Transition DWG funds. Please answer in the space given as to how this requirement is met by your project.	
1. Where appropriate, the activities are designed to fit within any regional economic development visions or priorities, including the WIOA State Plan, as well as any state or regional economic strategies involving the Economic Transition identified in the application.	
2. The proposed career and training activities prepare eligible dislocated workers for employment in high-growth sectors of the economy within the area to be covered by the grant.	
3. All activities supported by the grant, including supportive services, are appropriate for transitioning dislocated workers into high-growth sectors, with opportunities to earn a family-sustaining wage.	

ATTACHMENT B

General Instructions for the Completion of a Budget Information Narrative

Economic Transition Dislocated Worker Grants

The budget information Narrative must include the following information:

- Each line item on the SF-424A must be explained, and the cost provided for each. Each line item on the SF-424A pertains to projected costs at the recipient level, with the exception of the Contractual line item.
- The total for each line item on the Budget Information Narrative must match the total for each line item on the SF-424A.
- Although there is not a separate line item for Administrative Costs, please provide a breakout of costs in this category, not to exceed 10 percent of the requested funding.

1. **Personnel** – List all staff positions by title. State the annual salary of each person, the percentage of each person's time devoted to the project, the amount of each person's salary funded by the grant, and the total personnel cost for the period of performance.

2. **Fringe Benefits** – Provide the overall fringe benefit percentage which reflects the recipient's organizational fringe, and list the components included, such as health insurance, FICA, retirement, etc. Provide the fringe benefit calculation for each staff position listed under the Personnel line item.

3. **Travel** – Specify the type and purpose of the travel, the number of travelers, approximate mileage, per diem rates, estimated number of trips, and other associated travel costs.

4. **Equipment** – Identify each item of equipment to be purchased which has an estimated acquisition cost of $5,000 or more per unit and a useful lifetime of more than one year. List the quantity and unit cost per item. Items with a unit cost of less than $5,000 are supplies.

5. **Supplies** – Supplies include all tangible personal property other than "equipment." Identify supply categories (e.g. office supplies, cell phones, personal tools for disaster clean-up, etc.). List the cost associated with each category.

6. **Contractual** – Identify each contracted entity, the funding allocation made to the organization, and a brief summary of services provided by each.

7. **Construction** – Construction costs are not allowed and this line must be left as zero. Minor alterations to adjust an existing space for grant activities (such as a classroom alteration) may be allowable. DOL does not consider this as construction and the costs must be shown on other appropriate lines such as Contractual.

8. **Other** – List each item in sufficient detail for DOL to determine whether the costs are reasonable or allowable. Costs included under *Other* should not fit into any other line item category.

9. **Indirect Charges** – If charging indirect costs to the grant, this line item must be populated. Include the current approved Negotiated Indirect Cost Rate Agreement, signed by the Federal cognizant agency, as an attachment to the grant application.

Dutchess County Workforce Investment Board
DCWIB "Building Partnerships for Workforce Solutions"

August 28, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
NYS Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany, New York 12240

RE: Trade and Economic Transition National Dislocated Worker Grant – *Letter of Commitment from Dutchess County Workforce Investment Board, Inc. (DCWIB)*

Dear Ms. Coleman:

On behalf of the Dutchess County Workforce Development Area., please accept this letter as demonstrated evidence of our commitment to the New York State Department of Labor's (NYSDOL) Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. Dutchess County is committed to partner and collaborate with NYSDOL on projects funded through the TET-DWG.

Dutchess County is dedicated to addressing the ongoing and/or emerging workforce and economic challenges by providing training and career services to dislocated workers seeking reentry into the workforce, and increasing their skill levels to become competitive for growing or high - demand employment opportunities.

We are in support of NYS' workforce vision and the goals as set forth under the Workforce Innovation and Opportunity Act of 2014. The DCWIB will continue to work collaboratively with our County government and local economic development agencies to further strengthen workforce development in Dutchess County through the provision of employment and training assistance to workers affected by major economic dislocations.

Please feel free to contact me with any questions, concerns or requests.

Sincerely,

Louise McLoughlin
Executive Director

3 Neptune Road Poughkeepsie, NY 12601
Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

FINGER LAKES WORKFORCE INVESTMENT BOARD

41 Lewis Street, Suite 104
Geneva, NY 14456

Phone: (315) 789-3131
Fax: (315) 789-0163

August 30, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Finger Lakes Workforce Investment Board and the four county Chief Elected officials are pleased to offer their commitment to your efforts under the Trade and Economic Transition National Dislocated Worker Grant.

In the Finger Lakes, we have experienced economic dislocations including WARN notices for Seneca Foods (closing a plant in Wayne County), Xylem Inc. Finance Division (Seneca County), Great Lakes Sauerkraut and the Inn on the Lakes (Ontario County). In addition, workers in our region are impacted by the dislocations in Monroe County with the continued downsizing in legacy manufacturing companies Eastman Kodak and Xerox; instability and disruptions in the professional services sector, particularly large call centers; and closures of retail stores.

In the event that New York State Department of Labor is successful in securing funding for services to be provided in the Finger Lakes under this grant, we would participate by providing training and supportive services to eligible participants. Training services would include ITA training, and on-the-job training, with a focus on transitioning the majority of the impacted workers into jobs in advanced manufacturing, health care, and construction trades but not limited to these if other immediate hiring needs arise.

We look forward to partnering with all of our state and local partners to address dislocations that are occurring due to broad workforce needs and economic changes.

Sincerely,
Karen A. Springmeier

Karen A. Springmeier
Executive Director

The mission of the Finger Lakes Workforce Investment Board (FL WIB) is to improve the economic well being of job seekers and employers in the region by aligning human potential with opportunities in the workplace.

Karen A. Springmeier
Executive Director

Finger Lakes WORKS
Workforce Opportunities • Workplace Solutions

Michael Rusinko
Chairperson

A proud partner of the AmericanJobCenter network

The Fulton, Montgomery and Schoharie Counties
Workforce Development Board, Inc.
2620 Riverfront Center, Amsterdam, NY 12010

Gail B. Breen, Executive Director (518) 842-3676, Ext. 3017 - Fax (518) 627-0189
Scott S. Stevens, Chairman

Workforce Solutions Center
43-47 North Main Street
Gloversville, NY 12078
(518) 725-6473

Workforce Solutions Center
2620 Riverfront Center
Amsterdam, NY 12010
(518) 842-3676

Workforce Solutions Center
795 E. Main Street, Suite 4
Cobleskill, NY 12043
(518) 234-4254

Board Members

Fulton County

ACCES-VR
Judith Petroski
CDL Associates Insurance Agency
Heidi Colson
Community Health Center
Kathleen Kilmartin
Fulton Co. Office for the Aging
Andrea Fettinger
HFM BOCES
Laurie Bargstedt
Laborers Local 157
Peter Stearns
Mohawk Cabinet Co.
James Law
Richardson Brands Company
[illegible]rry Brunner
[illegible]rt Distribution
[illegible] Franko

Montgomery County

FMCC
David Morrow
Gehring Tricot Corp
Martin Callahan
Hero/Beech-Nut Nutrition
Christopher Darling
IUPAT Dist Council #9
Jeffrey Stark
Keymark Corporation
Keith Gros
Mont. Co. Economic Dev. & Planning
Kenneth Rose
NYSDOL
Melissa Johnston
St. Mary's Healthcare
David Fariello
Townsend Leather
Pamela Goldswer

Schoharie County

AMT, Inc.
Scott Stevens
Argus Acres
Arthur Graulich
Ironworkers Local #12
Michael Peters
Jack Miller's Tractor & Truck Inc.
Karen Miller
Midtel Cable TV
Donald Snoop
Schoharie County Community Action Program, Inc.
Jeannette Spaulding
Schoharie County DSS
Tina Sweet
[illegible] Cobleskill
[illegible]*ant*
[illegible]sal Plastics Corp. – Albany Inc.
Roger Cusano

8/31/18

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

The Fulton, Montgomery and Schoharie Local Workforce Area, through the FMS Workforce Development Board, Inc., supports the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application and commits to working in collaboration and partnership with our Chief Elected Officials and the New York State Department of Labor on projects funded through the TET-DWG. We will also work with local business groups, community organizations, community colleges, and other training programs to address the needs of these dislocated workers and businesses.

Our commitment to this grant will include the delivery of Career Services, on-the-job trainings (OJT), classroom training (CRT) and supportive services to TAA-eligible and non-TAA eligible Dislocated Workers. Our commitment to this effort stems from the recent large scale layoffs at General Electric and the imminent layoffs at Global Foundries, as well as from a growing need for trained workers in our local area and region, specifically in Advanced Manufacturing, Health Care, Warehousing and Distribution, and Agri-Business. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs in FMS and throughout New York State.

The FMS WDB, Inc. believes in empowering and educating job seekers and businesses in order to maintain skill development, employment retention, expansion, and success. Access to OJT funding, particularly, results in the development of the skills and knowledge needed to contribute to the success and viability of our state, region, and local workforce development area.

We look forward to actively participating in the delivery of services as described above to support the re-entry of dislocated workers into the workforce.

Sincerely,

Gail B. Breen
Executive Director

A proud partner of the

AmericanJobCenter®

network

GLOW WORKFORCE DEVELOPMENT BOARD
Genesee County Career Center
587 East Main Street, Suite 100
Batavia, New York 14020
Phone (585) 344-2042
Toll Free: 1-866-674-4560
Fax (585) 344-4495

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Genesee, Livingston, Orleans, and Wyoming (GLOW) Workforce Development Board offers our commitment to New York State Department of Labors' Trade and Economic Transition Dislocated Worker Grant (TET-DWG).

The GLOW area has recently suffered a significant layoff as we received notice on August 22, 2018 that Baxter Healthcare would be layoff 131 of their 421 workers beginning this December. An opportunity such as this grant would allow GLOW the resources to provide Career Services, short term trainings, employer based trainings, and supportive services to assist the affected workers. Being located between two major cities in our region where additional dislocations and downsizing is occurring also impacts the GLOW area employees that commute to those business.

If the New York State Department of Labor is successful in securing funding for services to be provided in the GLOW workforce area, we would provide training and supportive services to eligible participants. These trainings would include short term ITA's, on-the-job trainings, and transitional jobs work experience. Our focus would be to transition these workers into advanced manufacturing, particularly in food processing, health care, and tourism.

We look forward to participating with our state, regional, and local partners in continued delivery of career services, trainings, and supportive services and are hopeful to expand these services under this opportunity.

Sincerely,

Jay Lazarony, Executive Director
GLOW Workforce Development Board

COUNCIL MEMBERS
DDROTHY L. GOOSBY
EDWARD A. AMBROSINO
BRUCE A. BLAKEMAN
ERIN KING SWEENEY
ANTHONY P. D'ESPOSITO
DENNIS DUNNE, SR.

SYLVIA A. CABANA
TOWN CLERK

DONALD X. CLAVIN, JR.
RECEIVER OF TAXES

GREGORY R. BECKER
COMMISSIONER

TOWN OF HEMPSTEAD
DEPARTMENT OF OCCUPATIONAL RESOURCES

50 CLINTON STREET, HEMPSTEAD, NY 11550-4201
(516) 485-5000 FAX# (516) 485-5009

LAURA A. GILLEN
SUPERVISOR

August 27, 2018

Hon. Karen Coleman, Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 450
Albany New York 12240

RE: TEGL 02-18 Trade and Economic Transition National Dislocated Worker Grant - Hempstead/Long Beach Proposal Template and Budget

Dear Deputy Commissioner Coleman

On behalf of the Town of Hempstead/City of Long Beach Local Workforce Development Board (LWDB) and the Department of Occupational Resources (DOOR), I am writing to express our commitment to and support for the application being submitted by the New York State Department of Labor (NYSDOL) under the above-referenced grant program. We are also committed to coordinating this project with the chief elected officials of the Town of Hempstead and the City of Long Beach, along with the other LWDBs in the Long Island Region. Please find enclosed our local project proposal template and budget.

We are requesting $330,000 to provide innovative services to 40 dislocated workers. Through a combination of classroom based skills training, supportive services and career services provided through the HempsteadWorks Career Center, the project will lead dislocated workers to acquire the skills and credentials needed to obtain employment in high-growth occupations that pay self-sustaining wages. Innovative services we plan to provide include industry sector-based career pathways services based upon organizational relationships, tools and processes developed under our recently completed, NYSDOL-funded Regional Sector Partnership Development (RSPD) Grant.

Our LWDB will serve as a convener of the Long Island Sector Partnership, a regional partnership, established under the RSPD, to maximize the collaboration of stakeholders from business, education, workforce, faith and community organizations. The LWDB will also leverage partnerships with the Long Island Regional Economic Development Council, the Long Island Association and the Long Island Development Corporation. Participating education institutions will include Nassau BOCES, Nassau Community College, four-year colleges and proprietary schools. Training, career and supportive services will be coordinated through the HempsteadWorks Career Center.

It is our hope that the NYSDOL application will be funded and that our local area will participate in the resulting statewide project. Thank you for your time and cooperation.

Sincerely,

Gregory R. Becker
Commissioner

cc: Ana-Maria Hurtado, WDB Director, Hempstead/Long Beach LWDB
Eugenio Martinez-Ortiz, Workforce Programs Specialist III, NYSDOL

The Workforce Innovation and Opportunity Act Title I financially assisted program is an equal opportunity employer / program. Auxiliary aids and services are available upon request to individuals with disabilities.

Working Solutions
an americanjobcenter

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Karen:

I am writing this letter to state that the Workforce Development Board of Herkimer, Madison and Oneida Counties commits its support of the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application.

Although the regional economy has been fortunate not to have many mass dislocations recently, we recognize that in this time of economic transitions, employers who are facing global competition are not always able to succeed and will reduce staff as the economy fluctuates. Further, at a time when many of the jobs taken by lower-skilled individuals are in sectors that are vulnerable to consumer spending changes, we recognize that dislocations in the retail, wholesale and logistics sectors can also be a time of opportunity that allows us to upskill individuals to assume jobs in the growing advanced manufacturing sector as well as our thriving health care and hospitality sectors.

Based upon our expectations, we plan to serve 100 individuals over the time period covered by this project. We estimate that over the time of the project, we would; spend about $300,000. Much of that spending would come through wages of On-the-Job training, which the TEGL caps at 50 percent of an employee's wages. Local small manufacturers rely upon OJT as a way to train incoming workers, and this funding would allow us to work with them.

We also project that the population we would serve will need classroom training in the hospitality and health care sectors, as well as intensive career services provided by staff that can be dedicated to work with the highest-needs populations we will serve.

We appreciate this opportunity to work with the New York State Department of Labor on this project to assist those currently impacted by dislocations and those who will be affected in the time period covered by this project.

Sincerely,

Alice

Alice J. Savino
Executive Director

Workforce Development Board

Alice J. Savino
Executive Director

209 Elizabeth Street
Utica, NY 13501

315.793.6037
Fax: 315.266.6123
email: asavino@working-solutions.org

Jefferson-Lewis
Workforce Development Board
Bringing Jobs & People Together

1000 Coffeen Street
Watertown, New York 13601

Phone: (315) 782-9252
Fax: (315) 782-2073

August 29, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am writing this letter to state that the Jefferson-Lewis Workforce Development Area commits its support of the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. To the extent that it can, the Jefferson-Lewis WDB commits to working in collaboration and partnership with New York State Department of Labor on projects funded through the TET-DWG.

We currently have no major employers who are laying off employees right now. Which would make it hard for us to expend the funds at this time. However, we may in the future and our hope is that by supporting this effort now we will be able to take advantage of the funds as the need may arise in the future.

Should the need arise for these funds in our area in the future we would look forward to actively participating in the delivery of Career Services, ITAs, OJTs, and Supportive Services enhancing and expanding service delivery to TAA-eligible and non-TAA-eligible DW customers and area businesses.

Sincerely,

Cheryl Mayforth
Executive Director
Jefferson-Lewis Development Board

Rochester Works!

A proud partner of the americanjobcenter network

August 28, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Monroe County/Rochester Workforce Development Board (LWDB) and RochesterWorks, Inc. are pleased to offer their commitment to your efforts under the Trade and Economic Transition National Dislocated Worker Grant.

In Monroe County, we have experienced significant economic dislocations due to continued downsizing in legacy manufacturing companies Eastman Kodak and Xerox; instability and disruptions in the professional services sector, particularly large call centers; and closures of retail stores.

In the event that New York State Department of Labor is successful in securing funding for services to be provided in Monroe County under this grant, we would participate by providing training and supportive services to eligible participants. Training services would include ITA training, on-the-job training, and transitional jobs, with a focus on transitioning impacted workers into jobs in advanced manufacturing, health care, and information technology.

We look forward to partnering with all of our state and local partners to address dislocations that are occurring due to broad workforce needs and economic changes.

Sincerely,

Peter Pecor
Executive Director

255 North Goodman Street, Rochester, New York 14607 Phone: 585-258-3500 Fax: 585-473-6755 www.rochesterworks.org

NYC WDB
Workforce Development Board

September 6, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Re: USDOL Trade and Economic Transition National Dislocated Worker Grant (TET-DWG)

Dear Ms. Coleman:

I am writing on behalf of the New York City Workforce Development Board (WDB), to express my support for and commitment to the New York City portion of the New York State Department of Labor's application to the Trade and Economic Transition National Dislocated Worker Grant.

The New York City economy has seen numerous manufacturing firms – particularly in apparel manufacturing – either laying off some of their workers or closing their doors completely, displacing their workers in the process. Our commitment includes providing career and training services to Dislocated Workers to prepare them for jobs in Tech, Healthcare, Industrial/Advanced Manufacturing, Construction, Retail, and Accommodation & Food Services.

The WDB is responsible for overseeing the largest Local Workforce Development Area (LWDA) in the country, with more than 4.5 million workers across the five boroughs. The WDB staff are housed in the NYC Mayor's Office of Workforce Development, which drives the implementation of the City's Career Pathways vision and blueprint across more than 20 City agencies to help coordinate and continue efforts even after the duration of the grant.

We look forward to participating in this grant opportunity to serve the workers and businesses in our area.

Sincerely,

Chris Neale
Director | Workforce Development Board
NYC Mayor's Office of Workforce Development
(212) 676-3009
cneale@wkdev.nyc.gov

NIAGARA COUNTY
WORKFORCE DEVELOPMENT BOARD

Joel Feuerman, Chairperson
John Accardo, Executive Director

Trott Career Center
1001 Eleventh Street
Niagara Falls, NY 14301-1201
Phone: (716) 278-8251
Fax: (716) 278-8149

August 29, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

I am writing this letter in support of the Niagara County Workforce Development Board's commitment to New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant Application.

In the event New York State Department of Labor is successful in securing funding for services to be provided in Niagara County. Our LWDB would participate by expanding our training and supportive services to eligible participants. In Niagara County, we continue to see a growing demand in Advanced Manufacturing, Health and Tourism. Further, this grant money would be used for ITA training, on the job training and transitional job training.

We look forward to participating with all state and local agencies to address the needs of dislocated workers.

Sincerely,
John G Accardo
Executive Director

NORTH COUNTRY WORKFORCE DEVELOPMENT BOARD

August 28, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The North Country Workforce Development Board (NCWDB), in partnership with our Chief Elected Officials in Clinton, Essex, Franklin and Hamilton County, OneWorkSource Centers, local businesses, governmental agencies, chambers of commerce, unions, CBOs, etc., is pleased to commit to your efforts under the Trade and Economic Transition National Dislocated Worker Grant.

These past few years, Clinton, Essex, Franklin and Hamilton counties have had minimal dislocated workers due to strong manufacturing, tourism and agriculture sectors. However, due to recent federal tariffs put into place, we fear Canadian companies located in the North Country may have to curb their activities and lay off their workers.

If New York State Department of Labor successfully secures funding for services to be provided in the North Country under this grant, the NCWDB will act by providing soft skills training and supportive services to eligible participants via our universities, community colleges, BOCES and the Institute of Advanced Manufacturing. Training services would include ITA training, work experience through on-the-job training and transitional jobs, with a focus on transitioning impacted workers into jobs in advanced manufacturing, health care, and information technology.

We look forward to partnering with all of our state and local partners to address dislocations that are occurring due to broad workforce needs and economic changes.

Sincerely,

Sylvie Nelson, IOM
Executive Director

194 US Oval, Plattsburgh, NY 12903 • Tel. (518) 561-4295 • Fax (518) 561-0229 • www.ncworkforce.com

CNY WORKS
all things jobs

August 29, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, New York 12240

Dear Ms. Coleman:

The Onondaga County Workforce Development Board and its One Stop Career Center are pleased to support the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) application. The Onondaga County Workforce Development Area is committed to collaborating and partnering with the Chief Elected Officials and the New York State Department of Labor on projects funded through TET-DWG.

As a partner in this initiative, our commitment will include providing career counseling; skills development, including On-the-Job Training, classroom training, work-based learning; and supportive services to help transition impacted workers into in-demand occupations in targeted industry sectors such as advanced manufacturing, health care, skilled trades and hospitality.

We look forward to actively participating with business, community-based organizations, education and training providers and workforce system partners to support the re-entry of dislocated workers into the workforce and to address current and future workforce needs throughout the Local Area, Region and New York State.

Sincerely,

Lenore Sealy
Executive Director

CNY Works, Inc.
960 James Street Syracuse, New York 13203
Phone 315.473.8250 Fax 315.472.9492 www.cnyworks.com

americanjobcenter

EMPLOYMENT & TRAINING ADMINISTRATION

Stephen Knob
Director

Steven M. Neuhaus
County Executive

40 Matthews Street, Suite 301
Goshen, NY 10924

TEL: (845) 615-3630
E-MAIL: eta@co.orange.ny.us
www.orangecountygov.com

Mary DeFreitas, Chair
Workforce Development Board

August 28, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
NYS Department of Labor
State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

ıe Orange County Employment and Training Administration along with the Orange County Workforce Development Board (LWDB) are pleased to offer their commitment to your efforts under the Trade and Economic Transition National Dislocated Worker Grant.

In Orange County, we have a large number of long term unemployed residents in need of extensive re-employment services. Their skills are outdated or the require extensive work readiness skills that are preventing them from getting back into the labor force.

In the event that New York State Department of Labor is successful in securing funding for services to be provided in Orange County under this grant, we would participate by providing a full array of re-employment services to eligible participants. Services would include but not be limited to Work Readiness Training, ITA training, on-the-job training, and support services, with a focus on transitioning impacted workers into jobs in health care, manufacturing and distribution.

We look forward to partnering with all of our state and local partners to address dislocations that are occurring due to broad workforce needs and economic changes.

Sincerely,

Stephen Knob
ırector

OSWEGO
STATE UNIVERSITY OF NEW YORK

BUSINESS RESOURCE CENTER
WORKFORCE DEVELOPMENT BOARD OF OSWEGO COUNTY

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, New York 12240

Dear Ms. Coleman:

The Workforce Development Board of Oswego County and its affiliated One-Stop Career Center are pleased to support your efforts under the Trade and Economic Transition National Dislocated Worker Grant (TET-DWG). The Workforce Development System of Oswego County commits to working in collaboration with the New York State Department of Labor on projects funded through the TET-DWG.

In the event that New York State Department of Labor is successful in securing funding for services to be provided in Oswego County under this grant, our commitment will include delivery of training and work-based training (including on-the-job training), career services and supportive services to eligible participants with a focus on transitioning impacted workers into in-demand occupations available in our area, such as advanced manufacturing, healthcare, and hospitality.

We look forward to actively participating with all of our state and local partners in the delivery of training and work-based training, career services and supportive services to promote the reentry into the workforce of those workers impacted by major economic dislocations.

Sincerely,

Chena Tucker

Chena L. Tucker
Executive Director

121 East First Street
Oswego, NY 13126
315.312.3493
www.oswego.edu

Oyster Bay-North Hempstead-Glen Cove Workforce Development Board
977 Hicksville Road
Massapequa, New York 11758
(516) 797-4560

Harold B. Mayer, Chair
Steven Delligatti, Director

Joseph S. Saladino, Chief Elected Official
Frank V. Sammartano, Commissioner

August 29, 2018

Karen Coleman, Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12
Albany, New York 12240

Dear Ms. Coleman:

As the Executive Director of the Oyster Bay-North Hempstead-Glen Cove Local Workforce Development Board, I am writing this letter in reference to an application being filed with the U.S. Department of Labor for a Trade and Economic Transition National Dislocated Worker Grant. Thus, in response to much needed funding through this grant, a proposal is being submitted by the New York State Department of Labor (NYSDOL) in partnership with The Workforce Partnership (TWP), representing the service arm of the federal Workforce Innovation and Opportunity Act (WIOA) for the Oyster Bay-North Hempstead-Glen Cove Local Workforce Development Area. I am pleased to inform you that we have unwavering support of this submission and forthcoming workforce venture from our Chief Elected Official, Joseph S. Saladino, who is absolute in his commitment to the economic vibrancy of the area served.

Long Island particularly the local area served has a reputation for attracting powerhouse companies due to its workforce which is second to none and the educational and research institutions which are world-class. In order to maintain this level of distinction, state and local workforce programs have played a vital role in continually appraising and improving workforce services to match the requirements of an ever-changing Long Island economy. It is has been determined that funding through this grant will allow for relevant training via ITAs, supportive services, as well as career services specifically tailored for dislocated workers who have been negatively impacted by economic transition. Funds will be earmarked to increase the skill levels of affected workers in order that they may effectively compete for growing or high-demand occupations in such industries as healthcare, construction, transportation and material moving, and installation, maintenance, and repair. The success of this program requires a holistic approach for raising the occupational achievement levels of participants which will be attained through a workforce system offering state-of-the-art career centers, vigorous re-skilling programs, and a well-trained support staff.

The level of performance in successfully serving hundreds of dislocated workers each year through a WIOA system demonstrates the commitment of NYSDOL and TWP in developing high quality programs based on labor market research and economic trends, and will be intensified if funding through this dislocated worker grant is awarded. Finally, the success of this initiative is dependent upon an enduring partnership between government, educators, and employers working cooperatively to bridge the skills gap pushing so many Americans out of the workforce.

On behalf of the Workforce Development Board of the Oyster Bay-North Hempstead-Glen Cove Local Workforce Development Area, I highly support the employment and training initiative planned and the partnerships that will accomplish the objectives of this grant.

Respectfully,

Steven Delligatti, Executive Director
Oyster Bay-North Hempstead-Glen Cove Local Workforce Development Board

Rockland County Workforce Development Board

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, New York 12240

Dear Ms. Coleman:

The Workforce Development Board of Rockland County and its affiliated One-Stop Career Center are pleased to support your efforts under the Trade and Economic Transition National Dislocated Worker Grant (TET-DWG). The Workforce Development System of Rockland County commits to working in collaboration with the New York State Department of Labor on projects funded through the TET-DWG.

In the event that New York State Department of Labor is successful in securing funding for services to be provided in Rockland County under this grant, our commitment will include delivery of training and work-based training (including on-the-job training), career services and supportive services to eligible participants with a focus on transitioning impacted workers into in-demand occupations available in our area, such as advanced manufacturing, healthcare, and hospitality.

We look forward to actively participating with all of our state and local partners in the delivery of training and work-based training, career services and supportive services to promote the reentry into the workforce of those workers impacted by major economic dislocations.

Thank you,

Debra Thomas
Executive Director
djthomasrcwdb@gmail.com
(914) 393-3649

ST. LAWRENCE COUNTY
WORKFORCE DEVELOPMENT BOARD
www.slconestop.com

80 STATE HIGHWAY 310, SUITE 8
CANTON, NEW YORK 13617
PHONE: (315) 386-3276
FAX: (315) 386-3414

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus
Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

I am writing this letter first to state that the St. Lawrence County Workforce Development Area (SLCWDA) commits its support of the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) Application. To the extent that it can, the SLCLWDA commits to working in collaboration and partnership with New York State Department of Labor on projects funded through the TET-DWG.

I just used the phrase "to the extent that it can", and the second point I am writing this letter to make relates to that phrase. Even though St. Lawrence County has one of the highest unemployment rates in the State, we currently have no major employers laying off and, while we don't want to miss out on an opportunity to serve additional customers, we currently don't have the ability to expend these funds. Consequently, I am not attaching to this letter a copy of the "Budget for Economic Transition DWG Grant Application" that NYS DOL emailed to the WDB directors on August 23, 2018.

As I just said, we have no major employers who are laying off employees right now. However, we may in the future. Let me explain.

There are at least two separate sets of circumstances – one involving a major manufacturing employer and one involving a major retail complex – in the County that prompt fears of major layoffs well within the two year TET-DWG grant period. Of course, we here at the Workforce Development Board hope and pray that neither of these events will occur. Nonetheless, if either or both do, then the TET-DWG program would be exactly the type of resource we would need to help the laid-off employees to develop new skills and find new employment.

ST. LAWRENCE COUNTY
WORKFORCE DEVELOPMENT BOARD
www.slconestop.com

80 STATE HIGHWAY 310, SUITE 8
CANTON, NEW YORK 13617
PHONE: (315) 386-3276
FAX: (315) 386-3414

I am not sure whether and how these reflections – based as they are on the prediction of future needs – might fit with the application that NYS DOL is preparing to submit to the US DOL. All I can say is that the St. Lawrence County WDB hopes, if at all possible, that the State is building future flexibility into the grant application that would enable it to provide additional resources to help the SLC LWDA to deal with future bad news.

In short, should either or both layoffs occur, we would look forward to actively participating in New York's TET-DWG program by delivering Career Services, OJTs, and Supportive Services enhancing and expanding service delivery to TAA-eligible and non-TAA-eligible DW customers and area businesses.

Sincerely,

Thomas A. Plastino
Executive Director

CC: K. Acres
C. Aubertine
L. Blevins
R. Doyle
L. Fetcie
J. Free
P. Taylor

COUNTY OF SUFFOLK

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

FRANK NARDELLI
COMMISSIONER
DEPARTMENT OF LABOR, LICENSING &
CONSUMER AFFAIRS
725 VETERANS MEMORIAL HIGHWAY
HAUPPAUGE, N.Y. 11788

ADDRESS CORRESPONDENCE TO:
P.O. BOX 6100
HAUPPAUGE, N.Y. 11788-0099
e-mail:sc.dol@suffolkcountyny.gov
PHONE # (631) 853-6600
www.suffolkcountyny.gov/labor

August 27, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Suffolk County Department of Labor, Licensing & Consumer Affairs (SCDOLLCA) is pleased to provide this letter of commitment in support of the New York State Department of Labor's (NYSDOL) application for funding under the United States Department of Labor's Trade and Economic Transition National Dislocated Worker Grant. The SCDOLLCA is the County's designated Workforce Innovation & Opportunity Act (WIOA) grant recipient and fiscal agent.

If New York State is awarded funding, SCDOLLCA will leverage local WIOA allocations to provide eligible dislocated workers, through our American Job Center, with the career and supportive services they need to participate in training and re-enter employment. We will work closely with NYSDOL to identify, recruit, enroll and provide Health Care sector related training to 80 or more eligible individuals during the life of the grant. The job titles to be offered are all "high growth - high demand" occupations.

We look forward to working closely with NYSDOL and the many collaborative partners on this project. This funding will create new employment opportunities for those that participate.

Very truly yours,

Vanessa Pugh
Chief Deputy Commissioner

VP:dl

Laura Quigley
Director

TEL. 845-807-0385
FAX 845-807-0393

Sullivan
COUNTY CATSKILLS
Mountains of Opportunities

COUNTY OF SULLIVAN
Center for Workforce Development
SULLIVAN COUNTY GOVERNMENT CENTER
100 NORTH STREET
PO BOX 5012
MONTICELLO, NY 12701

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Workforce Development Board of Sullivan, Inc. and Sullivan County Career Center submits this letter in support of the New York State Department of Labor's application under the Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) and commits to working in collaboration and partnership with our Chief Elected Official and the New York State Department of Labor on projects funded through the TET-DWG.

At this time, Sullivan County is not experiencing economic impacts resulting in mass layoffs. We are hopeful that by being part of this grant we can be in a position to provide the services, if needed, and support the efforts of the NYS Department of Labor in providing high quality services to our residents.

Our commitment to this grant will include the coordination and provision of career services, supportive services and training service through the Sullivan County Career Center to help customers' transition into new jobs and careers. We commit to working closely with our partners; SUNY Sullivan, Sullivan County BOCES, Department of Family Services, the Partnership for Economic Development, Sullivan County, the County Planning Department and the Chamber of Commerce to meet the needs of our residents who may find themselves needing theses services.

We look forward to partnering with our state and local partners in assisting our dislocated workers in reattaching to the workforce.

Sincerely,

Laura Quigley
Director

Tompkins
Workforce
New York
Put us to work for you

401 East State Street/E. MLK Jr. St., Suite 402B • Ithaca, New York 14850
607 274-7526 • FAX 607 273-8964 • www.TompkinsWorkforceNY.org

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Tompkins County Workforce Development Board is pleased to offer our commitment to the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-NDWG) Grant Application. The Tompkins Workforce Development Area commits to coordinating with our local Chief Elected Official and in collaboration and partnership with New York State Department of Labor on projects funded through the TET-NDWG.

In Tompkins County, we have experienced significant economic dislocations due to the closure of two local manufacturers in the last year and smaller downsizings that have not risen to the level of WARN Notice but have impacted our economy.

Our commitment includes coordinating the delivery of Career Services, On-The-Job Training (OJT), Individual Training Accounts (ITA) and Supportive Services to dislocated workers enhancing and expanding services currently being provided to these customers. Our focus will be on transitioning impacted workers into jobs in advanced manufacturing (in growth industries), healthcare and information technology. The Tompkins Workforce Development Board will leverage existing relationships with companies in the above sectors, economic development, our local chamber of commerce and local educational institutions to facilitate the transition of impacted workers.

We look forward to partnering with New York State and local partners to address dislocations that are occurring due to broad workforce needs and economic changes.

Sincerely,

Julia Mattick

Julia Mattick, Executive Director
Tompkins County Workforce Development Board

COUNTY OF ULSTER
Office of Employment and Training

535 Boices Lane
Kingston, NY 12401
www.ulsterworks.com

Michael P. Hein, UC Executive

Phone: (845) 340-3170
Fax: (845) 340-3165
E-mail: oet@co.ulster.ny.us

Lisa Berger, Director

August 29, 2018

Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 590
Albany, NY 12240

Dear Ms. Coleman:

The Ulster County Workforce Development Board and Ulster County Career Center, in coordination with the Ulster County Executive, support the New York State Department of Labor's application under the Trade and Economic Transition National Dislocated Worker Grant.

As a partner under the grant, the Ulster County WDB will coordinate the provision of services through the Ulster County Career Center by offering career services, supportive services, and classroom and on-the-job training, with a focus on transitioning impacted workers into jobs in high-tech manufacturing and information technology, health care, and transportation and construction.

In support of this initiative, the Ulster County WDB will work through its partnerships with training agencies such as SUNY Ulster, Ulster County BOCES, and other proprietary schools; Ulster County Area Transit (UCAT) and Kingston Citibus, to assist with transportation challenges; Ulster County Department of Social Services for supportive services; Ulster County Office of Economic Development , the Ulster County Chamber of Commerce, The Council of Industry, the REDC and NYS DOL Regional Business Services for information and coordination on employment opportunities.

We look forward to partnering with our state and local partners to support the re-entry of dislocated workers into the workforce.

Sincerely,

Lisa Berger

Lisa Berger
WDB Director

A proud partner of the AmericanJobCenter network

Westchester gov.com | Westchester-Putnam Workforce Board

A proud partner of the americanjobcenter network

August 29th, 2018

Ms. Karen Coleman
Deputy Commissioner for Workforce Development
New York State Department of Labor
Harriman State Office Campus, Building 12, Room 590
Albany NY 12240

Dear Ms. Coleman:

The Westchester-Putnam Workforce Development Board (WPWDB) supports the New York State Department of Labor's Trade and Economic Transition National Dislocated Worker Grant (TET-DWG) application and commits to working in collaboration and partnership with our Chief Elected Officials and the New York State Department of Labor on projects funded through the TET-DWG.

Our commitment to this grant will include the delivery of Career Services, on-the-job training (OJT), customized classroom training (CRT) and supportive services to TAA-eligible and non-TAA eligible Dislocated Workers.

This grant aligns with our efforts to create a pipeline between local business groups, community organizations, and higher education to address the needs of dislocated workers and businesses. Among others, the WPWDB works with the Business Council of Westchester, Westchester County Association, and the Westchester County Office of Economic Development on a variety of workforce and economic development programs, including Career Pathways and Business Sector Partnerships.

This grant will allow us to address the recent large local layoffs at Van Trans, LLC and Walmart, Inc. and the growing need for skilled workers in our local area, particularly in Advanced Manufacturing, Health Care, and Information Technology. I am confident that the New York State Department of Labor's TET-DWG Application will address the current and future workforce needs in Westchester and Putnam counties, and throughout New York State.

We look forward to actively participating with you to empower and educate job seekers and businesses to maintain skill development and foster employment retention and expansion to support the re-entry of dislocated workers into the workforce.

Sincerely,

Thom Kleiner,
Executive Director

Attachment E:
Negotiated Indirect Cost Rate Agreement

(Not applicable)

Family and Human Services Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias	absent	
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Garito		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (C)		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2019009 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) FOR THE TRADE AND ECONOMIC TRANSITION DISLOCATED WORKER GRANT

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019009 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) FOR THE TRADE AND ECONOMIC TRANSITION DISLOCATED WORKER GRANT

January 22, 2019

Family & Human Services

RESOLUTION NO. 2019010

RE: AUTHORIZING AN AGREEMENT WITH NEW YORK STATE OFFICE OF ALCOHOLISM/SUBSTANCE ABUSE AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

Legislators THOMES, SAGLIANO, BOLNER, HORTON, TRUITT, GARITO, PULVER, MUNN, and TYNER offer the following and move its adoption:

WHEREAS, the Commissioner of Behavioral & Community Health has advised that the New York State Office of Alcoholism/Substance Abuse has awarded the County funding under the United States Substance Abuse and Mental Health Services Administration though the Research Foundation for Mental Hygiene, Inc., ("Institution") under the project title of "NYS Opioid STR Project", and

WHEREAS, the Commissioner of Behavioral & Community Health has also advised that this Fund shall provide a maximum aggregate of $44,000 in disbursements to the County to provide a response to the opioid crisis by increasing the number of individuals receiving Medication Assisted Therapy ("MAT") while incarcerated in the Dutchess County Justice and Transition Center ("Center"), and

WHEREAS, the funding shall allow the County to fund a contracted service provider through April 30, 2019, to prepare opioid users to receive treatment with extended release injectable naltrexone while in the Center and connect those individuals to continued MAT services upon release and also provide the individuals with information on overdoes avoidance, reversal and other information to reduce the risk of harm from continued substance abuse, and

WHEREAS, the funding covers the period May 1, 2018, through April 30, 2019, and

WHEREAS, it is necessary for this Legislature to authorize the execution of the funding agreement and to amend the 2019 Adopted County Budget to accept such funds and provide for the receipt and expenditure of said funds, now therefore, be it

RESOLVED, that this Legislature hereby authorizes the County Executive to accept the funding award from New York State Office of Alcoholism/Substance Abuse, the United States Substance Abuse and Mental Health Services Administration and Research Foundation for Mental Hygiene, Inc., in connection with the above project and further authorizes and empowers the County Executive to execute said funding agreement, attached hereto, on behalf of the County of Dutchess, and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2019 Adopted County Budget as follows:

APPROPRIATIONS		
Increase		
A.4320.42.4412	Grant Project Costs	$44,000
REVENUES		
Increase		
A.4320.42.44900.21	Mental Health OASAS	$44,000

CA-032-19
CRC/kvh/G-1652-B
01/08/19
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/19

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 44,000

Total Current Year Revenue and Source $ 44,000

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

Identify Line Items(s):

Related Expenses: Amount $ 0

Nature/Reason:

Anticipated Savings to County: $0

Net County Cost (this year): $0

Over Five Years:

Additional Comments/Explanation:

CFDA#93.788

Prepared by: [signature] Prepared On: 1/7/19

Dut.pdf

Subaward Agreement

Institution/Organization ("INSTITUTION")	Institution/Organization ("SUBRECIPIENT")
Name: Research Foundation for Mental Hygiene, Inc. **Address:** Riverview Center 150 Broadway, Suite 301 Menands, New York, 12204-2726	**Name:** Dutchess County Department of Behavioral and Community Health (DBCH) **Address:** 230 North Road Poughkeepsie, New York 12601-1328 EIN No.: 146002566 DUNS No.: 945553857
Prime Award No. 5H79TI080223-02 CFDA No: 93.788 FAIN No. TI080223	**For RFMH Use Only:**
Awarding Agency SAMHSA	✓ New P.O. # 140786 ☐ Change P.O. # _____
Subaward Period of Performance May 1, 2018 - April 30, 2019	Total to be encumbered: $ 44,000.00
Org/PTA 550 CO OASAS 1013959/2/26655	Subaward first $25,000 $25,000.00 Subaward above $25,000 $19,000.00
Institution Principal Investigator: Jeffrey Beedle	Subrecipient Principal Investigator:
Project Title NYS Opioid STR Project	

Terms and Conditions

1) Institution hereby awards a cost reimbursable subaward, as described above, to Subrecipient. The statement of work and budget for this subaward are (check one):_____as specified in Subrecipient's proposal dated_____; or_____X_____as shown in Attachment 5. In its performance of subaward work, Subrecipient shall be an independent entity and not an employee or agent of Institution. When hiring employees or engaging consultants, Subrecipient shall not incur a commitment to pay, nor shall it pay, individuals who are Research Foundation or New York State Department of Mental Hygiene (DMH) employees without prior approval from Institution.

2) Institution shall reimburse Subrecipient not more often than monthly for allowable costs. All invoices shall be submitted using Institution's standard invoice or a facsimile thereof as shown in Attachment 6. Invoices and questions concerning invoice receipt or payments should be directed to the appropriate party's Financial Contact, as shown in Attachment 3A.

3) A final statement of cumulative costs incurred, including cost sharing, marked "FINAL," must be submitted to Institution's Financial Contact NOT LATER THAN sixty (60) days after subaward end date. The final statement of costs shall constitute Subrecipient's final financialreport.

4) All payments shall be considered provisional and subject to adjustment within the total estimated cost in the event such adjustment is necessary as a result of error, an audit finding,.or other matter against the Subrecipient.

5) Matters concerning the performance of this subaward should be directed to the appropriate party's Administrative Contact, as shown in Attachments 3A and 3B. Reports are required as shown in Attachment 1.

6) Matters concerning the request or negotiation of any changes in the terms, conditions, or amounts cited in this subaward agreement, and any changes requiring prior approval, should be directed to the appropriate party's Administrative Contact, as shown in Attachment 3A and 3B. Any such changes made to this subaward agreement require the written approval of each party's Authorized Official, as shown in Attachments 3A and 3B.

7) Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, directors or agents, to the extent allowed by law. Subrecipient warrants that it presently maintains general liability and professional liability coverage of not less than $1,000,000.00 per occurrence and $3,000,000.00 in the aggregate and agrees to maintain such coverage in effect throughout the term of this agreement. Each party agrees to provide each other with current certificates of insurance upon request.

8) Either party may terminate this agreement with thirty days written notice to the appropriate party's Administrative Contact, as shown in Attachments 3A and 3B. Institution shall pay Subrecipient for termination costs as allowable under Uniform Guidance, 2 CFR Part 200, or 45 CFR Part 74 Appendix E,Principles for Determining Costs Applicable to Research & Development under Grants and Contracts with Hospitals, as applicable.

9) No-cost extensions require the approval of the Institution. Any requests for a no-cost extension should be addressed to and received by the Administrative Contact, as shown in Attachment 3A, not less than thirty days prior to the desired effective date of the requestedchange.

10) The Subaward is subject to the terms and conditions of the Prime Award as noted in Attachment 4, and other special terms and conditions, as identified in Attachments 1 and 2.

11) By signing below Subrecipient makes the certifications and assurances referenced in Attachments 1 and 2.

12) This Subaward shall be governed by the laws of the State of New York without regard to its choice of law provisions.

By an Authorized Official of INSTITUTION:	By an Authorized Official of SUBRECIPIENT:
_____ _____ Robert E. Burke, Managing Director Date	_____ _____ Date

Read and acknowledged: Jeffrey Beedle (Oct 4, 2019)
Principal Investigator
Jeffrey Beedle

Matthew Kawola (Oct 4, 2019)
Institutional Official
Matthew Kawola

Version January 2018

Attachment 1
Subaward Agreement

1. Key Personnel

The persons listed below are considered to be essential to the work performed hereunder. In the event any of the Key Persons leaves collaborating institution; Subrecipient shall notify Institution in writing. Any individual appointed to replace any of the Key Persons must have the prior written approval of Institution. If any such individual is not acceptable to Institution, Institution shall issue a modification terminating this Agreement. Subrecipient shall be reimbursed for its costs incurred through such termination date.

Key Person(s):

By signing the Subaward Agreement, the authorized official of SUBRECIPIENT certifies, to the best of its knowledge and belief, that:

2. Certification Regarding Lobbying

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to the Institution.

3) The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

3. Debarment, Suspension, and Other Responsibility Matters

Subrecipient certifies by signing this Subaward Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

4. Audit and Records

Subrecipient certifies by signing this Subaward Agreement that it complies with the Uniform Guidance, will provide notice of the completion of required audits and any adverse findings which impact this subaward as required by parts 200.501 - 200.521, and will provide access to records as required by parts 200.336, 200.337, and 200.201 as applicable.

5. Worker's Compensation

This Agreement shall be void and of no effect unless, throughout its life, Subrecipient secures worker's compensation insurance for the benefit of such employees as are by law required to be insured by the provisions of the Workman's Compensation Act.

6. Publication

Decisions about authorship on all publications resulting from this grant at Subrecipient will be made by Institution's Principal Investigator and the investigator at Subrecipient, prior to any such publications. As a subawardee, Subrecipient is required to place an acknowledgment of grant support and a disclaimer, as appropriate, on any publications from grant-supported activity, in accordance with the Grants Policy Statement. In addition, for publications funded in whole or part by an NIH award, Subrecipient is required to submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication.

7. Use of Names

Neither Subrecipient nor Institution shall use the name of the other, either expressly or by implication, in any news, publicity release, or other fashion without express written approval of the other.

8. Privacy Laws

Each party shall comply with all applicable laws regarding the confidentiality of subject's medical records and protected health information.

9. Reporting Requirements

Subrecipient shall prepare programs reports and administrative material as required by the Principal Investigator.

10. Dun & Bradstreet Universal Numbering

Subrecipient is subject to the requirements of 2 CFR Part 25 for institutions to receive a Dun & Bradstreet Universal Numbering System (DUNS) number and maintain an active registration in the Central Contractor Registration.

Attachment 2
Subaward Agreement
SAMHSA

Agency-Specific Certifications/Assurances

1. The following assurances/certifications are made and verified by Collaborator's Authorized Official on the face page of this Subaward. Descriptions of individual assurances/certifications are provided in Section III of the PHS 398. 1) Human Subjects; 2) Research Using Human Embryonic Stem Cells; 3) Research on Transplantation of Human Fetal Tissue; 4) Women and Minority Inclusion Policy; 5) Inclusion of Children Policy; 6) Vertebrate Animals; 7) Debarment and Suspension; 8) Drug-Free Workplace; 9) Lobbying; 10) Non-Delinquency on Federal Debt; 11)Research Misconduct; 12) Civil Rights (Form HHS 441 or HHS 690); 13) Handicapped Individuals (Form HHS 641 or HHS 690); 14) Sex Discrimination (Form HHS 639-A or HHS 690); 15) Age Discrimination (Form HHS 680 or HHS 690); 16) Recombinant DNA and Human Gene Transfer Research; 17) Financial Conflict of Interest.

General terms and conditions:

1. The restrictions on the expenditure of federal funds in appropriations acts are applicable to this Subaward to the extent those restrictions are pertinent.
2. Grant funds cannot be used to supplant current funding of existing activities.
3. "Confidentiality of Alcohol and Drug Abuse Patient Records" regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a 'program' (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12b).
4. A notice in response to the President's Welfare-to-Work Initiative was published in the Federal Register on May 16, 1997. This initiative is designed to facilitate and encourage grantees and their sub-recipients to hire welfare recipients and to provide additional needed training and/or mentoring as needed. The text of the notice is available electronically on the OMB home page at www.whitehouse.gov/wh/eop/omb.
5. The DHHS Appropriations Act requires that to the greater extent practicable, all equipment and products purchased with funds made available under this award should be American made.
6. Program Income accrued under the award must be accounted for in accordance with (45 CFR 74.24) or (45 CFR 92.25) as applicable.
7. Any replacement of, or substantial reduction in effort of the Program Director (PD) or other key staff of the grantee or any of the sub-recipients requires the written prior approval of the Grants Management Officer. The GMO must approve the selection of the PD or other key personnel, if the individual being nominated for the position had not been named in the approved application, or if a replacement is needed should the incumbent step down or be unable to execute the position's responsibilities. A resume for the individual(s) being nominated must be included with the request.
8. None of the Federal funds provided under this award shall be used to carry out any program for distributing sterile needles or syringes for the hypodermic injection of any illegal drug.
9. No DHHS funds may be paid as profit (fees) per (45 CFR Parts 74.81 and 92.22).
10. Restrictions on Grantee Lobbying (Appropriations Act Section 503):

    (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive- legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself or any State legislature, except in presentation to the Congress or any State legislature itself.

    (b) No part of any appropriation contained in this Act shall be used to apply the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.
11. None of the funds awarded can be used to pay the salary of an individual at a rate in excess of the maximum allowed by Federal Law.

Special terms and conditions:

1. Copyrights

   Collaborator grants to Institution an irrevocable, royalty-free, non-transferable, non-exclusive right and license to use, reproduce, make derivative works, display, and perform publicly any copyrights or copyrighted material (including any computer software and its documentation and/or databases) first developed and delivered under this Subaward Agreement solely for the purpose of and only to the extent required to meet Institution's obligations to the Federal Government under its Prime Award.

2. Data Rights

   Collaborator grants to Institution the right to use data created in the performance of this Subaward Agreement solely for the purpose of and only to the extent required to meet Institution's obligations to the Federal Government under its Prime Award. In addition, Collaborator grants to Institution the right to use data created in the performance of this Subaward Agreement for education and research purposes.

3. Accounting Records and Disclosure

   Awardees and sub-recipients must maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The awardee and all its sub-recipients shall provide RFMH with audited financial statements in accordance with these standards.

4. Human Subjects

   Under governing regulations, Federal funds administered by the DHHS shall not be expended for, and individuals shall not be enrolled in research involving human subjects without prior approval by the Substance Abuse and Mental Health Administration of the project's procedures for protection of human subjects. This restriction applies to all Federalwide Assurance (FWA) grantee institutions and performance sites that they will comply with the requirements of (45 CFR part 46) to protect human research subjects.

5. Indirect Costs

   SAMHSA will not accept a research indirect cost rate. The grantee must use another-sponsored program rate or lowest rate available.

6. Closeout

   Within 60 days of the final contract period the following items must be sent to the Institution:

   - ☐ A listing of equipment purchased with an acquisition cost of $5,000 or more.
   - ☐ A report of unused supplies if the total value of such supplies exceeds $5,000.
   - ☐ A final progress report, if requested by Institution Principal Investigator.

Attachment 3A
Research Subaward Agreement
Pass-Through Entity (PTE) Contacts

Subaward Number:

Pass-Through Entity (PTE)

PTE Name: Research Foundation for Mental Hygiene, Inc.

Address: 150 Broadway
Suite 301

City: Menands State: NY Zip Code+4: 12204-2726 Zip Code Look-up

PTE Administrative Contact

Name: Colleen Corcoran

Address: 150 Broadway
Suite 301

City: Menands State: NY Zip Code: 12204-2726

Telephone: (518) 474-5661 Email: contracts@rfmh.org

COI Contact email (if different to above):

PTE Principal Investigator

Name: Jeffrey Beedle

Address: 1450 Western Avenue

City: Albany State: NY Zip Code: 12203

Telephone: 518-457-5486 Email: Jeffrey.Beedle@oasas.ny.gov

PTE Financial Contact

Name: Michael Kavanaugh

Address: 150 Broadway
Suite 301

City: Menands State: NY Zip Code: 12204-2726

Telephone: (518) 486-4211 Email: contracts@rfmh.org

Email invoices? (●) Yes ( ) No Invoice email (if different):

Invoice Address (if different):

PTE Authorized Official

Name: Robert E. Burke

Address: 150 Broadway
Suite 301

City: Menands State: NY Zip Code: 12204-2726

Telephone: (518) 474-5661 Email: contracts@rfmh.org

Central email:

Attachment 3B
Subaward Agreement
Subrecipient Contacts

ɔrecipient Place of Performance

Name: Dutchess County Dept. of Behavioral and Community Health (DBCH)
Address: 230 North Road

City: Poughkeepsie State: NY Zip Code + 4: (Look up) 12601-1328
EIN No.: 146002566 Institution Type: County Government
(Select Institution Type from dropdown list as applicable)
Is Subrecipient currently registered in SAM? ☑ Yes ☐ No
Is Subrecipient exempt from reporting compensation? ☑ Yes ☐ No
If no , please complete 3B page 2

DUNS No.: 945553857 Parent DUNS No.: Congressional District: 18th Congressional District:

Subrecipient Administrative Contact
Name: Lisa Cardinale, LMSW - Quality Improvement Coordinator
Address: Dutchess County Department of Behavioral Community Health
230 North Road
City: Poughkeepsie State: NY Zip Code: 12601-1328
Telephone: (845) 486-3725 Fax: (845) 485-2835
E-mail: lcardinale@dutchessny.gov

Subrecipient Principal Investigator (PI)
Name:
Address:
City: State: Zip Code + 4:
Telephone: Fax:
E-mail:

Subrecipient Financial Contact
Name: Marianne Heslin, Director of Fiscal Services
Address: Dutchess County Department of Behavioral & Community Health
85 Civic Center Plaza, Suite 106
City: Poughkeepsie, State: NY Zip Code: 12601-1328
Telephone: (845) 486-2755 Fax: (845) 486-3447
E-mail: mheslin@dutchessny.gov

Subrecipient Authorized Official
Name: Marcus J. Molinaro, Dutchess County Executive
'dress: Dutchess County - County Executive Office
22 Market Street
City: Poughkeepsie, State: NY Zip Code: 12601-1328
Telephone: (845) 486-2000 Fax: (845) 486-2025
E-mail: countyexec@dutchessny.gov

Attachment 3B Page 2
Subaward Agreement
Highest Compensated Officers

Subrecipient

Name:

PI:

Highest Compensated Officers

The names and total compensation of the five most highly compensated officers of the entity(ies) must be listed if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and $25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Internal Revenue Code of 1986.

Officer 1 Name

Officer 1 Compensation

Officer 2 Name

Officer 2 Compensation

Officer 3 Name

Officer 3 Compensation

Officer 4 Name

Officer 4 Compensation

Officer 5 Name

Officer 5 Compensation

Attachment 4
Subaward Agreement

Notice of Grant Award

Notice of Award

Opioid STR

Issue Date: 04/18/2018

Department of Health and Human Services
Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment

Grant Number: 5H79TI080223-02 1013959
FAIN: TI080223 26655
Program Director: Jeffrey Beedle

Project Title: NYS Opioid STR Project

Grantee Address	Business Address
NEW YORK STATE OFF ALCOHOLISM/SUB ABUSE Mr. Jeffrey Beedle NEW YORK STATE OFF ALCOHOLISM/SUB ABUSE Research Foundation for Mental Hygiene, Inc. 150 Broadway Suite 301 MENANDS, NY 122033526	Mr. Robert Burke Research Foundation for Mental Hygiene, Inc. 150 Broadway Suite 301 Menands, NY 122042726

Budget Period: 05/01/2018 – 04/30/2019
Project Period: 05/01/2017 – 04/30/2019

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of $25,260,676 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to NEW YORK STATE OFF ALCOHOLISM/SUB ABUSE in support of the above referenced project. This award is pursuant to the authority of Section 1003 of the 21st Century Cures Act and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Award recipients may access the SAMHSA website at www.samhsa.gov (click on "Grants" then SAMHSA Grants Management), which provides information relating to the Division of Payment Management System, HHS Division of Cost Allocation and Postaward Administration Requirements. Please use your grant number for reference.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,
Odessa Crocker
Grants Management Officer
Division of Grants Management

See additional information below

SECTION I – AWARD DATA – 5H79TI080223-02

Award Calculation (U.S. Dollars)

Salaries and Wages	$673,801
Fringe Benefits	$222,354
Personnel Costs (Subtotal)	$896,155
Materials & Supplies	$52,800
Contractual	$23,816,363
Travel	$141,148
Direct Cost	$24,906,466
Indirect Cost	$354,210
Approved Budget	$25,260,676
Federal Share	$25,260,676
Cumulative Prior Awards for this Budget Period	$0
AMOUNT OF THIS ACTION (FEDERAL SHARE)	$25,260,676

SUMMARY TOTALS FOR ALL YEARS	
YR	AMOUNT
2	$25,260,676

*Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project.

Fiscal Information:

CFDA Number:	93.788
EIN:	1141410842A2
Document Number:	17TI80223A
Fiscal Year:	2018

IC	CAN	Amount
TI	C96M001	$25,260,676

IC	CAN	2018
TI	C96M001	$25,260,676

TI Administrative Data:
PCC: O-STR / **OC:** 4145

SECTION II – PAYMENT/HOTLINE INFORMATION – 5H79TI080223-02

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

SECTION III – TERMS AND CONDITIONS – 5H79TI080223-02

This award is based on the application submitted to, and as approved by, SAMHSA on the above-title project and is subject to the terms and conditions incorporated either directly or by reference in the following:

a. The grant program legislation and program regulation cited in this Notice of Award.
b. The restrictions on the expenditure of federal funds in appropriations acts to the extent those restrictions are pertinent to the award.
c. 45 CFR Part 75 as applicable.
d. The HHS Grants Policy Statement.
e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

Treatment of Program Income:
Additional Costs

In accordance with the regulatory requirements provided at 45 CFR 75.113 and Appendix XII to 45 CFR Part 75, recipients that have currently active Federal grants, cooperative agreements, and procurement contracts with cumulative total value greater than $10,000,000 must report and maintain information in the System for Award Management (SAM) about civil, criminal, and administrative proceedings in connection with the award or performance of a Federal award that reached final disposition within the most recent five-year period. The recipient must also make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75.

SECTION IV – TI Special Terms and Conditions – 5H79TI080223-02

REMARKS

Opioid-STR

This Notice of Award is issued to inform your organization that the Continuation application submitted for Year 2 of the State Targeted Response to the Opioid Crisis Grant (Opioid-STR) is approved, with applicable Special Terms and Conditions. *Please review the Special Terms and Conditions of the award below.*

Key Personnel (or key staff positions, if staff has not been selected) are listed below:

Jeffrey Beedle, Project Director @ 30% level of effort

Recipients are expected to plan their work to ensure that funds are expended within the 12-month budget period reflected on this Notice of Award. If activities proposed in the approved budget cannot be completed within the current budget period, SAMSHA cannot guarantee the approval of any request for carryover of remaining unobligated funding.

Register your Organization and Program Director/Project Director (PD) in eRA Commons:

You must complete registrations in order to submit an FY18 Continuation Application in eRA Commons. You must register both the Organization and the PD. Additional information for eRA registration can be found at: https://era.nih.gov/reg_accounts/register_commons.cfm.

SPECIAL TERMS

Opioid-STR

- Medication Assisted Treatment (MAT) using one of the FDA-approved medications for the maintenance treatment of opioid use disorder (methadone, buprenorphine/naloxone products/buprenorphine products including sublingual tablets/film, buccal film, and extended release, long-acting injectable buprenorphine formulations and injectable naltrexone) is a required activity of your grant per the terms of your grant award.

- Opioid-STR funds shall be used to fund services and practices that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus.

- Opioid-STR funds shall not be utilized for services that can be supported through other accessible sources of funding such as other federal discretionary and formula grant funds, e.g. HHS (CDC, CMS, HRSA, and SAMHSA), DOJ (OJP/BJA) and non-federal funds, 3rd party insurance, and sliding scale self-pay among others.

- All individuals that are served in Opioid-STR funded treatment and recovery support services shall be identified in the standard demographic and clinical reporting requirements of the Treatment Episode Data Set (TEDS).

- Opioid-STR funds for treatment and recovery support services shall only be utilized to provide services to individuals with a diagnosis of an opioid use disorder or to provide services to individuals with a diagnosis of an opioid use disorder or to individuals with a demonstrated history of opioid overdose problems.

- Recipients are required to work with the SAMHSA Opioid-STR TA grant awarded to AAAP as the primary means of TA provision.

Recipients are expected to report data as required in the Funding Opportunity Announcement (FOA) and to fully participate in the cross-site evaluation of the program.

STANDARD TERMS AND CONDITIONS

Opioid-STR

Refer to the following SAMHSA website to access the Standard Terms applicable to your grant award for FY 2018: https://www.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions and reference the Grants Awarded in Fiscal Year (FY) 2018 Standard Terms and Conditions.

Failure to comply with the above stated terms and conditions may result in suspension, classification as Restriction status, termination of this award or denial of funding in the future.

Unless otherwise identified in the special terms and conditions of award and post award

requests, all responses to special terms and conditions of award and post award requests must be submitted through the eRA Commons system.

It is essential that the Grant Number be included in the SUBJECT line of emails to your GPO and GMS.

Opioid-STR Reporting Requirements

Performance Progress Report (PPR)

The recipient must submit Semi-Annual Performance Progress Reports, as follows:

- Mid Year Report due by November 30, 2018
- Final PPR due by May 31, 2019

The Final PPR should cover the entire project period and include, at a minimum, an overview of the goals and objectives that you accomplished during the funding period as stated in your grant application

All Performance Progress Report must be prepared in accordance with the guidance provided by the SAMHSA GPO and should be submitted into the Block Grants Application System (BGAS).

Closeout

Final Federal Financial Report (FFR) (SF-425)

The recipient is required to submit a final Federal Financial Report (FFR), which must be submitted no later than 90 days after the end of the budget period. The final FFR should only include cumulative actual federal funds authorized and disbursed, any non-federal matching funds (if identified in the FOA), the unobligated balance of the federal funds for the award, as well as program income generated during the timeframe covered by the report. Expenditures reported on line 10, e. should be based on the total actual grant expenditures reported in the accounting system. The total expenditures reported should reconcile to the total quarterly cash-basis expenditures reported to the Payment Management Service (PMS) and on line 10.b. If non-federal expenditures (matching) was required under the grant, lines 10.i. and 10.j. must be completed. Drawdowns made from PMS under the grant in excess of the total grant expenditures must be returned to SAMHSA along with any funds received as a result of refunds, corrections, overspending and audits. All program income earned as a result of the grant and expended must be reported on lines 10.l., 10.m, and 10.n as well. No unliquidated obligations may be reported on line 10.f in the final FFR. The SF-425 is available at (http://apply07.grants.gov/apply/forms/sample/SF425-V1.0.pdf). Additional guidance to complete the FFR can be found: http://www.samhsa.gov/grants/grants-management/reporting-requirements.

The final FFR must be submitted by email to grant.closeout@samhsa.hhs.gov.

Tangible Personal Property Report

The recipient is required to submit a Tangible Personal Property Report (SF-428) within 90 days of the end of the award project period. Tangible personal property means property of any kind, except real property, that has physical existence. It includes equipment and supplies. It does not include copyrights, patents or securities. Recipients must disclose any acquired equipment with acquisition cost of $5,000 or more and residual unused supplies with total aggregate fair market value exceeding $5,000. The report must contain the SF-428 cover sheet and the SF-428-B Final Report. As applicable, the SF-428-C Disposition Request/Report and the SF-428-S Supplemental Sheet may be included. If your organization has not purchased individual items of equipment or cumulative supplies with a fair market value of $5,000 or more under the award, please report this in the comments section on the SF-428-B Final Report.

The Tangible Personal Property Report must be submitted by email to grant.closeout@samhsa.hhs.gov.

Jamal Bankhead, Program Official
Phone: 240-276-1758 **Email:** Jamal.Bankhead@samhsa.hhs.gov

Wendy Pang, Grants Specialist
Phone: (240) 276-1419 **Email:** wendy.pang@samhsa.hhs.gov **Fax:** (240) 276-1430

Attachment 5
Subaward Agreement

Scope of Work
And
Budget

Dutchess County Department of Behavioral & Community Health, by serving persons reentering communities from Dutchess County Jail, is required to:

1. Provide, for persons identified by the correctional facility physical or by self-report, as suffering from opioid use disorder (OUD), an orientation to OASAS certified treatment services, to include techniques such as motivational interviewing and seeking safety. An average of 38 opioid dependent individuals are admitted monthly to the Dutchess County Jail who are out of necessity placed on a medically monitored withdrawal watch. Based on the monthly estimate of 38 the targeted number of persons to be served (January-April 2019) is 152.
2. All persons receiving the orientation shall receive information regarding treatment with extended release injectable naltrexone, where they will be educated about the drug, its protective factors, how it is administered, what the contraindications are, and associated risks.
3. Provide consent forms for all persons so that they may consent to engage in treatment including extended release injectable naltrexone.
4. Develop a person-centered care plan to prepare the person for transition to the community.
5. Prepare, for persons who consent to participate in the program involving extended release injectable naltrexone, an individualized reentry plan which will include an appointment for admission to an OASAS-certified treatment program where, following release, the patient can receive individual, family and group substance use disorder (SUD) counseling and subsequent administrations of extended release injectable naltrexone. When making a referral, the sub-recipient is to consider SUD service providers that provide medication assisted treatment with extended release injectable naltrexone and that are available in the person's home community.
6. For persons who are not interested in or not appropriate for injectable naltrexone treatment, the program should provide information about the total range of opioid treatment options that are available in the community upon release.
7. Provide persons with information on overdose avoidance, reversal and other information to reduce the risk of harm from continued substance use.
8. Provide such other necessary services as determined by the treatment provider.
9. Collect and report data so that SAMHSA can meet its obligations under the Government Performance and Results (GPRA) Modernization Act of 2010. Sub-recipients must adhere to any additional reporting requirements as directed by SAMHSA/OASAS.

RFMH/OASAS 2018 Opioid STR Grant
Annual Operating Budget and Justification

Section I: Provider Information:

1. Printed Legal Name of Applicant Entity: Dutchess County Dept. of Behavioral and Community Health (DBCH)			
2. Applicant's OASAS Provider Number: 51770			
3. Applicant's OASAS Provider PRU Number(s): 281	4. Applicant's Street Address/P.O. Box: 230 North Road		
5. Applicant's City/Town/Village: Poughkeepsie, NY		6. Postal Zip Code: $44,00	7. Date Prepared: 12/13/2018
8. Printed Name of Applicant Contact Person: William Eckert, LCSW-R, CASAC		9. Printed Title of Contact: Opioid STR Grant – Year 2	
10. Contact Telephone #: 845-486-2848			

The budget justification is required for Year 2 which will end on April 30, 2019. The table at the bottom of this document will reflect the full requested budget. **Use only whole dollars.**

Section II: Expenses:

Personnel:

Position	Name	Pay Rate	Level of Effort	Cost
			TOTAL	

JUSTIFICATION: Describe the role and responsibilities of each position.

Fringe Benefits: List all components of fringe benefits rate

Component	Rate	Wage	Cost
		Total	

JUSTIFICATION: Fringe reflects current rate for agency.

Supplies: Materials costing less than $5,000 per unit and often having one-time use

Item(s)	Rate	Cost
	TOTAL	

JUSTIFICATION: Describe need and include explanation of how costs were estimated.

Travel: Explain need for all travel other than that required by this application. Local travel policies prevail.

Purpose of Travel	Location	Item	Rate	Cost
			TOTAL	

JUSTIFICATION: Describe the purpose of travel and how costs were determined.

Equipment: Items in excess of $5,000

Type	Purpose	Rate	Cost
		TOTAL	

Justification:

Contractual: A contract can be with an individual retained to provide professional advice or services, or for a service such as a media air time for a PSA, billboards etc. The grantee must have policies and procedures governing their use of contracts that are consistently applied among all organization's agreements.

Name	Service	Rate	Time Frame	Cost
Vendor with a 15 year or longer history in the provision of mental health and substance services will be selected through the county's RFP process. (Vendor t.b.d.)	STR Yr 2	$10,000/mo	Jan-April '19	$40,000
			TOTAL	40,000

JUSTIFICATION: Explain the need for each agreement and how they relate to the overall project.
The contract awarded to the vendor (t.b.d.) as a result of the county's RFP process will enable the hiring of a credentialed professional to provide services within the Dutchess County Jail as described in the SOW for Dutchess County LGU (Dutchess County Jail) specifically to improve and expand the existing DBCH/DC Jail Vivitrol program. The vendor will work in coordination with DBCH and jail medical personnel to identify opioid dependent inmates, provide screening and initial education regarding benefits and contraindications for Vivitrol treatment, determine legal status and probable jail release dates, sign any applicable authorizations permitting communication between vendor, treatment, and criminal justice systems, communicate with jail medical staff regarding release planning efforts, schedule post jail release treatment appointments with local treatment facilities offering Vivitrol, track and record all activities, and provide information and referral to alternative MAT modalities for individuals determined to be inappropriate for Vivitrol treatment.

Other:

Name	Service	Rate	Time Frame	Cost
			TOTAL	

Justification:

Admin/Indirect cost rate: Indirect costs are necessary for the operation of an organization and are shared across all programs within the organization. Some examples are building occupancy (i.e. rent), equipment usage, administrative staff, audit and legal services, utilities, telecommunications (including phone and internet service),

security and fire protection, and liability insurance. Costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both.

SAMHSA Requirements on Indirect Cost Rate: Any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in paragraphs (c)(1)(i) and (ii) and section (D)(1)(b) of appendix VII to this part, may elect to charge a de Minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. The 10% is charged to the Modified Total Direct Costs (MTDC) which means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, and travel. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, and participant support costs.

(A) Total Direct Expenses	(B) Total of Excluded Items	(C) MDTC (A - B = C)	(D) Cost Rate	Total Indirect Cost (C x D)
$40,000.			10%	$4,000.

JUSTIFICATION:

Costs connected to January – April 2019 hiring one (1) FTE credentialed staff to provide services as specified in SOW for Dutchess LGU.

Per Dutchess County regulations this position will require an RFP the results of which should be available in early January 2019. Dutchess will accept the de Minimis amount of admin costs to administer the grant.

Total Direct Expense Budget: **$40,000.**

Total Indirect Cost: **$4,000 .**

Total Budget: **$44,000.**

Projected number of patients to be treated for opioid as a primary, secondary, or tertiary substance thru this grant, if applicable. 152

Projected number of people receiving prevention services thru this grant, if applicable. NA

RESEARCH FOUNDATION FOR MENTAL HYGIENE, INC.

Contractor Information:	Return This Voucher To:
Federal ID No:	Research Foundation for Mental Hygiene, Inc.
Name:	150 Broadway, Suite 301
	Menands, NY 12204
Address:	(518) 474-5661
	Fax (518) 474-6995
	E-Mail: **OpioidSTR.vouchers@oasas.ny.gov**
Reference:	
Grant No:	
Date:	Contract Period: 5/1/2018 through 4/30/2019 (Begin Date / End Date)
Voucher No:	Voucher for Period: through

	Budget Items	1 Budget Amount	2 Prior Period Expenditures	3 Current Period Expenditures	4 Expenditures To Date (2+3)	5 Balance (1-4)
*	Salary	$ -	$ -	$ -	$ -	$ -
	Fringe Benefits	$ -	$ -	$ -	$ -	$ -
**	Supplies	$ -	$ -	$ -	$ -	$ -
**	Travel	$ -	$ -	$ -	$ -	$ -
*	Equipment	$ -	$ -	$ -	$ -	$ -
*	Contractual/Consultant	$ -	$ -	$ -	$ -	$ -
**	Other (list below)	$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -
	Total Direct Costs	$ -	$ -	$ -	$ -	$ -
	Admin/Indirect Costs	$ -	$ -	$ -	$ -	$ -
	Revenue	$ -	$ -	$ -	$ -	$ -
	Total Costs	$ -	$ -	$ -	$ -	$ -

		Advance Payment Amt	Prior Recouped Amt	Current Amt Being Recouped	Amt Recouped To Date	Advance Balance
	Advance Payment	$ -	$ -	$ -	$ -	$ -

***Note:** These line items require backup documentation of expenditures. Salary expenditure documentation must include employee name, title, percent of time charged to the contract and pay dates. Equipment documentation must include receipt/proof of purchase. Contractual/ Consultant documentation must include vendor invoice(s) which includes: person/organization paid, amount, and a brief description of goods/services purchased.

****Note:** Backup documentation may be requested for these line items if a significant amount is being vouchered.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

Contractor Approval		For RFMH/OASAS Use only		
Name:		PO Number	140786	
Title:		Project/Task/Award		Amount
Date:		Expenditure Type	SUB Subawards - 1st 25K	$ -
Phone Number			SUB Subawards - Above 25K	$ -
E-Mail			Total	$ -
Contractor Signature		Organization	550 CO OASAS	
		PI/PD Signature		

Family and Human Services Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias	absent	
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Garito		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (C)		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019010 AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF ALCOHOLISM/SUBSTANCE ABUSE AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019010 AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF ALCOHOLISM/SUBSTANCE ABUSE AND AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

January 22, 2019

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2019011

RE: DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN REAL PROPERTY TAX REFUNDS

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

WHEREAS, Section 556 of the Real Property Tax Law requires that the tax levying body approve or reject an application for a tax refund requested for a claimed unlawful entry, clerical error or error in essential fact, and

WHEREAS, Section 556 of the Real Property Tax Law allows the tax levying body to delegate the authority to perform the duties of such tax levying body, now therefore, be it

RESOLVED, that the Dutchess County Legislature hereby designates the Dutchess County Commissioner of Finance as the official who shall be authorized to make property tax refunds in accordance with applicable provisions of Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance's authority is applicable only where the recommended refund is TWO THOUSAND FIVE HUNDRED and 00/100 ($2,500.00) DOLLARS or less, and be it further

RESOLVED, that this resolution and the delegation authority it grants shall only be in effect during the calendar year in which it is adopted, and be it further

RESOLVED, that in accordance with Section 556 of the Real Property Tax Law, where the Commissioner of Finance denies the refund or credit, in whole or in part, or where the requested amount is in excess of the amount authorized, the Commissioner shall transmit to the Legislature the report of the Director of Real Property Tax Services, together with both copies of the application, and the reason the Commissioner denied the refund, for review and disposition by the Legislature, and be it further

RESOLVED, that on or before the 15th day of each month, the Dutchess County Commissioner of Finance shall submit a report to the County Legislature of the refunds processed during the preceding month, which report shall contain the name of the recipient, the location of the property, and the amount of the refund, and be it further

RESOLVED, that this resolution shall be filed in the Offices of the Dutchess County Clerk and the Clerk of the Dutchess County Legislature.

CA-001-19
CEB/kvh 12/17/18 G-0145
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/19

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Carmela Morley Prepared On: Nov. 28, 20128

Out.pdf

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 0

Absent: 1 **Motion:** ____ Yes No

Vacant: 0 **Abstentions:** 0

2019011 DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN REAL PROPERTY TAX REFUNDS

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019011 DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN REAL PROPERTY TAX REFUNDS

January 22, 2019

RESOLUTION NO. 2019012

RE: DELEGATION OF AUTHORITY WITH RESPECT TO CORRECTING ERRORS ON TAX ROLLS

Legislators METZGER, SAGLIANO, BOLNER, MICCIO, TRUITT, and PULVER

offer the following and move its adoption:

WHEREAS, Section 554 of the Real Property Tax Law requires that the tax levying body approve or reject an application to correct a claimed clerical error, an unlawful entry, or error in essential fact in a tax roll, and

WHEREAS, Section 554 of the Real Property Tax Law allows the tax levying body to delegate the authority vested in it pursuant to Section 554 of the Real Property Tax Law to the Commissioner of Finance, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby designates the Dutchess County Commissioner of Finance as the official authorized to approve or reject applications to correct claimed clerical errors, unlawful entries, or errors in essential fact in a tax roll pursuant to Section 554 of the Real Property Tax Law, and be it further

RESOLVED, that the Dutchess County Commissioner of Finance's authority is applicable only where the recommended correction is TWO THOUSAND FIVE HUNDRED and 00/100 ($2,500.00) DOLLARS or less, and be it further

RESOLVED, that this resolution and the delegation authority it grants shall only be in effect during the calendar year in which it is adopted, and be it further

RESOLVED, that when the Commissioner of Finance denies the correction in whole or part, or the correction requested is an amount in excess of $2,500.00, the Commissioner of Finance shall submit to the County Legislature for its review and disposition, the report and recommendation of the Director of Real Property Tax together with both copies of the application and the reason for the denial, and be it further

RESOLVED, that on or before the 15th day of each month, the Dutchess County Commissioner of Finance shall submit a report to County Legislature of the corrections processed during the preceding month, and the report shall indicate the name of each recipient, the location of the property and the amount of the correction, and be it further

RESOLVED, that this resolution shall be filed in the Offices of the Dutchess County Clerk and the Clerk of the Dutchess County Legislature.

CA-002-19
CEB/kvh/G-0145 12/17/18
Fiscal Impact: None

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Carmela Morley

Prepared On: Nov. 28, 20128

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019012 DELEGATION OF AUTHORITY WITH RESPECT TO CORRECTING ERRORS ON TAX ROLLS

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019012 DELEGATION OF AUTHORITY WITH RESPECT TO CORRECTING ERRORS ON TAX ROLLS

January 22, 2019

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2019013

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF Beekman
ASSESSED UNDER THE NAME OF Congregation Chabad of,
GRID: See Attached

Legislators METZGER, BOLNER, and MICCIO offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Beekman assessed to Congregation Chabad of, for the levy year 2013 and more particularly described in Exhibit A, which is attached hereto and made a part hereof, was placed on a List of Delinquent Taxes amounting to $13,098.82 filed in the Dutchess County Clerk's Office on November 3, 2014 for the tax lien year of 2014, and

WHEREAS, Dutchess County instituted an *in rem* foreclosure proceeding, Index No. 2014/4304 to enforce the collection of delinquent tax liens for the tax lien year 2014 and the properties listed in Exhibit A were not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the properties to Dutchess County, which deed was recorded on July 25, 2016, in the Office of the Dutchess County Clerk, Document # 02 2016 4870, and the total amount of delinquent taxes being $ 60,370.24, and

WHEREAS, the properties described in Exhibit A were offered at public auction on October 4, 2017 but the properties failed to sell at public auction, and

WHEREAS, since the 2017 public auction, the County received an offer of purchase of $21,264.31 inclusive of 2017/2018 school district taxes and fees, for all right, title, and interest which the County may have acquired in and to the above properties described in Exhibit A, and

WHEREAS, the acceptance of this offer to purchase was contingent upon the following: (1) buyer's additional purchase of Tax ID #'s 132200-6558-08-948825-0000, 132200-6558-08-991862-0000, and 132200-6558-08-095798-0000, which were previously transferred by deed pursuant to Resolution 2018012, and (2) buyer's consent for the Dutchess County Real Property Tax Division to abandon myriad undevelopable and nonviable grid numbers within the subdivision, now therefore be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Phase III Homeowners Association at 29c Hudson View Dr., Beacon, NY 12508 of any and all interest which the County of Dutchess may have acquired in and to the said parcels by reason of the above deed.

CA-031-19
HS/CM/CEB/sa/kvh
1/7/19 Fiscal Impact: None

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/31/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 68,254

Total Current Year Revenue $ _____
and Source

The delinquent taxes will be charged against A.342- Allowance for Uncollectable Taxes

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:
The County took title to undeveloped grid numbers in 2016 which are to be eliminated as they are not developable. This resolution transfers title of the listed grid numbers to the land owner so they may be eliminated.

Prepared by: Heidi Seelbach Prepared On: 1/4/2019

PARCELS TO BE ABANDONED: CONGREGATION CHABAD, OF

PRIOR RECORD OWNER	SWIS CODE
CONGREGATION CHABAD OF,	132200-6658-05-127773-0000
CONGREGATION CHABAD OF,	132200-6658-05-128776-0000
CONGREGATION CHABAD OF,	132200-6658-05-129778-0000
CONGREGATION CHABAD OF,	132200-6658-05-129783-0000
CONGREGATION CHABAD OF,	132200-6658-05-130781-0000
CONGREGATION CHABAD OF,	132200-6658-05-130786-0000
CONGREGATION CHABAD OF,	132200-6658-05-132792-0000
CONGREGATION CHABAD OF,	132200-6658-05-133795-0000
CONGREGATION CHABAD OF,	132200-6658-05-134797-0000
CONGREGATION CHABAD OF,	132200-6658-05-135799-0000
CONGREGATION CHABAD OF,	132200-6658-05-135801-0000
CONGREGATION CHABAD OF,	132200-6658-05-136803-0000
CONGREGATION CHABAD OF,	132200-6658-05-142784-0000
CONGREGATION CHABAD OF,	132200-6658-05-143786-0000
CONGREGATION CHABAD OF,	132200-6658-05-144789-0000
CONGREGATION CHABAD OF,	132200-6658-05-146791-0000
CONGREGATION CHABAD OF,	132200-6658-05-148792-0000
CONGREGATION CHABAD OF,	132200-6658-05-149794-0000
CONGREGATION CHABAD OF,	132200-6658-05-150797-0000
CONGREGATION CHABAD OF,	132200-6658-05-152799-0000
CONGREGATION CHABAD OF,	132200-6658-05-155805-0000
CONGREGATION CHABAD OF,	132200-6658-05-157807-0000
CONGREGATION CHABAD OF,	132200-6658-05-157825-0000
CONGREGATION CHABAD OF,	132200-6658-05-158809-0000
CONGREGATION CHABAD OF,	132200-6658-05-159827-0000
CONGREGATION CHABAD OF,	132200-6658-05-160811-0000
CONGREGATION CHABAD OF,	132200-6658-05-161828-0000
CONGREGATION CHABAD OF,	132200-6658-05-162813-0000
CONGREGATION CHABAD OF,	132200-6658-05-163815-0000
CONGREGATION CHABAD OF,	132200-6658-05-163830-0000
CONGREGATION CHABAD OF,	132200-6658-05-165832-0000
CONGREGATION CHABAD OF,	132200-6658-05-166816-0000
CONGREGATION CHABAD OF,	132200-6658-05-166834-0000
CONGREGATION CHABAD OF,	132200-6658-05-168818-0000
CONGREGATION CHABAD OF,	132200-6658-05-168835-0000
CONGREGATION CHABAD OF,	132200-6658-05-170838-0000
CONGREGATION CHABAD OF,	132200-6658-05-172840-0000
CONGREGATION CHABAD OF,	132200-6658-05-173842-0000
CONGREGATION CHABAD OF,	132200-6658-05-174823-0000
CONGREGATION CHABAD OF,	132200-6658-05-176824-0000
CONGREGATION CHABAD OF,	132200-6658-05-178825-0000
CONGREGATION CHABAD OF,	132200-6658-05-181826-0000
CONGREGATION CHABAD OF,	132200-6658-05-183826-0000
CONGREGATION CHABAD OF,	132200-6658-05-186827-0000
CONGREGATION CHABAD OF,	132200-6658-05-188828-0000
CONGREGATION CHABAD OF,	132200-6658-05-190828-0000

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019013 QUITCLAIM DEED PROPERTY IN THE TOWN OF BEEKMAN

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019013 QUITCLAIM DEED PROPERTY IN THE TOWN OF BEEKMAN

January 22, 2019

Budget, Finance, & Personnel

RESOLUTION NO. 2019014

RE: APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:
APPLICANT: Hudson Conference Center LLC
2170 South Rd.
Poughkeepsie NY 12601
ACCOUNT NO.: 134689-6159-01-331731-0000

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

WHEREAS, there is a special benefit assessment on the assessment roll for the Town of Poughkeepsie for 2017 under the name of Hudson Conference Center LLC, Account No. 134689-6159-01-331731-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a refund of real property taxes on the basis of an alleged clerical error, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the Town Assessor has made a clerical error in calculating the special benefit assessment on said assessment roll for the Town of Poughkeepsie, and

WHEREAS, attached hereto is the written report of said Director together with his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received November 13, 2018, relating to Account No. 134689-6159-01-331731-0000 for a refund is hereby approved, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to issue a tax refund to the applicant in the amount of $4,090.28 and to charge-back the erroneous taxes on next year's levy as follows:

A430 Town Wide Water Imp. (TW0K3) $4,090.28

and be it further

RESOLVED, that the Clerk of the County Legislature be and hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

CA-003-19
CEB/MB/kvh
G-0194 12/17-18 Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Margaret Burns Prepared On: Nov 21, 2018

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Le Description (grid #) **134689-6159-01-331731-0000**

Owner's Name **Hudson Conference Center LLC**

Mailing Address **2170 South Rd. Poughkeepsie NY 12601**

Property Location **2170 South Rd.**

School District **Wappingers Central School Dist.** Special District **Townwide Water Imp**

Total Assessed Value now on roll **1,450,000** Corrected to **Same**

Taxable Assessed Value (Prior to Star) now on roll **1,450,000** Corrected to **Same**

Exempt codes and amounts if applicable

Amount Levied **$107,815.24** Should be **$103,724.96**

Tax Bill Paid? **X** yes ___no Verified with assessor? **X** yes ___no

Error Claimed is defined in Real Property Tax Law, Section 550:

X Subdivision 2, Paragraph **E** (clerical error)
__ Subdivision 3, Paragraph __ (error in essential fact)
___ Subdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Exemption amount incorrectly calculated ___

Assessed value on roll does not match assessor's final work product __

Structure did not exist on taxable status date or was present on another parcel __

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead or non-homestead __

Other: **X** Miscalculation of the benefit units for the Water District.

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application for a partial refund of the 2017/18 Cnty/Town tax bill be approved**

4430(Town Wide Water Imp TW0K3) $4,090.28

Investigator Margaret Burns Director [signature] Date 11/21/2018

Department of Taxation and Finance
Office of Real Property Tax Services

Application for Refund or Credit of Real Property Taxes

RP-556
(4/18)

Part 1 – General information: To be completed in duplicate by the applicant.

Names of owners Hudson Conference Center, LLC			
Mailing address of owners *(number and street or PO box)* 2170 South Road		Location of property *(street address)* 2170 South Road	
City, village, or post office Poughkeepsie	State NY	ZIP code 12601	City, town, or village Poughkeepsie	State NY	ZIP code 12601
Daytime contact number 973-767-8200	Evening contact number same		Tax map number of section/block/lot: Property identification *(see tax bill or assessment roll)* 6159-01-331731-0010		
Account number *(as appears on tax bill)*	Amount of taxes paid or payable 4,426.58		Date of payment 02-15-2018		
Reasons for requesting a refund or credit: Overpayment due to error in benefit units being charged					

I hereby request a refund or credit of real property taxes levied by Poughkeepsie (County, city, village, etc.) for the year(s) 2018.

Signature of applicant	Date 11/9/18

Part 2 – To be completed by the County Director or Village Assessor. Attach a written report including documentation and recommendation. Specify the type of error and paragraph of subdivision 2, 3, or 7 of Section 550 under which the error falls. If a *Directed reinstatement*, see instructions.

Date application received 11/13/18	Date warrant annexed 12/18/17
Last day for collection of taxes without interest Paid 2/15/18	Recommendation **Approve application*** ☒ **Deny application** ☐
Signature of official	Date 11/21/2018

* If this application is approved, and the same error appears on a current assessment roll, send a copy of this form, including all attachments, to the assessor and board of assessment review. They must treat this application as a petition for the correction of that current roll (Form RP-553).

Part 3 – For use by the **tax levying body or official designated by resolution** _____ :
(insert number or date, if applicable)

Application approved (Mark an *X* in the applicable box):

Clerical error ☐ Error in essential fact ☐ Unlawful Entry ☐ Directed reinstatement ☐

Amount of taxes paid	Amount of taxes due	Amount of refund or credit

Application denied (reason):

Signature of chief executive officer or official designated by resolution	Date

Instructions

General information

Where to send

Submit two copies of this application to the County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer). In a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees.

When to send

You must submit this application within three years of the annexation of the warrant for the collection of such tax.

Refunds

If the tax was already paid, and the application is approved, the applicant is entitled to a refund of the overpayment.

Credits

If the tax has not yet been paid, and the application is approved, the applicant is entitled to a credit reducing the amount of the outstanding tax. The corrected tax must be paid with the interest and penalties that have accrued up to that point. No additional interest and penalties will be imposed if the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant. The interest and penalties on the credited portion of the tax are cancelled.

Types of correctable errors

Real Property Tax Law (RPTL) section 550 recognize the following types of correctable errors:

Clerical error (RPTL section 550, subdivision 2):

(a) an entry of assessed value on the tax roll which differs from the entry for the same parcel on the property record card, field book, or other final work product of the assessor, or the final verified statement of the board of assessment review due to an error in transcription

(b) a mathematical error in the calculation of a partial exemption

(c) an incorrect entry due to failure of the assessor to act on a partial exemption

(d) an arithmetical error in the calculation or extension of the tax

(e) an incorrect entry due to a mistake in the determination or transcription of a special assessment or other charge based on units of service provided by a special district

(f) a duplicate entry of the description or assessed valuation, or both, of an entire single parcel

(g) an entry on a tax roll which is incorrect by reason of an arithmetical mistake by the assessor appearing on the property record card, field book, or other final work product of the assessor

(h) an incorrect entry on a tax roll of a re-levied school tax or re-levied village tax which has been previously paid

(i) an entry on a tax roll which is incorrect by reason of a mistake in transcription of a re-levied school tax or re-levied village tax

Error in essential fact (RPTL section 550, subdivision 3):

(a) the assessment of an improvement destroyed or removed prior to taxable status date

(b) the assessment of an improvement not in existence or present on a different parcel

(c) an incorrect entry of acreage which was considered by the assessor in valuing the parcel and which resulted in an incorrect assessed valuation, where such acreage is shown to be incorrect on a survey submitted by the applicant

(d) not applicable to refunds

(e) not applicable to refunds

(f) misclassification of a parcel in an approved assessing unit which is exclusively used for either residential or non-residential purposes

Unlawful entry (RPTL section 550, subdivision 7):

(a) an assessment of wholly exempt property on the taxable portion of the assessment roll

(b) an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located

(c) an entry made by a person or body without the authority to make such entry

(d) an assessment of taxable state land which exceeds the assessment as approved by the Office of Real Property Tax Services (ORPTS)

(e) an assessment of special franchise property which exceeds the final assessment as made by ORPTS or the full value of that special franchise as determined by ORPTS adjusted by the final state equalization rate established by the ORPTS for the assessment roll upon which that value appears

For an *unlawful entry*, attach a statement signed by assessor or majority of board of assessors substantiating that that parcel should have been granted tax exempt status on tax roll.

Directed reinstatements:

Enter Directed reinstatement on the report required by Part 2 only when an Enhanced STAR Exemption or a senior citizens exemption was properly removed but is being reinstated under the *good cause* authorization of Real Property Tax Law (RPTL) sections 425(6)(a-2) or 467(8-a). In such a case, the written report of the county director or village assessor must indicate that there has been a good cause finding, and a copy of the written report must be attached to this form.

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess County do hereby certify that the real property owned by

Hudson Conference Center *Grid 6159-01-331731-0000*

shown of the **2016, 2017, 2018 January** Tax Rolls of the Town of Poughkeepsie **Special District Town Wide Water** assessed in the amounts of 154000 BU is correct/incorrect due to the clerical error (E)/unlawful entry/ error in essential fact resulting from

Used wrong calculation in creating the Benefit units. Used room count not AV. Assessed Value should have been used.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

11/14/2018
DATE

Kathleen D. Taber
ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

( ) exemption application
( ) Property record card
( ) Tax Bill
( ) Other

(X) assessor work book
( ) verified statement from BAR
(X) Paid Tax Bill

		AV				
Tax	2016	1,650,000	÷	124,000	=	13,300 BU
	2017	1650,000	÷	124,000	=	13,300 BU
	2018	1450,000	÷	124,000	=	11,700 BU

SPECIAL DISTRICT AND IMPROVEMENT AREAS
RECOMMENDED CHANGES 2011

134689- Town change in level – 2.573.(2007)

COMMERCIAL/INDUSTRIAL/EXEMPT FORMULAE

Townwide Water (K3)	Comm/Ind/Ex AV ÷ 124,000 = benefit units (4,000 ÷ 27% ÷ 30.71% = 48,200)
Townwide Drainage (Y2)	Comm/Ind/Ex AV ÷ 213,600 = benefit units (25,500 ÷ 30/71% = 83,000)
1st Ward Sewer (H3)	Comm/Ind/Ex AV ÷ 130,500 = benefit units (4,200 ÷ 27% ÷ 30.71% = 50,700)
Trimunicipal (Q6)	Same as 1st Ward Sewer
South Gate Sewer (H0)	Same as 1st Ward Sewer
Arlington Sewer Cap) (F4) Arlington Sewer Main) (F5)	Comm/Ind/Ex AV ÷ 38,900 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% = 15,100)
South Road Sewer (G2)	Comm/Ind/Ex AV ÷ 97,000 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% ÷ 40% = 37,700)
4th Ward Sewer Cap) (P4) 4th Ward Sewer O & M)(P5)	Comm/Ind/Ex AV ÷ 154,100 = benefit units (18,400 ÷ 30.71% = 59,900)
Woodmere Sewer GO	Comm/Ind/Ex AV ÷ 82,100 = benefit units
Arlington Sewer Service Area (Y1) 1994 Sewer Improvement Area (Y4)	Comm/Ind/Ex AV ÷ 233,600 = benefit units (27,900 ÷ 30.71% = 90,800)
New Hamburg Ambulance (M0)	Comm/Ind/Ex AV ÷ 170,800 = benefit units (20,400 ÷30.71% = 66,400) Mobile Homes - .8 (800) each

LIMITED BENEFIT UNITS @ 5%

Commercial Water & PMP BRA

CODE
K3

South Park – Carlisle
Spackenkill Hts
Sherman Hts
Sharon Hts

Type Property	Benefit Units	Total 1982 B.U.	$ Amount Based on 1982 Rate
RESIDENTIAL		32,642.705	$
one family w/ 2 AC or less		1 B.U. ea	31.92
Two family "		1 B.U. ea	
Three family "		1 B.U. ea	
Four family			
Non Service		105 B.U.	1.55
APARTMENTS 8 of 17 apt complexes on for formula			
First Apartment		1 B.U. Each	
Additional Apts	1 BRS		
	2 BRS		
	3 BRS		
Example			
Canterbury – has 204 APTS – on for 124 B.U.			
Ridgefield APTS – has 292 APTS – on for 129 B.U.			
Heritage – has 288 apts on for 170 B.U.			
Manchester Village has 219 apts – on for 127 B.U.			
Beechwood APTS has 108 apts – on for 74.5 B.U.			
Freeman Brook APTS has 92 apts – on for 71 B.U.			
Colleyquin – 48 apts – on for 33 B.U.			
Dutchess – 100 apts – on for 61 B.U.			
Vassar Terrace 60 apts – on for 39 B.U.			
Mobile Homes			
First trailer		1 B.U. ea	
additional trailers			
Example Camelot Village 1981 had 152 B.U. Little Falls on for 1.2 B.U.			$ 4,422.99
Hotels			
~~First Unit~~	Commercial Formula used		
additional units			
Efficiency units			
Example			
COMMERCIAL & INDUSTRY		1987 – 48 200	
FORMULA		Assessed Value ~~X 27% = 4000~~	
Example South Hill Mall x formula = 992.8 B.U. 4,539,[illegible]			$ 30,221.32
Special types of Commercial			

POUGHKEEPSIE 2018
Town Tax 2018
Town: 134689 POUGHKEEPSIE

RECEIVED 2018 NOV 14 PM 12:55 TAX SERVICES

DO NOT PAY - This is a receipt

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

BILL NO.	005465
TAX YEAR	2018
NY TAX FN.CD.	104
STATE AID	$577,000
BANK	
PER ASSESSMENT ROLE	07/01/2016
SCHOOL CODE	135601

HUDSON CONFERENCE CENTER LLC
26 ALDEN TER
FLANDERS NJ 07836

TAX MAP NO: 6159-01-331731-0000
LOCATION: 2170 SOUTH RD
DIMENSIONS: Acreage: 7.9
PROPERTY CLASS: 414 Hotel
WARRANT DATE: 12/18/2017 **FISCAL YEAR** Jan 1, 2018 - Dec 31, 2018

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 7/01/2016: $1,450,000
The ASSESSED VALUE of this property as of 7/01/2016: $1,450,000
The UNIFORM PERCENT OF VALUE used to establish assessment was: 100.00%

If you think your assessment is too high, you have the right to seek a reduction in the future.
A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov

EXEMPTION INFORMATION

Exemption	Value	TaxPurpose	Full Value Estimate	Exemption	Value	TaxPurpose	Full Value Estimate

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change from Prior Year	Taxable Assessed Value	Tax Rate per $1000	Tax Amount
Town Outside Tax	$22,804,477	0.4%	1,450,000	9.586376	$13,900.25
County Tax	$106,303,699	-0.1%	1,450,000	3.538629	$5,131.01
Arlington Fire	$16,987,996	1.5 %	1,450,000	6.293393	$9,125.42
Arlington Sewer	$0	0 %	9,000	0.030751	$276.76
Consolidated Light	$404,345	-9.1 %	1,450,000	0.334495	$485.02
Country Cl Sewer	$0	0 %	154,000	0.465939	$71,754.61
Pok Lib District	$1,995,161	3.2 %	1,450,000	1.650499	$2,393.22
Town Wide Wat Imp' -TWO K3	$0	0 %	~~154,000~~ 11,700	0.028744	~~$4,426.58~~ 336.30
Townwide Drain Imp	$0	0 %	9,800	0.004592	$45.00
Tri-muni 1st Ward	$0	0 %	800	0.011213	$8.97
Unpaid Sewer	$0	0 %	0	1	$134.20
Unpaid Water	$0	0 %	0	1	$134.20

PAID: 2/15/2018	$35,938.42
PAID: 2/15/2018	$35,938.41
PAID: 2/15/2018	$35,938.41
TOTAL AMOUNT PAID	~~$107,815.24~~ 103,724.96

F 20 - F 41

Refund
Town of Poughkeepsie
2017/18 C/T Tax Bill

Grid Number: 134689-6159-01-331731-0000
Name: Hudson Conference Center LLC
Location: 2170 South Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,450,000		1,450,000	0.003538629	5,131.01
Town of Poughkeepsie	1,450,000		1,450,000	0.009586376	13,900.25
Arlington Fire	1,450,000		1,450,000	0.006293393	9,125.42
Arlington Sewer	9,000		9,000	0.030751	276.76
Consolidated Light	1,450,000		1,450,000	0.000334495	485.02
Country Club Sewer	154,000		154,000	0.465939	71,754.61
Pok Lib District	1,450,000		1,450,000	0.001650499	2,393.22
Town Wide Wat Imp	154,000		154,000	0.028744	4,426.58
Townwide Drain Imp	9,800		9800.00	0.004592	45.00
Tri-Muni 1st Ward	800		800.00	0.011213	8.97
Unpaid Sewer					134.20
Unpaid Water					134.20
	School Interest (0 or 2%)			County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Current Roll	107,815.24

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,450,000		1,450,000	0.003538629	5,131.01
Town of Poughkeepsie	1,450,000		1,450,000	0.009586376	13,900.25
Arlington Fire	1,450,000		1,450,000	0.006293393	9,125.42
Arlington Sewer	9,000		9,000	0.030751	276.76
Consolidated Light	1,450,000		1,450,000	0.000334495	485.02
Country Club Sewer	154,000		154,000	0.465939	71,754.61
Pok Lib District	1,450,000		1,450,000	0.001650499	2,393.22
Town Wide Wat Imp	11,700		11,700	0.028744	336.30
Townwide Drain Imp	9,800		9,800	0.004592	45.00
Tri-Muni 1st Ward	800			0.011213	8.97
Unpaid Sewer					134.20
Unpaid Water					134.20
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Corrected Roll	103,724.96

Chargeback A430 Town Wide Wat Imp (TW0K3) 4,090.28

TOTAL CHARGEBACK AMOUNT 4,090.28

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019014 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019014 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 22, 2019

Budget, Finance, & Personnel

RESOLUTION NO. 2019015

RE: APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:
APPLICANT: Hudson Conference Center LLC
2170 South Rd.
Poughkeepsie NY 12601
ACCOUNT NO.: 134689-6159-01-331731-0000

Legislators METZGER, SAGLIANO, MICCIO, TRUITT, and KEITH offer the following and move its adoption:

WHEREAS, there is a special benefit assessment on the assessment roll for the Town of Poughkeepsie for 2016 under the name of Hudson Conference Center LLC, Account No. 134689-6159-01-331731-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a refund of real property taxes based on an alleged clerical error, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the Town Assessor has made a clerical error in calculating the special benefit assessment on said assessment roll for the Town of Poughkeepsie, and

WHEREAS, attached hereto is the written report of said Director together with his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received November 13, 2018, relating to Account No. 134689-6159-01-331731-0000 for a refund is hereby approved, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to issue a tax refund to the applicant in the amount of $4,659.28 and to charge-back the erroneous taxes on next year's levy as follows:

A430 Town Wide Water Imp. (TW0K3) $4,659.28

and be it further

RESOLVED, that the Clerk of the County Legislature be and hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

CA-004-19
CEB/MB/kvh G-194
12/17/18

Fiscal Impact: None

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Margaret Burns Prepared On: Nov 21, 2018

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Le_ Description (grid #) **134689-6159-01-331731-0000**

Owner's Name **Hudson Conference Center LLC**

Mailing Address **2170 South Rd. Poughkeepsie NY 12601**

Property Location **2170 South Rd.**

School District **Wappingers Central School Dist.** Special District **Townwide Water Imp**

Total Assessed Value now on roll **1,650,000** Corrected to **Same**

Taxable Assessed Value (Prior to Star) now on roll **1,650,000** Corrected to **Same**

Exempt codes and amounts if applicable

Amount Levied **$112,077.82** Should be **$107,418.54**

Tax Bill Paid? **X** yes ___no Verified with assessor? **X** yes ___no

Error Claimed is defined in Real Property Tax Law, Section 550:

X Subdivision 2, Paragraph **E** (clerical error)
__ division 3, Paragraph __ (error in essential fact)
___ubdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll __

Exemption amount incorrectly calculated ___

Assessed value on roll does not match assessor's final work product __

Structure did not exist on taxable status date or was present on another parcel __

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead or non-homestead __

Other: **X** Miscalculation of the benefit units for the Water District.

Recommendation **X** **APPROVE APPLICATION** _____**DENY APPLICATION**

Details: **It is recommended that the application for a partial refund of the 2016/17 Cnty/Town tax bill be approved**

__ **^430(Town Wide Water Imp TW0K3) $4,659.28**

__

Investigator Margaret Burns Director Eric Gibson Date 11/21/2018

Department of Taxation and Finance
Office of Real Property Tax Services

Application for Refund or Credit of Real Property Taxes

RP-556
(4/18)

2018 NOV 13 PM 3:25
REAL PROPERTY TAX SERVICES

Part 1 – General information: To be completed in duplicate by the applicant.

Names of owners Hudson Conference Center, LLC			
Mailing address of owners *(number and street or PO box)* 2170 South Road		Location of property *(street address)* 2170 South Road	
City, village, or post office Poughkeepsie	State NY	ZIP code 12601	City, town, or village Poughkeepsie	State NY	ZIP code 12601
Daytime contact number 973-767-8200	Evening contact number same		Tax map number of section/block/lot: Property identification *(see tax bill or assessment roll)* 6159-01-331731-0000		
Account number *(as appears on tax bill)*	Amount of taxes paid or payable 5,099.71		Date of payment 02-17-2017		
Reasons for requesting a refund or credit: Overpayment due to error in benefit units being charged					

I hereby request a refund or credit of real property taxes levied by Poughkeepsie (County, city, village, etc.) for the year(s) 2017.

Signature of applicant Bhavin Patel	Date 11/9/18

art 2 – To be completed by the County Director or Village Assessor. Attach a written report including documentation and recommendation. Specify the type of error and paragraph of subdivision 2, 3, or 7 of Section 550 under which the error falls. If a *Directed reinstatement*, see instructions.

Date application received 11/13/18	Date warrant annexed 12/15/16
Last day for collection of taxes without interest Paid 2/17/17	Recommendation **Approve application*** ☒ **Deny application** ☐
Signature of official [signature]	Date 11/21/2018

* If this application is approved, and the same error appears on a current assessment roll, send a copy of this form, including all attachments, to the assessor and board of assessment review. They must treat this application as a petition for the correction of that current roll (Form RP-553).

Part 3 – For use by the **tax levying body or official designated by resolution** _____ :
(insert number or date, if applicable)

Application approved (Mark an ***X*** in the applicable box):

Clerical error ☐ Error in essential fact ☐ Unlawful Entry ☐ Directed reinstatement ☐

Amount of taxes paid	Amount of taxes due	Amount of refund or credit

Application denied (reason):

_____

_____

_____

Signature of chief executive officer or official designated by resolution	Date

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess County do hereby certify that the real property owned by

Hudson Conference Center *Grid* *6159-01-331731-0000*

shown of the **2016, 2017, 2018 January** Tax Rolls of the Town of Poughkeepsie **Special District Town Wide Water** assessed in the amounts of 154000 BU is correct/incorrect due to the clerical error (E)/unlawful entry/ error in essential fact resulting from

Used wrong calculation in creating the Benefit units. Used room count not AV. Assessed Value should have been used.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

11/14/2018 Kathleen D Taber
DATE ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

( ) exemption application
( ) Property record card
( ) Tax Bill
( ) Other

(X) assessor work book
( ) verified statement from BAR
(X) Paid Tax Bill

		AV				
Tax	2016	1,650,000	÷	124,000	=	13,300 BU
	2017	1650,000	÷	124,000	=	13,300 BU
	2018	1450,000	÷	124,000	=	11,700 BU

SPECIAL DISTRICT AND IMPROVEMENT AREAS
RECOMMENDED CHANGES 2011

134689- Town change in level – 2.573.(2007)

COMMERCIAL/INDUSTRIAL/EXEMPT FORMULAE

Townwide Water (K3)	Comm/Ind/Ex AV ÷ 124,000 = benefit units (4,000 ÷ 27% ÷ 30.71% = 48,200)
Townwide Drainage (Y2)	Comm/Ind/Ex AV ÷ 213,600 = benefit units (25,500 ÷ 30/71% = 83,000)
1st Ward Sewer (H3)	Comm/Ind/Ex AV ÷ 130,500 = benefit units (4,200 ÷ 27% ÷ 30.71% = 50,700)
Trimunicipal (Q6)	Same as 1st Ward Sewer
South Gate Sewer (H0)	Same as 1st Ward Sewer
Arlington Sewer Cap) (F4) Arlington Sewer Main) (F5)	Comm/Ind/Ex AV ÷ 38,900 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% = 15,100)
South Road Sewer (G2)	Comm/Ind/Ex AV ÷ 97,000 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% ÷ 40% = 37,700)
4th Ward Sewer Cap) (P4) 4th Ward Sewer O & M)(P5)	Comm/Ind/Ex AV ÷ 154,100 = benefit units (18,400 ÷ 30.71% = 59,900)
Woodmere Sewer GO	Comm/Ind/Ex AV ÷ 82,100 = benefit units
Arlington Sewer Service Area (Y1) 1994 Sewer Improvement Area (Y4)	Comm/Ind/Ex AV ÷ 233,600 = benefit units (27,900 ÷ 30.71% = 90,800)
New Hamburg Ambulance (M0)	Comm/Ind/Ex AV ÷ 170,800 = benefit units (20,400 ÷30.71% = 66,400) Mobile Homes - .8 (800) each

LIMITED BENEFIT UNITS @ 5%

Lowmans Water & PMP BRA

CODE
K3

South Park - Carlton, C
Spartanburg Hts
Squaw Creek
Sharon Hts
Sharon Hts Apts Carlton

Type Property	Benefit Units	$ Amount Based on 1982 Rate
	Total 1982 B.U.	
RESIDENTIAL	32,642.705	$
one family w/ 2 AC or less	1 B.U. ea	31.02
two family "	1 B.U. ea	
three family "	1 B.U. ea	
Four family		
Non Service	105 B.U.	1.55
APARTMENTS 8 of 17 apt Complexes on for formula		
First Apartment	1 B.U. Each	
Additional Apts 1 BRS		
2 BRS		
3 BRS		
EXAMPLE		
Canterbury - has 204 Apts O.N. for 124 B.U.		
Ridgefield Apts - has 292 Apts on for 153 B.U.		
Heritage has 288 apts on for 170 B.U.		
Manchester has 219 apts on for 127 B.U.	Colleagueiu - 48 apts - on for 33 B.U.	
Beechwood Apts has 108 apts - on for 74.5 B.U.	Dutchess - 100 apts - on for 61 B.U.	
Greenbriar Apts has 62 apts - on for 71 B.U.	Vasserthalen 60 apts - on for 39 B.U.	
Mobile Homes		
First trailer	1 B.U. ea	
additional trailers		
Example Camelot Village 1981 had 152 B.U. Little Falls on for 112 B.U.		$ 4,422.99
Hotels		
~~First Unit~~	Commercial Formula used	
additional units		
Efficiency units		
Example		
COMMERCIAL & INDUSTRY	1987 - 48,200	
FORMULA	Assessed Value ~~X 27%~~ ÷ 4000	
Example South Hill Mall x formula = 902.8 B.U. 14,5291		$ 30,221.32
Special types of Commercial		

16/17

RECEIVED

POUGHKEEPSIE 2017
Town Tax 2017
Town: 134689 POUGHKEEPSIE 2018 NOV 16 PM 12:56

DO NOT PAY - This is a receipt
WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

TAX SERVICES

BILL NO.	005487
TAX YEAR	2017
NY TAX FN.CD.	104
STATE AID	$577,000
BANK	
PER ASSESSMENT ROLE	07/01/2015
SCHOOL CODE	135601

HUDSON CONFERENCE CENTER LLC
26 ALDEN TER
FLANDERS, NJ 07836

TAX MAP NO: 6159-01-331731-0000
LOCATION: 2170 SOUTH RD
DIMENSIONS: Acreage: 7.9
PROPERTY CLASS: 414 Hotel
WARRANT DATE: 12/15/2016 **FISCAL YEAR** Jan 1, 2017 - Dec 31, 2017

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 7/01/2015: $1,650,000
The ASSESSED VALUE of this property as of 7/01/2015: $1,650,000
The UNIFORM PERCENT OF VALUE used to establish assessment was: 100.00%

If you think your assessment is too high, you have the right to seek a reduction in the future.
A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov

EXEMPTION INFORMATION

Exemption	Value	TaxPurpose	Full Value Estimate	Exemption	Value	TaxPurpose	Full Value Estimate

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change from Prior Year	Taxable Assessed Value	Tax Rate per $1000	Tax Amount
Town Outside Tax	$22,724,331	0.4%	1,650,000	9.578269	$15,804.14
County Tax	$106,383,900	0.3%	1,650,000	3.575632	$5,899.79
Arlington Fire	$16,734,584	-0.5 %	1,650,000	6.207274	$10,242.00
Consolidated Light	$444,735	-0.9 %	1,650,000	0.368891	$608.67
Country Cl Sewer	$0	0 %	154,000	0.465579	$71,699.17
Pok Lib District	$1,933,375	8.2 %	1,650,000	1.603663	$2,646.04
Town Wide Wat Imp	$0	0 %	~~154,000~~ 13,300	0.033115	$5,099.71 440.43
Townwide Drain Imp	$0	0 %	9,800	0.007078	$69.36
Tri-muni 1st Ward	$0	0 %	800	0.011177	$8.94

PAID: 2/17/2017	$37,359.28
PAID: 2/17/2017	$37,359.27
PAID: 2/17/2017	$37,359.27
TOTAL AMOUNT PAID	$112,~~077.82~~

107,418.54

14659.28 refund

SCHEDULE A

Refund
Town of Poughkeepsie
2016/17 C/T Tax Bill

Grid Number: 134689-6159-01-331731-0000
Name: Hudson Conference Center LLC
Location: 2170 South Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,650,000		1,650,000	0.003575632	5,899.79
Town of Poughkeepsie	1,650,000		1,650,000	0.009578269	15,804.14
Arlington Fire	1,650,000		1,650,000	0.006207274	10,242.00
Consolidated Light	1,650,000		1,650,000	0.000368891	608.67
Country Club Sewer	154,000		154,000	0.465579	71,699.17
Pok Lib District	1,650,000		1,650,000	0.001603663	2,646.04
Town Wide Wat Imp	154,000		154,000	0.033115	5,099.71
Townwide Drain Imp	9,800		9800.00	0.007078	69.36
Tri-Muni 1st Ward	800		800.00	0.011177	8.94
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Current Roll	112,077.82

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,650,000		1,650,000	0.003575632	5,899.79
Town of Poughkeepsie	1,650,000		1,650,000	0.009578269	15,804.14
Arlington Fire	1,650,000		1,650,000	0.006207274	10,242.00
Consolidated Light	1,650,000		1,650,000	0.000368891	608.67
Country Club Sewer	154,000		154,000	0.465579	71,699.17
Pok Lib District	1,650,000		1,650,000	0.001603663	2,646.04
Town Wide Wat Imp	154,000		13,300	0.033115	440.43
Townwide Drain Imp	9,800		9,800	0.007078	69.36
Tri-Muni 1st Ward	800			0.011177	8.94
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Corrected Roll	107,418.54

Chargeback A430 Town Wide Wat Imp (TW0K3) 4,659.28

TOTAL CHARGEBACK AMOUNT 4,659.28

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 6 **Abstentions:** 0

2019015 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019015 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 22, 2019

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2019016

RE: APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:

APPLICANT: Hudson Conference Center LLC
2170 South Rd.
Poughkeepsie NY 12601

ACCOUNT NO.: 134689-6159-01-331731-0000

Legislators METZGER, SAGLIANO, MICCIO, TRUITT, and KEITH offer the following and move its adoption:

WHEREAS, there is a special benefit assessment on the assessment roll for the Town of Poughkeepsie for 2015 under the name of Hudson Conference Center LLC, Account No. 134689-6159-01-331731-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a refund of real property taxes based on an alleged clerical error, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the Town Assessor has made a clerical error in calculating the special benefit assessment on said assessment roll for the Town of Poughkeepsie, and

WHEREAS, attached hereto is the written report of said Director together with his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the clerical error does exist, now, therefore, be it

RESOLVED, that the application received November 13, 2018, relating to Account No. 134689-6159-01-331731-0000 for a refund is hereby approved, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to issue a tax refund to the applicant in the amount of $5,193.24 and to charge-back the erroneous taxes on next year's levy as follows:

A430 Town Wide Water Imp. (TW0K3) $5,193.24,

and be it further

RESOLVED, that the Clerk of the County Legislature be and hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

CA-005-18
CEB/MB/kvh G-194
12/18/18

Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Margaret Burns Prepared On: Nov 21, 2018

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Le Description (grid #) **134689-6159-01-331731-0000**

Owner's Name **Hudson Conference Center LLC**

Mailing Address **2170 South Rd. Poughkeepsie NY 12601**

Property Location **2170 South Rd.**

School District **Wappingers Central School Dist.** Special District **Townwide Water Imp**

Total Assessed Value now on roll **1,650,000** Corrected to **Same**

Taxable Assessed Value (Prior to Star) now on roll **1,650,000** Corrected to **Same**

Exempt codes and amounts if applicable

Amount Levied **$112,070.59** Should be **$106,877.35**

Tax Bill Paid? **X** yes ___no Verified with assessor? **X** yes ___no

Error Claimed is defined in Real Property Tax Law, Section 550:

X Subdivision 2, Paragraph **E** (clerical error)
___ division 3, Paragraph ___ (error in essential fact)
___ubdivision 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll ___

Exemption amount incorrectly calculated ___

Assessed value on roll does not match assessor's final work product ___

Structure did not exist on taxable status date or was present on another parcel ___

Assessment based on incorrect acreage ___

Parcel should be Wholly Exempt ___

Parcel Misclassified as homestead or non-homestead ___

Other: **X** Miscalculation of the benefit units for the Water District.

Recommendation **X** **APPROVE APPLICATION** _____ **DENY APPLICATION**

Details: **It is recommended that the application for a partial refund of the 2015/16 Cnty/Town tax bill be approved**

^430(Town Wide Water Imp TW0K3) $5,193.24

Investigator Margaret Burns Director Eric Ellison Date 11/21/2018

Department of Taxation and Finance
Office of Real Property Tax Services

Application for Refund or Credit of Real Property Taxes

RP-556
(4/18)

Part 1 – General information: To be completed in duplicate by the applicant.

Names of owners Hudson Conference Center, LLC			
Mailing address of owners *(number and street or PO box)* 2170 South Road		Location of property *(street address)* 2170 South Road	
City, village, or post office Poughkeepsie	State NY	ZIP code 12601	City, town, or village Poughkeepsie	State NY	ZIP code 12601
Daytime contact number 973-767-8200	Evening contact number same		Tax map number of section/block/lot: Property identification *(see tax bill or assessment roll)* 6159-01-331731-0000		
Account number *(as appears on tax bill)*	Amount of taxes paid or payable 5,684.14		Date of payment 02-12-2016		
Reasons for requesting a refund or credit: Overpayment due to error in benefit units being charged					

I hereby request a refund or credit of real property taxes levied by Poughkeepsie (County, city, village, etc.) for the year(s) 2016.

Signature of applicant Bhavesh Patel	Date 11/9/18

Part 2 – To be completed by the County Director or Village Assessor. Attach a written report including documentation and recommendation. Specify the type of error and paragraph of subdivision 2, 3, or 7 of Section 550 under which the error falls. If a *Directed reinstatement*, see instructions.

Date application received 11/13/18	Date warrant annexed 12/15/15
Last day for collection of taxes without interest Paid 2/12/16	Recommendation **Approve application*** ☒ **Deny application** ☐
Signature of official [illegible]	Date 11/21/2018

* If this application is approved, and the same error appears on a current assessment roll, send a copy of this form, including all attachments, to the assessor and board of assessment review. They must treat this application as a petition for the correction of that current roll (Form RP-553).

Part 3 – For use by the **tax levying body or official designated by resolution** _____ :
(insert number or date, if applicable)

Application approved (Mark an *X* in the applicable box):

Clerical error ☐ Error in essential fact ☐ Unlawful Entry ☐ Directed reinstatement ☐

Amount of taxes paid	Amount of taxes due	Amount of refund or credit

Application denied (reason):

Signature of chief executive officer or official designated by resolution	Date

Instructions

General information

Where to send

Submit two copies of this application to the County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer). In a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees.

When to send

You must submit this application within three years of the annexation of the warrant for the collection of such tax.

Refunds

If the tax was already paid, and the application is approved, the applicant is entitled to a refund of the overpayment.

Credits

If the tax has not yet been paid, and the application is approved, the applicant is entitled to a credit reducing the amount of the outstanding tax. The corrected tax must be paid with the interest and penalties that have accrued up to that point. No additional interest and penalties will be imposed if the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant. The interest and penalties on the credited portion of the tax are cancelled.

Types of correctable errors

Real Property Tax Law (RPTL) section 550 recognize the following types of correctable errors:

Clerical error (RPTL section 550, subdivision 2):

(a) an entry of assessed value on the tax roll which differs from the entry for the same parcel on the property record card, field book, or other final work product of the assessor, or the final verified statement of the board of assessment review due to an error in transcription

(b) a mathematical error in the calculation of a partial exemption

(c) an incorrect entry due to failure of the assessor to act on a partial exemption

(d) an arithmetical error in the calculation or extension of the tax

(e) an incorrect entry due to a mistake in the determination or transcription of a special assessment or other charge based on units of service provided by a special district

(f) a duplicate entry of the description or assessed valuation, or both, of an entire single parcel

(g) an entry on a tax roll which is incorrect by reason of an arithmetical mistake by the assessor appearing on the property record card, field book, or other final work product of the assessor

(h) an incorrect entry on a tax roll of a re-levied school tax or re-levied village tax which has been previously paid

(i) an entry on a tax roll which is incorrect by reason of a mistake in transcription of a re-levied school tax or re-levied village tax

Error in essential fact (RPTL section 550, subdivision 3):

(a) the assessment of an improvement destroyed or removed prior to taxable status date

(b) the assessment of an improvement not in existence or present on a different parcel

(c) an incorrect entry of acreage which was considered by the assessor in valuing the parcel and which resulted in an incorrect assessed valuation, where such acreage is shown to be incorrect on a survey submitted by the applicant

(d) not applicable to refunds

(e) not applicable to refunds

(f) misclassification of a parcel in an approved assessing unit which is exclusively used for either residential or non-residential purposes

Unlawful entry (RPTL section 550, subdivision 7):

(a) an assessment of wholly exempt property on the taxable portion of the assessment roll

(b) an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located

(c) an entry made by a person or body without the authority to make such entry

(d) an assessment of taxable state land which exceeds the assessment as approved by the Office of Real Property Tax Services (ORPTS)

(e) an assessment of special franchise property which exceeds the final assessment as made by ORPTS or the full value of that special franchise as determined by ORPTS adjusted by the final state equalization rate established by the ORPTS for the assessment roll upon which that value appears

For an *unlawful entry*, attach a statement signed by assessor or majority of board of assessors substantiating that that parcel should have been granted tax exempt status on tax roll.

Directed reinstatements:

Enter Directed reinstatement on the report required by Part 2 only when an Enhanced STAR Exemption or a senior citizens exemption was properly removed but is being reinstated under the *good cause* authorization of Real Property Tax Law (RPTL) sections 425(6)(a-2) or 467(8-a). In such a case, the written report of the county director or village assessor must indicate that there has been a good cause finding, and a copy of the written report must be attached to this form.

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess County do hereby certify that the real property owned by

Hudson Conference Center *Grid 6159-01-331731-0000*

shown of the **2016, 2017, 2018 January** Tax Rolls of the Town of Poughkeepsie **Special District Town Wide Water** assessed in the amounts of 154000 BU is correct/incorrect due to the clerical error (E)/unlawful entry/ error in essential fact resulting from

Used wrong calculation in creating the Benefit units. Used room count not AV. Assessed Value should have been used.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

11/14/2018 Kathleen D Taber
DATE ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

( ) exemption application
( ) Property record card
( ) Tax Bill
( ) Other

(X) assessor work book
( ) verified statement from BAR
(X) Paid Tax Bill

		AV				
Tax	2016	1,650,000	÷	124,000	=	13,300 BU
	2017	1650,000	÷	124,000	=	13,300 BU
	2018	1450,000	÷	124,000	=	11,700 BU

SPECIAL DISTRICT AND IMPROVEMENT AREAS
RECOMMENDED CHANGES 2011

134689- Town change in level – 2.573 (2007)

COMMERCIAL/INDUSTRIAL/EXEMPT FORMULAE

Townwide Water (K3)	Comm/Ind/Ex AV ÷ 124,000 = benefit units (4,000 ÷ 27% ÷ 30.71% = 48,200)
Townwide Drainage (Y2)	Comm/Ind/Ex AV ÷ 213,600 = benefit units (25,500 ÷ 30/71% = 83,000)
1st Ward Sewer (H3)	Comm/Ind/Ex AV ÷ 130,500 = benefit units (4,200 ÷ 27% ÷ 30.71% = 50,700)
Trimunicipal (Q6)	Same as 1st Ward Sewer
South Gate Sewer (H0)	Same as 1st Ward Sewer
Arlington Sewer Cap) (F4) Arlington Sewer Main) (F5)	Comm/Ind/Ex AV ÷ 38,900 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% = 15,100)
South Road Sewer (G2)	Comm/Ind/Ex AV ÷ 97,000 = benefit units (1.00 ÷ 80% x 1,000 ÷ 27% ÷ 30.71% ÷ 40% = 37,700)
4th Ward Sewer Cap) (P4) 4th Ward Sewer O & M)(P5)	Comm/Ind/Ex AV ÷ 154,100 = benefit units (18,400 ÷ 30.71% = 59,900)
Woodmere Sewer GO	Comm/Ind/Ex AV ÷ 82,100 = benefit units
Arlington Sewer Service Area (Y1) 1994 Sewer Improvement Area (Y4)	Comm/Ind/Ex AV ÷ 233,600 = benefit units (27,900 ÷ 30.71% = 90,800)
New Hamburg Ambulance (M0)	Comm/Ind/Ex AV ÷ 170,800 = benefit units (20,400 ÷30.71% = 66,400) Mobile Homes - .8 (800) each

LIMITED BENEFIT UNITS @ 5%

Continued with AMP BRA

South Park - Cambridge
Spadankie Hts
Sherman Hts
Sharon Hts

CODE
K3

Type Property	Benefit Units	Total 1982 B.U.	$ Amount Based on 1982 Rate
		32,642.705	$
RESIDENTIAL			
one family w/ 2 AC or less		1 B.U. ea	31.02
two family	"	1 B.U. ea	
three family	"	1 B.U. ea	
Four family			
NON Service		105 B.U.	1.55
APARTMENTS	8 of 17 apt Complexes on for formula		
FIRST APARTMENT		1 B.U. Each	
Additional Apts	1 BRS		
	2 BRS		
	3 BRS		
EXAMPLE			
Mobile Homes			
First trailer		1 B.U. ea	
additional trailers			
Example Camelot village 1981 had 150 B.U.			$ 4,422.99
Hotels			
~~First Unit~~	Commercial Formula used		
additional units			
Efficiency units			
Example			
COMMERCIAL & INDUSTRY	1987	48,200	
FORMULA	Assessed Value ~~X 27% ÷ 4000~~		
EXAMPLE	South Hill Apts x formula = 972.8 B.U.		$ 30,221.32
Special types of Commercial			

Continued:

Centerbury - has 204 APTS - O.N. for 124 B.U.
Ridgefield APTS - has 292 APTS on for 153 B.U.
Heritage has 288 apts on for 170 B.U.

Manchester Gardens has 219 apts on for 127 B.U.
Sherwood APTS has 108 apts - on for 74.5 B.U.
Freemont Village apts has 92 apts - on for 71 B.U.

Collegeview - 48 apts - on for 33 B.U.
Dutchess - 100 apts - on for 61 B.U.
Vasenthien - 60 apts - on for 39 B.U.

15/16 C/T

POUGHKEEPSIE 2016
Town Tax 2016
Town: 134689 POUGHKEEPSIE

2016 NOV 16 PM 12:56

DO NOT PAY - This is a receipt

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

BILL NO.	005493
TAX YEAR	2016
NY TAX FN.CD.	104
STATE AID	$670,618
BANK	L065715
PER ASSESSMENT ROLE	07/01/2014
SCHOOL CODE	135601

Hudson Conference Center LLC
26 Alden Ter
Flanders, NJ 07836

TAX MAP NO: 6159-01-331731-0000
LOCATION: 2170 South Rd
DIMENSIONS: Acreage: 7.9
PROPERTY CLASS: 414 Hotel
WARRANT DATE: 12/15/2015 **FISCAL YEAR** Jan 1, 2016 - Dec 31, 2016

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 7/01/2014: $1,650,000
The ASSESSED VALUE of this property as of 7/01/2014: $1,650,000
The UNIFORM PERCENT OF VALUE used to establish assessment was: 100.00%

If you think your assessment is too high, you have the right to seek a reduction in the future.
A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov

EXEMPTION INFORMATION

Exemption	Value	TaxPurpose	Full Value Estimate	Exemption	Value	TaxPurpose	Full Value Estimate

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change from Prior Year	Taxable Assessed Value	Tax Rate per $1000	Tax Amount
Town Outside Tax	$22,642,539	0.1%	1,650,000	9.652283	$15,926.27
County Tax	$106,070,429	0%	1,650,000	3.603851	$5,946.35
Arlington Fire	$16,817,219	5.8 %	1,650,000	6.269096	$10,344.01
Consolidated Light	$448,558	1.3 %	1,650,000	0.375265	$619.19
Country Cl Sewer	$0	0 %	154,000	0.460929	$70,983.07
Pok Lib District	$1,786,059	4.9 %	1,650,000	1.494221	$2,465.46
Town Wide Wat Imp	$0	0 %	154,000 73,300	0.3691	$5,684.14 490.90
Townwide Drain Imp	$0	0 %	9,800	0.8759	$85.84
Tri-muni 1st Ward	$0	0 %	800	0.20326	$16.26

PAID: 2/12/2016	$37,356.87
PAID: 2/12/2016	$37,356.86
PAID: 2/12/2016	$37,356.86
TOTAL AMOUNT PAID	$112,070.59

106,877.35

$5193.24 refund

SCHEDULE A

Refund
Town of Poughkeepsie
2015/16 C/T Tax Bill

Grid Number: 134689-6159-01-331731-0000
Name: Hudson Conference Center LLC
Location: 2170 South Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,650,000		1,650,000	0.003603851	5,946.35
Town of Poughkeepsie	1,650,000		1,650,000	0.009652283	15,926.27
Arlington Fire	1,650,000		1,650,000	0.006269096	10,344.01
Consolidated Light	1,650,000		1,650,000	0.000375265	619.19
Country Club Sewer	154,000		154,000	0.460929	70,983.07
Pok Lib District	1,650,000		1,650,000	0.001494221	2,465.46
Town Wide Wat Imp	154,000		154,000	0.03691	5,684.14
Townwide Drain Imp	9,800		9800.00	0.008759	85.84
Tri-Muni 1st Ward	800		800.00	0.020326	16.26
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Current Roll	112,070.59

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	1,650,000		1,650,000	0.003603851	5,946.35
Town of Poughkeepsie	1,650,000		1,650,000	0.009652283	15,926.27
Arlington Fire	1,650,000		1,650,000	0.006269096	10,344.01
Consolidated Light	1,650,000		1,650,000	0.000375265	619.19
Country Club Sewer	154,000		154,000	0.460929	70,983.07
Pok Lib District	1,650,000		1,650,000	0.001494221	2,465.46
Town Wide Wat Imp	154,000		13,300	0.03691	490.90
Townwide Drain Imp	9,800		9,800	0.008759	85.84
Tri-Muni 1st Ward	800			0.020326	16.26
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				Total Tax on Corrected Roll	106,877.35

Chargeback A430 Town Wide Wat Imp (TW0K3) 5,193.24

TOTAL CHARGEBACK AMOUNT 5,193.24

Budget, Finance, and Personnel Committee Roll Call

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

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019016 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019016 APPROVAL OF APPLICATIONS FOR REFUNDS OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE FOR THE TOWN OF POUGHKEEPSIE

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019017

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM GENE K. KNAPP AND GLORIA KNAPP, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed improvements to Beekman Road in the Towns of East Fishkill and Beekman, a project which includes the acquisition of certain portions of real property, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and would not have a significant adverse impact on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire a fee acquisition on a portion of property shown on Map 30, Parcel 31 (approximately 494.06 +/- square feet) located at 672 Beekman Road in the Town of Beekman, described as Parcel Identification Number 132800-6658-00-162318-0000, present owned by Gene K. Knapp and Gloria Knapp, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of $1,200 plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now therefore, be it

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

RESOLVED, that upon the receipt from the property owner of an 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 $1,200 and up to $1,000 in related expenses, if any, for such conveyance, and be it further

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

CA-006-19
AMS/kvh/R-0934-EE
12/31/18
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 2,200

Total Current Year Revenue and Source $ 2,090

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

Identify Line Items(s):
H0384.5110.300(9)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $110
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM GENE K. KNAPP AND GLORIA KNAPP, IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request authorization to acquire a fee acquisition of a 45.90+/- square meter, (494.06+/- square foot) parcel as shown on (Map 30, Parcel 31) for the purchase price of $1,200.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Beekman Road (CR 9) Highway Improvements**
PIN OR CIN: **8755.38** Maps: **30 & 31** Parcels: **31 & 32**

This Agreement by and between **GENE K. KNAPP** and **GLORIA KNAPP**, residing at 672 Beekman Road, Hopewell Junction, New York 12533, 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 **494.06±** square feet of real property. Purchase price is **$1,200.**

   ☐ a *permanent easement* to **0±** square feet of real property. Purchase price is **$0.**

   ☒ a *temporary easement* to **548.53±** square feet of real property. Purchase price is **$300.**

   Located at **672 Beekman Road, Town of East Fishkill**, Dutchess County, New York, and is further described as parcels 31 & 32 on Exhibit "A", attached hereto.

   Being a portion of those same lands described in that certain deed dated 11/1/1988 and recorded 11/4/1988 in Liber 1816 at Page 447 in the Office of the County Clerk for Dutchess County (re: Grid # 6558-00-162318),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: **lawn.**

3. PURCHASE PRICE. The total purchase price is **ONE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS ($1,500.00).** 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 _____, 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 $100.00 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 _____, 20_____, the parties have entered into this Agreement.

APPROVED AS TO FORM:

_____
Department of Law

Seller: _____
Gene K. Knapp

Seller: _____
Gloria Knapp

APPROVED AS TO CONTENT:

_____
Department of Public Works

COUNTY OF DUTCHESS

_____

Print Name: _____

Title: _____

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 30
PARCEL NO. 31
SHEET 1 OF 2

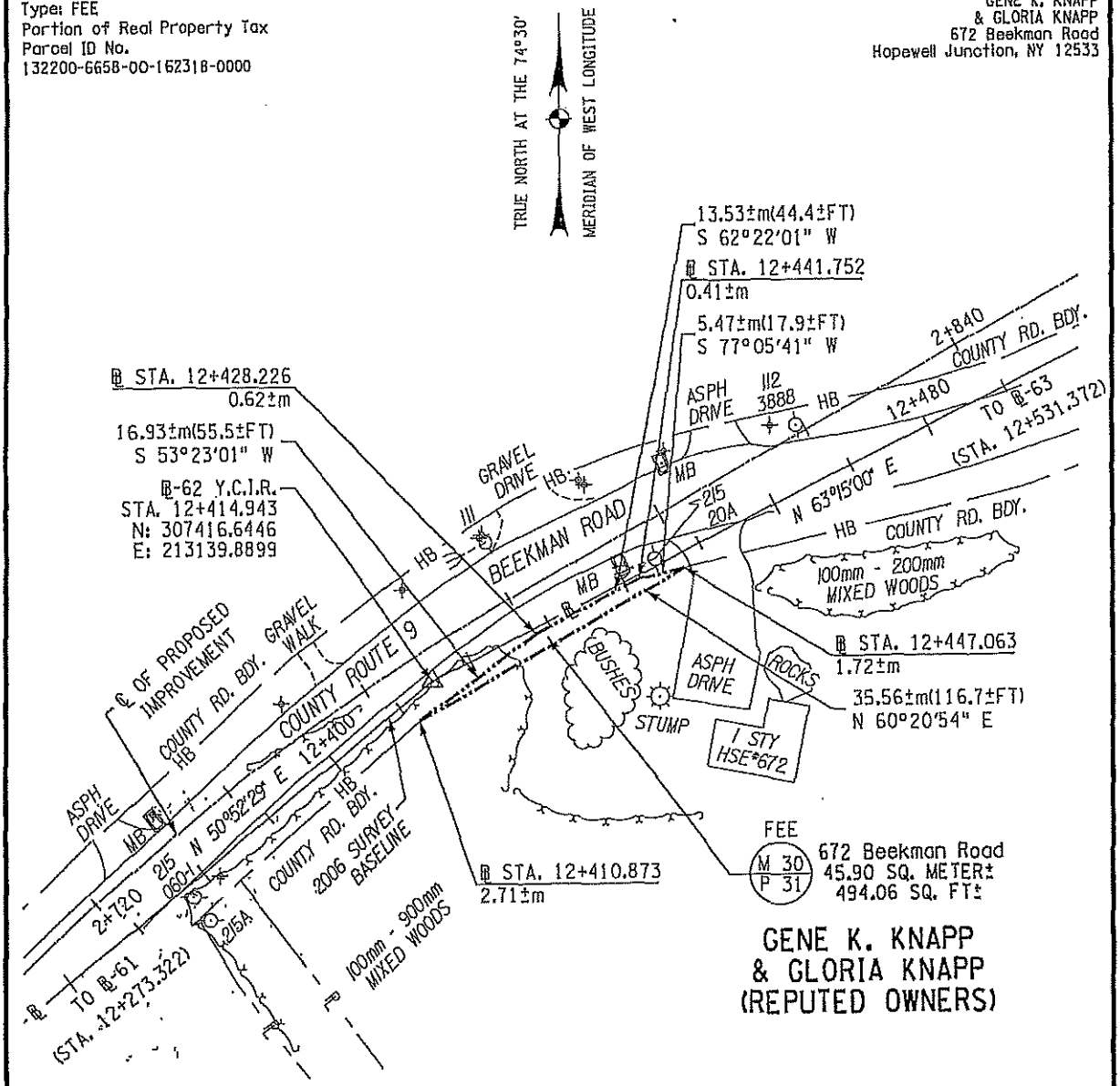
Originals of this map (sheets 1 & 2) are on file at the offices of the Dutchess County Department of Public Works.

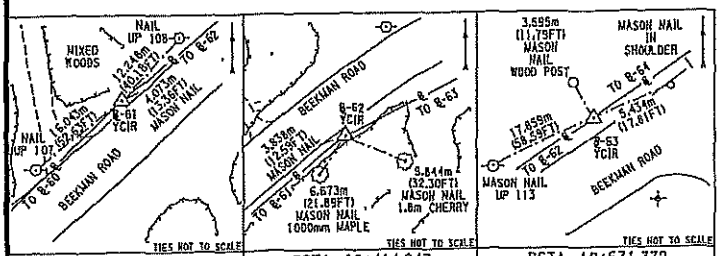
GENE K. KNAPP
& GLORIA KNAPP
(REPUTED OWNER)
L. 1816 P. 447

Town of Beekman
County of Dutchess
State of New York

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax
Parcel ID No.
132200-6658-00-162318-0000

REPUTED OWNERS:
GENE K. KNAPP
& GLORIA KNAPP
672 Beekman Road
Hopewell Junction, NY 12533





℄STA. 12+273.322 ℄-61 Y.C.I.R.	℄STA. 12+414.943 ℄-62 Y.C.I.R.	℄STA. 12+531.372 ℄-63 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96 N: 307327.2789m E: 213030.0244m	NYSPCS EAST ZONE NAD 83/96 N: 307416.6446m E: 213139.8899m	NYSPCS EAST ZONE NAD 83/96 N: 307469.0493m E: 213243.8566m

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

PREPARED BY J. BAIRD CHECKED BY R. DIENL FINAL CHECK BY J. MALIHOWSKI

FILE NAME = G:\w12-8802\DGN\Acq Maps\M30P31.dgn

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

PIN 8755.38

MAP NO. 30
PARCEL NO. 31
SHEET 2 OF 2

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

All that piece or parcel of property hereinafter designated as Parcel No. 31, situate in the Town of Beekman, 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 9 (BEEKMAN ROAD), SAID POINT BEING 2.71±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+410.873± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE NORTH 60°-20'-54" EAST THROUGH THE PROPERTY OF GENE K. KNAPP AND GLORIA KNAPP (REPUTED OWNERS) 35.56±m(116.7±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 1.72±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+447.063± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 77°-05'-41" WEST 5.47±m(17.9±FT.) TO A POINT 0.41±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+441.752± OF SAID BASELINE; (2) SOUTH 62°-22'-01" WEST 13.53±m(44.4±FT.) TO A POINT 0.62±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+428.226± OF SAID BASELINE; AND (3) SOUTH 53°-23'-01" WEST 16.93±m(55.5±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 45.90± SQUARE METERS (494.06± SQUARE FEET) MORE OR LESS.

BEGINNING AT STATION 12+273.322; THENCE NORTH 50°-52'-29" EAST TO STATION 12+414.943; THENCE NORTH 63°-15'-00" EAST TO STATION 12+531.372.

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

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

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

Date SEPTEMBER 15th 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. MALINOWSKI

FILE NAME = G:\M\13-002\MDM\Dwg Maps\V13P2Ln.dgn

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 31
PARCEL NO. 32
SHEET 1 OF 2

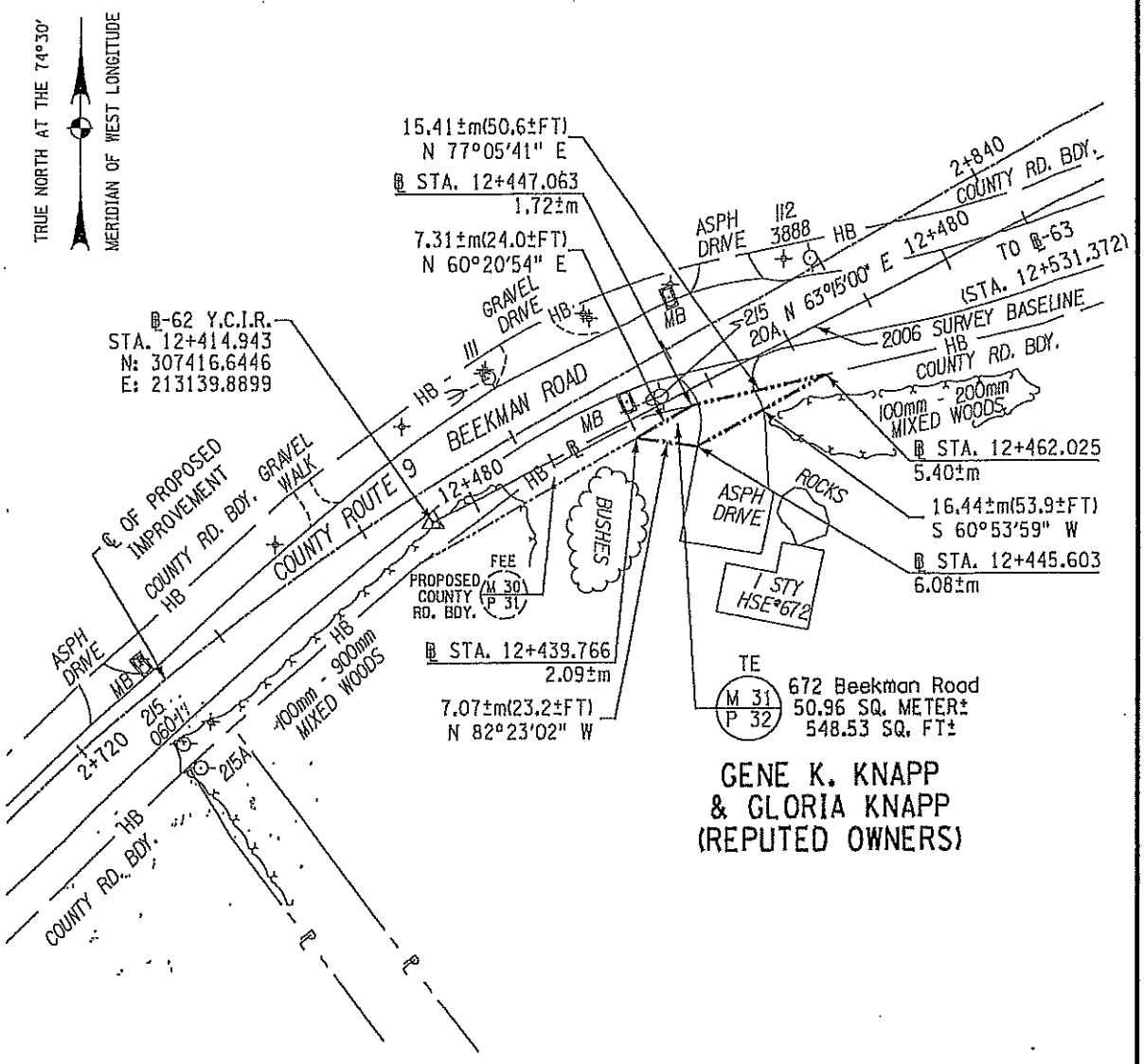
Originals of this map (sheets 1 & 2) are on file at the offices of the Dutchess County Department of Public Works.

GENE K. KNAPP
& GLORIA KNAPP
(REPUTED OWNERS)
L. 1816 P. 447

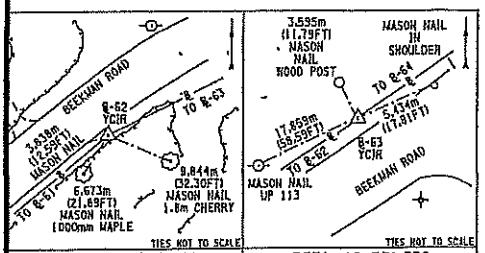
Town of Beekman
County of Dutchess
State of New York

ACQUISITION DESCRIPTION:
Type: TEMPORARY EASEMENT
Portion of Real Property Tax
Parcel ID No.
132200-6658-00-162318-0000

REPUTED OWNERS:
GENE K. KNAPP
& GLORIA KNAPP
672 Beekman Road
Hopewell Junction, NY 12533



GENE K. KNAPP
& GLORIA KNAPP
(REPUTED OWNERS)



℄STA. 12+414.943 ℄-62 Y.C.I.R.	℄STA. 12+531.372 ℄-63 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96 N: 307416.6446m E: 213139.8899m	NYSPCS EAST ZONE NAD 83/96 N: 307469.0493m E: 213243.8586m

10 0 10 20 30 m

SCALE 1:500

ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY J. BAIRD CHECKED BY B. DIEHL FINAL CHECK BY J. MALINOWSKI

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 31
PARCEL NO. 32
SHEET 2 OF 2

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in temporary easement 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.

PARCEL NO. 32, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF A WORK AREA IN CONNECTION WITH THE REHABILITATION OF COUNTY ROUTE 9 (BEEKMAN ROAD) TO GRADE THE SIDE SLOPES TO MEET THE EXISTING GROUND, RECONSTRUCT THE DRIVEWAY, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), SAID POINT BEING 5.40±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+462.025± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE THROUGH THE PROPERTY OF GENE K. KNAPP AND GLORIA KNAPP (REPUTED OWNERS) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) SOUTH 60°-53'-59" WEST (6.44±m(53.9±FT.) TO A POINT 6.08±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+445.603± OF SAID BASELINE; AND (2) NORTH 82°-23'-02" WEST 7.07±m(23.2±FT.) TO A POINT ON THE PROPOSED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 2.09±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+439.766± OF SAID BASELINE; THENCE NORTH 60°-20'-54" EAST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) 7.31±m(24.0±FT.) TO ITS INTERSECTION WITH THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 1.72±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+447.063± OF SAID BASELINE; THENCE NORTH 77°-05'-41" EAST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) 15.41±m(50.6±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 50.96± SQUARE METERS (548.53± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE, OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 9 (BEEKMAN ROAD) AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 12+414.943; THENCE NORTH 63°-15'-00" EAST TO STATION 12+531.372.

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

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

Date _____ 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

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

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

Date SEPTEMBER 15th 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

FILE NAME = G:\eq3-882\ROW\Acq Maps\MOIP32.dgn

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. MALINOWSKI

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019017 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM GENE K. KNAPP AND GLORIA KNAPP, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019017 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM GENE K. KNAPP AND GLORIA KNAPP, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

RESOLUTION NO. 2019018

RE: AUTHORIZATION TO ACQUIRE A PERMANENT EASEMENT FROM WALTER RODRIGUEZ AND JUDITH RODRIGUEZ, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed improvements to Beekman Road in the Towns of East Fishkill and Beekman, a project which includes the acquisition and/or easement of certain portions of real property, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and would not have a significant adverse impact on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire a permanent easement on a portion of property shown on Map 55, Parcel 56 (approximately 302.46 +/- square feet) located at 2 Whalen Drive in the Town of Beekman, described as Parcel Identification Number 132200-6558-00-431421-0000, present owned by Walter Rodriguez and Judith Rodriguez, and

WHEREAS, a proposed Advance Payment Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject easement be purchased for the sum of $500 plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now therefore, be it

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

RESOLVED, that upon the receipt from the property owner of an executed Easement 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 $500 and up to $1,000 in related expenses, if any, for such conveyance, and be it further

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

CA-007-19
AMS/kvh/R-0934-UU
12/31/18
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/26/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 1,500

Total Current Year Revenue and Source $ 1,425

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

Identify Line Items(s):
H0384.5110.300(8)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $75
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A PERMANENT EASEMENT FROM WALTER RODRIGUEZ AND JUDITH RODRIGUEZ, IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request authorization to acquire a permanent easement to a 28.10+/- square meter, (302.46+/- square foot) parcel as shown on (Map 55, Parcel 56) for the purchase price of $500.00

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

Prepared by: Matthew W. Davis 2929

ADVANCE PAYMENT AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Beekman Road (CR 9) Highway Improvements**
PIN or CIN: **8755.38** Map: **55** Parcel: **56**

This Advance Payment Agreement by and between **WALTER RODRIGUEZ** and **JUDITH RODRIGUEZ**, hereinafter referred to as the "Seller", residing at 2 Whalen Drive, Hopewell Junction, New York 12533; and the **COUNTY OF DUTCHESS**, with offices at 22 Market Street, Poughkeepsie, New York 12601, hereinafter referred to as the "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey all right, title and interest to

   ☐ *all right title and interest* to 0± square feet of real property. Purchase price is 0.

   ☒ a *permanent easement* to **302.46**± square feet of real property. Purchase price is **$500**.

   ☐ a *temporary easement* to 0± square feet of real property. Purchase price is 0.

   Located at **2 Whalen Drive, Town of Beekman**, Dutchess County, New York and further described as parcel **56** on Exhibit A, attached hereto.

   Being a portion of those same lands described in a deed dated **June 24, 2004**, and recorded on **August 28, 2004**, in **Document # 02-2004-8880** in the Office of the County Clerk for Dutchess County, (Tax Map No. **6658-00-431421**).

2. IMPROVEMENTS INCLUDED IN THE ACQUISITION. The following improvements, if any, now in or on the property are included in this Advance Payment Agreement: **none.**

3. PURCHASE PRICE. The Seller and the Buyer cannot agree upon the value of the real property interest(s) to be conveyed. The Buyer is willing to pay an amount equal to the highest approved appraisal of the just compensation for the property. This amount is **FIVE HUNDRED AND 00/100 DOLLARS ($500)**. This amount includes the real property interest(s) described in Paragraph 1 and the improvements described in Paragraph 2. The Seller agrees, as a prerequisite to such advance payment, to execute and to deliver or cause the execution and delivery to the Buyer of all documents which the Buyer, deems necessary to authorize payment and to convey to the Buyer clear title to the property described in paragraph 1 subject to the claim of the Seller. The parties agree that the Seller's right of the advance payment shall not be conditioned on the waiver of any other right.

4. CLOSING. Payment of **$500** will be made by the Buyer to the Seller on or about _____,20_____. This Agreement may be subject to the approval of the Dutchess County Legislature.

5. CLAIM. In accordance with Article 5 of the New York State Eminent Domain Procedure Law, the Seller hereby reserves the right to file a claim in the Dutchess County Supreme Court. It is agreed that, if the Supreme Court finds the value of the real property interest acquired is equal to or exceeds the advance payment amount, the amount of such advance payment shall be deducted from the amount so found by the court or, in the alternative, the award of said court shall be in the amount of the excess, if any, over and above the advance payment amount. In the event the amount so found by the court is less than the amount of said advance payment, the Buyer, upon application made to the court on at least eight days notice to the Seller, may request the difference between the award as found by the court and the amount of said advance payment. This Paragraph 5 of this Advance

Payment Agreement shall not merge into the deed and shall survive the conveyance of the aforementioned real property interest.

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. FILING OF CLAIM. It is understood and agreed by and between the parties hereto, that if the Seller intends to file a claim for additional compensation in the Dutchess County Supreme Court, he/she/it must file the claim within one (1) year from the date of the execution of this Agreement.

8. If the Seller fails to file the claim in the time period stated, this Advance Payment Agreement shall automatically become a Purchase Agreement in full and complete settlement of all claims without further ratification, approval or consent by Seller and Seller shall be deemed to have released Seller's claim against the Buyer.

9. MARKETABILITY OF TITLE. Buyer shall pay for the costs associated with 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. The Seller agrees to cooperate with the 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 three (3) and paid to the appropriate party by the Buyer. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.

10. RECORDING COSTS, & 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 conveyance: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

11. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The aforesaid terms, agreements and understandings shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

12. ENTIRE AGREEMENT. This Advance Payment Agreement when signed by both the Buyer and the Seller will be the record of the complete Advance Payment Agreement between the Buyer and Seller concerning the acquisition of the property. No verbal agreements or promises will be binding.

13. NOTICES. All notices under this Advance Payment Agreement shall be deemed delivered upon receipt. Any notices relating to this Advance Payment Agreement may be given by the attorneys for the parties.

14. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this acquisition as a result of the **Beekman Road (CR 9) Highway Improvements Project, PIN 8755.38**; Including, but not limited to the following:_____.

IN WITNESS WHEREOF, on this _____ day of _____, 20____, the parties have entered into this Advance Payment Agreement.

APPROVED AS TO FORM:

_____
Department of Law

Seller: _____
Walter Rodriguez

Seller: _____
Judith Rodriguez

COUNTY OF DUTCHESS

APPROVED AS TO CONTENT:

_____
Department of Public Works

Buyer: _____

Print Name: _____

Title: _____

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 55
PARCEL NO. 56
SHEET 1 OF 2

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

WALTER RODRIGUEZ
& JUDITH RODRIGUEZ
(REPUTED OWNERS)

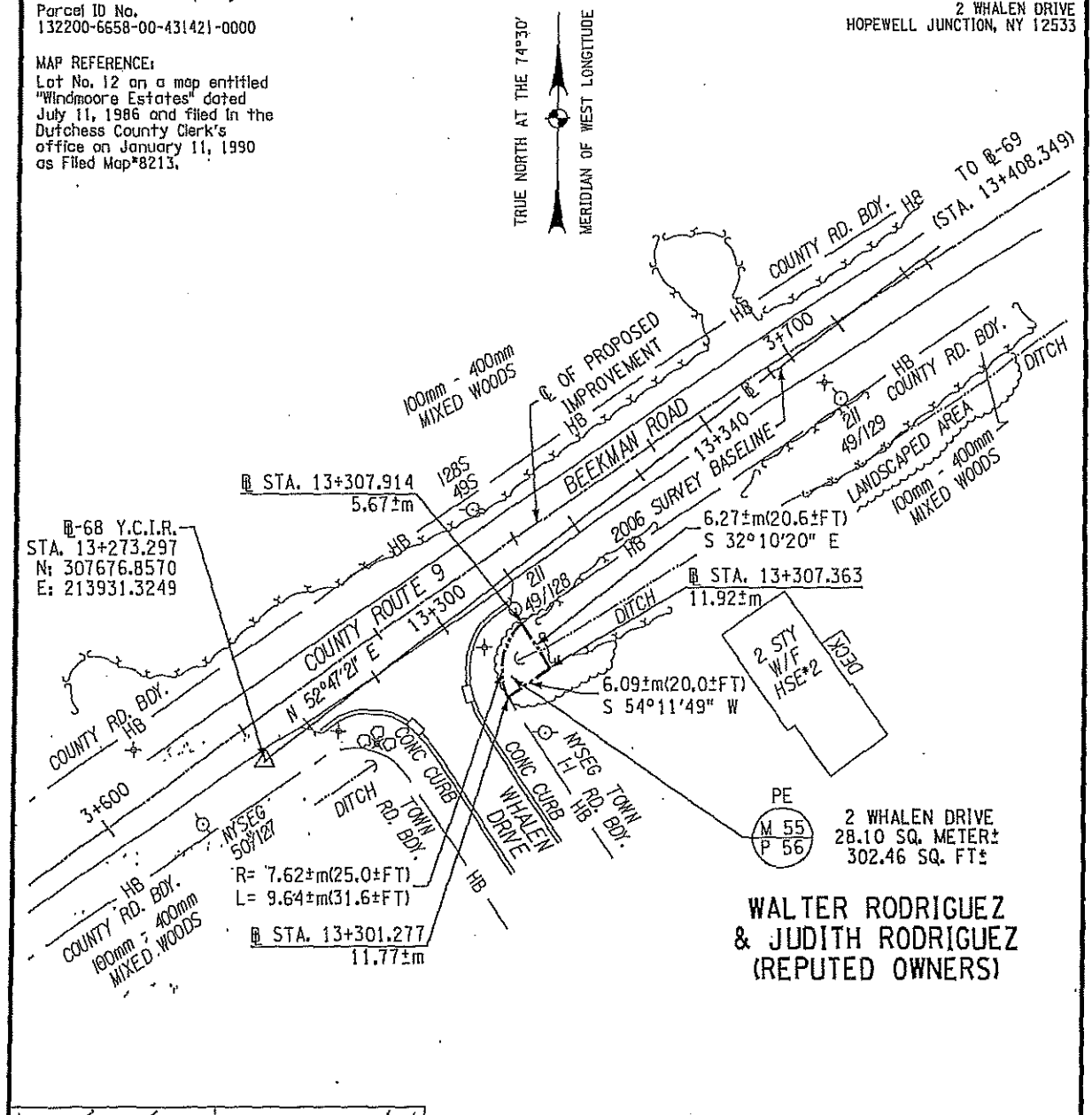
DOCUMENT* 02-2004-8880

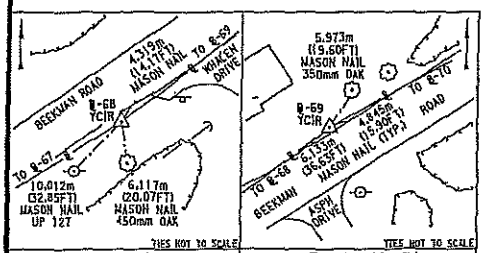
Town of Beekman
County of Dutchess
State of New York

ACQUISITION DESCRIPTION:
Type: PERMANENT EASEMENT
Portion of Real Property Tax Parcel ID No.
132200-6658-00-431421-0000

MAP REFERENCE:
Lot No. 12 on a map entitled "Windmoore Estates" dated July 11, 1986 and filed in the Dutchess County Clerk's office on January 11, 1990 as Filed Map*8213.

REPUTED OWNERS:
WALTER RODRIGUEZ
& JUDITH RODRIGUEZ
2 WHALEN DRIVE
HOPEWELL JUNCTION, NY 12533





℄STA. 13+273.297 ℄-68 Y.C.I.R.	℄STA. 13+408.349 ℄-69 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96 N: 307676.8570m E: 213931.3249m	NYSPCS EAST ZONE NAD 83/96 N: 307758.5292m E: 214038.8823m

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

PREPARED BY J. BAIRD CHECKED BY N. DIEHL FINAL CHECK BY J. MALINOWSKI

FILE NAME = 6Map2-8882\ROW\Acq Maps\VRSEP56.dgn

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 55
PARCEL NO. 56
SHEET 2 OF 2

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

A PERMANENT EASEMENT TO BE EXERCISED IN, ON AND OVER THE PROPERTY ABOVE DELINEATED FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THEREON A DRAINAGE DITCH AND DRAINAGE PIPELINE TOGETHER WITH APPURTENANCES FOR THE COUNTY ROUTE 9 (BEEKMAN ROAD) IMPROVEMENTS, IN AND TO ALL THAT PIECE OR PARCEL OF PROPERTY DESIGNATED AS PARCEL NO. 56, SITUATE IN THE TOWN OF BEEKMAN, COUNTY OF DUTCHESS, STATE OF NEW YORK, AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF WHALEN DRIVE AT THE INTERSECTION OF SAID BOUNDARY WITH THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), SAID POINT BEING 5.67±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 13+307.914± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE THROUGH THE PROPERTY OF WALTER RODRIGUEZ AND JUDITH RODRIGUEZ (REPUTED OWNERS) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) SOUTH 32°-10'-20" EAST 6.27±m(20.6±FT.) TO A POINT 11.92±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 13+307.363± OF SAID BASELINE; AND (2) SOUTH 54°-11'-49" WEST 6.09±m(20.0±FT.) TO A POINT ON THE FIRST MENTIONED EASTERLY BOUNDARY OF WHALEN DRIVE, THE LAST MENTIONED POINT BEING 11.77±m DISTANT SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM STATION 13+301.277± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED EASTERLY BOUNDARY OF WHALEN DRIVE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 7.62±m(25.0±FT.), A DISTANCE OF 9.64±m (31.6±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 28.10± SQUARE METERS (302.46± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE, OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 9 (BEEKMAN ROAD) AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 13+273.297; THENCE NORTH 52°-47'-21" EAST TO STATION 13+408.349.

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

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

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

Date SEPTEMBER 1st 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. MALINOWSKI

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___ **Abstentions:** 0

Vacant: 0

2019018 AUTHORIZATION TO ACQUIRE A PERMANENT EASEMENT FROM WALTER RODRIGUEZ AND JUDITH RODRIGUEZ, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019018 AUTHORIZATION TO ACQUIRE A PERMANENT EASEMENT FROM WALTER RODRIGUEZ AND JUDITH RODRIGUEZ, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019019

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM STANLEY E. DUDEK AND MARION H. DUDEK, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed improvements to Beekman Road in the Towns of East Fishkill and Beekman, a project which includes the acquisition of certain portions of real property, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and would not have a significant adverse impact on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire a fee acquisition on a portion of property shown on Map 41, Parcel 42 (approximately 951.31 +/- square feet) located at Beekman Road in the Town of Beekman, described as Parcel Identification Number 132200-6658-00-245390-0000, present owned by Stanley E. Dudek and Marion H. Dudek, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of $1,700 plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now therefore, be it

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

RESOLVED, that upon the receipt from the property owner of an 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 $1,700 and up to $1,000 in related expenses, if any, for such conveyance, and be it further

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

CA-008-19
AMS/kvh/R-0934-KK
12/31/18
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 2,700

Total Current Year Revenue and Source $ 2,565

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

Identify Line Items(s):
H0384.5110.300(9)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $135
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM STANLEY E. DUDEK AND MARION H. DUDEK, IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request authorization to acquire a fee acquisition of a 88.38+/- square meter, (951.31+/- square foot) parcel as shown on (Map 41, Parcel 42) for the purchase price of $1,700.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Beekman Road (CR 9) Highway Improvements**
PIN OR CIN: **8755.38** Map: **41** Parcel: **42**

This Agreement by and between, **STANLEY E. DUDEK** and **MARION H. DUDEK**, residing at 208 Woods Trail, Sanford, ~~New York~~ Florida 32771, 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 **951.31**± square feet of real property. Purchase price is **$1,700.**

   ☐ 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 **Beekman Road, Town of Beekman,** Dutchess County, New York, and is further described as parcel 42 on Exhibit "A", attached hereto.

   Being a portion of those same lands described in that certain deed dated 6/29/1983 and recorded 7/21/1983 in Liber 1607 at page 110 in the Office of the County Clerk for Dutchess County (re: Grid # 6658-00-245390),

2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: misc. trees.

3. PURCHASE PRICE. The total purchase price is **ONE THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS ($1,700.00).** 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 JUNE 1ST, 2018. This Agreement may be subject to the approval of the Dutchess County Legislature.

5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.

6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for three (3) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an additional one year. The Buyer shall include a check for the sum of $_____ with said written notification to the Seller.

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

A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.

8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. Seller agrees to cooperate with Buyer in its curative action activities. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.

9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of closing: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

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

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

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

IN WITNESS WHEREOF, on this 14th day of November, 2018, the parties have entered into this Agreement.

APPROVED AS TO FORM:

Department of Law

Seller: Stanley E. Dudek
Stanley E. Dudek

Seller: Marion H. Dudek
Marion H. Dudek

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS

Print Name: _____.

Title: _____

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 41
PARCEL NO. 42
SHEET 1 OF 2

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

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax Parcel ID No.
132200-6658-00-245390-0000

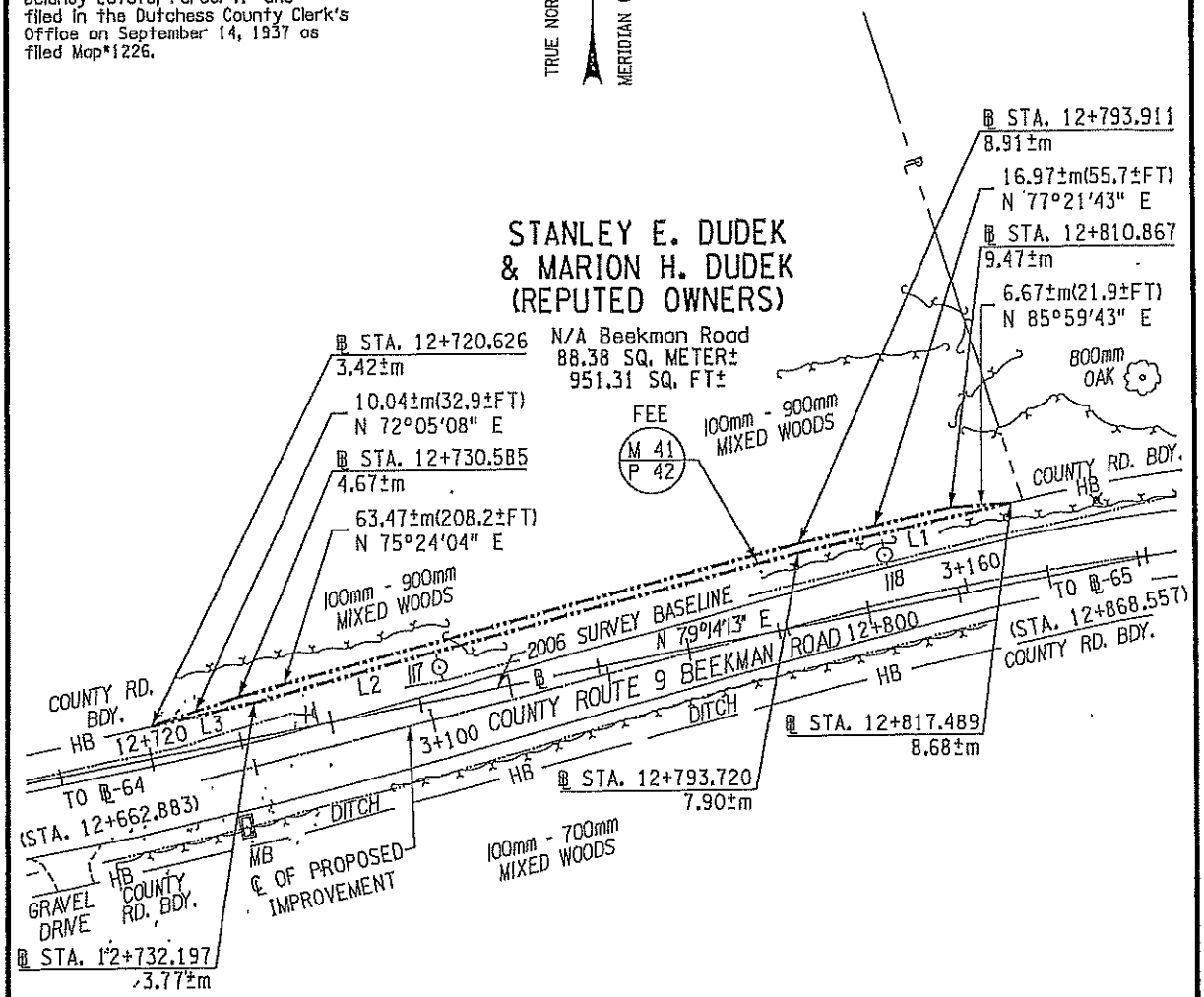
MAP REFERENCE:
Map entitled "Farm of the Daniel Delaney Estate, Parcel VI" and filed in the Dutchess County Clerk's Office on September 14, 1937 as filed Map*1226.

STANLEY E. DUDEK
& MARION H. DUDEK
(REPUTED OWNERS)
L. 1607 P. 110

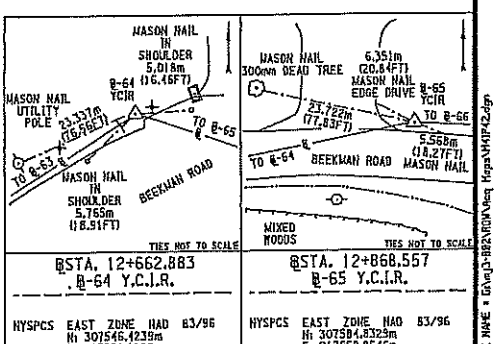
Town of Beekman
County of Dutchess
State of New York

REPUTED OWNERS:
STANLEY E. DUDEK
& MARION H. DUDEK
208 Woods Trail
Stanford, Fl 327710

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



NO.	DISTANCE	DIRECTION
L1	23.78±m(78.0±')	S77°21'43"W
L2	61.66±m(202.3±')	S75°23'23"W
L3	11.58±m(38.0±')	S77°30'12"W



℄STA. 12+662.883
℄-64 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96
N: 307546.4239m
E: 213350.1992m

℄STA. 12+868.557
℄-65 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96
N: 307584.8325m
E: 213552.2546m

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

10 0 10 20 30 m
SCALE 1:500
ONE METER EQUALS 3.280833333333 FEET.
ONE SQUARE METER EQUALS 10.763867361 SQUARE FEET.

FILE NAME = G:\eng\3-882\MOV\Map\M41P42.dgn

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. HALIHOWSKI

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 41
PARCEL NO. 42
SHEET 2 OF 2

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

All that piece or parcel of property hereinafter designated as Parcel No. 42, situate in the Town of Beekman, 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 9 (BEEKMAN ROAD), SAID POINT BEING 3.42±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+720.626± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE THROUGH THE PROPERTY OF STANLEY E. DUDEK AND MARION H. DUDEK (REPUTED OWNERS) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) NORTH 72°-05'-08" EAST 10.04±m(32.9±FT.) TO A POINT 4.67±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+730.585± OF SAID BASELINE; (2) NORTH 75°-24'-04" EAST 63.47±m(208.2±FT.) TO A POINT 8.91±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+793.911± OF SAID BASELINE; (3) NORTH 77°-21'-43" EAST 16.97±m(55.7±FT.) TO A POINT 9.47±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+810.867± OF SAID BASELINE; AND (4) NORTH 85°-59'-43" EAST 6.67±m(21.9±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 8.68±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+817.489± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 77°-21'-43" WEST 23.78±m(78.0±FT.) TO A POINT 7.90±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+793.720± OF SAID BASELINE; (2) SOUTH 75°-23'-23" WEST 61.66±m(202.3±FT.) TO A POINT 3.77±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+732.197± OF SAID BASELINE; AND (3) SOUTH 77°-30'-12" WEST 11.58±m(38.0±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 88.38± SQUARE METERS (951.31± SQUARE FEET) MORE OR LESS.

BEGINNING AT STATION 12+662.883; THENCE NORTH 79°-14'-13" EAST TO STATION 12+868.557.

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

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

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

Date SEPTEMBER 15TH 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER
REVISED DATE
DATE PREPARED

FILE NAME = G:\mj3-8826.001\Map Maps\MHP42a.dgn

PREPARED BY J. BAIRD CHECKED BY R. BIEHL FINAL CHECK BY J. MALINOWSKI

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019019 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM STANLEY E. DUDEK AND MARION H. DUDEK, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 6 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019019 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM STANLEY E. DUDEK AND MARION H. DUDEK, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019020

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM ELIN K. GARDNER, IN CONNECTION WITH THE THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed improvements to Beekman Road in the Towns of East Fishkill and Beekman, a project which includes the acquisition of certain portions of real property, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR (SEQR) and would not have a significant adverse impact on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire a fee acquisition on a portion of property shown on Map 46, Parcel 47 (approximately 1,957.79 +/- square feet) located at 738 Beekman Road in the Town of Beekman, described as Parcel Identification Number 132200-6658-00-299350-0000, present owned by Elin K. Gardner, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of $4,000 plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now therefore, be it

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

RESOLVED, that upon the receipt from the property owner of an 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 $4,000 and up to $1,000 in related expenses, if any, for such conveyance, and be it further

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

CA-009-19
AMS/kvh/R-0934-NN
12/31/18
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 5,000

Total Current Year Revenue and Source $ 4,750

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

Identify Line Items(s):
H0384.5110.300(9)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $250
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM ELIN K. GARDNER, IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request authorization to acquire a fee acquisition of a 181.89+/- square meter, (1,957.79+/- square foot) parcel as shown on (Map 46, Parcel 47) for the purchase price of $4,000.00

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

Prepared by: Matthew W. Davis 2929

ADVANCE PAYMENT AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Beekman Road (CR 9) Highway Improvements**
PIN or CIN: **8755.38** Map: **46** Parcel: **47**

This Advance Payment Agreement by and between **ELIN K. GARDNER**, hereinafter referred to as the "Seller", residing at 738 Beekman Road, Hopewell Junction, New York 12533; and the **COUNTY OF DUTCHESS**, with offices at 22 Market Street, Poughkeepsie, New York 12601, hereinafter referred to as the "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey all right, title and interest to

☒ *all right title and interest* to **1,957.79**± square feet of real property. Purchase price is **$4,000**.

☐ 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 **738 Beekman Road, Town of Beekman**, Dutchess County, New York and further described as parcel 47 on Exhibit A, attached hereto.

Being a portion of those same lands described in a deed dated **August 24, 2006**, and recorded on **August 30, 2006**, as **Instrument #02-2006-7081** in the Office of the County Clerk for Dutchess County, (Tax Map No. **6658-00-299350**).

2. IMPROVEMENTS INCLUDED IN THE ACQUISITION. The following improvements, if any, now in or on the property are included in this Advance Payment Agreement: **asphalt drive and trees.**

3. PURCHASE PRICE. The Seller and the Buyer cannot agree upon the value of the real property interest(s) to be conveyed. The Buyer is willing to pay an amount equal to the highest approved appraisal of the just compensation for the property. This amount is **FOUR THOUSAND AND 00/100 DOLLARS ($4,000)**. This amount includes the real property interest(s) described in Paragraph 1 and the improvements described in Paragraph 2. The Seller agrees, as a prerequisite to such advance payment, to execute and to deliver or cause the execution and delivery to the Buyer of all documents which the Buyer, deems necessary to authorize payment and to convey to the Buyer clear title to the property described in paragraph 1 subject to the claim of the Seller. The parties agree that the Seller's right of the advance payment shall not be conditioned on the waiver of any other right.

4. CLOSING. Payment of **$4,000** will be made by the Buyer to the Seller on or about _____,20_____. This Agreement may be subject to the approval of the Dutchess County Legislature.

5. CLAIM. In accordance with Article 5 of the New York State Eminent Domain Procedure Law, the Seller hereby reserves the right to file a claim in the Dutchess County Supreme Court. It is agreed that, if the Supreme Court finds the value of the real property interest acquired is equal to or exceeds the advance payment amount, the amount of such advance payment shall be deducted from the amount so found by the court or, in the alternative, the award of said court shall be in the amount of the excess, if any, over and above the advance payment amount. In the event the amount so found by the court is less than the amount of said advance payment, the Buyer, upon application made to the court on at least eight days notice to the Seller, may request the difference between the award as found by the court and the amount of said advance payment. This Paragraph 5 of this Advance

Payment Agreement shall not merge into the deed and shall survive the conveyance of the aforementioned real property interest.

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. FILING OF CLAIM. It is understood and agreed by and between the parties hereto, that if the Seller intends to file a claim for additional compensation in the Dutchess County Supreme Court, he/she/it must file the claim within one (1) year from the date of the execution of this Agreement.

8. If the Seller fails to file the claim in the time period stated, this Advance Payment Agreement shall automatically become a Purchase Agreement in full and complete settlement of all claims without further ratification, approval or consent by Seller and Seller shall be deemed to have released Seller's claim against the Buyer.

9. MARKETABILITY OF TITLE. Buyer shall pay for the costs associated with 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. The Seller agrees to cooperate with the 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 three (3) and paid to the appropriate party by the Buyer. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.

10. RECORDING COSTS, & 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 conveyance: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

11. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The aforesaid terms, agreements and understandings shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

12. ENTIRE AGREEMENT. This Advance Payment Agreement when signed by both the Buyer and the Seller will be the record of the complete Advance Payment Agreement between the Buyer and Seller concerning the acquisition of the property. No verbal agreements or promises will be binding.

13. NOTICES. All notices under this Advance Payment Agreement shall be deemed delivered upon receipt. Any notices relating to this Advance Payment Agreement may be given by the attorneys for the parties.

14. PROJECT RELATED IMPROVEMENTS. The following improvements will occur within this acquisition as a result of the **Beekman Road (CR 9) Highway Improvements Project, PIN 8755.38**; Including, but not limited to the following:_____.

IN WITNESS WHEREOF, on this _____ day of _____, 20____, the parties have entered into this Advance Payment Agreement.

APPROVED AS TO FORM:

_____
Department of Law

Seller: _____
Elin K. Gardner

COUNTY OF DUTCHESS

APPROVED AS TO CONTENT:

_____
Department of Public Works

Buyer: _____

Print Name: _____

Title: _____

Rev3

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 46
PARCEL NO. 47
SHEET 1 OF 2

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

ELIN K. GARDENER
(REPUTED OWNER)

Town of Beekman
County of Dutchess
State of New York

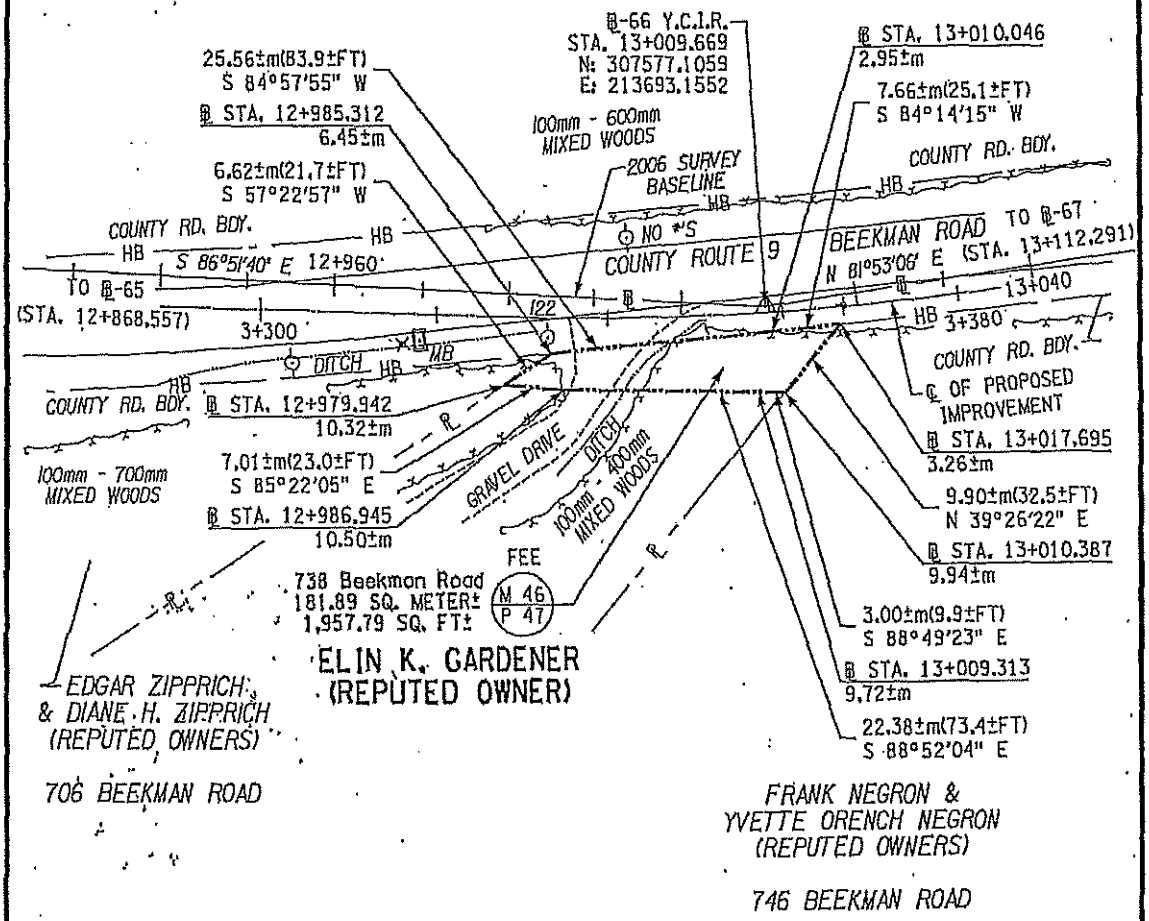
DOCUMENT# 02-2006-7081

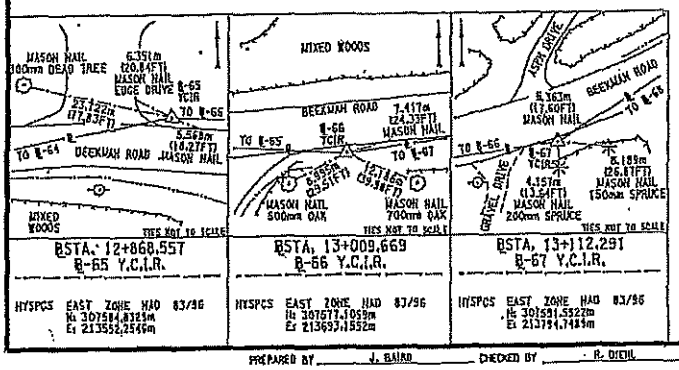
ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax Parcel ID No.
132200-6658-00-299350-0000

MAP REFERENCE:
Lot#12 on a map entitled "Subdivision plat of lands of DiConstanzo" and filed in the Dutchess County Clerk's Office on July 3, 1973 as filed map#4170.

REPUTED OWNER:
ELIN K. GARDENER
738 Beekman Road
Hopewell Junction, NY 12533

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





MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

FILE NAME = O:\e_D-BEKMAN\Neg Maps\V16R7Z.dgn

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. MALHOUSKE

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 46
PARCEL NO. 47
SHEET 2 OF 2

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

All that piece or parcel of property hereinafter designated as Parcel No. 47, situate in the Town of Beekman, 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 9 (BEEKMAN ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF EDGAR ZIPPRICH AND DIANE H. ZIPPRICH (REPUTED OWNERS) ON THE WEST AND THE PROPERTY OF ELIN K. GARDENER (REPUTED OWNER) ON THE EAST, SAID POINT BEING 6.46±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+986.312± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE SOUTH 57°-22'-57" WEST ALONG SAID DIVISION LINE 6.62±m(21.7±FT.) TO A POINT 10.32±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+979.942± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF ELIN K. GARDENER (REPUTED OWNER) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 85°-22'-05" EAST 7.01±m(23.0±FT.) TO A POINT 10.50±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 12+986.945± OF SAID BASELINE; (2) SOUTH 88°-52'-04" EAST 22.38±m(73.4±FT.) TO A POINT 9.72±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 13+009.313± OF SAID BASELINE; AND (3) SOUTH 88°-49'-23" EAST 3.00±m(9.9±FT.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF FRANK NEGRON AND YVETTE ORENCH NEGRON (REPUTED OWNERS) ON THE EAST AND THE PROPERTY OF ELIN K. GARDENER (REPUTED OWNER) ON THE WEST, THE LAST MENTIONED POINT BEING 9.94±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 13+010.387± OF SAID BASELINE; THENCE NORTH 39°-26'-22" EAST ALONG THE LAST MENTIONED DIVISION LINE 9.90±m(32.5±FT.) TO ITS INTERSECTION WITH THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 3.26±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 13+017.695± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) SOUTH 84°-14'-15" WEST 7.66±m(25.1±FT.) TO A POINT 2.95±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 13+010.046± OF SAID BASELINE; AND (2) SOUTH 84°-57'-55" WEST 25.56±m(83.9±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 181.89± SQUARE METERS (1,957.79± SQUARE FEET) MORE OR LESS.

BEGINNING AT STATION 12+868.557; THENCE SOUTH 86°-51'-40" EAST TO STATION 13+009.669; THENCE NORTH 81°-53'-06" EAST TO STATION 13+112.291.

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

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

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

Date September 15th 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER
REVISED DATE
DATE PREPARED

PREPARED BY J. DAVID CHECKED BY R. DIEHL FINAL CHECK BY J. MALINOWSKI

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019020 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM ELIN K. GARDNER, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019020 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM ELIN K. GARDNER, IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

Public Works & Capital Projects

RESOLUTION NO. 2019021

RE: AUTHORIZATION TO ACQUIRE TWO FEE ACQUISITIONS FROM ANTHONY DI PIETRO IN CONNECTION WITH THE IMPROVEMENTS TO OLD HOPEWELL ROAD (CR 28) ROUTE 9 TO ALL ANGELS HILL ROAD (CR 94), TOWN OF WAPPINGER, (PIN 8755.44)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed improvements Old Hopewell Road (CR 28)/All Angels Hill Road (CR 94), in the Town of Wappinger, which includes the acquisition of certain portions of real property, and

WHEREAS, this Legislature in Resolution No. 2014272, approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Old Hopewell Road Improvement Project was a Type I action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and would not have a significant effect on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire two fee acquisitions on a portion of property shown on Map 31, Parcels 32 & 33, (approximately 6,757.56 +/- square feet and 2,524.99 +/- square feet) located on Old Hopewell Road in the Town of Wappinger, described as Parcel Identification Number 135689-6157-02-996521-0000, presently owned by Anthony Di Pietro, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of $16,245, plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now, therefore, be it

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

RESOLVED, that upon receipt from the property owner of an 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 ay to the property owner the sum of $16,245 and up to $1,000 in related expenses, if any for such conveyance, and be it further

RESOLVED, that the terms and conditions of the aforementioned Option agreement be carried out by the Dutchess County Department of Public Works.

CA-022-19
ams/sc/R-0931-W
01/03/19
Fiscal Statement Attached

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 17,245

Total Current Year Revenue and Source $ 16,383

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

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

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $862
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM ANTHONY DIPIETRO IN CONNECTION WITH PIN 8755.44: REHABILITATION OF OLD HOPEWELL ROAD (CR 28) ROUTE 9 TO ALL ANGELS HILL ROAD (CR 94) TOWN OF WAPPINGER, DUTCHESS COUNTY
Request authorization to acquire in Fee a 627.80+/- square meter (6,757.56+/- square foot) parcel and a 234.58+/- square meter (2,524.99+/- square foot) parcel as shown on accompanying (Map 31, Parcels 32 & 33) for the purchase price of $16,245.00

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

Prepared by: Matthew W. Davis 2929

ADVANCE PAYMENT AGREEMENT TO PURCHASE REAL PROPERTY
(FEE ACQUISITION)

Project: Rehabilitation of Old Hopewell Road (CR 28), US Route 9 to All Angels Hill Road (CR 94)
PIN: 8755.44 Map: 31 Parcel: 32 & 33

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

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey all right, title and interest to a (862.38± Square Meter 9,282.55± Square Foot) parcel located along the northerly side of County Route 28 (Old Hopewell Road) and at the intersection of County Route 28 with the easterly side of Losee Road, in the Town of Wappinger, Dutchess County, New York. Being a portion of those same lands described in a deed dated September 26, 1979, and recorded on September 27, 1979 as Document #1519 88 in the Office of the County Clerk for Dutchess County, New York with the address Old Hopewell Road (Re. Tax map No. 135689-6157-02-996521), and being the same lands designated as Map 31, Parcel 32 & 33 on exhibit "A" attached here to.

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

3. PURCHASE PRICE. Whereas, the Seller and the Buyer cannot agree upon the value of the real property interest and the legal damages, the Buyer is willing to pay an amount equal to the amount determined by the Buyer to be the value of the real property interest to be acquired and the legal damages. This amount is SIXTEEN THOUSAND TWO HUNDRED FORTY FIVE DOLLARS ($16,245). This price includes the real property interest described in Paragraph one (1) and the improvements described in Paragraph two (2). The Seller agrees, as a prerequisite to such advance payment, to execute and to deliver or cause the execution and delivery to the Buyer of all formal papers which the Buyer deems necessary to authorize payment and to secure to the Buyer a full release of all claims (other than the claim of the Seller) by reason of the acquisition of the aforementioned real property interest with improvements.

4. PAYMENT. Payment is to be made upon approval of this agreement by the Buyer after authorization by appropriate administrative and legal entities, as may be required by statute, and after Buyer has provided all papers necessary to convey clear title and release all third party claims to the advance payment proceeds.

5. CLOSING DATE AND PLACE. Transfer of Title shall take place at the Dutchess County Attoryney's Office, or at another mutually acceptable location, on or **June 14, 2018.**

6. CLAIM. Pursuant to New York State Eminent Domain Procedure Law, the Seller hereby reserves the right to file a claim with the Supreme Court, held in the judicial district where the real property is situated, or if a claim has been filed, reserves the right to prosecute said claim, it being understood, however, that any such claim shall be filed within one (1) year after title to the aforementioned real property interest is conveyed. It is agreed that, if the Supreme Court finds the value of the real property interest acquired is equal to or exceeds the advance payment amount, the amount of such advance payment shall be deducted from the amount so found by the court or, in the alternative, the award of said court shall be in the amount of the excess, if any, over and above the advance payment amount. In the event the amount so found by the court is less than the amount of said advance payment, the Buyer, upon application made to the court on at least eight days notice to the Seller, may request the difference between the award as found by the court and the amount of said advance payment. This Paragraph 5 of this Advance Payment Agreement shall not merge into the deed and shall survive the conveyance of the aforementioned real property interest.

7. FILING. It is understood and agreed by and between the parties hereto, that pursuant to statute, if no claim is filed by the Seller in the Supreme Court within one (1) year after title to the aforementioned real property interest is conveyed, then, upon the expiration of that time, this Advance Payment Agreement shall automatically become a Purchase Agreement in full and complete settlement of all claims without further ratification, approval or consent by Seller and Seller shall be deemed to have released Seller's claim against the Buyer.

8. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
   A. Closing Documents. Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
   B. Abstract, Bankruptcy and Tax Searches, and Acquisition Map. Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
   C. Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.

9. 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. 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 three (3), and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens..

10. RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS. Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of conveyance: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

11. 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.

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

13. NOTICES. All notices under this Advance Payment Agreement shall be deemed delivered upon receipt. Any notices relating to this Advance Payment Agreement may be given by the attorneys for the parties.

IN WITNESS WHEREOF, on this 21 day of December, 2018, the parties have entered into this Agreement.

Seller:

Anthony DiPietro

COUNTY OF DUTCHESS

Buyer: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO FORM:

By, _____
County Attorney's Office

APPROVED AS TO CONTENT:

Robert H. Balkind, P.E.
Commissioner

COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

PIN 0755.44

MAP NO. 31
PARCEL NOS. 32 & 33
SHEET 1 OF 4

Originals of this map (sheets 1 through 4) are on file at the offices of the Dutchess County Department of Public Works.

ANTHONY DI PIETRO
(REPUTED OWNER)

L. 1619 P. 98

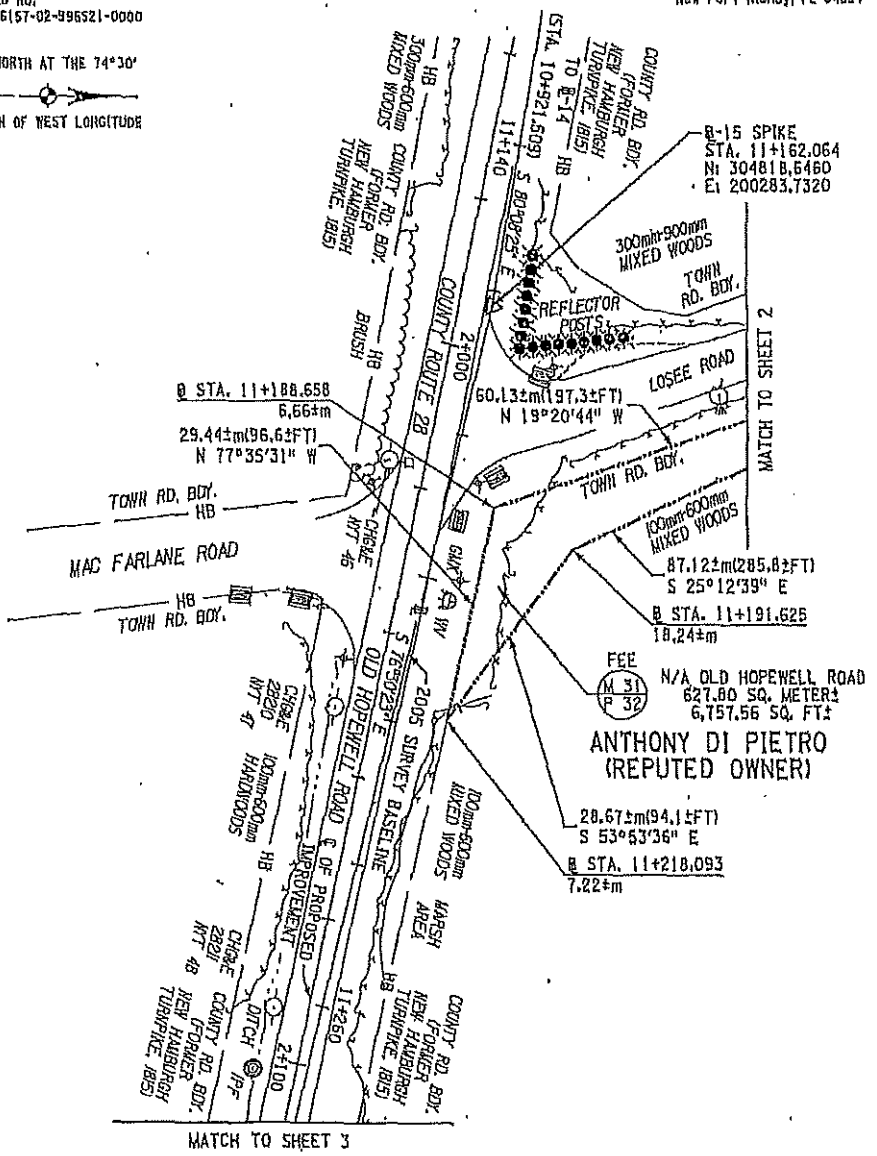
Town of Wappinger
County of Dutchess
State of New York

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Road Property Tax Parcel ID No.
135689-6157-02-996521-0000

REPUTED OWNER:
ANTHONY DI PIETRO
0440 Airway Boulevard
New Port Richey, FL 34654

TRUE NORTH AT THE 74°30'

MERIDIAN OF WEST LONGITUDE



10 0 10 20 30 m

SCALE 1:500

ONE METER EQUALS 3.2808333333 FEET

MAP NUMBER
REVISED DATE
DATE PREPARED

COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS

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

PIN 8765.44

MAP NO. 31
PARCEL NOS. 32 & 33
SHEET 2 OF 4

Originals of this map (sheets 1 through 4) are on file at the offices of the Dutchess County Department of Public Works.

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax Parcel ID No.
135689-6157-02-996521-0000

ANTHONY DI PIETRO
(REPUTED OWNER)

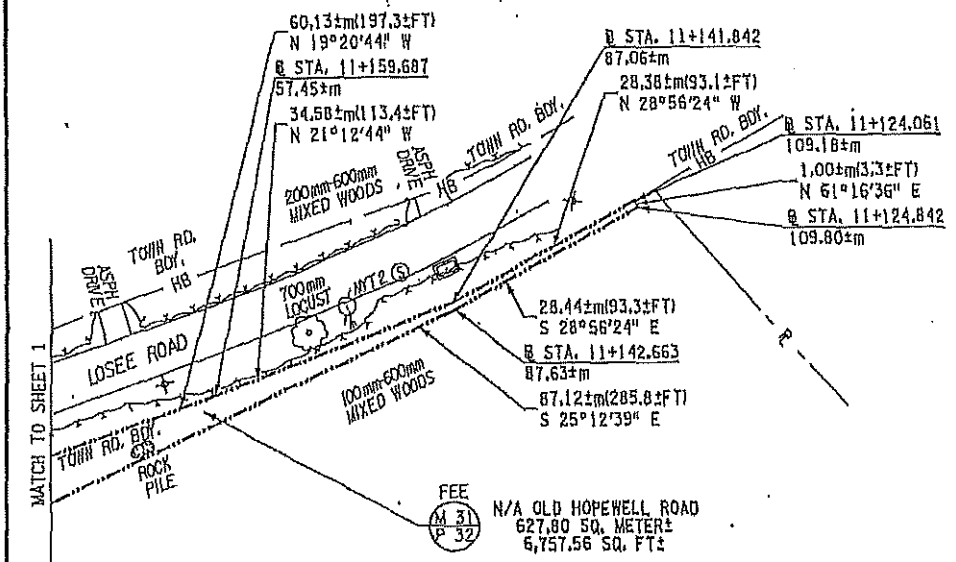
L. 1519 P. 88

Town of Wappinger
County of Dutchess
State of New York

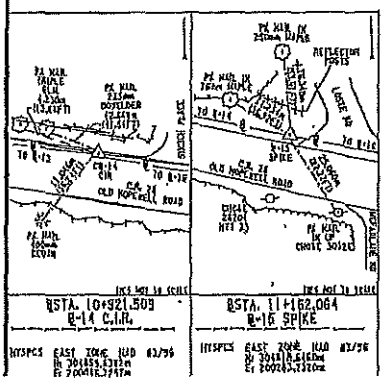
REPUTED OWNER:
ANTHONY DI PIETRO
8440 Airway Boulevard
New Port Richey, FL 34654

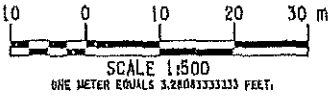
TRUE NORTH AT THE 74°30'

MERIDIAN OF WEST LONGITUDE



ANTHONY DI PIETRO
(REPUTED OWNER)





MAP NUMBER
REVISED DATE

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS

PIN 8755.44

MAP NO. 31
PARCEL NOS. 32 & 33
SHEET 3 OF 4

Originals of this map (sheets 1 through 4) are on file at the offices of the Dutchess County Department of Public Works.

ANTHONY DI PIETRO
(REPUTED OWNER)

L. 1519 P. 88

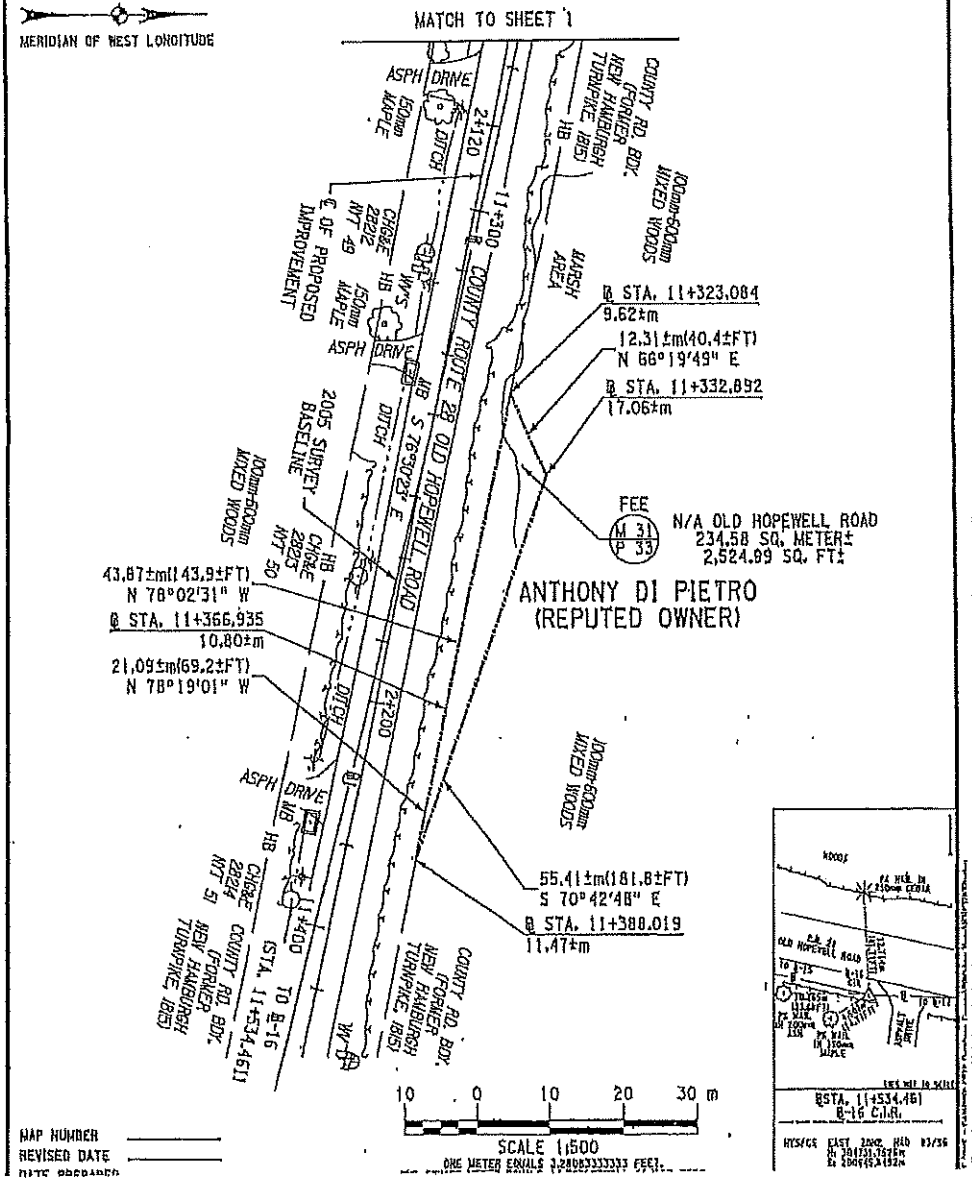
Town of Hopping
County of Dutchess
State of New York

REPUTED OWNER:
ANTHONY DI PIETRO
8440 Airway Boulevard
New Port Richey, FL 34654

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax
Parcel ID No.
135689-6157-02-496521-0000

TRUE NORTH AT THE 74°30'

MERIDIAN OF WEST LONGITUDE



MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

PIN 8755.44

MAP NO. 31
PARCEL NOS. 32 & 33
SHEET 4 OF 4

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 the Eminent Domain Procedure Law.

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 32, 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 28 (OLD HOPEWELL ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE EASTERLY BOUNDARY OF LOSEE ROAD, SAID POINT BEING 6.65±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+188.658± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS; THENCE ALONG THE LAST MENTIONED EASTERLY BOUNDARY OF LOSEE ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) NORTH 19°-20'-44" WEST 60.13±m(197.3±FT.) TO A POINT 57.45±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+159.687± OF SAID BASELINE; (2) NORTH 21°-12'-44" WEST 34.58±m(113.4±FT.) TO A POINT 87.06±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+141.842± OF SAID BASELINE; AND (3) NORTH 28°-56'-24" WEST 28.38±m(93.1±FT.) TO A POINT 109.18±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+124.061± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF ANTHONY DI PIETRO (REPUTED OWNER) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) NORTH 61°-16'-36" EAST 1.00±m(3.3±FT.) TO A POINT 109.00±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+124.842± OF SAID BASELINE; (2) SOUTH 28°-56'-24" EAST 28.44±m(93.3±FT.) TO A POINT 87.63±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+142.663± OF SAID BASELINE; (3) SOUTH 25°-12'-39" EAST 87.12±m(285.8±FT.) TO A POINT 18.24±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+191.625± OF SAID BASELINE; AND (4) SOUTH 63°-53'-16" EAST 28.67±m(94.1±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 28 (OLD HOPEWELL ROAD), THE LAST MENTIONED POINT BEING 7.22±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+218.093± OF SAID BASELINE; THENCE NORTH 77°-35'-31" WEST ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 28 (OLD HOPEWELL ROAD) 29.44±m(96.6±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 627.80± SQUARE METERS (6,757.66± SQUARE FEET) MORE OR LESS.

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 33, 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 28 (OLD HOPEWELL ROAD), SAID POINT BEING 9.62±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+323.084± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS; THENCE THROUGH THE PROPERTY OF ANTHONY DI PIETRO (REPUTED OWNER) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 86°-19'-49" EAST 12.31±m(40.4±FT.) TO A POINT 17.06±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+332.892± OF SAID BASELINE; (2) SOUTH 70°-42'-48" EAST 55.41±m(181.8±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 28 (OLD HOPEWELL ROAD), THE LAST MENTIONED POINT BEING 11.47±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+388.019± OF SAID BASELINE; THENCE ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 28 (OLD HOPEWELL ROAD) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 78°-19'-01" WEST 21.09±m(69.2±FT.) TO A POINT 10.80±m DISTANT NORTHERLY MEASURED AT RIGHT ANGLES FROM STATION 11+366.835± OF SAID BASELINE; AND (2) NORTH 78°-02'-31" WEST 43.87±m(143.9±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 234.58± SQUARE METERS (2,524.99± SQUARE FEET) MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2005 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 28 (OLD HOPEWELL ROAD) / COUNTY ROUTE 94 (ALL ANGELS HILL ROAD) CAPACITY IMPROVEMENTS, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 10+921.509; THENCE SOUTH 80°-08'-25" EAST TO STATION 11+162.064; THENCE SOUTH 76°-30'-23" EAST TO STATION 11+634.461.

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

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

Date 1-27 2016

Noel W. S. Knipe, AIA, ASLA
Commissioner of Public Works

Recommended by:

Date 1/22/16 2016

Robert H. Bolkind, P.E.
Deputy Commissioner

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

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

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

Date January 13th 2016

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

MAP NUMBER
REVISED DATE
DATE PREPARED

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019021 AUTHORIZATION TO ACQUIRE TWO FEE ACQUISITIONS FROM ANTHONY DI PIETRO IN CONNECTION WITH THE IMPROVEMENTS TO OLD HOPEWELL ROAD (CR 28) ROUTE 9 TO ALL ANGELS HILL ROAD (CR 94), TOWN OF WAPPINGER, (PIN 8755.44)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019021 AUTHORIZATION TO ACQUIRE TWO FEE ACQUISITIONS FROM ANTHONY DI PIETRO IN CONNECTION WITH THE IMPROVEMENTS TO OLD HOPEWELL ROAD (CR 28) ROUTE 9 TO ALL ANGELS HILL ROAD (CR 94), TOWN OF WAPPINGER, (PIN 8755.44)

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019022

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM SYLVAN LAKE BEACH PARK, INC. IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works (DPW) has proposed certain improvements to Beekman Road in the Towns of East Fishkill and Beekman, a project which includes the acquisition of portions of certain real property, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and would not have a significant effect on the environment, and

WHEREAS, the DPW has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire a fee acquisition of a portion of property shown on Map No. 25, Parcel No. 26 (approximately 238.85 +/- square feet), located at 18 McDonnell Lane in the Town of East Fishkill, described as Parcel Identification Number 132800-6558-04-997458-0000, presently owned by Sylvan Lake Beach Park, Inc., and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be purchased for the sum of $300, plus authorization to spend up to $1,000 in related expenses, if any, and that the terms and conditions of the Agreement be carried forth, now, therefore, be it

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

RESOLVED, that upon the receipt from the property owner of an 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 $300 plus up to $1,000 in related expenses, if any, for such conveyance, and be it further

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

CA-024-19
ams/sc/R-0934-Z
01/03/19
Fiscal Statement Attached

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 1,300

Total Current Year Revenue and Source $ 1,235

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

Identify Line Items(s):
H0384.5110.300(9)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:
RESOLUTION REQUEST TO ACQUIRE A FEE ACQUISITION FROM SYLVAN LAKE BEACH PARK, INC., IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY
Request authorization to acquire a fee acquisition of a 22.19+/- square meter, (238.85+/- square foot) parcel as shown on (Map 25, Parcel 26) for the purchase price of $300.00

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

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: **Beekman Road (CR 9) Highway Improvements**
PIN OR CIN: **8755.38** Map: **25** Parcel: **26**

This Agreement by and between **SYLVAN LAKE BEACH PARK, INC.** with a mailing address of at PO Box 52, LaGrangeville, New York 12540, 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 **238.85±** square feet of real property. Purchase price is **$300.**

   ☐ 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 18 McDonnell Lane, Town of East Fishkill, Dutchess County, New York, and is further described as parcel 26 on Exhibit "A", attached hereto.

   Being a portion of those same lands described in that certain deed dated August 24, 1955 and recorded August 24, 1955 in Liber 897 of Deeds at Page 59 & Liber 918 of Deeds at Page 620 in the Office of the County Clerk for Dutchess County (re: Grid # 132802-6558-04-997458),

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

3. PURCHASE PRICE. The total purchase price **is THREE HUNDRED AND 00/100 DOLLARS ($300.00).** 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 March 1, 20 19. 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 22nd day of November, 2018, the parties have entered into this Agreement.

SYLVAN LAKE BEACH PARK, INC.

Seller: Raymond Ramsey

Print Name: Raymond Ramsey

Title: Treasurer

APPROVED AS TO FORM:

Department of Law

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS

Print Name:

Title:

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

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

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

SYLVAN LAKE
BEACH PARK INC.
(REPUTED OWNER)

L. N/A P. N/A

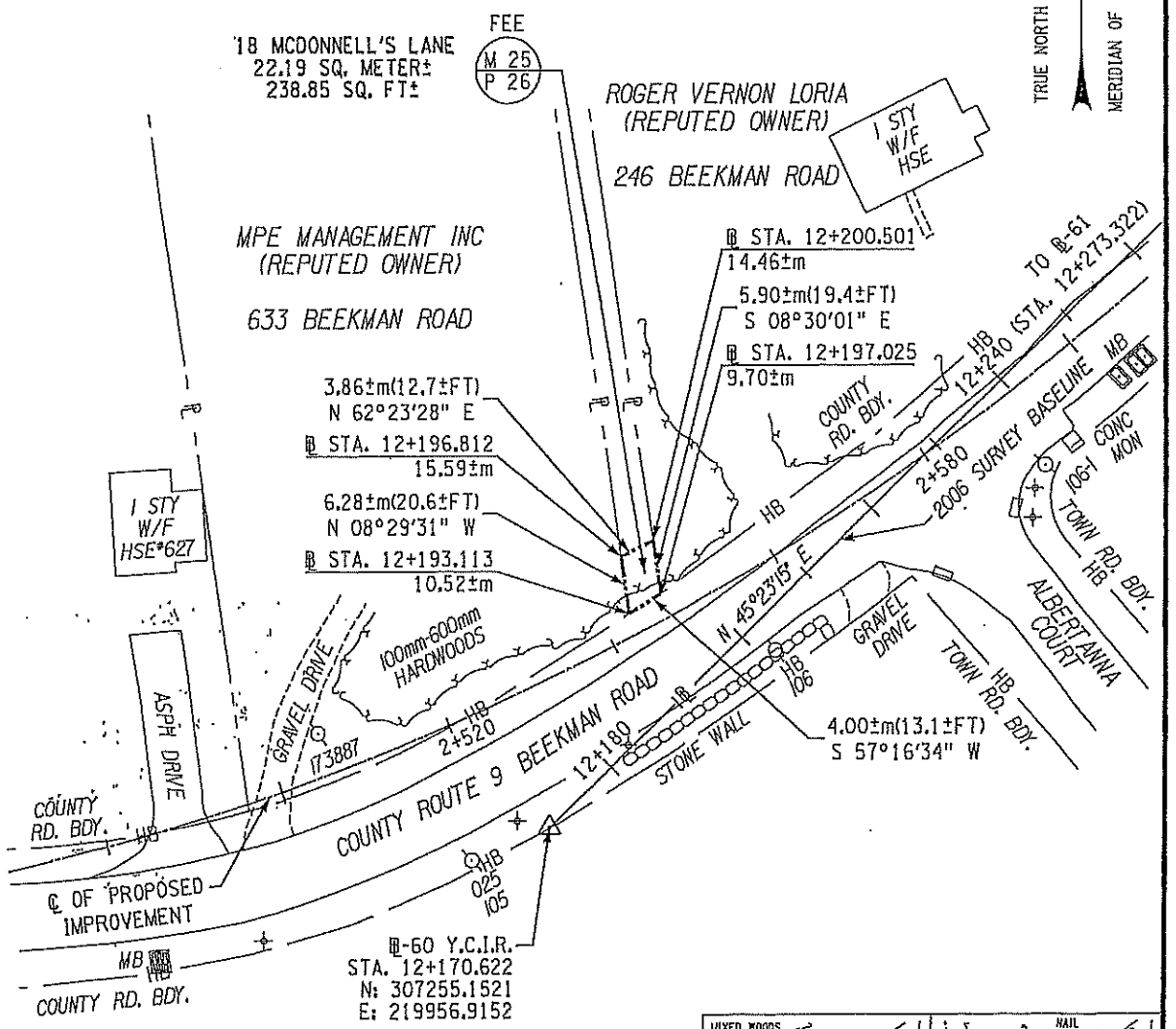
Town of East Fishkill
County of Dutchess
State of New York

ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax Parcel ID No.
132800-6558-04-997458-0000

REPUTED OWNER:
SYLVAN LAKE
BEACH PARK INC.
PO Box 52
LaGrangeville, NY 12540

MAP REFERENCE:
Map entitled "Map showing the lands owned by the estate of Daniel Deloney" and filed in the Dutchess County Clerk's office on June 14, 1937 as Filed Map#1740.

SYLVAN LAKE
BEACH PARK INC.
(REPUTED OWNER)



10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

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

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

All that piece or parcel of property hereinafter designated as Parcel No. 26, situate in the Town of East Fishkill, 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 9 (BEEKMAN ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF MPE MANAGEMENT INC (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF SYLVAN LAKE BEACH PARK INC. (REPUTED OWNER) ON THE EAST, SAID POINT BEING 10.52±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+193.113± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE NORTH 08°-29'-31" WEST ALONG SAID DIVISION LINE 6.28±m(20.6±FT.) TO A POINT 15.59±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+196.812± OF SAID BASELINE; THENCE NORTH 62°-23'-28" EAST THROUGH THE PROPERTY OF SYLVAN LAKE BEACH PARK INC. (REPUTED OWNER) 3.86±m(12.7±FT.) TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF ROGER VERNON LORIA (REPUTED OWNER) ON THE EAST AND THE PROPERTY OF SYLVAN LAKE BEACH PARK INC. (REPUTED OWNER) ON THE WEST, THE LAST MENTIONED POINT BEING 14.46±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+200.501± OF SAID BASELINE; THENCE SOUTH 08°-30'-01" EAST ALONG THE LAST MENTIONED DIVISION LINE 5.90±m(19.4±FT.) TO ITS INTERSECTION WITH THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 9.70±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+197.025± OF SAID BASELINE; THENCE SOUTH 57°-16'-34" WEST ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) 4.00±m (13.1±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 22.19± SQUARE METERS (238.85± SQUARE FEET) MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 9 (BEEKMAN ROAD) AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 12+170.622; THENCE NORTH 45°-23'-15" EAST TO STATION 12+273.322.

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

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

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

Date September 15th 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER
REVISED DATE
DATE PREPARED

FILE NAME = C:\mj\3-882\NOV\Seq Maps\VIEW26a.dgn

PREPARED BY J. BAIRD CHECKED BY R. OIEBL FINAL CHECK BY J. MALINOWSKI

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Sylvan Lake Beach Park, Inc

2 Business name/disregarded entity name, if different from above
Sylvan Lake Beach Park, Inc.

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☑ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
PO Box 52

Requester's name and address (optional)
Raymond W Ramsey
25 Birch Hill Drive
POughkeepsie, NY 12603

6 City, state, and ZIP code
LaGrangeville, NY 12540-0052

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
☐☐☐ – ☐☐ – ☐☐☐☐

or

Employer identification number
1 4 – 1 4 1 0 8 9 8

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Raymond Ramsey* Date ▶ November 22, 2018

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2019022 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM SYLVAN LAKE BEACH PARK, INC. IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019022 AUTHORIZATION TO ACQUIRE A FEE ACQUISITION FROM SYLVAN LAKE BEACH PARK, INC. IN CONNECTION WITH THE IMPROVEMENTS TO BEEKMAN ROAD (CR 9) IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019023

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY FROM ROGER VERNON LORIA IN CONNECTION WITH THE PROJECT KNOWN AS BEEKMAN ROAD (CR 9) IMPROVEMENTS, IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

Legislators MICCIO, METZGER, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Beekman Road (CR 9) in the Towns of East Fishkill and Beekman, which includes the acquisition of portions of certain properties, and

WHEREAS, this Legislature in Resolution No. 2014271 approved and adopted the Full Environmental Assessment Form and Notice of Determination which stated that the Beekman Road Improvement Project was a Type I action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and would not have a significant effect on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to complete the improvement project referenced above, it is necessary to acquire in fee certain real property owned by Roger Vernon Loria, located on Beekman Road, described as a 979.51+/- square foot parcel, Map No. 26, Parcel No. 27, Tax Grid No. 132800-6658-03-082348-0000, and

WHEREAS, negotiations with the property owner to acquire this property have resulted in an understanding that because of complications revealed in the title searches, Roger Vernon Loria is unable to convey clear title, and Roger Vernon Loria is therefore amenable to a friendly condemnation, and thus, authorization is requested to begin Eminent Domain Proceedings to acquire a portion of property owned by Roger Vernon Loria, and

WHEREAS, it is 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.	Sq. Ft.	Proffered Amount
Roger Vernon Loria	26	27 (fee)	979.51±	$1,600

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 Roger Vernon Loria, pursuant to the Eminent Domain Procedure Law for the fee acquisition of the above property in furtherance of the improvement to Beekman Road (CR 9) in the Towns of East Fishkill and Beekman, Dutchess County, New York.

CA-023-19
AMS/sc/R-0934-AA
02/08/19
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 1,600

Total Current Year Revenue and Source $ 1,520

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

Identify Line Items(s):
H0384.5110.300(9)Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $80
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:

RESOLUTION REQUEST TO BEGIN CONDEMNATION PROCEEDINGS TO ACQUIRE A FEE ACQUISITION OF REAL PROPERTY FROM ROGER VERNON LORIA, IN CONNECTION WITH PIN 8755.38: BEEKMAN ROAD (CR 9) IMPROVEMENTS, TOWNS OF EAST FISHKILL AND BEEKMAN, DUTCHESS COUNTY, NEW YORK
Request authorization to acquire a fee acquisition of a 91.00+/- square meter (979.51+/- square foot) parcel as shown on accompanying (Map 26, Parcel 27) for the purchase price of $1,600.00

Prepared by: Matthew W. Davis 2929

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 26
PARCEL NO. 27
SHEET 1 OF 2

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

ROGER VERNON LORIA
(REPUTED OWNER)

DOCUMENT# 02-2006-1995

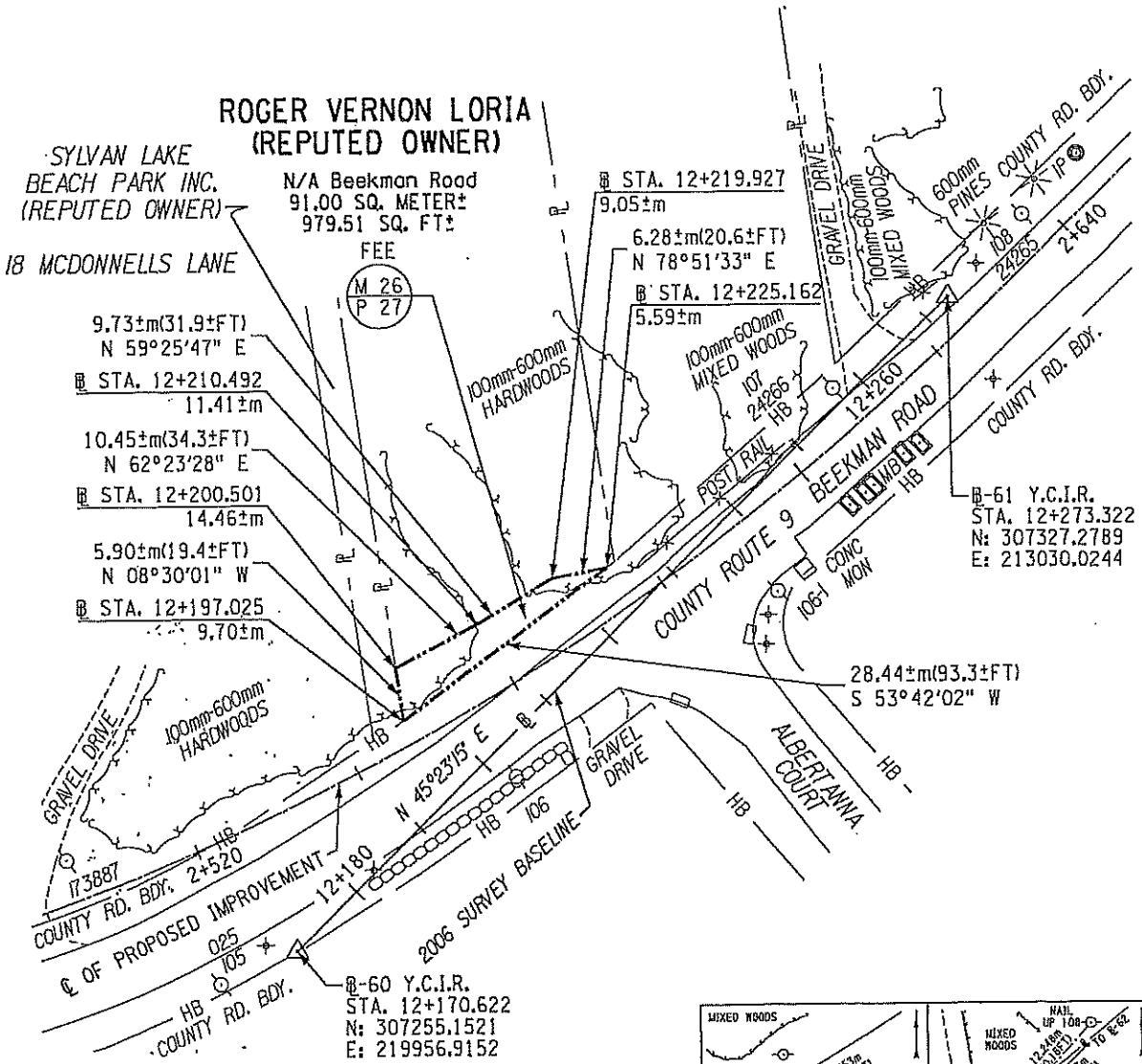
Town of East Fishkill
County of Dutchess
State of New York

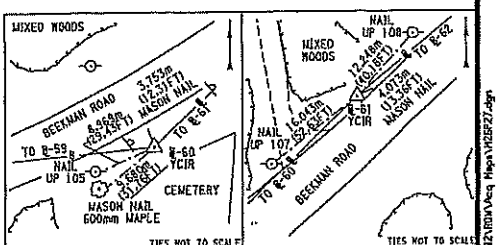
ACQUISITION DESCRIPTION:
Type: FEE
Portion of Real Property Tax
Parcel ID No.
132800-6658-03-082348-0000

MAP REFERENCE:
Lot No.13 on map entitled "Map showing the Land owned by the Estate of Daniel Delaney" and filed in the Dutchess County Clerk's office on June 14, 1937 as map#1740.

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

REPUTED OWNER:
ROGER VERNON LORIA
1 Soldi Lane
Valhalla, NY 10595





℄STA. 12+170.622 ℄-60 Y.C.I.R.	℄STA. 12+273.322 ℄-61 Y.C.I.R.
NYSPCS EAST ZONE NAD 83/96 N: 307255.1521m E: 212956.9152m	NYSPCS EAST ZONE NAD 83/96 N: 307327.2789m E: 213030.0244m

10 0 10 20 30 m

SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET,
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. WALTHONSKI

FILE NAME = G:\m\3-682\ROW\Acq Maps\1026927.dgn

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

COUNTY ROUTE 9 (BEEKMAN ROAD) TACONIC STATE PARKWAY TO COUNTY ROUTE 10 (SYLVAN LAKE ROAD)

PIN 8755.38

MAP NO. 26
PARCEL NO. 27
SHEET 2 OF 2

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

All that piece or parcel of property hereinafter designated as Parcel No. 27, situate in the Town of East Fishkill, 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 9 (BEEKMAN ROAD), AT THE INTERSECTION OF SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF SYLVAN LAKE BEACH PARK INC. (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF ROGER VERNON LORIA (REPUTED OWNER) ON THE EAST, SAID POINT BEING 9.70±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+197.025± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF A PORTION OF COUNTY ROUTE 9 (BEEKMAN ROAD); THENCE NORTH 08°-30'-01" WEST ALONG SAID DIVISION LINE 5.90±m(19.4±FT.) TO A POINT 14.46±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+200.501± OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF ROGER VERNON LORIA (REPUTED OWNER) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) NORTH 62°-23'-28" EAST 10.45±m(34.3±FT.) TO A POINT 11.41±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+210.492± OF SAID BASELINE; (2) NORTH 59°-25'-47" EAST 9.73±m(31.9±FT.) TO A POINT 9.05±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+219.927± OF SAID BASELINE; AND (3) NORTH 78°-51'-33" EAST 6.28±m(20.6±FT.) TO A POINT ON THE FIRST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD), THE LAST MENTIONED POINT BEING 5.59±m DISTANT NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM STATION 12+225.162± OF SAID BASELINE; THENCE SOUTH 53°-42'-02" WEST ALONG THE LAST MENTIONED NORTHERLY BOUNDARY OF COUNTY ROUTE 9 (BEEKMAN ROAD) 28.44±m (93.3±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 91.00± SQUARE METERS (979.51± SQUARE FEET) MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 9 (BEEKMAN ROAD) AND DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 12+170.622; THENCE NORTH 45°-23'-15" EAST TO STATION 12+273.322.

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

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

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

Date SEPTEMBER 15th 2017

Joseph G. Malinowski - Land Surveyor
P.L.S. License No. 050314

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road
Clifton Park, NY 12065

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

Date Oct 2 2017

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

STATE OF NEW YORK
JOSEPH G. MALINOWSKI
050314
LICENSED LAND SURVEYOR

MAP NUMBER
REVISED DATE
DATE PREPARED

FILE NAME = D:\mj0-682\30\Map Maps\N28P22.dgn

PREPARED BY J. BAIRD CHECKED BY R. DIEHL FINAL CHECK BY J. MALINOWSKI

HITE & BEAUMONT, P.C.
Counselors and Attorneys at Law
20 CORPORATE WOODS BLVD.
ALBANY, NEW YORK 12211
(518) 689-0966
Fax: (518) 689-0962

August 4, 2016

PARTIAL TITLE SEARCH CERTIFICATION

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

Re:	Reputed Owner:	Loria, Roger Vernon (2/3 interest) Unknown Distributee(s) of Roger Loria (1/3 interest)
	Property:	Map 26/Tax Map No. 6658-03-082348 Address: Beekman Road Town of East Fishkill, Dutchess County, New York
	Project:	Beekman Road (CR 9) Highway Improvements PIN: 8755.38

Dear Mr. Balkind:

In accordance with instructions given to this office, I have reviewed title to the property described in: a Quit Claim Deed dated June 1, 1990 and recorded July 31, 1990 in Liber 1871, Page 80, from Vincent A. Lordi to Roger Vernon Loria, which is the vesting deed for a 1/3 interest in the premises and rests on a Quit Claim Deed dated June 22, 1937 and recorded June 29, 1937 in Liber 560, Page 440, from Genevieve J. Senk and Joseph P. Senk to Bernard Delaney; a Bargain and Sale Deed dated October 6, 2004 and recorded March 7, 2006 as Document #02 2006 1995, from Maria Loria, as surviving wife of Roger Loria and distributee of 50% of Roger Loria's two thirds interest (which he obtained as surviving joint tenant), to Roger Vernon Loria, which is the source of title for a second 1/3 interest in the premises, and also rests on the Quit Claim Deed at Liber 560, Page 440. The remaining 1/3 interest is held by unknown distributees of Roger Loria and is derived from a Quit Claim Deed dated August 17, 1953 and recorded August 17, 1953 in Liber 839, Page 237, from Florence Roberts to Roger Loria and Alfred Loria, taking an undivided 2/3 interest as joint tenants, and Harry Lordi and Vincent Lordi taking the remaining 1/3 interest as joint tenants, which deed also rests on the Quit Claim Deed at Liber 560, Page 440.

The period of the title search was limited to the period from **June 22, 1937 through April 22, 2016.** No other investigation has been made. Sewer and water information is also excluded from this opinion.

I HEREBY CERTIFY that I have examined the public records relative to real estate titles in the County and State in which the above-referenced premises are situated, and/or have examined abstracts of title purporting to reflect the contents of such public records relative to said premises, which abstracts are deemed sufficiently complete and worthy of confidence, and which examination began with a well-recognized source of good title. Based upon such examination, as of **April 22, 2016**, I find that the owners of record title, as such appear in the County Clerk's records and Surrogate's records for the County of Dutchess, were **Roger Vernon Loria (2/3 interest) and unknown distributee(s) of Roger Loria (1/3 interest)**, who held record title free and clear of all encumbrances, defects and other issues, subject to the exceptions listed in Schedule A, which contains matters and issues that should be considered or addressed prior to the acquisition of any property interests.

Very truly yours,

HITE & BEAUMONT, P.C.

By Robert S. Hite
ROBERT S. HITE

RSH/pah

RKH
R.K. Hite & Co, Inc.

87 Genesee Street
P.O. Box 130
Avon, New York 14414
Tel: (585) 226-6702
Fax: (585) 226-8067

PIN: 8755.38 TRN: ____ Map No. 26 Project: Beekman Rd
Town / City / Village: Beekman + East Fishkill County: Dutchess
Property Address: Beekman Road
Record Owners: Roger Vernon Loria (2/3), Unknown Distributees of Roger Loria (1/3)
SBL # 6658-03-082348

UPDATED TITLE SEARCH

I, Eric Hite, a Title Searcher employed by R.K. Hite & Co., Inc., do hereby certify that I have searched the public indexes of the Dutchess County Clerk's Office Land, Property Tax Records and Surrogates' Court and of the United States Bankruptcy Court of the Southern District of New York against the premises described in Liber / of Deeds at Page / /Instrument # 2006-199 + 8320237 from 04/22/2016 to the date hereof.

I find no other instruments of record affecting said premises other than those shown at Items numbered / through / attached hereto.

taxes paid.

Dated: 05/18/2018

Title Searcher

Town of East Fishkill

Claudia D. Heckert 845-221-2160
East Fishkill Town Hall
330 Route 376
Hopewell Junction, NY 12533

Property Address: Beekman Rd **Owner:** Loria Roger Vernon
1 Saldi Ln
Valhalla NY 10595

Account #: 05082348
Bill #: 5862
Tax Map #: 6658-03-082348-0000

SWIS Code: 132800
School Code: 135601
School District:

Land Assessment: $98,500.00
Total Assessment: $98,500.00
Tax Before Star: $767.33
Star Savings: $0.00

Front: 0
Depth: 0
Acreage: 2.1
Bank:

Book #: 22006
Page #: 1995
Roll Section: 1
Class: 311

Exemptions: There are currently no exemptions applied to this property.

Levy Description	Tax Value	Tax Rate	Tax Amount
County Tax	98500.00	3.53861	$348.55
Town Tax	98500.00	3.207762	$315.96
East Fishkill Fire	98500.00	0.811022	$79.89
E Fishkill Pub Lib	98500.00	0.232794	$22.93

Total Tax: $767.33

Payment History

(Payments made to the county directly may not be reflected on this site.)

Date	Comments	Amount	Paid By
12/18/2017	Tax Bill	$767.33	
02/27/2018	Payment	($767.33)	OWNER

Tax Due: $0.00 *

* Does not include penalties or fees, if any.

Penalty Schedule

This table shows the penalties that will be due for late payments on this property.

Pay By	Penalty	Fee	Total Due
02/28/2018	$0.00	$0.00	$767.33 **
03/31/2018	$15.35	$0.00	$782.68 **
04/30/2018	$23.02	$0.00	$790.35 **
05/31/2018	$30.69	$2.00	$800.02 **

** Does not include returned check fees, if any.

2017-2018 Wappingers CSD

Claudia D. Heckert, 845-221-2160
330 Route 376
Hopewell Junction, NY 12533

Property Address: Beekman Rd **Owner:** Loria Roger Vernon
1 Saldi Ln
Valhalla NY 10595

Account #: 05082348
Bill #: 4796
Tax Map #: 6658-03-082348-0000

SWIS Code: 132800
School Code: 135601
School District:

Land Assessment: $98,500.00
Total Assessment: $98,500.00
Tax Before Star: $1,637.69
Star Savings: $0.00

Front: 0
Depth: 0
Acreage: 2.1
Bank:

Book #: 22006
Page #: 1995
Roll Section: 1
Class: 311

Exemptions: There are currently no exemptions applied to this property.

Levy Description	Tax Value	Tax Rate	Tax Amount
Hmstd School Taxes	98500.00	16.626326	$1,637.69

Total Tax: $1,637.69

Payment History

(Payments made to the county directly may not be reflected on this site.)

Date	Comments	Amount	Paid By
09/11/2017	Tax Bill	$1,637.69	
10/10/2017	Payment	($1,637.69)	OWNER

Tax Due: $0.00 *

* Does not include penalties or fees, if any.

Penalty Schedule

This table shows the penalties that will be due for late payments on this property.

Pay By	Penalty	Fee	Total Due
10/10/2017	$0.00	$0.00	$1,637.69 **
11/01/2017	$32.75	$0.00	$1,670.44 **

** Does not include returned check fees, if any.

6658-03-082348 8765.38 Map 26

Vincent Lodi From 04/22/2016 to 05/18/2018
Roger Vernon Lodi

Computer
none

Mortgages
none

Taxes
✓

Bankruptcy
none

Lis Pendens
none

COPY

MARCUS J. MOLINARO
COUNTY EXECUTIVE

ROBERT H. BALKIND, P.E.
COMMISSIONER

DAVID C. WHALEN
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

7016 0600 0000 8929 7388

April 5, 2018

Mr. Roger Vernon Loria etal.
1 Saldi Lane
Valhalla, New York 10595

RE: PIN 8755.38 - BEEKMAN ROAD (CR 9) HIGHWAY IMPROVEMENTS PROJECT
MAP 26, PARCEL 27
TAX ID NO. 6658-03-082348
TOWNS OF BEEKMAN AND EAST FISHKILL, DUTCHESS COUNTY, NEW YORK

Delivered this 8TH day of MAY, 2018, by VIA CERTIFIED MAIL

Dear Mr. Loria:

Dutchess County is in the process of acquiring real property rights necessary for the Beekman Road (CR 9) Highway Improvements project. This letter is the County's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The County has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is $1,600. As required by federal and state law, the offer represents the approved appraisal amount. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

1.	The value of the land and improvements within the fee acquisition area:	$1,600.00
2.	The value of the land and improvements within the permanent easement area:	$0.00
3.	The loss in value to your remaining property:	$0.00
4.	Cost to cure	$0.00
5.	Temporary easement rental value:	$0.00
TOTAL OFFER OF JUST COMPENSATION:		$1,600.00

626 Dutchess Turnpike, Poughkeepsie, New York 12603
www.dutchessny.gov

Included in the acquired area are the following improvements:

wooden posts.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within one (1) year of the date of the execution of the Advance Payment Agreement, shall be deemed an acceptance of the amount paid as full settlement of such claim.

You have ninety (90) calendar days to consider this offer. Within this time, you may accept the offer, accept the offer as advance payment, or reject the offer. If you do not respond to this offer within the 90 day period, the Department of Public Works will consider the offer rejected.

On acceptance of this offer or an adjusted offer, the County will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights. Please find with this letter the following documents:

1. W-9 Form. This form must be completed, signed and returned in order to allow Dutchess County to make any payment to you.

2. Purchase Agreement. This form should be completed, signed and returned if you accept the offer for just compensation as presented herein. If you complete, sign and return this document, you do not need to complete the Advance Payment Agreement.

3. Advance Payment Agreement. This form should be completed, signed and returned if you wish to accept the offer for just compensation as presented herein but would like to reserve your rights to claim additional compensation. If you choose to accept the offer as an advanced payment, you shall in no way prejudice your right to claim additional compensation. If you complete, sign and return this document, you do not need to complete the Purchase Agreement.

All forms should be returned to Dutchess County DPW, Engineering Division at 626 Dutchess Turnpike, Poughkeepsie, NY 12603. Upon receipt of these documents the closing process will commence.

The County has hired R.K. Hite & Co., Inc. to assist Dutchess County with right of way acquisition activities and to conduct negotiations on our behalf. A representative from R.K. Hite & Co., Inc. will contact you and offer to schedule an appointment to discuss the acquisition process. At this meeting, the representative will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the representative will provide details about the proposed property acquisition schedule. Every effort will be made to answer your questions and help you through the process.

The representative from R.K. Hite & Co., Inc. assigned to this project is Sandra Casale. She will follow up with you within approximately one week to answer any questions you may have. You may contact Ms. Casale at (315) 868-5963 or via email at SandraCasale@rkhite.com if you wish to discuss the offer or if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

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

RHB/al
Enc.

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	abst	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019023 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY FROM ROGER VERNON LORIA IN CONNECTION WITH THE PROJECT KNOWN AS BEEKMAN ROAD (CR 9) IMPROVEMENTS, IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019023 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY FROM ROGER VERNON LORIA IN CONNECTION WITH THE PROJECT KNOWN AS BEEKMAN ROAD (CR 9) IMPROVEMENTS, IN THE TOWNS OF EAST FISHKILL AND BEEKMAN (PIN 8755.38)

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019024

RE: AUTHORIZE ACCEPTANCE OF A LINE OF SIGHT GRADING AND CONSTRUCTION EASEMENT FOR TWO PARCELS AT THE INTERSECTION OF LONG BRANCH ROAD AND CREAM STREET (CR 39), TOWN OF HYDE PARK FROM 54-HYDE, LLC

Legislators MICCIO, SAGLIANO, METZGER, BOLNER, and TRUITT offer the following and moves its adoption:

WHEREAS, 54-Hyde, LLC has approached the Dutchess County Department of Public Works-Engineering Division (DPW) in connection with a subdivision that it is involved with, "The Enclave at Hyde Park," which impacts Long Branch Road and Cream Street (CR 39), in the Town of Hyde Park, and

WHEREAS, the Department of Public Works advised 54-Hyde, LLC that a Line of Sight Grading and Construction Easement would be necessary in order to maintain sight lines at property owned by 54-Hyde, LLC on Long Branch Road and Cream Street (CR 39), in the Town of Hyde Park, and

WHEREAS, a Sight Line Easement and Access Agreement, that is satisfactory to DPW has been obtained, a copy of which is annexed hereto, and

WHEREAS, the Commissioner of Public Works recommends that this Legislature authorize the County Executive to accept and execute said Sight Line Easement and Access Agreement, now, therefore, be it

RESOLVED, that this Legislature approves the acceptance of the grant of a Line of Sight Grading and Construction Easement from 54-Hyde, LLC for the maintenance of sight lines at their property on Long Branch Road and Cream Street in the Town of Hyde Park and the County Executive is hereby authorized to execute the same in substantially the form attached hereto.

CA-025-19
ams/sc/R-0989
01/03/19
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 0

Total Current Year Revenue $ 0
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ 0

Nature/Reason:
Anticipated Administrative Costs and Fees.

Anticipated Savings to County: $0

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

Additional Comments/Explanation:
RESOLUTION REQUEST TO ACQUIRE BY WAY OF DONATION, TWO SIGHT LINE EASEMENTS FROM 54-HYDE, LLC, IN CONNECTION WITH "THE ENCLAVE AT HYDE PARK RESIDENTIAL SUBDIVISION" AT THE INTERSECTION OF LONG BRANCH ROAD AND CREAM STREET (CR 39), IN THE TOWN OF HYDE PARK.

Prepared by: Matthew W. Davis EX. 2929

SIGHT LINE EASEMENT AND ACCESS AGREEMENT

THIS SIGHT LINE EASEMENT AND ACCESS AGREEMENT (this "Agreement") made and entered into as of the 10th day of July, 2018 between **54-HYDE, LLC**, a New York limited liability company having its principal mailing address at 2 Manhattanville Road, Suite 403, Purchase, NY 10577 (the "**Grantor**"), and **THE COUNTY OF DUTCHESS**, a municipal corporation of the State of New York with offices located at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the "**Grantee**").

WHEREAS, the Grantor is the fee owner of certain real property located in the Town of Hyde Park, County of Dutchess, State of New York, shown and depicted as "HOA Parcel A" and "HOA Parcel B" (collectively, the "**Lots**"), on a certain map entitled "Subdivision/Site Plan/Special Use/Submission set for The Enclave At Hyde Park A Residential Subdivision," dated December 7, 2016, and last revised on August 23, 2017, prepared by The LRC Group, which map was filed on_____, 2018 in the Dutchess County Clerk's Office as Filed Map No. 11697C (the "**Final Plat**"); and

WHEREAS, the Grantor pursuant to an irrevocable offer of cession has offered "Long Branch Road," as depicted on the Final Plat to the Town of Hyde Park; and

WHEREAS, Long Branch Road intersects with Cream Street (CR 39), at the location shown on the Final Plat; and

WHEREAS, the Grantee in connection with the approval of the Final Plat and the irrevocable offer of Long Branch Road to the Town of Hyde Park, has required the Grantor to grant a sight easement to the Grantee with respect to certain portions of the Lots located along Cream Street (CR 39) in the areas adjacent to the intersection of Long Branch Road and Cream Street (CR 39); and

WHEREAS, this conveyance is made to the Grantee in accordance with the authority set forth in Resolution No. _____of the Dutchess County Legislature.

NOW, THEREFORE, the Grantor, in consideration of the sum of TEN ($10.00) DOLLARS, lawful money of the United States, actual consideration, and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever, a Line of Sight, Grading and Construction Easement over all those certain plots, pieces or parcels of land situate, lying and being in the Town of Hyde Park, County of Dutchess and State of New York, as further described on Schedules "A" and "B" (Collectively, the "Easement Area"), attached hereto and made a part hereof, which Easement shall be held and conveyed subject to the following:

1. The County, in the event the Grantor, as owner of the Lots of the Subdivision known as The Enclave At Hyde Park, or any subsequent owner of the Lots fails to maintain the Easement, to clear brush and other vegetation to enhance visibility and sight distance for users of the public roadways including the right of access for maintenance and the right to clear and remove brush and vegetation, re-grade as necessary, reseed, re-vegetate or employ any other

11. This Agreement may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

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

13. If the Grantor or any subsequent owner of any of the Lots which are the subject of this Sight Easement shall violate or attempt to violate any of the provisions of same, the Grantee shall have the right to enforce such Easement by proceeding at law or in equity against any person, persons or entity violating, or attempting to violate, any term or provision herein, in order to prevent such violation(s), or to require specific performance, and/or to recover damages for any such violation(s), or both. Failure by the Grantee, or its successors or assigns, to enforce any provision herein shall in no event be deemed a waiver of the right to do so thereafter.

14. The Grantee acknowledges and agrees that all rights not expressly conveyed hereunder are expressly reserved by the Grantor to the fullest extent permitted by law. The easements granted herein may only be used for the explicit purposes stated in this Agreement and not for any other additional, extended, ancillary or incidental uses without the express prior written consent of the Grantor. The Grantee acknowledges and agrees that any use of the easements granted herein beyond that which is expressly authorized by this Agreement will burden the easements granted herein and will materially impair and damage the Grantor's ability to further develop its property and/or any other associated contiguous properties owned by the Grantor and/or its affiliated business entities.

15. Any action or dispute arising directly or indirectly out of this Agreement shall be determined pursuant to the laws of the State of New York. The parties hereby choose the New York State Supreme Court in Dutchess County as the forum for any such action.

16. If any litigation is brought by any party in respect of its rights under this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

17. Grantor represents and warrants that the execution and delivery of this Agreement has been approved in accordance with the requirements of its operating agreement and that the undersigned signatory has been authorized to execute and deliver this Agreement on behalf of the Grantor.

STATE OF NEW YORK)
)s.s.:
COUNTY OF WESTCHESTER)

On the 10th day of July in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared Sam Mermelstein, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

DAGMARA LALEWICZ
Notary Public, State of New York
No. 01LA6029531
Qualified in Westchester County
Commission Expires August 23, 2021

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

On the ___ day of _____ in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

Legal Description

Clearing Easement - Dutchess County DPW

A certain piece or parcel of land depicted as "Easement For Clearing In Favor Of Dutchess County DPW" containing 693 Square Feet on a map entitled "Subdivision Plat The Enclave At Hyde Park Land Now Or Formerly Of 54 Hyde, LLC Cream Street Town Of Hyde Park Dutchess County, New York " dated 12-07-16 revised to 09-14-17 scale 1"=50', prepared by The LRC Group, 85 Civic Center Plaza, Suite 103 Poughkeepsie, NY 12601 being further bounded and described as follows:

Beginning at a point being the intersection of the easterly street line of Cream Street with the northerly street line of Long Branch Road, said point being the most westerly point of herein described easement;

Thence running the following two (2) courses and distances along the easterly street line of Cream Street, N 05°07'45" E 31.22 feet and N 07°26'10" E 42.93 feet to the most northerly corner of herein described easement.

Thence running S 03°19'51" E 105.56 feet through HOA Parcel A to the northerly street line of Long Branch Road, said point being the most southerly corner of herein described easement.

Thence running N 24°32'36" W 34.86 feet along the northerly street line of Long Branch Road to the point or place of beginning.

693 SF
.016 AC

SCHEDULE B
Legal Description

Clearing Easement - Dutchess County DPW

A certain piece or parcel of land depicted as "Easement For Clearing In Favor Of Dutchess County DPW" containing 1313 Square Feet on a map entitled "Subdivision Plat The Enclave At Hyde Park Land Now Or Formerly Of 54 Hyde, LLC Cream Street Town Of Hyde Park Dutchess County, New York " dated 12-07-16 revised to 09-14-17 scale 1"=50', prepared by The LRC Group, 85 Civic Center Plaza, Suite 103 Poughkeepsie, NY 12601 being further bounded and described as follows:

Beginning at a point being the intersection of the easterly street line of Cream Street with the southerly street line of Long Branch Road, said point being the most westerly point of herein described easement;

Thence running the following three (3) courses and distances along the southerly street line of Long Branch Road, N 28°11'12" E 27.59 feet, N 02°25'00" E 14.76 feet and Northeasterly on a curve to the right having a radius of 18.00 feet an arc length of 27.00 feet to the northeast corner of herein described easement.

Thence running S 12°51'38" W 120.84 feet through HOA Parcel B to the easterly street line of Cream Street, said point being the most southerly corner of herein described easement.

Thence running the following two (2) courses and distances along the easterly street line of Cream Street N 04°46'55" W 44.40 feet and N 01°44'30" W 17.27 feet to the point or place of beginning.

1,313 SF
0.030 AC.

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019024 AUTHORIZE ACCEPTANCE OF A LINE OF SIGHT GRADING AND CONSTRUCTION EASEMENT FOR TWO PARCELS AT THE INTERSECTION OF LONG BRANCH ROAD AND CREAM STREET (CR 39), TOWN OF HYDE PARK FROM 54-HYDE, LLC

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019024 AUTHORIZE ACCEPTANCE OF A LINE OF SIGHT GRADING AND CONSTRUCTION EASEMENT FOR TWO PARCELS AT THE INTERSECTION OF LONG BRANCH ROAD AND CREAM STREET (CR 39), TOWN OF HYDE PARK FROM 54-HYDE, LLC

January 22, 2019

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2019025

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY ARCHDIOCES OF NEW YORK, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

Legislators MICCIO and METZGER 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 complete the improvement and realignment referenced above, it is necessary to acquire a permanent easement on certain real property owned by Archdioces of New York, described as a 165.42+/- square foot parcel, Map No. 17, Parcel No. 23, described as Tax Grid No. 135689-6358-03-032492-0000, and a temporary easement described as a 1,710.65 +/- square foot parcel, Map No. 16, Parcel No. 22, described as Tax Grid No. 135689-6258-04-976478-0000,

WHEREAS, the lengthy and complex process of acquiring property from religious entities has stemmed the acquisition of these easements, and thus, authorization is requested to begin Eminent Domain Proceedings to acquire such easements from the Archdiocese of New York, and

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

Name	Map No.	Parcel No.	Sq. Ft.	Proffered Amount
Archdioces of New York	17	23	165.42+/-	$200
Archdioces of New York	16	22	1,710.65+/-	$500.00

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 Archdioces of New

York, pursuant to the Eminent Domain Procedure Law for the acquisition of the above easements in furtherance of the improvement to Myers Corners Road (CR 93) in the Town of Wappinger, Dutchess County, New York.

CA-029-19
AMS/sc/R-0946-O
01/04/19
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

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 $ 700

Total Current Year Revenue $ 665
and Source

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

Identify Line Items(s):
H0384.5110.300(8)(9) Roads ISTEA

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $35
Over Five Years: _____

Additional Comments/Explanation:
This Fiscal Impact Statement Pertains to:

RESOLUTION REQUEST TO BEGIN CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF REAL PROPERTY FROM ARCHDIOCES OF NEW YORK, IN CONNECTION WITH PIN 8755.45; MYERS CORNERS ROAD (CR 93) IMPROVEMENTS PROJECT, TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Prepared by: Matthew W. Davis 2929

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements
PIN OR CIN: 8755.45 Map: 16 Parcel: 22

This Agreement by and between ARCHDIOCES OF NEW YORK, with offices at 1011 First Avenue, New York, NY 10022 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 0± square feet of real property. Purchase price is 0

☐ a *permanent easement* to 0± square feet of real property. Purchase price is 0

☒ a *temporary easement* to 1,710.65± square feet of real property. Purchase price is $500.00

Located at Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel 22 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 8/31/1982 and recorded 3/24/1983 in Liber 1568 of Deeds at Page 112 in the Office of the County Clerk for Dutchess County (re: Grid #6258-04-976478),

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

3. PURCHASE PRICE. The total purchase price is FIVE HUNDRED AND 00/100 DOLLARS ($500.00). 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 cost of each additional one year term shall be $ 167.00. The Buyer shall include a check for the sum of $ 167.00 with said written notification to the Seller.

13204

7. TITLE DOCUMENTS. Temporary easement 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 (in no event to exceed $200.00), 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 of the temporary easement 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 9th, of February, 2018, the parties have entered into this Agreement.

ARCHDIOCESE OF NEW YORK

APPROVED AS TO FORM:

Department of Law

SELLER: Chancellor

Print Name: Rev. Msgr. Gregory Mustaciuolo

Title: Chancellor

APPROVED AS TO CONTENT:

Department of Public Works

COUNTY OF DUTCHESS:

Print Name: William F.X. O'Neil

Title: Deputy County Executive

#17-0619 -10/19 - PW

2/9/18

13204

Rev2

EXHIBIT A
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REALIGNMENT OF
COUNTY ROUTE 93
MYERS CORNERS ROAD

PIN 8755.45

MAP NO. 16
PARCEL NO. 22
SHEET 1 OF 2

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

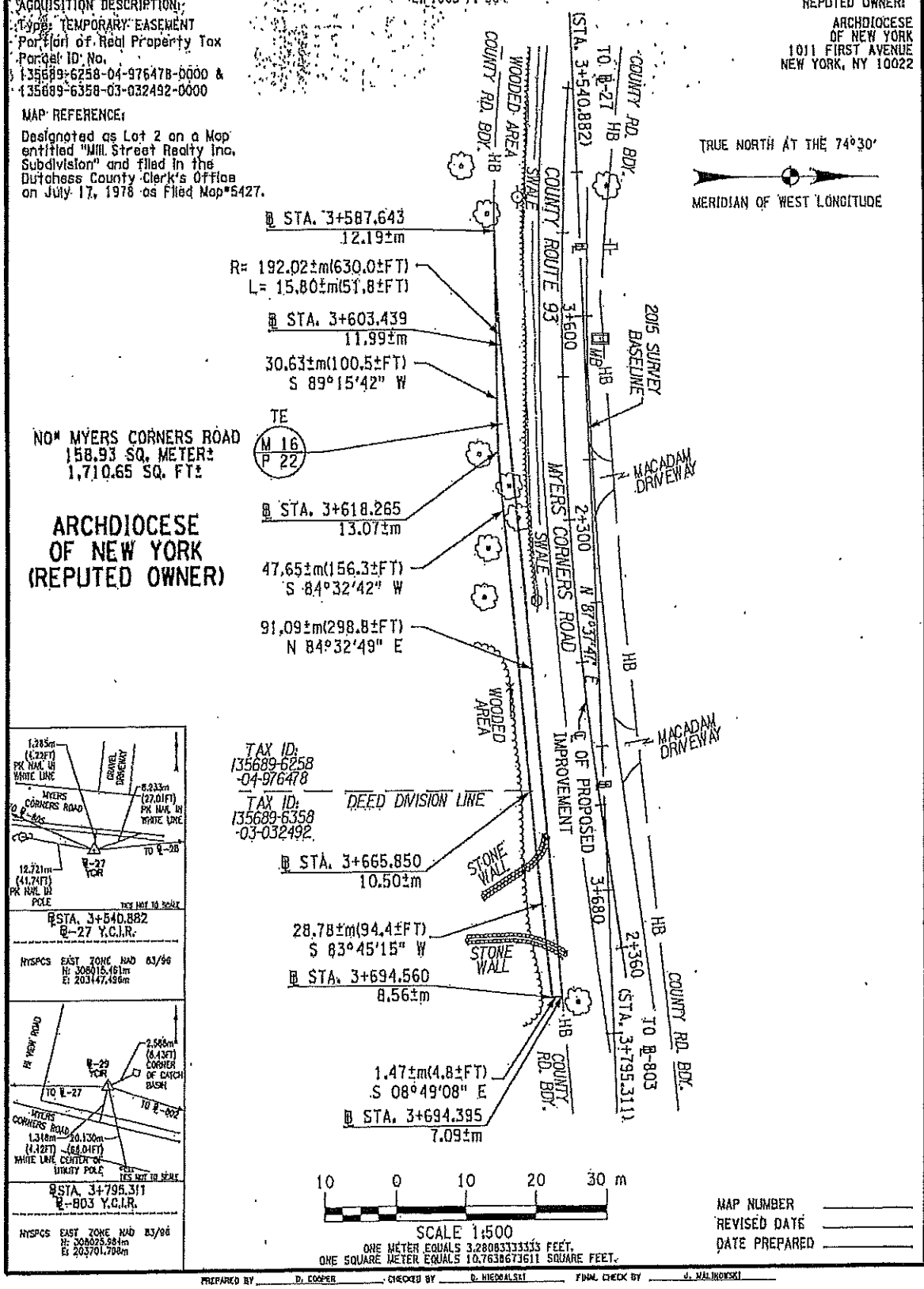
ACQUISITION DESCRIPTION:
Type: TEMPORARY EASEMENT
Portion of Real Property Tax Parcel ID No.
135689-6258-04-976478-0000 &
135689-6358-03-032492-0000

MAP REFERENCE:
Designated as Lot 2 on a Map entitled "Mill Street Realty Inc. Subdivision" and filed in the Dutchess County Clerk's Office on July 17, 1978 as Filed Map#5427.

ARCHDIOCESE
OF NEW YORK
(REPUTED OWNER)
L. 1598 P. 112
L. 1803 P. 584

Town of Wappinger
County of Dutchess
State of New York

REPUTED OWNER:
ARCHDIOCESE
OF NEW YORK
1011 FIRST AVENUE
NEW YORK, NY 10022



MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY D. COOPER CHECKED BY D. HIEDALSKI FINAL CHECK BY J. MALINOWSKI

FILE NAME = G:\MLO22\0221 MYERS CORNER RD\Dwg\Map\MB8722.dgn

'EXHIBIT A'

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REALIGNMENT OF
COUNTY ROUTE 93
MYERS CORNERS ROAD

PIN 8755.45

MAP NO. 16
PARCEL NO. 22
SHEET 2 OF 2

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

PARCEL NO. 22. A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF A WORK AREA IN CONNECTION WITH THE REHABILITATION OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) TO GRADE THE SIDE SLOPES TO MEET THE EXISTING GROUND, RECONSTRUCT THE DRIVEWAY, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), SAID POINT BEING 7.09±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+694.395± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE THROUGH THE PROPERTY OF THE ARCHDIOCESE OF NEW YORK (REPUTED OWNER) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) SOUTH 08°-49'-08" EAST 1.47±m(4.8±FT.) TO A POINT 8.56±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+694.560± OF SAID BASELINE; (2) SOUTH 83°-45'-15" WEST 28.78±m(94.4±FT.) TO A POINT 10.50±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+665.850± OF SAID BASELINE; (3) SOUTH 84°-32'-42" WEST 47.65±m(156.3±FT.) TO A POINT 13.07±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+618.265± OF SAID BASELINE; AND (4) SOUTH 89°-15'-42" WEST 30.63±m(100.5±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 12.19±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+587.643± 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) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 192.02±m(630.0±FT.), A DISTANCE OF 15.80±m(51.8±FT.) TO A POINT 11.99±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+603.439± OF SAID BASELINE; AND (2) NORTH 84°-32'-49" EAST 91.09±m(298.8±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 158.93± SQUARE METERS (1,710.65± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE, OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

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+540.882; THENCE NORTH 87°-37'-47" EAST TO STATION 3+795.311.

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

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

Date Sept 19 2017

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

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

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

Date Sept. 13 2017

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

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

MAP NUMBER
REVISED DATE
DATE PREPARED

PREPARED BY D. COOPER CHECKED BY D. HIEDRALSKI FINAL CHECK BY J. WALISOWSKI

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Myers Corners Road (CR 93) Improvements
PIN OR CIN: 8755.45 Map: 17 Parcel: 23

This Agreement by and between ARCHDIOCES OF NEW YORK, with offices at 1011 First Avenue, New York, NY 10022 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 0± square feet of real property. Purchase price is 0

☒ a *permanent easement* to 165.42± square feet of real property. Purchase price is $200.00

☐ a *temporary easement* to 0± square feet of real property. Purchase price is 0

Located at Myers Corners Road, Town of Wappinger, Dutchess County, New York, and is further described as parcel 23 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated 7/18/1988 and recorded 7/18/1988 in Liber 1803 of Deeds at Page 584 in the Office of the County Clerk for Dutchess County (re: Grid #6358-03-032492),

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

3. PURCHASE PRICE. The total purchase price is TWO HUNDRED AND 00/100 DOLLARS ($200.00). 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. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:

A. Permanent easement 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 (in no event to exceed $200.00), as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or

13205

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 of a permanent easement. 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 9th day of February, 2018 the parties have entered into this Agreement.

ARCHDIOCESE OF NEW YORK

SELLER: _____

Print Name: Rev. Msgr. Gregory Mustaciuolo

Title: Chancellor

APPROVED AS TO FORM:

_____
Department of Law

APPROVED AS TO CONTENT:

_____
Department of Public Works

COUNTY OF DUTCHESS:

_____

Print Name: William F.X. O'Neill

Title: Deputy County Executive

#17-0618-10/18-PW

13205

2/9/18

Rev2

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REALIGNMENT OF
COUNTY ROUTE 93
MYERS CORNERS ROAD

PIN 8755.45

MAP NO. 17
PARCEL NO. 23
SHEET 1 OF 2

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

ACQUISITION DESCRIPTION:
Type: PERMANENT EASEMENT
Portion of Real Property Tax
Parcel ID No.
135689-6358-03-032492-0000

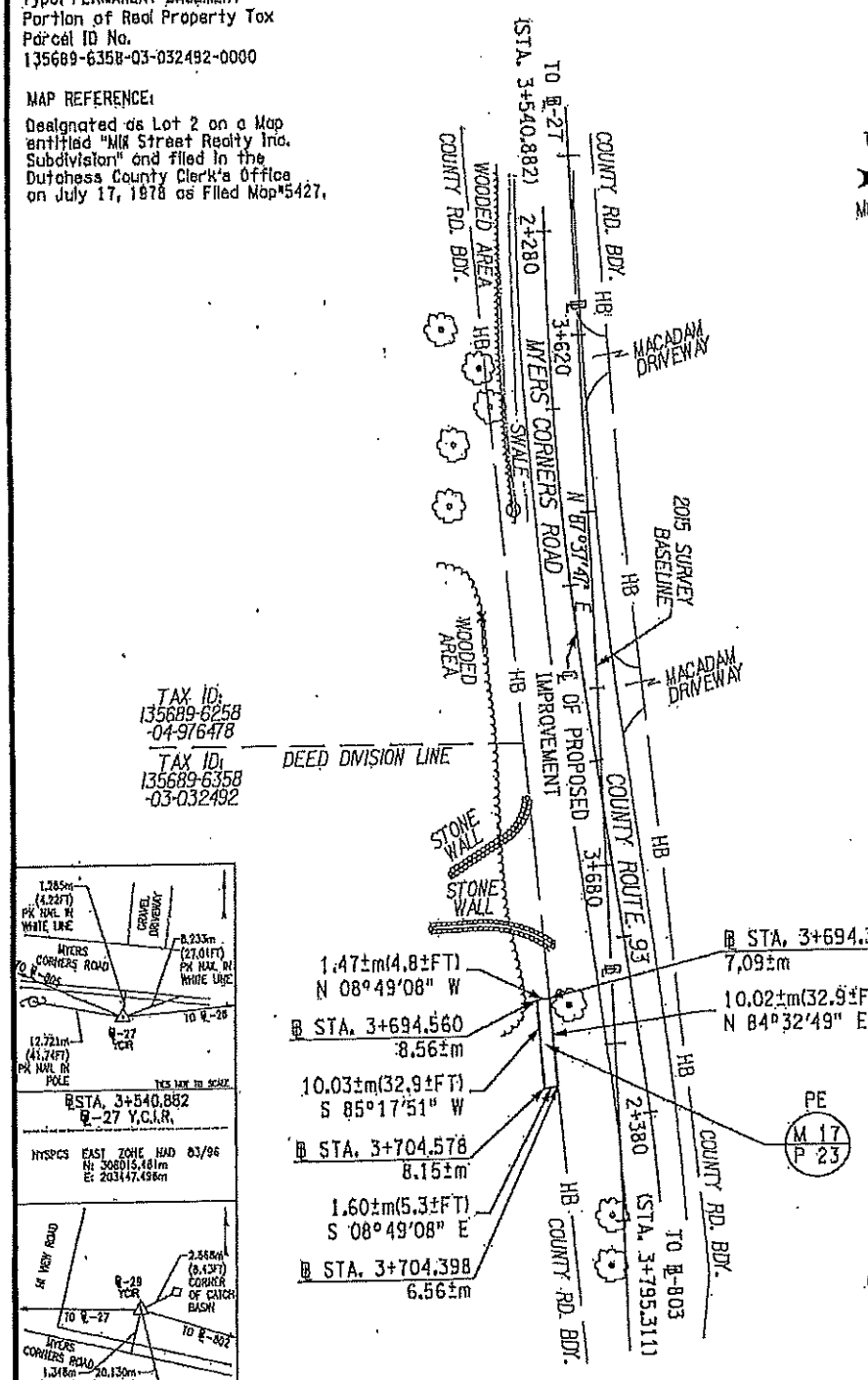
MAP REFERENCE:
Designated as Lot 2 on a Map entitled "MW Street Realty Inc. Subdivision" and filed in the Dutchess County Clerk's Office on July 17, 1978 as Filed Map#5427.

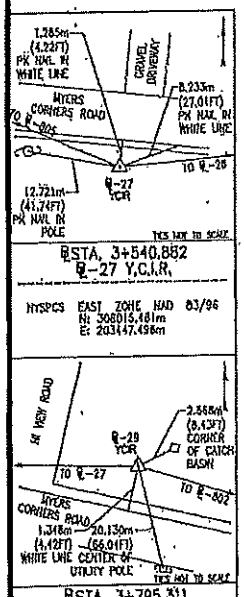
ARCHDIOCESE
OF NEW YORK
(REPUTED OWNER)
L. 1803 P. 584

Town of Wappinger
County of Dutchess
State of New York

REPUTED OWNER:
ARCHDIOCESE
OF NEW YORK
1011 FIRST AVENUE
NEW YORK, NY 10022

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





10 0 10 20 30 m
SCALE 1:500
ONE METER EQUALS 3.28083333333 FEET.
ONE SQUARE METER EQUALS 10.76388673611 SQUARE FEET.

MAP NUMBER _____
REVISED DATE _____
DATE PREPARED _____

PREPARED BY D. COOPER CHECKED BY D. NICOBALSKI FINAL CHECK BY J. HALIBOWSKI

'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REALIGNMENT OF
COUNTY ROUTE 93
MYERS CORNERS ROAD

PIN 8755.45

MAP NO. 17
PARCEL NO. 23
SHEET 2 OF 2

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

A PERMANENT EASEMENT TO BE EXERCISED IN, ON AND OVER THE PROPERTY ABOVE DELINEATED FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THEREON DRAINAGE STRUCTURES TOGETHER WITH APPURTENANCES, IN AND TO ALL THAT PIECE OR PARCEL OF PROPERTY DESIGNATED AS PARCEL NO. 23, 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 6.56±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+704.398± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE REALIGNMENT OF COUNTY ROUTE 93 (MYERS CORNERS ROAD); THENCE THROUGH THE PROPERTY OF THE ARCHDIOCESE OF NEW YORK (REPUTED OWNER) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 08°-49'-08" EAST 1.60±m(5.3±FT.) TO A POINT 8.15±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+704.578± OF SAID BASELINE; (2) SOUTH 85°-17'-51" WEST 10.03±m(32.9±FT.) TO A POINT 8.56±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+694.560± OF SAID BASELINE; AND (3) NORTH 08°-49'-08" WEST 1.47±m(4.8±FT.) TO A POINT ON THE FIRST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD), THE LAST MENTIONED POINT BEING 7.09±m DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION 3+694.395± OF SAID BASELINE; THENCE NORTH 84°-32'-49" EAST ALONG THE LAST MENTIONED SOUTHERLY BOUNDARY OF COUNTY ROUTE 93 (MYERS CORNERS ROAD) 10.02±m(32.9±FT.) TO THE POINT OF BEGINNING, SAID PARCEL BEING 15.37± SQUARE METERS (165.42± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE, OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

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+540.882; THENCE NORTH 87°-37'-47" EAST TO STATION 3+795.311.

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

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

Date Sept 13 2017

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

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

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

Date Sept 13 2017

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

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

MAP NUMBER
REVISED DATE
DATE PREPARED

PREPARED BY D. COOPER CHECKED BY D. KIEDRALSKI FINAL CHECK BY J. MELNOWSKI

FILE NAME = G:\M\1322\1322J MYERS CORNER ROAD\Survey\Maps\17\17-2.dgn

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 8 - City and Town of Poughkeepsie	Brendli		
District 12 - Town of East Fishkill	Metzger		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato (VC)		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 24 - Towns of Dover and Union Vale	Surman	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019025 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY ARCHDIOCES OF NEW YORK, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019025 AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION OF REAL PROPERTY OWNED BY ARCHDIOCES OF NEW YORK, IN CONNECTION WITH THE PROJECT KNOWN AS MYERS CORNERS ROAD (CR 93) IMPROVEMENTS, TOWN OF WAPPINGER (PIN 8755.45)

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019026

RE: REAPPOINTMENT TO CORNELL COOPERATIVE EXTENSION ASSOCIATION BOARD OF DIRECTORS

Legislators BORCHERT, BOLNER, TRUITT, PULVER, SAGLIANO, and MICCIO offer the following and move its adoption:

WHEREAS, the Cornell Cooperative Extension Association Dutchess County ("Association") was created pursuant to the provisions of New York State County Law 224 (8)(b), as amended, and

WHEREAS, the Association is governed by a Constitution last dated effective on January 1, 2013, and

WHEREAS, the Association is governed by a Board of Directors, and

WHEREAS, in accordance with the Constitution the Dutchess County Legislature is requested annually to appoint one legislator to serve as an ex-officio Director on the Association's Board of Directors, be it

RESOLVED, that the following person be appointed to the Cornell Cooperative Extension Association Board of Directors effective immediately.

REAPPOINTMENT:	TERM EXPIRES:
Deirdre Houston 11 Elm Drive P.O. Box 512 Millbrook, New York 12545	12/31/2019

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1-30-2019

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019026 REAPPOINTMENT TO CORNELL COOPERATIVE EXTENSION ASSOCIATION BOARD OF DIRECTORS

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019026 REAPPOINTMENT TO CORNELL COOPERATIVE EXTENSION ASSOCIATION BOARD OF DIRECTORS

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019027

RE: REAPPOINTMENT TO THE DISTRICT 3 FISH AND WILDLIFE MANAGEMENT BOARD

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

WHEREAS, pursuant to Article 11, Section 11-0501 of the Environmental Conservation Law of the State of New York, the Chairman of the Legislature shall appoint members to the District 3 Fish and Wildlife Management Board, subject to confirmation by the County Legislature, and

WHEREAS, a vacancy exists on the District 3 Fish and Wildlife Management Board due to the expiration of term of Kevin Haight, and

WHEREAS, Kevin Haight has expressed an interest in being reappointed, be it

RESOLVED, that the Dutchess County Legislature does hereby ratify and confirm the reappointment of Kevin Haight said term commencing immediately, and expiring as set forth below, as a member of the District 3 Fish and Wildlife Management Board.

REAPPOINTMENT:	TERM EXPIRES:
Kevin Haight 161 Rombout Road Poughkeepsie, New York 12603 (Landowner Representative)	12/31/2020

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019027 REAPPOINTMENT TO THE DISTRICT 3 FISH AND WILDLIFE MANAGEMENT BOARD

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019027 REAPPOINTMENT TO THE DISTRICT 3 FISH AND WILDLIFE MANAGEMENT BOARD

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019028

RE: REAPPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

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

WHEREAS, a vacancy exists on the Board of Directors of the Dutchess County Resource Recovery Agency by reason of the expiration of terms of Daniel Denisoff, and

WHEREAS, the Chairman of the Legislature has reappointed Daniel Denisoff to the Board of the Dutchess County Resource Recovery Agency subject to confirmation of the Dutchess County Legislature, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby ratify and confirm the reappointment of Daniel Denisoff for a term to expire on December 31, 2021.

REAPPOINTMENT:

Daniel Denisoff 12/31/2021
189 Roosevelt Drive
Poughquag, New York 12570

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Discussion on Resolution No. 2019028 proceeded as follows:

Legislator Tyner spoke regarding the need for a transformation of the Resource Recovery Agency.

Legislator Miccio called Point of Order because the resolution was for a reappointment.

Chair Pulver ruled Legislator Tyner out of order.

Roll call vote on the foregoing Resolution No. 2019028 resulted as follows:

AYES:	21	Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston Incoronato, Jeter-Jackson, Johnson, Keith, Llaverias, Metzger, Miccio, Munn, Pulver, Sagliano, Surman, Thomes, Truitt
NAYS:	2	Tyner, Zernike
ABSENT:	2	Amparo, Page

Resolution adopted.

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner	✓	
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 10 (Yes) 1 (No)

Absent: 1 **Motion:** ____ **Abstentions:** ✓

Vacant: 0

2019028 REAPPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 21 2

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019028 REAPPOINTMENT TO THE DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019029

RE: REAPPOINTMENTS TO THE DUTCHESS COUNTY SOIL AND WATER CONSERVATION BOARD

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

WHEREAS, vacancies exist on the Dutchess County Soil and Water Conservation Board by reason of the expiration of the terms of Legislator James J. Miccio, Legislator A. Gregg Pulver, and Mike Lawrence, and

WHEREAS, Legislator James J. Miccio, Legislator A. Gregg Pulver, and Mike Lawrence have expressed an interest in being reappointed to said Board, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby reappoint Legislator James J. Miccio, Legislator A. Gregg Pulver, and Mike Lawrence to the Dutchess County Soil and Water Conservation Board for the term specified below:

Reappointments	Term Expires
James J. Miccio 24 Board Street Fishkill, NY 12524 (Legislator)	December 31, 2019
A. Gregg Pulver P.O. Box 704 Pine Plains, NY 12567 (Legislator)	December 31, 2019
Mike Lawrence 248 Smithfield Road Amenia, NY 12501 (Farm Bureau Rep)	December 31, 2021

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019029 REAPPOINTMENTS TO THE DUTCHESS COUNTY SOIL AND WATER CONSERVATION BOARD

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019029 REAPPOINTMENTS TO THE DUTCHESS COUNTY SOIL AND WATER CONSERVATION BOARD

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019030

RE: AMENDING THE 2019 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 SAGLIANO offer the following and move its adoption:

WHEREAS, the County Executive allocated funds for the 2019 Agency Partner Grant to the Department of Planning and Development, and

WHEREAS, the 2019 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 Parenting Skills Services, 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 is eligible for $31,000 or 62% of half ($50,000) of the $100,000 APG award, and (b) the Parenting Skills Services program is eligible for $24,800 or 62% of the $40,000 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 2019 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 2019 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

Increase

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

REVENUE

Increase

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

CA-030-19
LDF/kvh/G-0179
01//04/19 rev. 1/7/19
Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source
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:

In allocating 2019 Agency Partner Grant (APG) funds, it was determined that Planning transfer $123,250 in APG funds to DCFS and the appropriate DCFS lines be increased by $55,800 to permit DCFS to secure reimbursement from NYS.The total appropriation for these organizations is $179,050. The consolidation of these contracts at DCFS will reduce the admin burden for both the county and the organizations. Transfers include: 1) $100,000 to the Boys and Girls Club of Newburgh's, The Afterschool Project to leverage NYS funding of $31,000 from NYS (62% of $50,000); 2) $40,000 to the organization awarded the Parenting Skills Services for Individuals with ID and/or MH Diagnosis RFP to leverage funding of $24,800 from NYS (62% of $40,000); 3) $39,050 to the Exodus Poughkeepsie Reentry Work Readiness Prog. already funded by DCFS.

Prepared by: Christie Bonomo, 845-486-2549 Prepared On: 1/3/19

2019 - Agency Partner Grant Program Amendments

APPROPRIATIONS			
Decrease			
	A.8020.4413	Competitive Grant Program	($123,250)
Increase			
	A.6070.4413	Competitive Grant Program	$123,250
			$0
APPROPRIATIONS			
Increase			
	A.6070.4413	Competitive Grant Program	$55,800
			$55,800
REVENUES			
Increase			
	A.6070.36230.03	Juvenile Delinquent STS	$31,000
	A.6119.36190.06	Child Abuse Prevention	$24,800
			$55,800

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	abst	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019030 AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019030 AMENDING THE 2019 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

January 22, 2019

Environment
Revised 1/16/19

RESOLUTION NO. 2019031

RE: PAYMENT IN LIEU OF TAXES FOR SOLAR ENERGY SYSTEMS; WAPPINGER CENTRAL SCHOOL DISTRICT, TOWN OF WAPPINGER, DUTCHESS COUNTY AND WAPPINGER 9D SOLAR LLC.

Legislators BORCHERT, MICCIO, TRUITT, SAGLIANO, and EDWARDS offer the following and move its adoption:

WHEREAS, Wappinger 9D Solar LLC, a limited liability corporation with a principal place of business located at 4 Liberty Square, Boston, Massachusetts, purchased a 48.67 acre parcel in the Town of Wappinger located on Route 9D and more particularly described as Tax Id #: 135689-6057-04-898012-000, and

WHEREAS, Wappinger 9D Solar LLC desires to construct and operate a solar energy system, as defined by New York State Real Property Tax Law 487(1)(b) ("RPTL"), on the property with an expected nameplate capacity of approximately 1.995 megawatts AC, and

WHEREAS, pursuant to RPTL 487(2), the project is exempt from real property taxes for a period of fifteen years, and

WHEREAS, pursuant to RPTL 487(9)(a), notwithstanding the tax exemption, a county, city, town or village or school district may require the owner of a property which includes a solar or wind energy system to enter into a "Payment In Lieu Of Taxes (PILOT) Agreement", and

WHEREAS, a proposed PILOT Agreement is annexed hereto and made a part hereof, and

WHEREAS, with regard to solar energy systems constructed within Dutchess County, it is the intent of the Duchess County Legislature to authorize the County of Dutchess to negotiate and execute an acceptable PILOT Agreement with the property owner and other taxing jurisdictions, now therefore be it,

RESOLVED, that the County Executive, be and hereby is, authorized and empowered to take all steps necessary to finalize, execute and deliver the said PILOT Agreement which is attached hereto and made a part hereof, and be it further

RESOLVED, that with regard to future solar energy systems: a) If <u>all</u> the applicable taxing jurisdictions other than the County do not wish to demand a PILOT agreement, the County will not demand a PILOT either; b) If ~~the~~ <u>any of the</u> applicable taxing jurisdictions other than the County <u>seek to</u> negotiate a PILOT in accordance with the NYS State Model PILOT agreement language and the amount is reasonable (pro-rata basis) based on the NY Solar Toolkit, that the

County Executive is hereby authorized and empowered to execute future PILOT agreements without additional approval from this Legislature, and be it further

RESOLVED, that the proceeds from the appended PILOT Agreement, and future PILOT agreements applicable to solar energy systems, shall annually close into a "green" initiatives Miscellaneous Special Reserve Fund, and such funds shall be spent by the Dutchess County Department of Planning & Development on green initiatives following consultation with the Climate Smart Communities Task Force.

CA-026-19
CEB/kvh/R-0991
01/04/19 rev. 1/15/19

Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue and Source $ 1,686

Solar PILOT revenue

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

Identify Line Items(s):

A.1930.10810.00 - Shared Revenue - Other PILOT General
Closing to A.889.12 - Misc. Special Reserve - Green Initiatives

Related Expenses: Amount $ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

The county wishes to enter into Solar PILOT agreements if the municipality and school district lead the process and agree to enter into a PILOT agreement with a vendor. Additionally, the county proposes to move these funds to a miscellaneous special reserve for green initiatives at the end of each year. The funds would be appropriated as part of the annual budget process by the Department of Planning and Development or by resolution for the purpose of green initiatives in consultation with the Climart Smart Task Force.

Prepared by: Heidi Seelbach Prepared On: 12/21/18

PAYMENT IN LIEU OF TAXES AGREEMENT

FOR SOLAR ENERGY SYSTEMS

between

Wappinger Central School District

Town of Wappinger

Dutchess County

and

Wappinger 9D Solar, LLC

Dated as of _____, 2018

RELATING TO THE SOLAR ENERGY SYSTEM TO BE CONSTRUCTED ON PREMISES LOCATED AT Route 9D Wappinger (TAX MAP **6057-04-898012**) IN THE TOWN of Wappinger, Dutchess COUNTY, NEW YORK.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW § 487

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR REAL PROPERTY, effective as of the date on the cover page, above, by and between **Wappinger 9D Solar, LLC** ("Owner"), a Limited Liability Corporation, with a principal place of business located at 4 Liberty Square, Boston, MA 02109; the **Wappinger Central School District**, (the "School District"), a school district duly established with a principal place of business located at 25 Corporate Park Drive, Hopewell Junction, NY 12533; the **Town of Wappinger**, New York, (the "Town"), a municipal corporation duly established with a principal place of business at 20 Middlebush Road, Wappinger, NY 12590; and the **County of Dutchess**, New York, a municipal corporation duly established with a principal place of business at 22 Market St. Poughkeepsie, NY 12601 (the "County").

The School District, Town and County are herein collectively referred to as the "Taxing Jurisdictions." Owner and the Taxing Jurisdictions are collectively referred to in this Agreement as the "Parties" and are individually referred to as a "Party."

RECITALS

WHEREAS, Owner has submitted a Notice of Intent to each of the Taxing Jurisdictions that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of approximately 1.995 Megawatts AC on a parcel of land located within the Town at Route 9D and identified as SBL # 6057-04-898012, as described in Exhibit A (herein the "Property"); and;

WHEREAS, the Town and County have not opted out of RPTL Section 487 and the School District had not opted out of RPTL Section 487 as of the date construction was deemed to have begun on this project under RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Taxing Jurisdictions have indicated their intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make annual payments to each of the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Owner has submitted or will submit to the assessor of the (Town) a RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on exempt portion of the assessment roll and the Owner will not be assessed for any

statutory real property taxes for which it might otherwise be subjected under New York law with respect to the Project.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Representations of the Parties.

(a) The Owner hereby represents, warrants, and covenants that, as of the date of this Agreement:

1. The Owner is duly organized, and a validly existing limited liability company duly authorized to do business in the State of New York, has requisite authority to conduct its business as presently conducted or proposed to be conducted under this Agreement, and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

2. All necessary action has been taken to authorize the Owner's execution, delivery, and performance of this Agreement and this Agreement constitutes the Owner's legal, valid, and binding obligation enforceable against it in accordance with its terms.

3. None of the execution or delivery of this Agreement, the performance of the obligations in connection with the transactions contemplated hereby, or the fulfillment of the terms and conditions hereof will (i) conflict with or violate any provision of the Owner's Certificate of Incorporation, Certificate of Formation, bylaws or other organizational documents or of any restriction or any agreement or instrument to which the Owner is a party and by which it is bound; (ii) conflict with, violate, or result in a breach of any applicable law, rule, regulation, or order of any court or other taxing jurisdictions or authority of government or ordinance of the State or any political subdivision thereof; or (iii) conflict with, violate, or result in a breach of or constitute a default under or result in the imposition or creation of any mortgage, pledge, lien, security interest, or other encumbrance under this Agreement or under any term or condition of any mortgage, indenture, or any other agreement or instrument to which it is a party or by which it or any of the Owner's properties or assets are bound. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Owner, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Owner's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

(b) The Taxing Jurisdictions hereby represent, warrant, and covenant that, as of the date of this Agreement:

1. The Taxing Jurisdictions are each duly organized, validly existing, and in good standing under the laws of the State of New York and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

2. All necessary and proper official action has been taken to authorize each of the Taxing Jurisdiction's execution, delivery, and performance of this Agreement, and this Agreement constitutes each of the Taxing Jurisdiction's legal, valid, and binding obligation enforceable against it in accordance with its terms.

3. No governmental approval by or with any government authority is required for the valid execution, delivery, and performance under this Agreement by the Taxing Jurisdictions except such as have been duly or will be obtained or made.

4. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Taxing Jurisdictions, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Taxing Jurisdictions' ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

2. Tax Exemption; Payment in Lieu of Real Property Taxes.

(a) Tax-Exempt Status of the Project Facility. Pursuant to RPTL 487 the Parties hereto agree that the Project shall be placed by the Town Assessor as exempt upon the assessment rolls of the Taxing Jurisdictions. A Real Property Tax Exemption Form (RP 487) has or will be filed with the Town Assessor and the County and the Project is eligible for exemption pursuant to RPTL 487 (4).

(b) Owner agrees to make annual payments to the Taxing Jurisdictions in lieu of real property taxes for the Project for a period of fifteen (15) consecutive fiscal tax years; annual payments may not exceed the amounts that would otherwise be payable but for the RPTL 487 exemption. Such 15-year term shall commence on the first taxable status date selected by Owner following commencement of the construction of the Project (the "Commencement Date"), and shall end the fifteenth fiscal year following the Commercial Operations Date. The first annual payment shall be in the amount of **$6,500 per Megawatt AC** of Capacity (the "Annual Payment"), apportioned between each taxing jurisdiction based on their pro rata share of real property taxes, as set forth in Exhibit B. Thereafter Annual Payments will escalate by two percent (2%) per year. Based on the Capacity of 1.995Megawatts AC, Annual Payments to be made by Owner during the term of this Agreement shall be as listed in Exhibit B. Each Annual Payment will be paid to the Taxing Jurisdictions in accordance with Section 5 of this Agreement; and the annual payment amount and payment date will be noted on an annual bill issued by the Taxing Jurisdictions to the Owner, provided that any failure of the Taxing Jurisdictions to issue such a bill shall not relieve Owner of its obligation to make timely payments under this section.

(c) Owner agrees that the payments in lieu of taxes under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdictions' tax rate, and the Taxing Jurisdictions agree that the payments in lieu of taxes will not be increased on account of an inflation factor or increase in the Taxing Jurisdictions' tax rate, all of which factors have been considered in arriving at the payment amounts reflected in this Agreement.

(d) Notwithstanding the foregoing, the Annual Payment disbursed to the Taxing

Jurisdiction shall be the figures set forth in Exhibit B, or 3% of gross revenue from electricity sales generated by the Project, whichever is higher. Upon July 1 of the fifth (5th), tenth (10th) and fifteenth (15th) calendar years of the term of this Agreement, and for thirty (30) days thereafter, the Taxing Jurisdiction may, but is under no obligation to, request in writing data from Owner verifying that the sum of Annual Payments prior thereto constitutes no less than 3% of the accumulated gross revenue attributable to the electricity sales from the Project. The review of such data shall be at the sole cost and expense of the Taxing Jurisdiction. To the extent that the parties agree that the sum of previous Annual Payments are less than 3% of the accumulated gross revenue, the Taxing Jurisdiction may request a reconciliation payment, which request shall be made in writing within thirty (30) days of receipt of financial data from the Owner. Owner shall provide such reconciliation payment along with the next-due Annual Payment.

3. Change in Capacity at Mechanical Completion: Adjustments to Payments. To the extent that the Capacity of the Project is more or less than the 1.995 Megawatts AC on the date when the Project is mechanically complete and Owner has commenced production of electricity, the payments set forth in Exhibit B will be increased or decreased on a pro rata basis.

4. Change in Capacity After Mechanical Completion: Adjustments to Payments. If after the Completion Date the Capacity is increased or decreased for any reason, the Annual Payments set forth in Exhibit B shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.

5. Payment Collection.

Payments for the School District shall be made payable to the Wappingers School District and mailed to the School District, c/o the Superintendent's Office, located at 25 Corporate Park Drive, Hopewell Junction, NY 12533by the date set forth for the payment of real property taxes without penalty.

Payments for the Town shall be made payable to the Town of _____ and mailed to the Town of _____, c/o the Town of _____ Supervisor's Office, located at [ENTER TOWN ADDRESS] and are due no later than February 15th of each year.

Payments for the County shall be made payable to the County Treasurer and mailed to the County of _____, c/o [ENTER COUNTY ADDRESS], and are due no later than February 15th of each year. Owner shall not owe any payments for real property taxes to the County under this Agreement.

All late payments shall accrue interest at the statutory rate for late tax payments under New York Law. Owner shall pay the reasonable attorney fees, court and other costs incurred by any of the Taxing Jurisdictions in the collection of the unpaid amounts. All payments by the Owner hereunder shall be paid in lawful money of the United States of America.

6. Tax Status, Separate Tax Lot. The Taxing Jurisdictions agree that during the term of this Agreement, the Taxing Jurisdictions will not assess Owner for any real property taxes

with respect to the Project to which Owner might otherwise be subject under New York law, and the Taxing Jurisdictions agree that this Agreement will exclusively govern the payments of all such taxes, provided, however, that this Agreement is not intended to affect, and will not preclude the Taxing Jurisdictions from assessing, any special assessments or special ad valorem levies lawfully levied and/or assessed by the appropriate Taxing Jurisdiction against the Project, or charges for services provided by the Taxing Jurisdictions to the Project. Nothing in this Agreement shall limit the right of the Owner to challenge any such assessment, levy and/or fee charged to Owner or the Project pursuant to the RPTL or any other applicable law.

7. No Assignments Without Prior Notice; Binding Effect.

(a) Except as otherwise provided herein, this Agreement may not be assigned by Owner without the prior written consent of the Taxing Jurisdictions; such consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner. The restrictions on assignment contained herein do not apply to, prohibit, or otherwise limit changes in control of Owner. If Owner assigns this Agreement with the advance written consent of the Taxing Jurisdictions, the Owner shall be released from all obligations under this Agreement upon assumption hereof in writing by the assignee, provided that Owner shall, as a condition of such assignment and to the reasonable satisfaction of the Taxing Jurisdictions, cure any defaults and satisfy all liabilities arising under this Agreement prior to the date of such assignment. The Taxing Jurisdictions shall cooperate in the execution of required Assignments with the Owner and its successors. Owner may, with advance written notice to the Taxing Jurisdictions and without prior consent, assign this Agreement to an affiliate of Owner or to any party who has provided or is providing financing to Owner for the construction, operation and/or maintenance of the Project.

(b) Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon, the Taxing Jurisdictions, the Owner, and both of their respective successors and assigns. Owner may record a Notice of this Agreement in the real property records in the Office of the County Clerk for Dutchess County, New York, and such Notice shall be in form and substance acceptable to Owner in its sole discretion; Owner shall not require prior consent of any Taxing Jurisdiction to the recording of the aforementioned Notice.

8. Statement of Good Faith. The Parties agree that the payment obligations established by this Agreement have been negotiated in good faith in recognition of and with due consideration of the full and fair taxable value of the Project.

9. Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time to time hereafter, execute and deliver or cause to be executed and delivered, such reasonable additional instruments and documents as the other Party reasonably requests for the purpose of implementing or effectuating the provisions of this Agreement, including for purposes of addressing any reasonable requests from third parties that are providing financing to Owner or its affiliates. Owner shall pay all reasonable attorneys' and consulting fees incurred by the Taxing Jurisdictions to review and negotiate any such instruments or documents to the extent such instruments or documents were originally requested by Owner.

10. Notices. All notices, consents, requests, or other communications provided for or permitted to be given hereunder by a Party must be in writing and will be deemed to have been properly given or served upon the personal delivery thereof, via courier delivery service, by hand, or by certified mail, return receipt requested. Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

If to Owner:

With a copy to:

If to Taxing Jurisdictions:

Wappingers CSD
25 Corporate Park Drive
Hopewell Junction, NY 12533
Attn: Superintendent

Mayor
Town Supervisor
County

With a copy to:

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

11. Applicable Law. This Agreement will be made and interpreted in accordance with the laws of the State of New York. Owner and the Taxing Jurisdictions each consent to the jurisdiction of the New York courts in and for the County in which the Project is located regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.

12. Termination Rights of the Owner. Owner may terminate this Agreement at any time by Notice to the Taxing Jurisdictions. Upon receipt of the Notice of Termination, the Project shall be placed on the taxable portion of the tax roll effective on the next taxable status date of the Taxing Jurisdictions. Owner shall be liable for all PILOT payments due in the year of termination, except that if Owner is required to pay any part-year real property taxes, the PILOT

payment for that year shall be reduced pro rata so that the Owner is not required to pay both PILOT payments and real property taxes for any period of time.

13. Termination Rights of Taxing Jurisdictions. Notwithstanding anything to the contrary in this Agreement, the Taxing Jurisdictions may terminate this Agreement on thirty (30) days written notice to Owner if Owner fails to make timely payments required under this Agreement, unless such payment is received by the Taxing Jurisdictions within the 30-day notice period with interest as stated in this Agreement, and the reasonable attorney's fees, court and other costs incurred by the Taxing Jurisdictions in the collection of the unpaid amounts.

14. Remedies; Waiver And Notice. (A) No Remedy Exclusive. No remedy herein conferred upon or reserved to Party is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

(B) Delay. No delay or omission in exercising any right or power accruing upon the occurrence of any breach of an obligation hereunder shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient.

(C) No Waiver. In the event any provision contained in this Agreement should be breached by any party and thereafter duly waived by the other party so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing.

15. Entire Agreement. The Parties agree that this is the entire, fully integrated Agreement between them with respect to payments in lieu of taxes for the Project.

16. Amendments. This Agreement may not be effectively amended, changed, modified, altered or terminated except by an instrument in writing executed by the parties hereto.

17. No Third Party Beneficiaries; No Recourse. The Parties state that there are no third party beneficiaries to this Agreement. All covenants, stipulations, promises, agreements, and obligations of all Parties contained in this Agreement shall be deemed to be the covenants, stipulations, promises, agreements, and obligations of the Party and not of any member, officer, agent, servant, or employee of the Party in his or her individual capacity, and no recourse under or upon any obligation, covenant, or agreement contained in this Agreement, or otherwise based upon or in respect of this Agreement, or for any claim based thereon or otherwise in respect thereof, shall be had against any past, present or future member, officer, agent, servant, or employee, as such, of any such Party or any successor thereto, it being expressly understood that this Agreement is a corporate obligation, and that no such personal liability whatever shall attach to, or is or shall be incurred by, any such member, officer, agent, servant, or employee of any Party hereto; and that any and all such personal liability of, and any and all such rights and claims against, every such member, officer, agent, servant, or employee under or by reason of the

obligations, covenants, or agreements contained in this Agreement or implied therefrom are, to the extent permitted by law, expressly waived and released as a condition of, and as a consideration for, the execution of this Agreement.

18. Severability. If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

19. Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Executed by the undersigned as of the day and year first written on the cover page above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

By: _____

_____
Name

_____
Title

_____
Date

TAXING JURISDICTION OF

_____
[ENTER SCHOOL DISTRICT NAME]

_____
Superintendent

_____
Date

TAXING JURISDICTION OF

_____

[ENTER TOWN NAME]

_____

Supervisor / Mayor

_____

Date

TAXING JURISDICTION OF

_____

[ENTER COUNTY NAME]

_____

County Executive / Manager

_____

Date

ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On the ___ day of _____ in the year 2018 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On the ___ day of _____ in the year 2018 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On the ___ day of _____ in the year 2018 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On the ___ day of _____ in the year 2018 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her

signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

EXHIBIT A

Description of Land

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Wappinger, County of Dutchess and State of New York, bounded and described as follows:
BEGINNING at a point on the southeasterly side of N.Y.S. Route 9D, said point being the northwesterly corner of the herein described parcel and the southwesterly corner of lands now or formerly of Brundage, as described in Deed Doc. No. 02-2003-3315; thence along said lands of Brundage, S 70°11 '29" E 172.00 feet, S 19°48'31" W 20.00 feet and S 70°15'59" E 135.41 feet to a point; said point being located N 47°17'15" E 0.56 feet from an X-Cut in a large rock; thence continuing along lands of Brundage and along Lot #5 and Lot #4 as shown on Filed Map No. 10357, N 19°47'01" E 99.27 feet, N 17°18'51" E 469.07 feet, N 19°04'21" E 79.62 feet, N 44°40'21" E 43.15 feet and N 45°53'11" E 30.59 feet to a point marked by and iron rod found; thence along lands now or formerly of Giuseppe D'Agostino as described in Liber 1387 of deeds at page 339, N 43°38'55" E 78.12 feet to a point marked by an iron rod found; thence continuing along said lands of D'Agostino, S 26°29'09" E 127.34 feet, S 32°37'49" E 15.32 feet, S 24°25'29" E 167.86 feet, S 26°43'49" E 745.92 feet, S 26°42'09" E 308.29 feet, S 25°03'39" E 565.17 feet, S 27°43'09" E 81.87 feet, and S 28°33'19" E 139.04 feet to a point marked by a stone on end at a stone wall intersection; thence along the lands now or formerly of Robert & Angela Winkelman as described in Deed Doc. No. 02-2000-4615, S 45°30'51" W 772.02 feet, S 44°39'01" W 383.12 feet and N 25°35'39" W 155.09 feet to a point; thence continuing in part along said lands of Winkelman and also along the lands now or formerly of Elizabeth and James J. Baisley as described in Liber 2015 of deeds at page 290, the lands now or formerly of Central Hudson Gas & Electric Corp. as described in Liber 468 of deeds at page 132 and also along the lands now or formerly of Central Hudson Gas & Electric as described in Liber 1678 of deeds at page 434, N 27°23'49" W 378.83 feet, N 26°41'19" W 445.52 feet, N 26°58'09" W 462.02 feet to a point, said point being located N 22°49'50"W 0.82 feet of a concrete monument found; thence along lands now or formerly of Central Hudson Gas & Electric Corp. as described in Liber 1263 of deeds at page 377, N 71°06'39" E 185.91 feet to a point, said point being located N 59°01'50"W0.57 feet from a concrete monument found, thence continuing along said last described lands of Central Hudson Gas & Electric Corp. and also along the lands now or formerly of the State of New York Power Authority as described in Liber 1794 of deeds at page 587, and N 25°38'49" W 730.58 feet to a point at the southeasterly side of N.Y.S. Route 9D said point being located N 64°03'27" W 2.89 feet from an iron pipe found; thence northerly along the same the side of Route 9D, N 27°48'31" E 151.98 feet to the point or place of beginning.
BEING and intended to be all that certain tract or parcel of land designated as Lot No. 6 as shown on a map entitled, "Subdivision Plat Prepared for Crawford Estate", recorded at the Dutchess County Clerk's Office January 7, 1997 as Filed Map #10357.

CONTAINING 48.673 acres of land more or less.

EXHIBIT B

Year	Amount	Town	School	County
1*	$ 12,967.50	$ 1,556.10	$ 9,725.63	$ 1,685.78
2	$ 13,226.85	$ 1,587.22	$ 9,920.14	$ 1,719.49
3	$ 13,491.39	$ 1,618.97	$ 10,118.54	$ 1,753.88
4	$ 13,761.21	$ 1,651.35	$ 10,320.91	$ 1,788.96
5	$ 14,036.44	$ 1,684.37	$ 10,527.33	$ 1,824.74
6	$ 14,317.17	$ 1,718.06	$ 10,737.88	$ 1,861.23
7	$ 14,603.51	$ 1,752.42	$ 10,952.63	$ 1,898.46
8	$ 14,895.58	$ 1,787.47	$ 11,171.69	$ 1,936.43
9	$ 15,193.49	$ 1,823.22	$ 11,395.12	$ 1,975.15
10	$ 15,497.36	$ 1,859.68	$ 11,623.02	$ 2,014.66
11	$ 15,807.31	$ 1,896.88	$ 11,855.48	$ 2,054.95
12	$ 16,123.46	$ 1,934.81	$ 12,092.59	$ 2,096.05
13	$ 16,445.93	$ 1,973.51	$ 12,334.44	$ 2,137.97
14	$ 16,774.84	$ 2,012.98	$ 12,581.13	$ 2,180.73
15	$ 17,110.34	$ 2,053.24	$ 12,832.76	$ 2,224.34
* To Commence upon COD				

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___ **Abstentions:** 0

Vacant: 0

2019031 PAYMENT IN LIEU OF TAXES OF SOLAR ENERGY SYSTEMS; WAPPINGER CENTRAL SCHOOL DISTRICT, TOWN OF WAPPINGER, DUTCHESS COUNTY AND WAPPINGER 9D SOLAR LLC

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019031 PAYMENT IN LIEU OF TAXES OF SOLAR ENERGY SYSTEMS; WAPPINGER CENTRAL SCHOOL DISTRICT, TOWN OF WAPPINGER, DUTCHESS COUNTY AND WAPPINGER 9D SOLAR LLC

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019032

RE: TO ESTABLISH A MISCELLANEOUS SPECIAL RESERVE FUND AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Legislators BORCHERT, EDWARDS, MICCIO, TRUITT, SAGLIANO, and MUNN offer the following and move its adoption:

WHEREAS, the Department of Planning and Development desires that a reserve account, more particularly a "Miscellaneous Special Reserve Fund", be established as of January 1, 2019, for the purpose of retaining funds received from any and all "Payment in Lieu of Taxes (PILOT) Agreements" entered into pursuant to New York Real Property Tax Law 487(9)(a) and related to solar energy systems, and

WHEREAS, Section 6.02 of the Dutchess County Charter states the Commissioner of Finance shall have charge of the administration of all financial affairs of the County and shall have all the powers and all the duties conformed or imposed by law, and

WHEREAS, the Commissioner of Finance recommends the establishment of such a reserve fund in order to conform to accepted accounting principles, now therefore be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to establish a Miscellaneous Special Reserve Fund for the purpose of retaining funds received from any and all PILOT Agreements entered into pursuant to RPL 487(9)(a) related to solar energy systems, which funds shall then become available for appropriation by the Department of Planning and Development in future fiscal years for "green" initiatives, after consultation with the Climate Smart Communities Task Force.

CA-027-19
HS/CEB/kvh/G-0145
01/07/19
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ 1,686
and Source

Solar PILOT revenue

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

Identify Line Items(s):

A.1930.10810.00 - Shared Revenue - Other PILOT General
Closing to A.889.12 - Misc. Special Reserve - Green Initiatives

Related Expenses: Amount $ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

The county wishes to enter into Solar PILOT agreements if the municipality and school district lead the process and agree to enter into a PILOT agreement with a vendor. Additionally, the county proposes to move these funds to a miscellaneous special reserve for green initiatives at the end of each year. The funds would be appropriated as part of the annual budget process by the Department of Planning and Development or by resolution for the purpose of green initiatives in consultation with the Climart Smart Task Force.

Prepared by: Heidi Seelbach Prepared On: 12/21/18

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2019032 TO ESTABLISH A MISCELLANEOUS SPECIAL RESERVE FUND AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019032 TO ESTABLISH A MISCELLANEOUS SPECIAL RESERVE FUND AS IT PERTAINS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019033

RE: ESTABLISHING ZONE "W" ZONE OF ASSESSMENT IN THE DUTCHESS COUNTY WATER DISTRICT IN THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK

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

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1123, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and established the Dutchess County Water District covering all the areas within the boundaries of Dutchess County, and

WHEREAS, WWA proposes to operate the Tradition at Red Hook Water System located in the Town of Red Hook with an option to purchase, pursuant to an agreement with the current owner, Red Hook Acres, LLC., and

WHEREAS, the WWA shall provide water services to all properties within the system's service area, and

WHEREAS, the water distribution facilities will serve approximately 102 residences, a community center, a wastewater treatment plant and a mail building, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report, Dutchess County Water District, Zone of Assessment W", which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124 of the Public Authorities Law, and

WHEREAS, WWA proposes to enter into a Restatement of the Amended Service Agreement with Dutchess County (County), on behalf of the proposed Zone of Assessment "W" ("Zone "W") whereby the District will provide water service to customers within the Zone at rates established by WWA, and

WHEREAS, this Legislature must establish Zone of Assessment "W" in the Dutchess County Water District covering the area of the Traditions at Red Hook Water System in the Town of Red Hook, described in "Attachment A", and

WHEREAS, the average annual customer cost to the typical one family home is estimated to be One Thousand One Hundred Seventy-Nine and 00/100 ($1,079) Dollars, and

WHEREAS, this Legislature is conducting a public hearing on this proposal on January 22, 2019, and shall hear all persons interested, and

WHEREAS, the establishment of said Zone "W" Zone of Assessment will ensure an economical, efficient water system for all properties within the service area, now, therefore, be it

RESOLVED that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Zone "W" Zone of Assessment are benefited thereby and all the property and property owners benefited are included within the proposed Zone "W" Zone of Assessment, and it is in the public interest to create the Zone "W" Zone of Assessment, and be it further

RESOLVED, that the Zone "W" Zone of Assessment in the Town of Red Hook in the area of the Tradition at Red Hook Water System, more particularly described in "Attachment A" attached hereto is hereby established, and be it further

RESOLVED, that this resolution is subject to permissive referendum.

CA-012-19
CRC/kvh/G-1217-Q
1/4/19
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

DUTCHESS COUNTY

Proposed County Water District
Zone of Assessment "W"

"Tradition at Red Hook Water System"
Red Hook, NY

MAP, PLAN AND REPORT

December 2018

Dutchess County Water and Wastewater Authority
Poughkeepsie, NY

DUTCHESS COUNTY
WATER AND
WASTEWATER AUTHORITY

December 2018

PROPOSED COUNTY WATER DISTRICT ZONE OF ASSESSMENT "W"
"TRADITION AT RED HOOK WATER"

MAP, PLAN AND REPORT

INTRODUCTION

This Map, Plan and Report contains the information required for the formation of the proposed County Water District Zone of Assessment "W", which includes an undeveloped area of approximately 50.8 acres located on the west side of Old Farm Road in the Town of Red Hook, NY.

Upon successful formation of proposed County Water District Zone of Assessment "W" (the "Zone") by the Dutchess County Legislature, Red Hook Acres, LLC or its Assigns (the "Developer") will lease operation and management of the Tradition at Red Hook Water System to the Dutchess County Water and Wastewater Authority (the "DCWWA", the "Authority") in accordance with the terms and conditions set forth in a Memorandum of Understanding for the Operation and Lease of the Water Supply System for Red Hook Acres (MOU) dated September 2018, between the Authority, the Developer, and Roger Hoffman (local property owner) and attached herein as Appendix "D". The Developer shall retain ownership of the Water System. However, at any time after operation of the Water System commences, the Authority may purchase the Water System for one dollar upon the abandonment of the System by the Developer, or may purchase the system for no more than its fair market value, in accordance with the terms of sale set forth in the MOU. Information provided herein includes the proposed Zone's boundaries and the area that will comprise the future Zone, as well as a description of the proposed infrastructure by which potable water will be delivered to customers.

In addition, budgetary estimates for the first year operation and maintenance costs, as well as a cost allocation formula, have been included with this report. At this time, there are no immediate capital costs that will be borne directly by the future water customers of the Zone.

The Dutchess County Water and Wastewater Authority will enter into a contract (the "Service Agreement") with Dutchess County on behalf of the Zone for the purpose of administering the retail sale of water services to all properties within the proposed Zone, with such service to be provided through the water system facilities as described below. The Authority will administer the Zone pursuant to guidelines established by the Service Agreement and collect water revenues. Water service rates will be set annually by the Authority.

HISTORY

On August 15, 2016, the Town of Red Hook Planning Board adopted the "Resolution Granting Approval to the Final Subdivision Plat and Incentive Zoning for Hoffman Property Traditional Neighborhood Development Subdivision". The project will create a Traditional Neighborhood Development (TND) Residential Subdivision project consisting of one hundred and two (102) residential lots and four (4) open space parcels, designated Parcels "A," "B," "C," and "D" [which will be owned by the Homeowners Association (HOA)]. The project will consist of a mix of several types

of single family dwellings as outlined within the Town's TND District Regulations. In November 2018, the project was renamed, "Tradition at Red Hook".

COUNTY WATER DISTRICT ZONE OF ASSESSMENT "W"

The proposed County Water District Zone of Assessment W is delineated by the document prepared by Welch Surveying and titled, "Property Description prepared for Red Hook Acres, LLC Outbounds Description excluding Lot 103" and illustrated by the map (both attached hereto as Appendix "A"). The development has received Town subdivision approval, and it is expected to be built out in phases. Upon the filing of all of the approved subdivision plats with the County Clerk, the Zone will include a total of one hundred and six (106) tax parcels of which one hundred and two (102) will be residential parcels and four will be open space parcels owned by the HOA. Located on the open space lots will be a "Mail Building" where the neighborhood residents can receive their US Mail; a community center to be owned by the Homeowner's Association for use by the neighborhood residents; and the wastewater treatment facilities. The boundaries of Zone of Assessment "W" will be coterminous with those of the Tradition at Red Hook Water System service area.

PHYSICAL FACILITIES

Water Supply and Treatment System

Potable water for the Zone will be purchased from the Village of Red Hook (the "Village") and supplied through an interconnection with the Village's water distribution system.

According to a Preliminary Engineering Report for the Hoffman Property Subdivision (a/k/a Tradition at Red Hook subdivision) prepared by Rodney E. Morrison, PE of the LRC Group (excerpt of report attached hereto as Appendix "E"), the maximum day demand (at full buildout of the subdivision) for Zone of Assessment W at has been calculated at 48,000 GPD, and Zone W's estimated average daily demand will be 24,000 GPD.

The Village operates Public Water Supply ID No. 1302775 under NYS DEC permit ID 3-1348-00089/00007. Eight ground wells comprise the Village's current water source and the combined maximum permitted withdrawal rate is 538,560 GPD. The sole treatment is hypo chlorination for post disinfection. There are two storage tanks. Permit Modification #1, issued May 22, 2017, expressly authorizes the Village to provide water to the Tradition (aka Hoffman Subdivision) Water System.

Water for the Zone shall be purchased by the Authority through a 3-way Water Sale Agreement with the Village and the Developer, dated July 19, 2018 and attached herein as Appendix F. Water purchased shall be principally metered via a master meter to be located at the future on-site "Mail Building" adjacent to Old Farm Road. Further, up to twelve residential water services will be connected to a future Village-owned, 8-inch water main under Old Farm Road prior to the master meter. These 12 residential water services will be individually metered and their collective usage will be added to the aggregate water usage recorded by the master meter for the Zone.

Under the water purchase agreement, the Village shall furnish to the Authority up to 47,750 GPD for the Zone. For water used by the Zone, the Village will charge the Authority a water rate per metered

unit equal to the lowest water rate in effect for in-Village users multiplied by a factor of 1.525. The Village will waive charges for water used in the Zone for maintenance flushing of the mains and/or in the servicing of emergency service agencies. However, the Village will not be required to provide water sufficient for firefighting or to meet any existing or projected fire service demands for water provided under the water purchase agreement.

The Village's Annual Drinking Water Quality Reports for 2016 and 2017 reported that Village water was within standards for all regulated water quality parameters.

There are no plans to build any supplemental water treatment facilities within the Zone.

Transmission and Distribution

The distribution system for the Zone will be constructed by the Developer and will include approximately 5,075 feet of 4 to 8-inch ductile iron pipe. These mains will be installed principally within the center of the future roadways of the subdivision to be built by the Developer and dedicated to the Town. Such proposed roads as shown on the "Overall Subdivision Plat, Hoffman Property", may include: Beekman Road, Livingston Street, Schuyler Drive and Benson Loop.

Further, the Developer will construct about 1,250 LF of an 8-inch water main under and along Old Farm Road that will be connected to the Village's existing water main at the intersection of Cambridge Drive. The "Old Farm Road" water main will be owned and maintained by the Village.

Service laterals within the Zone shall be primarily ¾-inch copper. All service connections will be metered. Five flushing hydrants will be located within the Zone for system maintenance only. An additional flushing hydrant will be installed on the Old Farm Road water main. The Water System of the Zone will not be able to provide fire flow protection since its source, the Village, is not obligated to provide water for fire flow.

PROPERTY ISSUES

The distribution system water mains and stub extensions will generally be located within future rights-of-way and/or roads to be dedicated to the Town; and/or within utility easements granted in favor of the DCWWA.

CAPITAL COSTS AND ALLOCATIONS

All initial capital costs to construct the Tradition Water System will be borne directly by the Developer, and so are not included herein. There will be no capital costs assessed to Zone property owners for the first year of operation. Should debt be incurred for future capital improvements, annual debt expenses will be allocated equitably among all parcels within the Zone through the assignment of benefit units to each parcel. The methodology for the assignment of benefit units is attached (see Appendix C). All benefit units would be charged at the same rate. The annual benefit assessment would appear on the respective property owner's yearly property tax bill.

Application of the Benefit Assessment Methodology to the district parcels upon filing of all approved subdivision plats results in a total of 1050 benefit units within the proposed Zone of Assessment.

Under this approach, the apportionment of a capital cost would be across the calculated number of benefit units and would result in a per benefit unit cost. This expense would then appear on the annual property tax bill.

OPERATION AND MAINTENANCE (O&M) COSTS

The O&M Budget Projection is the total cost to the DCWWA to operate the Tradition at Red Hook Water System, such as: labor, insurance, typical repairs and other ongoing costs. Additionally, the O&M Budget Projection includes the Lease Payment to be made to the Developer in accordance with the MOU, and the cost of purchasing water from the Village of Red Hook in accordance with the Water Supply Agreement. The DCWWA has developed an O&M budget projection to illustrate estimated First Year costs of the Tradition at Red Hook Water System under Authority operation and management, based on the Authority's prior operating expenses and history for comparable size water systems, and possible anticipated repairs to the system.

Since the service area will only be partially developed in the early years of the Water System's operation, the initial O&M Budget will be based on an assumption of eighty-four (84) customers, in accordance with the terms of the MOU for the "Initial Assessment Period". A copy of the O&M budget projection, using 2019 as a base year and assuming 84 customers, has been included as Appendix "B". The first year operational cost is estimated at $90,624.

The estimated annual O&M cost per typical customer during this Initial Assessment Period will be one-eighty-fourth (1/84) of the total estimated operational cost, or one thousand, seventy-nine dollars ($1,079.) During the Initial Operating Period the Developer is obligated, per the MOU, to quarterly pay the difference between the amount charged per customer and the Authority's actual operating expenses ("the Developer's Subsidy"). All future O&M system budgets, and other charges are reviewed annually and subject to change by the DCWWA Board of Directors.

CONNECTION CHARGES

An Application for Water Service and related permit fee will be required for each individual property to be connected to the Water System and receive water service. Based on the DCWWA's current schedule of fees, the water service connection fee would be five hundred dollars ($500) per connection, and is a one-time charge. The service connection charge will be waived to the extent the Developer installs the water service connection and provides a water meter.

Annual Cost per a Typical Property – First Year: $1,079

The total annual cost for a typical property in a Zone is generally a combination of the long-term capital charges (debt service) and O&M charges. In the proposed Zone, a typical property will be a single family dwelling unit. Given the assumptions and estimates described above, the projected "First Year" total cost for a typical single family dwelling in Zone "W" will be one thousand, seventy-nine dollars ($1,079) for O&M expenses. There are no capital costs currently anticipated. A system budget based on these rates will build appropriate fund balances to maintain the Water System in good working order.

#####

APPENDICES

Appendix A – Description of County District Zone of Assessment "W" (Property Description prepared for Red Hook Acres, LLC Outbounds Description excluding Lot 103 and map).

Appendix B – Proposed Operation & Maintenance Budget.

Appendix C – Proposed Benefit Assessment Methodology.

Appendix D - Memorandum of Understanding for the Operation and Lease of the Water Supply System for Red Hook Acres.

Appendix E – Excerpt of Preliminary Engineering Report for the Hoffman Property Subdivision (a/k/a Tradition at Red Hook Subdivision).

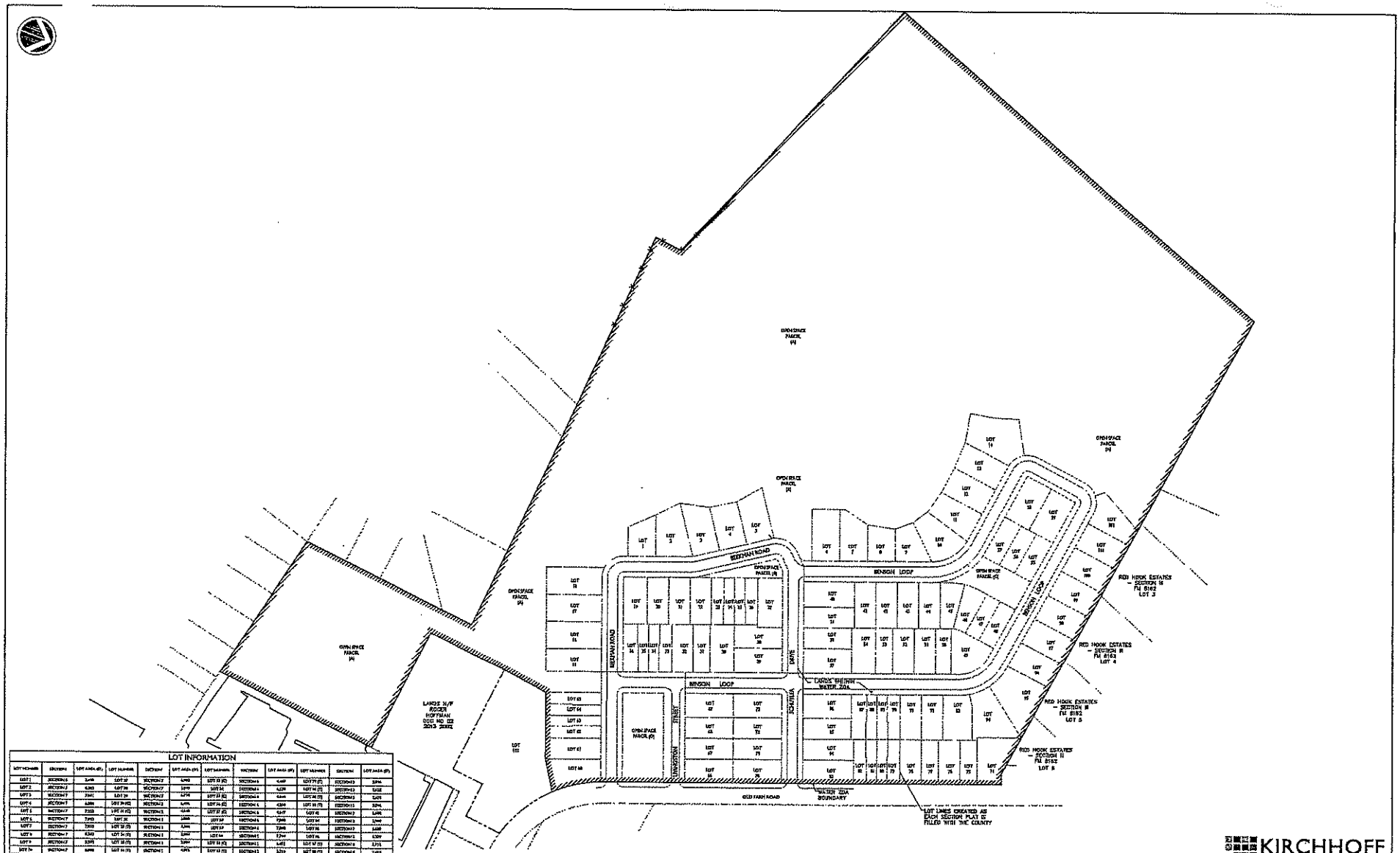
Appendix F - Water Sale Agreement

APPENDIX "A"

DUTCHESS COUNTY WATER DISTRICT
ZONE OF ASSESSMENT "W"
Tradition at Red Hook Water System

DESCRIPTION OF ZONE

The Dutchess County Water District Zone of Assessment "W" shall include the area as delineated in the attached survey description prepared by Welch Surveying and titled, "Property Description prepared for Red Hook Acres, LLC Outbounds Description excluding Lot 103" and illustrated further by the attached map.



LOT INFORMATION

LOT NUMBER	SECTION	LOT AREA (ft²)	LOT NUMBER	SECTION	LOT AREA (ft²)	LOT NUMBER	SECTION	LOT AREA (ft²)	LOT NUMBER	SECTION	LOT AREA (ft²)
LOT 1	SECTION 5	5,498	LOT 32	SECTION 7	4,993	LOT 11 (C)	SECTION 4	4,400	LOT 77 (E)	SECTION 3	3,994
LOT 2	SECTION 5	6,365	LOT 33	SECTION 7	5,979	LOT 34	SECTION 4	4,228	LOT 14 (C)	SECTION 3	5,618
LOT 3	SECTION 7	7,941	LOT 34	SECTION 7	5,774	LOT 13 (C)	SECTION 4	4,644	LOT 16 (C)	SECTION 3	5,425
LOT 4	SECTION 7	6,884	LOT 34 (C)	SECTION 3	6,476	LOT 14 (C)	SECTION 4	4,364	LOT 15 (C)	SECTION 3	5,294
LOT 5	SECTION 7	7,535	LOT 35 (C)	SECTION 3	4,648	LOT 17 (C)	SECTION 4	4,617	LOT 18	SECTION 3	5,246
LOT 6	SECTION 7	7,903	LOT 36	SECTION 3	5,888	LOT 19	SECTION 4	7,998	LOT 19	SECTION 3	5,244
LOT 7	SECTION 7	7,910	LOT 36 (C)	SECTION 3	5,395	LOT 20	SECTION 4	7,998	LOT 20	SECTION 3	5,488
LOT 8	SECTION 7	6,560	LOT 37 (C)	SECTION 3	5,660	LOT 21	SECTION 4	7,294	LOT 21	SECTION 3	5,309
LOT 9	SECTION 7	5,975	LOT 38 (C)	SECTION 3	5,864	LOT 22 (C)	SECTION 3	5,483	LOT 22 (C)	SECTION 3	5,715
LOT 10	SECTION 7	6,890	LOT 39 (C)	SECTION 3	4,875	LOT 23 (C)	SECTION 3	5,514	LOT 23 (C)	SECTION 3	5,662
LOT 11	SECTION 7	7,238	LOT 40	SECTION 3	5,274	LOT 24 (C)	SECTION 3	5,562	LOT 24 (C)	SECTION 3	5,662
LOT 12	SECTION 7	7,940	LOT 41	SECTION 3	5,610	LOT 25 (C)	SECTION 3	5,610	LOT 25 (C)	SECTION 3	5,662
LOT 13	SECTION 7	7,930	LOT 42	SECTION 3	5,968	LOT 26 (C)	SECTION 3	5,710	LOT 26	SECTION 3	5,304
LOT 14	SECTION 7	13,440	LOT 43	SECTION 3	5,999	LOT 27	SECTION 3	6,245	LOT 27 (C)	SECTION 3	5,296
LOT 15 (C)	SECTION 5	7,275	LOT 44	SECTION 3	5,688	LOT 28 (C)	SECTION 3	5,663	LOT 28	SECTION 3	5,231
LOT 16	SECTION 5	9,429	LOT 45	SECTION 3	5,548	LOT 29	SECTION 3	5,263	LOT 29	SECTION 3	5,231
LOT 17	SECTION 5	8,407	LOT 46	SECTION 3	5,548	LOT 30	SECTION 3	5,263	LOT 30	SECTION 3	5,231
LOT 18	SECTION 5	8,140	LOT 47	SECTION 3	5,548	LOT 31	SECTION 3	5,263	LOT 31	SECTION 3	5,234
LOT 19	SECTION 5	8,571	LOT 48 (C)	SECTION 3	4,634	LOT 32	SECTION 3	5,663	LOT 32	SECTION 3	5,234
LOT 20 (C)	SECTION 4	5,488	LOT 49 (C)	SECTION 3	4,695	LOT 33	SECTION 3	5,663	LOT 33	SECTION 3	5,234
LOT 21 (C)	SECTION 4	5,488	LOT 50 (C)	SECTION 3	5,663	LOT 34	SECTION 3	5,663	LOT 34	SECTION 3	5,234
LOT 22	SECTION 4	5,644	LOT 51 (C)	SECTION 3	4,634	LOT 35	SECTION 3	5,663	LOT 35	SECTION 3	5,234
LOT 23 (C)	SECTION 4	5,144	LOT 52	SECTION 3	7,944	LOT 36 (C)	SECTION 3	4,918	LOT 36	SECTION 3	5,234
LOT 24 (C)	SECTION 4	5,279	LOT 53 (C)	SECTION 3	5,944	LOT 37 (C)	SECTION 3	5,944	LOT 37	SECTION 3	5,234
LOT 25 (C)	SECTION 4	5,279	LOT 54	SECTION 3	5,648	LOT 38 (C)	SECTION 3	4,918	LOT 38	SECTION 3	5,219
LOT 26 (C)	SECTION 4	5,144	LOT 55	SECTION 3	5,648	LOT 39	SECTION 3	5,944	NONAGRICULTURAL		101,241

Rev.	Description
1	
2	
3	

LRC GROUP

- Land Planning
- Civil Engineering
- Environmental Services
- Land Surveying
- Landscape Architecture

55 Main Street (P.O. Box 592)
Rhinebeck, NY 12572
845-876-2115

Hoffman Property
Old Farm Road
Town of Red Hook
Dutchess County, New York

LRC Environmental Services, Inc.
LRC Environmental Planning, PC
LRC Environmental Surveying, PC
LRC Environmental Planning, LLP

WATER SUPPLY
ZONE OF ASSESSMENT MAP

HOFFMAN PROPERTY

OLD FARM ROAD
TOWN OF RED HOOK
DUTCHESS COUNTY NEW YORK

Designed	BHD	CAD File	Water Supply Map
Drawn	BHC	Project No.	19-100
Checked	HC	Date	04.17.2020
Approved	HC	Scale	1"=400'

ZOA-1

Sheet 1 of 1

WELCH SURVEYING

7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description excluding Lot 103

Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southwesterly line of Old Farm Road, said point being the intersection of the northerly line of Lot 103 as shown on shown on a plat entitled "Amendment to Filed Map No. 9147, Section One Subdivision Plat, Hoffman Property," with the southwesterly line of Old Farm Road, said point being a southeasterly corner of the herein described premises; thence along the northerly and westerly lines of Lot 103 as shown on said map the following three courses and distances, South 60 degrees 38' 12" West 80.32 feet to a point; thence South 72 degrees 04' 38" West 158.00 feet to a point; thence South 10 degrees 54' 24" West 110.15 feet to a point, said point being the southwesterly corner of Lot 103 and being a northwesterly corner of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being a southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being the southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence,

the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence North 83 degrees 38' 36" West 456.45 feet to a point; thence North 10 degrees 22' 54" East 66.00 feet to a point; thence partly along remains of wire fence, North 65 degrees 21' 16" West 768.90 feet to a point, said point being on the easterly line of Lot 3 as shown on Filed Map No. 9526-C, and being the southwesterly corner of the herein described premises; thence along the easterly lines of Lot 3 and Lot 5 as shown on said map, North 23 degrees 38' 54" East 1096.96 feet to a point, said point being the northwesterly corner of the herein described premises; thence along the southerly line of Lot 5 as shown on Filed Map No. 9526-C, and along the southerly lines of Lots 2, 3, 4, 5, and 6 as shown on Filed Map No. 8162, the following two courses and distances, South 79 degrees 34' 17" East 1228.66 feet to a point; thence North 71 degrees 16' 42" East 26.42 feet to a point, said point being on the westerly line of Old Farm Road, aforementioned, and being the northeasterly corner of the herein described premises; thence along the westerly line of Old Farm Road the following, South 17 degrees 55' 22" East 931.11 feet to a point; thence along a curve to the left, having a radius of 300.00 feet and a chord of South 29 degrees 38' 07" East 121.80 feet, an arc length of 122.65 feet to the point or place of beginning.
Containing 50.813 acres

APPENDIX "B"

Proposed Operation & Maintenance Costs

Illustrative of projected first year O & M expenses, revenues and rates
Tradition at Red Hook Water System (County District Zone of Assessment W)

O&M CONCEPTUAL BUDGET (TRW)

EXPENSES		
OPERATION LINE ITEMS	Budget	
Accounting	$	160
Billing	$	2,604
Bookkeeping	$	1,276
Buildings & Grounds	$	100
Computer Equipment/Technical Support	$	128
Engineering	$	250
ERM (System)	$	1,200
Insurance	$	500
Lab Costs	$	750
Legal	$	250
Meter/Collection	$	440
Operation	$	7,300
Operation Support	$	1,040
Permit Fees	$	120
Postage	$	280
Supplies (Office)	$	50
Testing Chemicals	$	100
Water Purchase	$	46,365
Annual Lease Payment	$	18,480
Subtotal	**$**	**81,393**
Operation Contingency	$	250
Administration	$	8,981
TOTAL EXPENSE	**$**	**90,624**

APPENDIX "C"

Tradition at Red Hook Water System (County District Zone of Assessment W)

Proposed Benefit Assessment Methodology

SUBDIVIDED RESIDENTIAL LOTS	
VACANT	**5**
DEVELOPED	**10**
TRADITION MAIL BUILDING	**10**
TRADITION COMMUNITY CENTER	**10**
TRADITION WASTEWATER PLANT	**10**
VACANT PARCELS	
FIRST WHOLE ACRE	**55**
EACH ADDITIONAL WHOLE ACRE	**11**

No additional benefit units shall be assessed to Open Space Parcels A, B, C or D, which are under the ownership of a Homeowner's Association and/or which are subject to conservation easements or filed declaration prohibiting further residential or commercial uses.

APPENDIX "D"

Memorandum of Understanding for the Operation and Lease of the Water Supply System for Red Hook Acres

MEMORANDUM OF UNDERSTANDING

FOR THE OPERATION AND LEASE OF

THE WATER SUPPLY SYSTEM FOR RED HOOK ACRES

Between

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

And

RED HOOK ACRES, LLC

TABLE OF CONTENTS

Page

1. Payment for Authority's Costs 3

2. Design and Construction 3

2.1. Approval of Plans 3

2.2. Permits and Approvals 3

2.3. Certification by Professional Engineer 4

2.4. Security for Construction 4

2.5. Inspection and Access to Construction by the Authority 5

2.6. Notice of the Deficiencies 5

2.7. Notice of Final Water System Testing 5

2.8. Engineering Certification to the Authority 5

3. Ownership of the Water System and Notice to Purchasers Within the District 6

4. Operating Agreement and Lease 6

5. Charges for Water Service 7

5.1 Components of the Charges 7

5.2 Initial Charges for Service 7

5.3 Additional Improvements to the Water System 8

5.3.1 During the Initial Assessment Period 8

5.3.2 After the Initial Assessment Period 9

6. Option to Purchase 10

6.1. Upon Abandonment 10

6.2. Market Option 10

6.3. Effect of Purchase 11

7. Surplus Capacity 11

8. Closing 12

9. Deliveries by Developer 12

10. Conditions Precedent and Responsibilities 12

10.1 Conditions Precedent 12

10.2 Reimbursement for Authority's Expenses 14

10.3 Authority's Responsibilities 14

11. Authority Shall Apply to Establish the Zone of Assessment 14

12. Payment for Water Service Will be Made to the Authority 14

13. Notices 14

14. Binding Effect; Non-Assignable 15

15. Compliance with Closing Conditions 15

16. Termination 15

16.1. Mutual Agreement 16

16.2. Failure to Obtain Necessary Approvals 16

16.3. Time 16

17. Recording 16

18. No Third Party Beneficiaries 16

19. Law to Govern and Venue 16

20. Counterparts 16

21. Paragraph Headings 16

22. Miscellaneous 17

MEMORANDUM OF UNDERSTANDING

FOR THE OPERATION AND LEASE OF

THE WATER SUPPLY SYSTEM FOR RED HOOK ACRES

Between

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

And

RED HOOK ACRES, LLC

This Memorandum of Understanding (hereinafter "**MOU**") is entered into as of the _____ day of September, 2018 between DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY, a public benefit corporation of the State of New York, with offices at 27 High Street, Poughkeepsie, New York 12601 (the "**Authority**"), Red Hook Acres, LLC, a New York limited liability company registered with the New York Department of State with its office at 199 West Road, Pleasant Valley, NY 12569 (the "**Developer**"), and Mr. Roger Hoffman, an individual with an address at 19 Old Farm Road, Red Hook, New York 12571.

WITNESSETH:

Whereas, Roger Hoffman is the owner of real property located in the Town of Red Hook, County of Dutchess, State of New York, which is more particularly described in Schedule A annexed hereto (the "**Property**"), and

Whereas, the Developer is in contract to purchase the Property and intends to develop the Property into one hundred and two (102) residential units consisting of a mix of attached and detached homes, a community center, mail building, wastewater treatment facility, various open spaces, and supporting infrastructure (the "**Project**"), and

Whereas, the Developer has requested that the Authority provide water service to the Project in the amount of 47,750 gallons per day, and

Whereas, the Developer intends to design and construct, or cause to be constructed, a water distribution system to provide potable water service to the Project for the benefit of the owners of those parcels (the "**Water System**"), and

Whereas, the Water System shall consist of (a) a master meter, (b) a series of pipes, valves, hydrants, and (c) service connections to distribute potable water to the homes, community center, mail building, and appurtenant improvements, excluding any improvements described herein, and

Whereas, the Water System is intended to serve the Property and improvements within the Project (collectively the "**Service Area**"), and

Whereas, the Project is within the existing Dutchess County Water District, but is outside of any Zone of Assessment, and

Whereas, the Developer and Mr. Hoffman have requested the Authority to seek approval to form a new Zone of Assessment for the Service Area ("**ZOA**") and to enter into a water supply agreement with the Village of Red Hook to supply water to the Service Area, and

Whereas, the Authority has entered into a water supply agreement among itself, the Village of Red Hook, and the Developer dated July 9, 2018 ("**Water Supply Agreement**"), which by its terms is contingent on the formation of the ZOA among other contingencies consistent with the terms of this MOU, and

Whereas, the Authority will need to amend the service agreement with the County for the new zone of assessment, and

Whereas, the Developer has requested that the Authority operate and lease or acquire the Water System from the Developer to provide water service to the ZOA, and

Whereas, the Developer has requested that the Authority enter into this MOU to identify the contingencies that must be fulfilled and the respective obligations of the parties that must be performed to permit the Authority to operate and lease or acquire the Water System and provide service, to the extent provided in the Water Supply Agreement, to the properties that would be in the ZOA, and

Whereas, the Authority has agreed to enter into this MOU subject to the provisions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants, stipulations, and provisions herein contained, it is hereby agreed as follows:

1. Payment for Authority's Costs. On or before the date hereof, the Developer has delivered to the Authority a good check in the amount of $3,500.00 (the "**Deposit**") to be used to establish an escrow fund from which the Authority will pay all administrative, engineering, legal, and other costs incurred in connection with the Authority's review of Water System design, plans, and specifications and in other activities pursuant to the terms of this MOU (collectively, "**Authority Costs**"). Upon completion of all the Authority's activities described in this MOU, the balance, if any, remaining in the escrow fund will be returned to the Developer with an accounting of the expenses charged to the escrow fund. In the event that from time to time the Authority Costs exceed the amount of the Deposit, the Authority will request the Developer to replenish the escrow fund in an amount determined by the Authority to be appropriate and necessary and such replenishment shall be a condition to the Authority's continuation of performance hereunder. The Developer will be provided an accounting of the expenses to date and an estimate of the costs to complete the request to replenish the escrow fund.

2. Design and Construction.

2.1. Approval of Plans. The Developer has completed the design of the Water System. The Authority acknowledges that it has reviewed the plans, which received the Town of Red Hook's Final Site Plan and Subdivision Approval, a State Environmental Quality Review Act ("**SEQRA**") Negative Declaration, technical approval from the Dutchess County Department of Behavioral & Community Health and has provided comments to such plans. The final design of the Water System and all plans and specifications of Water System components ("**Plans and Specifications**") are subject to the approval of the Authority, which shall review the design of facilities necessary to provide water service and provide approval of such design, including all Plans and Specifications, in its sole discretion.

2.2. Permits and Approvals. The Developer will be responsible for obtaining all necessary state, county, and town approvals, as well as approval of the Authority, for the design, construction, and operation of the Water System on the Property (the "**Developer Approvals**"), and for the approval of the site plan and/or subdivision. When needed, the Developer will obtain the New York State Department of Environmental Conservation water supply permit and the Dutchess County Department of Behavioral and Community Health water supply permit in the name of the Authority as operator. Upon receipt of the necessary Developer Approvals, the Developer shall commence the construction and/or installation of the physical improvements, infrastructure, equipment, accessories, and components of the Water System in accordance with the terms of the Developer Approvals and the approved Plans and Specifications (the "**Developer Improvements**").

2.3. Certification by Professional Engineer. The Developer shall hire and compensate a New York State Licensed Professional Engineer acceptable to the Authority to inspect and certify to the Authority that construction of each component of the Developer Improvements has been performed in accordance with the Plans and Specifications and the terms and conditions of all Developer Approvals.

2.4. Security for Construction.

2.4.1. The Developer proposes to file the subdivision plat in 8 sections and build the Water System in phases corresponding to those section plats. Before the Developer commences any construction of any of the Developer Improvements, the Developer must post a letter of credit or an alternative form of security acceptable to the Authority, for the full amount of the cost of the construction of that part of the Water System currently being constructed for that phase or section plat (**"Construction Phase"**) plus the Authority's administrative costs to guarantee completion of the construction (**"Performance Security"**). The amount posted shall include labor and materials.

2.4.2. The Authority's engineer, in consultation with the Developer's consulting engineer, will determine the amount of the Performance Security for the Construction Phase. The Authority's determination shall be based on the engineers' recommendations, and its determination shall be final.

2.4.3. If acceptable to the Authority's governing board, and upon review of the Authority's counsel of all Performance Security documents, the Authority will consent to a joint Performance Security for the Water System between the Authority and the Town of Red Hook.

2.4.4. The Performance Security shall be reduced as the balance of construction cost is reduced and the construction has been approved for use by the regulatory agencies and the Town, when applicable. The entire Performance Security shall be released when the Construction Phase is completed to the satisfaction of the Authority and the Town, if joint Performance Security is provided.

2.4.5. Before the balance of the Performance Security is reduced to less than 20% of the cost of construction for that Construction Phase, the Developer must post a maintenance security, in the form of a letter of credit or an alternative form of security acceptable to the Authority, in an amount equal to 20% of the construction cost of that Construction Phase (**"Maintenance Security"**). See

paragraph 9.3, *infra*. The purpose of the Maintenance Security is to assure funds will be available to repair or replace defects found within one year after the commencement of operation of each Construction Phase. The Maintenance Security shall be held for a period of one year after the completion of construction and commencement of operation of that Construction Phase.

2.5. Inspection and Access to Construction by the Authority. Authority personnel will have the right, but not the obligation, to witness and inspect installation and/or construction of Developer Improvements. However, since construction and installation will be certified to the Authority by the Developer's engineer, inspections by the Authority will be at the discretion of the Authority and at its expense. The inspection and testing of Developer Improvements as required by state, county, or local authorities shall be at the expense of the Developer. Authority personnel, consultants, and contractors shall have access to the Property for the purpose of carrying out the rights and obligations of the Authority under this MOU.

2.6. Notice of the Deficiencies. In the event the Authority determines that any work would be unacceptable based upon the approved design and approved plans and specifications, the Authority will notify the Developer in writing within two (2) business days of the discovery of the unacceptable work. All unacceptable work must be corrected to the Authority's satisfaction before the facilities are placed in service.

2.7. Notice of Final Water System Testing. The Developer must provide the Authority at least three (3) business days' written notice prior to any final Water System testing. Following receipt of such notice, in the event that the Authority does not attend such final Water System testing, the Authority waives its right to do so, but such waiver shall not excuse or constitute a waiver of Developer's obligation to correct any defective work.

2.8. Engineering Certification to the Authority. Upon completion of each Construction Phase, the Developer must provide the Authority with the Professional Engineer's certification to the Authority with the engineer's seal, and copies of authorizations of the Dutchess County Department of Behavioral and Community Health, the New York State Department of Environmental Conservation, and any other governmental authority having jurisdiction which are necessary to put the Water System into service. The Authority will accept certifications, and commence operation, only upon the completion of a Construction Phase. The Authority retains the right to accept certifications or commence operation of a portion of a Construction Phase.

3. Ownership of the Water System and Notice to Purchasers Within the District.

3.1. The Developer will own the Water System.

3.2. Prior to selling any property within the Service Area the Developer shall notify the potential purchaser that the Water System is privately owned and provided a projection of the annual water costs to the property. The offering plan will state that the Water System is privately owned and includes an estimate of the initial annual water costs to the property. Before establishing water service to any new property owner, the property owner must certify to DCWWA that they were provided this information.

4. Operating Agreement and Lease

4.1. Before the first residential lot is sold or otherwise conveyed to a third party not affiliated with the Developer or before service to the first customer commences, the Authority shall operate and lease the Water System from the Developer pursuant to the terms and operating agreement and lease ("**Agreement**") and will commence water service to the customers upon application to the Authority. In accordance with the Agreement, attached as Schedule B, the Authority shall operate, maintain, and replace the Water System. The Agreement shall have been signed and be effective before the date service commences. The Authority has no obligations under the Agreement until the first section of construction is complete and service is requested by a property owner.

4.2. The terms of the Agreement shall be consistent with this MOU.

4.3. The Agreement provides that the Authority will pay the Developer $220.00 per year plus any annual increase due for improvements paid by the Developer (paragraph 5.5.5.5) ("**Unit Rent**") for each lot as described in the next paragraph.

4.4. The Unit Rent will be paid for each lot that is receiving water service from or through the Water System.

4.5. After the commencement of the Agreement, the Unit Rent will begin when the lot begins receiving water service from the installed system.

4.6. The Unit Rent will be paid annually in arrears for each year after the Agreement is in effect and paid to the Developer or its designee.

4.7. The initial term of the Agreement shall be for a period not less than ten years and renewable on the same terms for up to 99 years. The lease will not expire without the consent of the Authority.

5. Charges for Water Service

5.1. Components of the Charges.

5.1.1. The Authority shall assess or charge each Subdivided Lot in the ZOA that receives service and all other property served through the Water System.

5.1.2. Each Subdivided Lot and property that is receiving water service through the Water System shall be assessed or charged (i) a share of the Authority's costs to operate the Water System, (ii) a water usage charge and (iii) the Unit Rent.

5.1.3. The water usage charge will include at least the entire variable cost incurred by the Authority to deliver water and will not be less than the amount the Authority pays to the Village of Red Hook for the water delivered to the Water System (**"Usage Charge"**).

5.1.4. The actual costs, excluding Unit Rent and the costs related to usage, that the Authority incurs to operate, maintain, and replace the Water System plus, if paid by the Authority, costs incurred to improve the Water System, plus 10% of the foregoing amounts to fund a replacement and emergency repair reserve constitute the Authority's **"Actual O&M"**. The actual cost incurred is after the annual cost is reduced to reflect draws from the replacement and emergency repair reserve. The Authority has sole discretion over the establishment of budgets and rates for the Water System. However, the Authority agrees that all charges will be directly related to the cost to operate, maintain, and improve the Water System plus overheads apportioned in the same way that the Authority currently allocates such overheads among the systems it operates.

5.2. Initial Charges for Service.

5.2.1. Since the Project will only be partially developed in the early years of the Water System's operation, the Initial charge for water service in the Service Area will be normalized until 80% of the 105 units in the Project, *i.e.*, 84 Subdivided Lots are served in the ZOA and through the Water System (**"Initial Assessment Period"**).

5.2.2. During the Initial Assessment Period, the Authority will estimate what its costs to operate the Water System, excluding the Unit Rent and the cost of purchased

water, would be to serve the 105 units that are planned for the Project (**"Estimated Operating Cost"**). The Authority will then divide the Estimated Operating Cost by 84 to develop an **"Estimated Operating Cost per Benefit Unit"**.

5.2.3. During the Initial Assessment Period, the Authority will assess or charge each Subdivided Lot in the ZOA that is connected to the Water System, the Unit Rent plus the Estimated Operating Cost per Benefit Unit plus the Usage Charge. Any other lot that may be served through the Water System will be assessed and/or charged the Unit Rent plus at least the amounts charged to lots and entities within the ZOA.

5.2.4. During the Initial Assessment Period, the Developer will pay quarterly the difference between the Estimated Operating Cost per Benefit Unit assessed and the Actual O&M incurred by the Authority, provided the Actual O&M is not more than 110% of the Estimated Operating Cost. The aggregate of the payments made by the Developer is the **"Developer's Subsidy"**. The Authority may defer, for collection in future years, the amount that it did not collect because it was more than 110% of the Estimated Operating Cost. The Authority will bill the amount of the Developer's Subsidy, and the Developer will have 30 days to pay. Once a total of 84 Subdivided Lots and properties are served in the ZOA or through the Water System, the Developer would no longer be responsible to pay the Developer's Subsidy

5.2.5. The Developer will post a financial security in a form acceptable to the Authority to guarantee payment of the Developer's share of Actual O&M incurred by the Authority (**"Developer's Subsidy Security"**). Beginning on the effective date of the Agreement, the amount of the security shall be the Developer's share of Actual O&M for the next five years. The Developer's Subsidy Security shall be recalculated and reduced or increased annually to reflect the Developer's potential liability over the ensuing 5 years, noting that said liability should decrease each year that additional Lots are connected to the Water System. Once 84 Subdivided Lots and entities are served in the ZOA or through the Water System the entire Developer's Subsidy Security shall be released.

5.3. <u>Additional Improvements to the Water System.</u>

5.3.1. <u>During the Initial Assessment Period</u>

5.3.1.1. During the Initial Assessment Period, the Authority will not implement any improvement that will be charged to lots in the Service Area, unless

required by a regulatory authority having appropriate jurisdiction without the Developer's approval, which will not be unreasonably withheld.

5.3.1.2. In the event that there is a mandated capital improvement to the Water System, as directed by a regulatory body having appropriate jurisdiction, the Developer shall construct the improvement or, if the Developer elects not to construct the improvement, the Developer shall fund the Authority's construction of the improvement by depositing such cost prior to construction as directed by the Authority.

5.3.1.3. As with the prior provisions in this MOU addressing the initial construction, plans and specifications are subject to the approval of the Authority.

5.3.1.4. Failure to construct or fund the improvement will constitute a default, and ownership of the Water System will pass to the Authority as provided herein.

5.3.1.5. If such improvements are installed or paid for by the Developer, the Authority agrees to increase purchase price and lease payment. The purchase price would increase by the cost of the improvements and reduced at the time of purchase in accordance with 6.2 below. To reflect the full cost of the improvement, after a showing that the costs were incurred and paid, the Unit Rent would increase by the

Cost of the Improvements / (105 Units x 10 Years).

5.3.2. <u>After the Initial Assessment Period</u>

5.3.2.1. After the Initial Assessment Period, the Authority will implement any improvement or replacement project it feels is proper and charge the users in the assessment district in the same way it charges in its other zones of assessment within the Dutchess County Water District.

6. Option to Purchase. The Authority shall have the option to acquire the Water System.

6.1. Upon Abandonment

6.1.1. The Authority may acquire the Water System for $1.00 upon the abandonment of the Water System.

6.1.2. The Developer will have abandoned the Water System (i) if it fails to construct the Water System in accord with the MOU or succeeding contracts with the Authority or (ii) if it does not pay the Developer's Subsidy, other charges, or costs to be paid by the Developer, or post a required security pursuant this MOU and the Agreement. The Developer shall have a period of thirty (30) days after written notice from the Authority to address a noticed construction defect or to pay unpaid amounts that were properly charged. Should the Developer fail to correct after notice, the Developer would be required to assign its interests in the Water System to the Authority to facilitate the Authority's operation and/or completion of the Water System. Any transfer to the Authority shall be free and clear of all liens and encumbrances. All securities that had been posted by the Developer and still in effect at the time of the abandonment shall continue.

6.1.3. Abandonment of the Water System shall not mean isolated, single, or non-material failures to meet requirements, but shall only mean continuing, repeated, and material failures of the construction requirements that result in a failure to complete construction in time to meet the demands of lot owners, or a reduction in Water System capacity and/or reliability.

6.1.4. In the event of a dispute regarding any element of a claim that the system has been abandoned, such dispute shall be determined by arbitration in the manner set forth in Article XIX of the attached Agreement.

6.2. Market Option. At any time after operation of the Water System commences, the Authority may purchase the Water System for $600,000 plus the improvements paid for by the Developer (paragraph 5.5.5.5, above) less 50% of the total lease payments made as of the date the purchase price is paid ("**Purchase Price**"). The Purchase Price shall not be more than the fair market value based upon the methods for valuing a utility as applied by a qualified appraiser approved by the Developer and paid by the Authority. If the Purchase Price is more than the fair market value, then the Purchase Price would be reduced to the fair market value. The terms of the sale are set forth in this MOU.

6.3. Effect of Purchase.

6.3.1. In the event the Authority exercises its option to purchase, the Developer shall indemnify and hold harmless the Authority from any alleged violations of law or regulation arising out of the construction of the Water System prior to the date of transfer of the Water System from the Developer to the Authority.

6.3.2. Should the Authority exercise its option before the Project is complete, the Authority shall negotiate with the Developer and its assignees a new operating agreement that will permit the Developer and its assignees to complete the Project.

6.3.3. The Authority shall thereafter assess properties within the Project as provided in its enabling statute and shall share the operation, maintenance, repair, and replacement costs with all property served through the Water System; not charge property within the Service Area for any costs related to providing service to properties outside of the Service Area, and charge the cost to acquire the Water System to all properties serviced by or through the Water System on a benefit basis.

7. Surplus Capacity

7.1. The Authority and the Developer acknowledge that the Water System will be designed based upon current rules and regulations of the authorities having jurisdiction and the approval of the design and construction of the Water System will be based upon a theoretical design capacity to provide service to the Service Area. At some time, subject to the approval of the authorities having jurisdiction, it may be determined that the Water System has the capability to serve additional users. Should that determination and approval by the authorities having jurisdiction occur and should it not be in conflict with an existing, modified, or new agreement with the Village of Red Hook, the Developer, with the consent of the Authority and if at that time it owns the Water System, will have the right to sell such additional capacity and retain the payment as a contribution towards its prior expenditures.

7.2. The Authority and the Developer further acknowledge that the Authority may be interested in using the Developer's Water System to transfer water to a Water System known as the Rokeby Water System. If the Authority transmits water through the Water System and the Developer owns the Water System at that time, the lease payment to the Developer will increase for each property in the Rokeby Water System by the same charge per benefit unit, *i.e.,* the Unit Rent, as assessed onto the other properties served in the ZOA.

8. Closing. For the purposes of this MOU, closing is defined as the date the Agreement is executed.

9. Deliveries by Developer. Developer will deliver to the Authority at or before the closing the following:

9.1. Duly recorded easements in the form and substance acceptable to the Authority and its attorneys to enable the Authority to enter into the described easement areas within the Property to enable the Authority to test, inspect, operate, maintain, repair, and replace the Water System and all of its components (the "**Easements**"). The location as shown on the approved subdivision and site plans for the project and scope of all easement areas are subject to the Authority's prior written approval. Such easements shall be accompanied by duly completed and executed Forms TP-584. All recording and filing fees shall be paid by the Authority.

9.2. Easements will be delivered for each section of the Project upon the filing of that section's plat. The Developer shall deliver to the Authority three (3) paper copies and one (1) electronic copy of the as-built records, including drawings; specifications; equipment, operational and maintenance manuals; inspection, test and material reports, and equipment and material guarantees and warranties for the Water System and its components prior to the date service will be provided from that section by the Authority.

9.3. The Maintenance Security, referenced in paragraph 2.4.5, shall be in a form acceptable to the Authority. The Maintenance Security is to guarantee the repair of defects found within one year of commencing operation of each Construction Phase of the Water System and shall remain in effect for a period of one (1) year from the date of acceptance by the Authority. The Maintenance Security will be surrendered to the Developer at the end of the one (1) year period. The amount of the Maintenance Security shall be in an amount equal to 20% of the construction costs for each Construction Phase.

9.4. In addition, upon acquisition of the Water System by the Authority, the Developer shall provide such other documentation as the Authority and its attorney shall reasonably request to insure that the Water System and the Easements are transferred free and clear of any and all claims, conditions, liens, or encumbrances.

10. Conditions Precedent and Responsibilities. The Authority's obligations to perform service to the Red Hook Assessment District are contingent upon the fulfillment of all conditions precedent ("**Conditions Precedent**").

10.1. Conditions Precedent. Conditions Precedent include, without limitation, the following:

10.1.1. Evidence of completion of the requirements for compliance with SEQRA;

10.1.2. Review and non-denial of the Project by the Legislature of the County of Dutchess in accordance with the provisions of Section 1124(6) of the Public Authorities Law and establishment of Zone of Assessment by the County of Dutchess consisting of all of the properties in the Service Area and amendment of the service agreement between the County of Dutchess and the Authority;

10.1.3. The Developer's receipt of all Developer Approvals, including, without limitation, approvals of the Dutchess County Department of Behavioral and Community Health (DCDBCH), and the Town of Red Hook (the "Town"), and the delivery of true copies thereof to the Authority;

10.1.4. Delivery to the Authority

i. a true copies of certificates of occupancy and/or certificates of compliance issued by the Town covering the Developer Improvements that require the same or written documentation from the Town that no such certificates are required and

ii. written documentation from the Town and any other governmental authority having jurisdiction that there are no violations against Developer Improvements, the Water System, or the Easements;

10.1.5. The Authority's receipt of the Deposit described in paragraph 1 above and, to the extent required by the Authority, the replenishment of the escrow fund described in paragraph 1 above;

10.1.6. The final Site Plan and initial Subdivision approval of the Property with a copy of the Plan Map as approved;

10.1.7. The Authority's receipt of the Performance Security described in paragraph 2.4 above;

10.1.8. The Developer's

i. execution and delivery to the Authority of the Easements and all other instruments and

ii. delivery to the Authority of the Developer's Subsidy Security .

10.2. Reimbursement for Authority's Expenses. The Developer understands and agrees that in the event that all Conditions Precedent referred to herein have not been fulfilled, the Developer shall be responsible for reimbursement to the Authority of all Authority Costs incurred by the Authority.

10.3. Authority's Responsibilities. Subject to the fulfillment of all Conditions Precedent, the Authority shall maintain and operate the Water System.

11. Authority Shall Apply to Establish the Zone of Assessment. Following the fulfillment of the Conditions Precedent described in paragraphs 10.1.1 and 10.1.5, the Authority shall promptly apply to the Dutchess County Legislature for the establishment of the Zone of Assessment for the Service Area and shall employ commercially reasonable efforts to enter into a service agreement with the County of Dutchess. The Developer shall take such action in support of those efforts as the Authority may reasonably request.

12. Payment for Water Service Will be Made to the Authority. The Developer acknowledges that once the Water System is put into service, the Developer or any successor developer or lot owners or homeowners who have closed on the purchase of their lots or homes in the ZOA will be obligated to pay the Authority's charges for property in the ZOA. The Authority's costs shall be assessed against all users and subdivided lots that can be provided service in the ZOA and any premises served from extensions to the ZOA.

13. Notices

13.1. Any notice or demand which either party hereto may desire to give to the other shall be deemed properly given when deposited in the United States mail, postage prepaid and certified or registered, or delivered by nationally recognized overnight courier service, or hand delivered, or sent by confirmed facsimile, addressed if to the Authority to

Dutchess County Water and Wastewater Authority
27 High Street
Poughkeepsie, New York 12601
Attention: Bridget Barclay, Executive Director

And if to Developer, to

Albert A. Natoli, P.C.
Counselor-at-Law
233 Broadway, Suite 810
New York, NY 10279-0815
Tel: 212-619-8087
Fax: 877-770-8087

and

Red Hook Acres, LLC
199 West Road, Suite 101
Pleasant Valley, New York 12569
Attention: Joseph T. Kirchhoff, Managing Member

or such other address of which a party may be notified in writing by the other party. Such notice shall be deemed to have been given upon receipt thereof by the party to whom such notice is given.

13.2. Any notice or other communication ("**Notice**") shall be in writing and either

i. sent by either party's respective attorneys who are hereby authorized to do so on their behalf or

ii. delivered to the respective addresses given in this MOU for the party to whom the Notice is to be given, or to such other address as such party shall hereafter designate by Notice given to the other party or parties pursuant to this paragraph.

14. Binding Effect; Non- Assignable. This MOU shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. The rights and obligations of the Developer under this MOU (i) may only be assigned to an affiliate or related third party, and if such entity is an LLC, it must have been authorized to do business in the State of New York, and (ii) may not be assigned without the prior written consent of the Authority.

15. Compliance with Closing Conditions. The parties hereto shall use their best efforts to comply with the respective Closing conditions to be performed on their part.

16. Termination. This MOU and all the terms and provisions thereof shall be deemed canceled and the respective rights and obligations of the parties hereunder shall cease and neither party

shall have any further rights, obligations, or liabilities against or to the other hereunder or otherwise, upon the following:

16.1. Mutual Agreement – Authority and Developer may, at any time prior to the Closing Date, mutually consent to the termination of this MOU, or

16.2. Failure to Obtain Necessary Approvals - In the event any of the consents, approvals, and authorizations of any nature required in connection with this transaction are (i) not issued on or before the Closing Date or after a reasonable postponement agreed upon by both parties or (ii) granted on conditions not expressed or contemplated in this MOU including, but not limited to, payments or refunds to customers (unless such conditions are acceptable to the party charged therewith).

16.3. Time - Five (5) years after the date on which this MOU is signed unless the Agreement referenced herein is implemented or unless extended by agreement by both parties.

17. Recording. This MOU with attachments and the Agreement when executed shall be recorded in the office of the County Clerk. The cost for recording these documents is the responsibility of the Authority.

18. No Third Party Beneficiaries. Nothing contained in this MOU is intended or shall be construed to give any person, corporation, or other entity, other than the parties hereto and their respective successors, any legal or equitable right, remedy, or claim under or in respect of this MOU or any provision herein contained; this MOU being intended to be and being for the sole and exclusive benefit of the parties hereto and their respective successors and for the benefit of no other person, corporation, or other entity.

19. Law to Govern and Venue. This MOU shall be governed by and construed and enforced in accordance with the laws of the State of New York. The venue for any action brought relating to this MOU shall be the County of Dutchess.

20. Counterparts. This MOU may be executed simultaneously in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

21. Paragraph Headings. The paragraph headings in this MOU are for convenience of reference only and shall not be deemed to alter or affect any provision thereof. Reference to numbered "paragraphs", "subparagraphs", and "Schedules" refer to paragraphs and subparagraphs of this MOU and Schedules annexed hereto.

22. Miscellaneous.

22.1. This MOU incorporates all of the parties' prior understandings, agreements, and representations, whether oral or written, which are hereby merged into this MOU, which contains the entire agreement and understanding of the parties.

22.2. If any provision, sentence, term, clause, or word of this MOU shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision, sentence, term, clause, or word herein, and this MOU shall be enforced, to the maximum extent possible by law, with reference to the original intention of the parties hereto, from a reading of the entire MOU, including any such provision, sentence, term, clause, or word held to be invalid.

22.3. This MOU may not be changed, altered, amended, waived, terminated, or otherwise modified unless the same shall be in writing and signed by each party hereto.

22.4. Any singular word or term herein shall also be read as in the plural and the neuter shall include the masculine and feminine gender, whenever the sense of this MOU may require it.

22.5. This MOU shall not be binding or effective until duly executed and delivered by Developer and Authority.

22.6. Developer and Authority shall comply with IRC reporting requirements, if applicable. This Subparagraph shall survive Closing.

22.7. Each party shall, at any time and from time to time, execute, acknowledge where appropriate, and deliver such further instruments and documents and take such other action as may be reasonably requested by the other in order to carry out the intent and purpose of this MOU. This subparagraph shall survive Closing.

IN WITNESS WHEREOF, the parties hereto have executed this MOU and affixed their corporate seals the day and year first above written.

DUTCHESS COUNTY WATER AND
WASTEWATER AUTHORITY

By: _____
Name: Bridget Barclay
Title: Executive Director

RED HOOK ACRES, LLC

By: _____
Name: JOSEPH T. KUCHHOFF
Title: MANAGER

Mr. Roger Hoffman, Property Owner

By: _____
Name: Mr. Roger Hoffman

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

On the 26th day of Sept, 20 18, before me, the undersigned, a Notary Public in and for said state, personally appeared BRIDGET BARCLAY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

PAMELA ANN COMPASSO
Notary Public, State of New York
Reg. #01CO6318571
Qualified in Dutchess County
Commission Expires 1/26/19

_____
Notary Public

STATE OF NEW YORK :

: ss.

COUNTY OF DUTCHESS:

On the 26th day of Sept, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph T. Kirchhoff, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

Pamela Compasso

Notary Public

PAMELA ANN COMPASSO
Notary Public, State of New York
Reg. #01CO6318571
Qualified in Dutchess County
Commission Expires 1/26/19

STATE OF NEW YORK :

: ss.

COUNTY OF DUTCHESS:

On the 28th day of September 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared ROGER HOFFMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

Notary Public

LISA ANN SIMMS
Notary Public, State of New York
Qualified in Dutchess County
Commission Expires Nov. 30, 2021

SCHEDULE A

Legal Description

[of the Property on which the Project is located]

WELCH SURVEYING

7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description excluding Lot 103

Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southwesterly line of Old Farm Road, said point being the intersection of the northerly line of Lot 103 as shown on shown on a plat entitled "Amendment to Filed Map No. 9147, Section One Subdivision Plat, Hoffman Property," with the southwesterly line of Old Farm Road, said point being a southeasterly corner of the herein described premises; thence along the northerly and westerly lines of Lot 103 as shown on said map the following three courses and distances, South 60 degrees 38' 12" West 80.32 feet to a point; thence South 72 degrees 04' 38" West 158.00 feet to a point; thence South 10 degrees 54' 24" West 110.15 feet to a point, said point being the southwesterly corner of Lot 103 and being a northwesterly corner of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being a southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being the southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence,

the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence North 83 degrees 38' 36" West 456.45 feet to a point; thence North 10 degrees 22' 54" East 66.00 feet to a point; thence partly along remains of wire fence, North 65 degrees 21' 16" West 768.90 feet to a point, said point being on the easterly line of Lot 3 as shown on Filed Map No. 9526-C, and being the southwesterly corner of the herein described premises; thence along the easterly lines of Lot 3 and Lot 5 as shown on said map, North 23 degrees 38' 54" East 1096.96 feet to a point, said point being the northwesterly corner of the herein described premises; thence along the southerly line of Lot 5 as shown on Filed Map No. 9526-C, and along the southerly lines of Lots 2, 3, 4, 5, and 6 as shown on Filed Map No. 8162, the following two courses and distances, South 79 degrees 34' 17" East 1228.66 feet to a point; thence North 71 degrees 16' 42" East 26.42 feet to a point, said point being on the westerly line of Old Farm Road, aforementioned, and being the northeasterly corner of the herein described premises; thence along the westerly line of Old Farm Road the following, South 17 degrees 55' 22" East 931.11 feet to a point; thence along a curve to the left, having a radius of 300.00 feet and a chord of South 29 degrees 38' 07" East 121.80 feet, an arc length of 122.65 feet to the point or place of beginning.
Containing 50.813 acres

Schedule B

[Operating Agreement and Lease]

APPENDIX "E"

DUTCHESS COUNTY WATER DISTRICT
ZONE OF ASSESSMENT "W"
Tradition at Red Hook Water System

PRELIMINARY ENGINEERING REPORT

(Excerpt of Preliminary Engineering Report for the Hoffman Property Subdivision; Poughkeepsie, NY: LRC Group, rev. 8/26/2015)

EXCERPT OF

PRELIMINARY ENGINEERING REPORT

For:

"HOFFMAN PROPERTY SUBDIVISION"

Located at:

19, 25, & 45 Old Farm Road
Town of Red Hook, Dutchess County, New York
Tax ID 6272-00-103351, 191306, & 204261

Dated:
June 5, 2015
Revised: August 26, 2015

Prepared For:
Kirchhoff Properties, LLC

199 West Road, Suite 101
Pleasant Valley, NY 12569

PREPARED BY:

LRC GROUP

Land Planning ~ Civil Engineering~ Environmental Services ~Surveying Services ~ Landscape architecture

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone 845-243-2880
Fax 845-265-8175

TABLE OF CONTENTS

1.0 INTRODUCTION
- 1.1 Location
- 1.2 Existing Conditions Summary
- 1.3 Existing Demand
- 1.4 Proposed Project Description

2.0 WATER SERVICES
- 2.1 Domestic Water Demand
- 2.2 Fire Suppression
- 2.3 Water Source
- 2.4 Water Treatment

3.0 WASTEWATER SERVICES
- 3.1 Wastewater Generation
- 3.2 Soil Testing
- 3.3 Primary System
- 3.4 Expansion System

4.0 CONCLUSION

APPENDICES

Appendix A – Rokeby Water Usage Data
Appendix B – Well Abandonment
Appendix C – Deep and Percolation test Results
Appendix D – System Design Calculations

1.0 INTRODUCTION

1.1 Location

The subject property consists of three (3) existing parcels with a total of 52.05 acres located at 19, 25 and 45 Old Farm Road, in the Town of Red Hook, Dutchess County, New York. The property is identified as Tax Parcels 6272-00-204261, 191306 and 103351 according to Dutchess County Parcel Access records. The property is shown on Filed Map 9147 and 9147A according to the records of the Dutchess County Clerk's Office. The project has UTM coordinates of 592416 Easting and 4648670 Northing. The properties are located within the TND Residential and TND Commercial Center Zoning Districts.

The property abuts the Village of Red Hook to the north which is served by the Village Water System. The property also abuts the existing Rokeby Residential Community to the south. The Rokeby Subdivision has a water supply system controlled by the Dutchess County Water Wastewater Authority as Zone of Assessment F.

1.2 Existing Conditions Summary

19 Old Farm Road is the most developed of the three existing parcels. The 8.4 ± acre property is the location of the Hoffman Barn Sale - Antiques Store. The property is not currently equipped with sewer or water. 25 Old Farm Road is a 1.0 ± acre lot which has an existing 3 bedroom single family home. The single family home is serviced by a private well and subsurface sewage disposal system on the property. The larger 42.6 ± acre property located at 45 Old Farm Road is currently undeveloped and has been primarily used for farming purposes.

Elevations at the site are relatively flat with the high side of the site being the north east corner along Old Farm Road and the border with the Village of Red Hook. Elevations fluctuate and drop slightly as you travel from north to south and east to west with the low point being the existing New York State Department of Environmental Conservation (NYSDEC) wetland located on the western side of the property.

Soils found at the site have been classified by the United States Department of Agriculture (USDA) Soil Survey of Dutchess County, New York. The following soils groups are present, based on the afore-noted mapping:

1. Ca: Canandaigua silt loam, neutral substratum
    a. These soil formations consist of very deep, concave, and very poorly drained soils that formed in silty and clayey glaciolacustrine deposits. Slopes are typically smooth in the range of 0 to 3 percent.

2. HeA: Haven loam, nearly level
    a. These soil formations consist of very deep, convex, and well drained soils that formed in loamy glaciofluvial deposits over sandy and gravelly glaciofluvial deposits. Slopes are typically in the range of 0 to 3 percent.

3. Pc: Palms muck
    a. These units consist of very deep and very poorly drained soils that formed in organic material over loamy glacial drift deposits. They commonly range from 0 to 3 percent slopes.

The nearest water body is a farm pond located within the DEC wetland which will not be altered as part of this project. The farm pond is not a mapped water body. There is one NYSDEC wetland located on the western portion of the site identified as NYSDEC wetland KE-3. The wetland and its 100 foot adjacent area are 24.88 acres of the 52.05 acres. There is no proposed disturbance within the wetland or its adjacent buffer. There are no mapped floodplains on the project site.

1.3 Existing Demand

The existing sewer and water demand for the three properties comprising the future Hoffman Property Subdivision are very minimal. As stated above the existing antique shop located at 19 Old Farm Road does not currently have any sewer or water demand. The single family home is not metered but existing maximum day demand is estimated at less than 300 gallons. The existing private well will be abandoned in accordance with Dutchess County Department of Health standards. A well abandonment application has been included in **Appendix B**.

1.4 Proposed Project Description

The proposed project will create a "Traditional Neighborhood Residence" project consisting of 102 new residential lots. The planned project will consist of single family homes, cottages, and townhouses as outlined within the TND District Regulations.

The single family home, its well and septic field, currently located at 25 Old Farm Road, will be removed as part of this project. The existing commercial use located at 19 Old Farm Road will remain on a new 1.25 acre portion of tax lot 6272-00-204261. This use is consistent with the TND Commercial Center Zoning. The project also proposes civic space with a mix of squares, green space and a community center. In addition to the civic space approximately 39.05 acres of the site will remain open space.

Based on the location of the project, the water supply system has been designed to create a connection to the existing Village of Red Hook water distribution system. The project offers unique benefits to the Village and Rokeby water systems as it can be used as a conduit to connect these two independent systems in the future. The proposed water system is further described in section 2.4 below. The new development will be served by a new gravity sewer collection system and a new community subsurface sewage disposal system which will be described in section 3.3 of this report.

2.0 WATER SERVICE

2.1 Domestic Water Demand

The estimated water demand design rates are based on a 75 gallon per capita per day (GPCD) for a metered public water supply. According to US census data the average occupancy per home is 2.6 persons for New York State and is also 2.6 persons per home for Owner Occupied Homes in Red Hook. A 20% additional demand was added to account for water loss. The average day water demand is 23,868 or 24,000 GPD. A 2 time peaking factor has been applied to the water system design for a max day of 48,000 GPD. Detailed Calculations can be found in **Appendix D**.

The water system is designed to include all of the proposed residential units. The existing antiques center at 19 Old Farm Road will not be provided with a water connection. Should water supply be needed in the future there is adequate space onsite to provide a private well for the commercial component.

There is a proposed community building which will hold homeowners activities such as monthly board meetings, birthdays, bridal showers, book clubs, etc. The community building will not include a ballroom or large event space. The community building will be used by the residents of the community and will not generate additional wastewater flows.

2.2 Fire Suppression

Water supply for fire suppression will be provided in accordance with NFPA 1142 "Standards on Water Supply for Suburban and Rural Fire Fighting", 2012. The existing Village water system does not currently have the capacity to provide fire flows. The project has been presented to the Town of Red Hook Fire Department. The department has acknowledged that the domestic water supply system will not provide adequate fire flows and that the water supply for fire suppression will be provided using available mobile water supply apparatus. This method is acceptable according to NFPA 1142 and is used to provide fire flow throughout the Town of Red Hook.

The applicant has however agreed to size the water distribution system to accommodate fire flows and to provide fire hydrants throughout the proposed system should fire flows become available in the future. Until such time fire flows are available, the hydrants will be banded to indicate they will have limited municipal fire flow capacities.

2.3 Water Source and Treatment

The proposed project will connect to the Village of Red Hook Water Distribution System. The Village operates under Water Supply Permit # PN 3-1348-00158-00001. Based on January 2014 Report completed by CT Male, "Firehouse Lane Well Field Water Supply Report" the Village has an available water supply of 475,200 GPD with the largest well out of service. The Village has a max day water demand of 383,000 GPD and a committed flow of 44,000 GPD for Anderson Commons and several smaller projects. The Village has a surplus capacity of 48,200 GPD which exceeds the max day demand of 48,000 GPD for the proposed project. An additional well has been constructed and will further expand the Village's available capacity.

The Village has an existing water treatment and storage system. The applicant is working with the Village of Red Hook engineer to determine what if any improvements will be required for the proposed connection.

2.4 Recommended Improvements

The water system will connect to the Village of Red Hook water distribution system located at the intersection of Old Farm Road and Cambridge Drive. A new, metered water connection, with backflow prevention, will be made with a new 8" water distribution system throughout the proposed project. As stated above the project will construct fire hydrants in critical points throughout the distribution system should fire flows become available in the future.

3.0 WASTEWATER SERVICES

3.1 Wastewater Generation

The estimated sewer demand design rates follow the guidelines established by the NYSDEC in the "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems" March 5, 2014. The proposed demand for the project has been calculated in accordance with section B.6.b Design flow method 3. Flow rates can be determined using water usage data collected from similar operations.

We evaluated a similar development in the vicinity of the proposed project. The Rokeby Water System is located in the Town of Red Hook, Dutchess County, NY. Constructed in the 1960's and 70's, it was acquired by the Dutchess County Water and Wastewater Authority in 2000 as Zone of Assessment F of the County Water District. We evaluated over five years of water usage records from the Rokeby residential development.

The Rokeby water system has 55 – 3 bedroom residential properties and one commercial parcel. The homes all consist of 3 bedroom homes as shown on Filed Map 2909. The development is analogous is terms of the house size, location, and demographics. The water usage records are a conservative representation of the flow rates we would expect at the new developed as the proposed project will incorporate modern water saving fixtures.

The commercial property has an average daily flow of 680 GPD according to the DCWWA. The water records showed each residential unit had an average water usage of 126 GPD. We are using a conservative design value of 135 GPD per home. It should be noted the recorded water usage has dropped significantly after the DCWWA replaced the water meter in 2013. Flow data for the Rokeby water system is provided in **Appendix A.**

To determine the max day peaking factor we have evaluated the max day for each month and averaged that to determine the max day for the year. Taking the average of the max day for each month is an accepted practice as there is some error in recording times and extraneous events such as hydrant flushing. The "average" max day for the year was then compared with the average flow for the entire year. Over the two years studied, the max day factor was determined to be 1.50. A conservative value of 1.55 has been used for the design.

Additional sewage flow has been provided for a future connection to the existing antiques center to remain at 19 Old Farm Road. The existing building currently has no sewer or water connection. As a result of the proposed subdivision the lot will become less than fire acres. The new lot will not have the space needed to provide a private SDS. As such capacity has been added to the SDS design to account for a future connection if needed. The total sewer demand for the project is 21,744 GPD. Detailed calculations are included in **Appendix D.**

3.2 Existing Wastewater Treatment

The existing single family home family home located at 25 Old Farm Road is proposed to be demolished. The existing septic tank will be pumped out and removed or filled with granular material and the SDS will be abandoned.

3.3 Recommended Improvements

Sanitary wastewater from the proposed development will be treated by a new community subsurface sewage disposal system. The system has been designed in accordance with NYSDEC "Design Standards for Intermediate-Sized Wastewater Treatment Systems" March 5, 2014. The project will include a new gravity collection system, central septic tanks, a pump chamber, and leaching fields. The system will be installed as an alternating field system which will improve performance and increase the life span of the system by allowing time for each field to rest.

Collection System

The community will be served by a conventional 8" diameter gravity sewage collection system, to convey raw, sanitarily wastewater to a central location for subsequent treatment and disposal. All connections will have rubber gaskets conforming to ASTM D-3212. The line has been designed with a minimum slope of 0.4% in accordance with Ten State Standards "Recommended Standards for Wastewater Facilities, 2004". This design, as opposed to a STEP system, will better facilitate connection to a regional facility should one become available in the future.

Treatment

Primary treatment will be provided by a series of conventional septic tanks. The tanks have been sized in accordance with NYSDEC "Design Standards for Intermediate-Sized Wastewater Treatment Systems" March 5, 2014. For flows exceeding 15,000 gallons per day the required septic tank size must equal the total design flow. The system will include six (6) 4,000 gallon septic tanks in three (3) flow paths, with a total capacity of 24,000 gallons. The three flow paths will allow the septic tanks to be installed in three stages as the project phasing is implemented.

Soil Testing

The LRC Group completed deep tests on February 4, 2010. The deep tests were witnessed by Mr. James Napoli, P.E. from the Dutchess County Department of Health (DCDOH). On September 12, 2012 LRC conducted percolation tests. Deep and Percolation tests were conducted at the locations of the proposed septic field and expansion areas.

Based on the field test data, the amount of native material present at the site is consistent with the requirements for a traditional absorption trench or absorption bed system with no fill pad. The deep tests showed the native soil is over 8 foot deep and no rock or water was encountered in the location of the proposed improvements. The percolation tests conducted on September 12, 2012 are consistent and range between 1 and 3 minutes. The results of the deep and percolation tests can be found in **Appendix C** of this report.

Subsurface Disposal System

The subsurface disposal system will be designed and constructed to treat 150% of the design flow in three (3) field areas. On an annual basis one area will be rested while the other two remain in use. Allowing a resting period will extend the functional life of the system and is recommended by the NYSDEC. We are requesting a 20% reduction in the size of the distribution lines due to the use of an alternating field system.

Using the field percolation rate of 1-5 minutes, the primary system has been designed to include thirty-eight (94) rows at a length of 94 linear feet for a total length of 11,562 feet. Full design calculations can be found in **Appendix D** of this report.

Expansion System

The expansion system has been designed to treat 50% of the design flow. Should one of the three (3) primary fields fail, the expansion area can be constructed and the soil in the failed area can be restored.

Using the field percolation rate of 1-5 minutes, the expansion system has been designed to include thirteen (42) rows at a length of 94 linear feet for a total length of 3,948 feet. Full design calculations can be found in **Appendix D** of this report.

The system will include a pump chamber between the septic tanks and the sewer fields. The pump chamber will dose the system. Detailed design information and calculations will be provided with the final engineers report.

4.0 CONCLUSSIONS

This engineer's report has detailed the proposed sewer and water supply for the Hoffman Property Subdivision. The proposed design is in substantial compliance with the requirements of the Town of Red Hook, NYSDEC, and the DCDOH.

APPENDIX D

System Design Calculations

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

LRC GROUP

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property		Project #:	12-1263	
Calculations by:	SMO	Checked by:	RM	Date:	06.03.15

PROPOSED WATER DESIGN FLOWS

Average Daily Flow		
Number of Units	102	
Persons Per House[1]	2.6	
Flow Per Unit	75	GPD
Average Day Flow	19890	GPD
Design Flow[2]	23868	GPD
Use Avg. Day	**24000**	**GPD**

Max Daily Flow		
Max Day Flow[3]	47736	GPD
Use Max Day	**48000**	**GPD**

[1]According to census data the average occupancy per home is 2.6 persons for New York State and is also 2.6 persons per home for Owner Occupied Homes in Red Hook

[2] 20% Added for potential water loss.

[3] Max day based on two (2) times average day demand.

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property			Project #:	12-1263
Calculations by:	SMO	Checked by:	REM	Date:	06.03.15

Location:	19, 25, 45 Old Farm Road	
Parcel ID:	6267-00-204261	
project:	Traditional Neighborhood Development	
Flow per Unit[1]:	209.25	GPD
Proposed Units:	102	
Residential Flow:	21343.5	GPD
Ex Commercial	5000	SQ FT Antique Center at 19 Old Farm Road to Remain
Design Rate:	0.08	GPD / SQ FT
Commercial Rate:	400	GPD
TOTAL RATE:	**21,744**	**GPD**

[1] Flow per unit is based on 1.55 times the average daily flow for the Rokeby subdivision. The Rokeby subdivision is analogous to the proposed project in many ways as described In the engineers report.

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

LRC GROUP

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property			Project #:	12-1263
Calculations by:	SMO	Checked by:	REM	Date:	06.03.15

SSDS DESIGN CALCULATIONS			
Total Design Flow:	21,744	GPD	
Septic Tank Required:	21,744	GALLONS	
Standard Tank Size:	24,000	GALLONS	(6*4,000 Gallons)
Perc Rate:	5	Min	
App Rate:	1.20	gal/day/sq ft	

SDS System			
Bottom Area:	18,120	SQ FT	GPD/Application rate
20% reduction:	15,100	SQ FT	for alternative field system
Required Trench Length:	7,550	LF	
Required Primary:	11,325	LF	150% for Primary
Expansion length:	3,775	LF	50% for Expansion

Primary System	
Length of Rows:	94
Number of Rows:	123
Total Length:	11,562

ExpansionSyetm	
Length of Rows:	94
Number of Rows:	42
Total Length:	3,948

APPENDIX "F"

WATER SALE AGREEMENT

THIS AGREEMENT made as of the 9th day of July, 2018, by and among the following parties ("the Agreement"):

THE VILLAGE OF RED HOOK, a municipal corporation of the State of New York with principal offices at 7467 South Broadway, Red Hook, New York 12571 ("the Village");

RED HOOK ACRES, LLC, a New York Limited Liability company with its principal office at 199 West Road, Pleasant Valley, New York 12569 ("the Developer");

DUTCHESS COUNTY WATER & WASTEWATER AUTHORITY, a public benefit corporation of the State of New York with principal offices at 27 High Street, Poughkeepsie, New York 12601 ("the Authority").

WHEREAS, the Developer proposes to develop a residential project in the Town of Red Hook ("the Town") lying generally at 19, 25 & 45 Old Farm Road, a Town highway, and

WHEREAS, the project as proposed consists of 102 residential units, a community center, mail building, wastewater treatment system and an open space area, and

WHEREAS, the project will require 47,750 gallons per day of potable water, and

WHEREAS, the Town does not have the facilities necessary to provide the required water, and

WHEREAS, the Village has a water system which can provide the required water subject to an agreement with the Authority on behalf of a zone of assessment in the Dutchess County Water District, and

WHEREAS, the Developer has requested the Authority to provide the necessary water for the project, and

WHEREAS, the Authority has agreed to provide the necessary water pursuant to and subject to the provisions set forth herein.

In consideration of the provisions of this Agreement, the parties agree as follows:

1. The Authority will request the Dutchess County Legislature establish Zone of Assessment in the Dutchess County Water District which Zone of Assessment will include only the Developer's project ("ZOA"). The establishment of ZOA by the Dutchess County Legislature is a condition precedent to the Authority's obligation and authority to proceed under this Agreement.
2. The Village agrees to support the request by the Authority for the establishment of ZOA.
3. The Village will sell up to 47,750 gallons per day of water to the Authority to permit the Authority to provide water service to the project.
4. Attached to this Agreement and made a part hereof are a series of 10 schedules setting forth each party's responsibilities in order to effectuate the Agreement.
5. The term of the Agreement shall be 40 years from the date that the Village initially supplies water to ZOAand renewable for another 40 years on the same terms and conditions, after which the terms and conditions will be negotiated by the parties.
6. The Authority anticipates entering into an agreement or agreements with Red Hook Acres, LLC under the terms of which the Authority will agree to provide water service to the 102 residential units in the community, including the 9-12 properties that will be directly connected to the Old Farm Road water main as well as the community building, mail building, wastewater treatment system and related facilities developed in conjunction with the residential units.
7. Dispute Resolution: If the parties are unable to resolve any dispute arising under this Agreement, any party may apply to the Supreme Court, Dutchess County, for a resolution thereof by commencement of an action for declaratory relief or other

appropriate proceeding to be determined without a jury. Where this Agreement provides for this manner of dispute resolution, it shall be the sole remedy of the parties. Absent such provision, a party shall retain its legal and equitable remedies limited to venue in the Supreme Court, Dutchess County, trial before the Court without jury.

Before the commencement of any judicial proceeding, any party can elect to submit all disputes which cannot be resolved between the parties to non-binding mediation. The parties agree to attempt in good faith to settle the dispute under the then prevailing mediation rules of the American Arbitration Association. The parties agree to participate as directed by the mediator in the mediation per dispute. The parties agree to divide equally the costs of the mediation service, including mediator's fees, travel costs and expenses and filing costs. The mediation and all communication in connection with the mediation will be confidential, non-discoverable and inadmissible in any litigation or any other proceeding, whether or not such proceeding is adjudicative. It shall be an affirmative defense to any action that the party has not requested mediation or has failed to attend a conference at the request of the appointed mediator.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement the day and year first above written.

VILLAGE OF RED HOOK

By: _____

Name: Ed Blundell
Title: Mayor

DUTCHESS COUNTY WATER & WASTEWATER AUTHORITY

By: _____

Name: Bridget Barclay
Title: Executive Director

RED HOOK ACRES, LLC

By: _____

Name: JOSEPH T. KIRCHHOFF
Title: [illegible]

SCHEDULES ATTACHED TO THE AGREEMENT AMONG THE VILLAGE, THE DEVELOPER AND THE AUTHORITY TO PROVIDE WATER FOR THE 102 RESIDENTIAL UNITS, COMMUNITY CENTER, MAIL BUILDING AND WASTEWATER TREATMENT FACILITY PROPOSED TO BE CONSTRUCTED BY THE DEVELOPER

SCHEDULE 1

Responsibility for initial permits and approvals:

(a) The Village shall be responsible for obtaining all permits and approvals necessary to permit it to sell water to the Authority.

(b) The Developer shall be responsible for obtaining all permits and approvals necessary for the design, construction and operation of the Red Hook Acres Water System. The Developer shall be responsible for obtaining, in the name of the Authority, the permits and approvals necessary to purchase water from the Village, to operate the Red Hook Acres Water System, and to resell water to individual customers.

(c) The design and construction of the interconnection with the Village system shall be subject to the review and approval by the Village with all associated costs thereof paid by the Developer.

(d) The Authority will request that the Dutchess County Legislature establish a County Water District Zone of Assessment to encompass the full service area of the project ("ZOA").

(e) The Developer shall take such action in support of the preparation of the Map, Plan and Report and establishment of the ZOA as the Authority may reasonably request.

SCHEDULE 2

Ownership of Improvements:

(a) The Village shall own and be responsible for the operation and maintenance of the Old Farm Water Main from the point of connection to the existing Village water main to its point of termination. Developer shall supply to the Village at Developer's sole cost all easements required for the operation and maintenance of the Old Farm Water Main.

(b) The Village shall own and be responsible for the operation and maintenance of the Master Meter to be installed at the Main Delivery Point for the project which will be established at the proposed Project Mail Building.

(c) The Developer will be responsible for providing a Master Meter that meets the Village's specifications.

(d) The Village shall own and be responsible for the operation and maintenance of the service laterals from the Old Farm Water Main to the curb valves installed at or on the individual property line for the 9-12 (TBD) properties that will be directly connected to the Old Farm Road water main.

(e) The responsibilities and obligations of the Developer and the Authority shall be set forth in an agreement between the Developer and the Authority for the operation of the water supply system.

(f) The Developer or the Authority shall own and be responsible for the operation and maintenance of all individual customer meters for all properties within the Red Hook Acres Water System in the ZOA. Customer meters for those properties to be directly served off of the Old Farm Road main shall meet Village specifications, including remote read capability.

SCHEDULE 3

Service Area Defined:

(a) The Village shall make available to the Authority potable water in the amount of 47,750 gallons per day for the benefit of the Red Hook Acres Water System within the ZOA.

(b) An estimated 9-12 properties within the Zone of Assessment will be directly connected to the new Old Farm Road Water Main, which will be owned by the Village. The 9-12 properties will be customers of the Red Hook Acres Water System in the ZOA.

(c) Future sales of water by the Authority to additional areas outside of the –ZOA will require approval of Village and a separate agreement executed by the Village and the Authority.

SCHEDULE 4

Volume of Water to be Sold Pursuant to this Agreement:

(a) The maximum daily amount of water to be furnished by the Village to the Authority shall not exceed 47,750 gallons in a twenty-four hour period. The Village will use best efforts to supply 47,750 gallons of water in a twenty-four hour period. The water so supplied shall be potable and shall meet all County and State Health Department requirements as well as the requirements of the EPA. Water for fire flows is not guaranteed and water service may be interrupted during emergency situations.

(b) In the event the daily maximum water quantity is exceeded because of a break in a ZOA water line or other emergency, the Authority is obligated to immediately notify the Village. The Authority shall act with due diligence to remedy the emergency situation.

SCHEDULE 5

Water Charges:

(a) The Village shall sell water to the Authority as a single customer based on the aggregate water usage as metered at the Main Delivery Point plus the sum total of the 9-12 individual meters for the properties connected directly to the Old Farm Road water main. The water rate per metered unit volume used shall be equal to the lowest water rate then in effect for in-Village users multiplied by a factor of 1.525.

(b) During the term of this Agreement, the Village shall not adopt a Water Rate or component of the Water Rate applicable solely to the ZOA.

(c) Prior to the adoption of a new or revised Water Rate, the Village shall provide the Authority with a copy of the proposed Water Rate, and the Authority shall be entitled to comment upon the same.

(d) In addition to the charges set forth in (a) above, surcharges will be paid by the Authority to the Village if the water sold during any calendar year (4 consecutive billing quarters) is in excess of the amounts set forth in Schedule 4 (a). The surcharged rate for water sold in excess of the amount set forth herein shall be two times the lowest rate charged to in-Village users. The surcharges will be charged to the Authority as part of the fourth quarterly bill of each year by adding the total water consumption during the immediate preceding three billing quarters to the water consumption for the fourth billing quarter and billing the Authority for the amount of water sold to the Authority that exceeds the 47,750 gallons per day limitation at the surcharge rate.

SCHEDULE 6

Payment for Water:

(a) The Authority shall pay the Village based on metered water usage, as adjusted in this schedule. A water bill will be rendered by the Village at least once in every calendar quarter. In the event access to any of the meters is not available, the Village may bill the amount charged for the corresponding period of the preceding year, and in such cases the amount paid will be treated as a credit and the amount will be determined by the next meter reading. The Village shall not bill based on estimated usage for a second consecutive quarterly billing period.

(b) Bills are due and payable when rendered. In the event a water bill is not paid within 30 days following the rendering of the bill, the Authority shall be subject to the same interest and penalties applicable to all Village customers as may be duly adopted from time to time by the Village.

(c) If the Village and the Authority agree, arrangements may be made for bills to be rendered and payments to be made by electronic means.

(d) The Village as a wholesale provider of water in the nature of a public utility shall not be required to provide water sufficient for firefighting or to meet any existing or projected fire service demands for water provided under this Agreement. However, in the event that water from within the Zone of Assessment X is utilized for the purpose of firefighting or in servicing of emergency service agencies (i.e.; filling of fire department tanker trucks), the Village will waive charges for the water so used.

(e) Since the cost of flushing is included in the per-gallon rate charged to in-Village customers and, therefore, in the per gallon rate charged to the Authority, the Village will waive charges for the water so used by the Authority for flushing within the ZOA.

(f) The Authority and Village in consultation shall develop a reasonable and mutually agreeable estimate of the volume of water used in the above circumstances.

SCHEDULE 7

Water Quality: Performance Standards

(a) The Village shall provide Potable Water to the Authority at the Delivery Points. Potable Water is defined as water which has undergone treatment and is fit for human consumption or use and otherwise complies with the standards and regulations of the Dutchess County and New York State Health Departments, the United States Environmental Protection Agency and such other regulatory agencies as may from time to time have jurisdiction.

(b) The Authority shall be responsible for all monitoring, regulatory sampling and compliance beyond the Delivery Points, with the exception of compliance with drinking water standards for lead and copper, in accordance with Schedule 7 Paragraph c.

(c) Special requirements for lead and copper are as follows:

(1) The Authority will conduct all sampling for lead and copper as directed by the Dutchess County or New York State Departments of Health.

(2) In the event of an exceedance of lead or copper drinking water standards within the ZOA, the Authority will immediately notify the Village.

(3) The Authority will be responsible for dissemination of all public notices and public information materials within ZOA.

(4) The Village will be responsible for carrying out any source water monitoring, corrosion control studies and/or treatment that may be required by Dutchess County or New York State Departments of Health or such other regulatory agency as may have jurisdiction.

(d) The Village shall maintain a chlorine residual at the Delivery Points sufficient to maintain an acceptable chlorine residual throughout the Red Hook Acres Water System.

(e) Water Pressure – The water pressure for the water at the Delivery Point will be established based upon a hydraulic model developed jointly by the Village and the Authority.

(f) If any party determines as part of their testing protocol that the water being delivered pursuant to this Agreement does not meet the required specifications of this Agreement, all parties shall be immediately notified of that circumstance.

(g) The Village agrees to use reasonable care and diligence to provide uninterrupted water service to the ZOA but reserves the right at any time to temporarily interrupt service for reasons of force majeure and maintenance purposes. Any service interruption shall be remedied as expeditiously as possible.

(h) The Village shall provide the Authority with as much advance notice as reasonably possible regarding a service interruption. In the event of a planned service interruption, the Village shall provide the Authority with a minimum of forty-eight (48) hours advance notice which said notice shall include an estimate of the expected duration of the interruption.

(i) No adjustment shall be made to the quarterly billing charge in the event of emergency or maintenance service interruptions.

SCHEDULE 8

Reduction of Available Supply or Water Shortages:

(a) In the event of an extended shortage of water or the supply of water available to the Village is otherwise diminished over an extended period of time, the supply of water to ZOA shall be reduced or diminished in the same ratio or proportion as water supplied to other customers of the Village.

(b) In the event the Village requires water conservation measures and/or imposes water-use restrictions upon customers in the Village, the Authority shall impose the same requirements or restrictions on its customers within ZOA.

SCHEDULE 9

Master Meter Responsibilities:

(a) The Developer will furnish and install a Master Meter, meter coupling and remote reading device at the Main Delivery Point that meet the Village's specifications.

(b) The Developer shall provide a place at the Main Delivery Point acceptable to the Village for the location of the Master Meter.

(c) The construction of the interconnection and installation of the Master Meter and appurtenances shall be subject to the review and approval of the Village for which Developer shall pay all associated costs of the Village.

(d) The Village will maintain, repair and replace the Master Meter insofar as ordinary wear and tear is concerned. In the case of damage by freezing or hot water or other external damage, not otherwise caused by acts of the Village, the Authority shall be liable for the cost of the repairs.

(e) The Village reserves the right to remove and test the Master Meter at any time and substitute another meter in its place. The Authority will be provided a reading at the time of removal.

(f) The Master Meter will be tested and calibrated once every five years by a registered meter calibration service at the Authority's expense.

(g) In case of a disputed account involving the accuracy of the Master Meter, the Village will test the meter upon a written request from the Authority. A fee, as set

by resolution of the Village from time to time, payable in advance of the test, is required to be paid by the Authority.

(h) In the event the Master Meter is found to over-register in excess of 4% at any flow within the normal test flow limits, the fee will be returned to the Authority, otherwise the fee will be retained by the Village.

(i) The Authority will supply, own and maintain meters in the 9-12 individual properties connected directly to the Old Farm water main. The meters shall be identical to the remote read meters currently in use in the Village water system.

(j) The Village will periodically read the Master Meter and the meters in the 9-12 individual properties connected directly to the Old Farm water main for billing purposes. The Authority shall have the right to access and read the Master Meter and the meters in the 9-12 individual properties connected directly to the Old Farm water main.

SCHEDULE 10

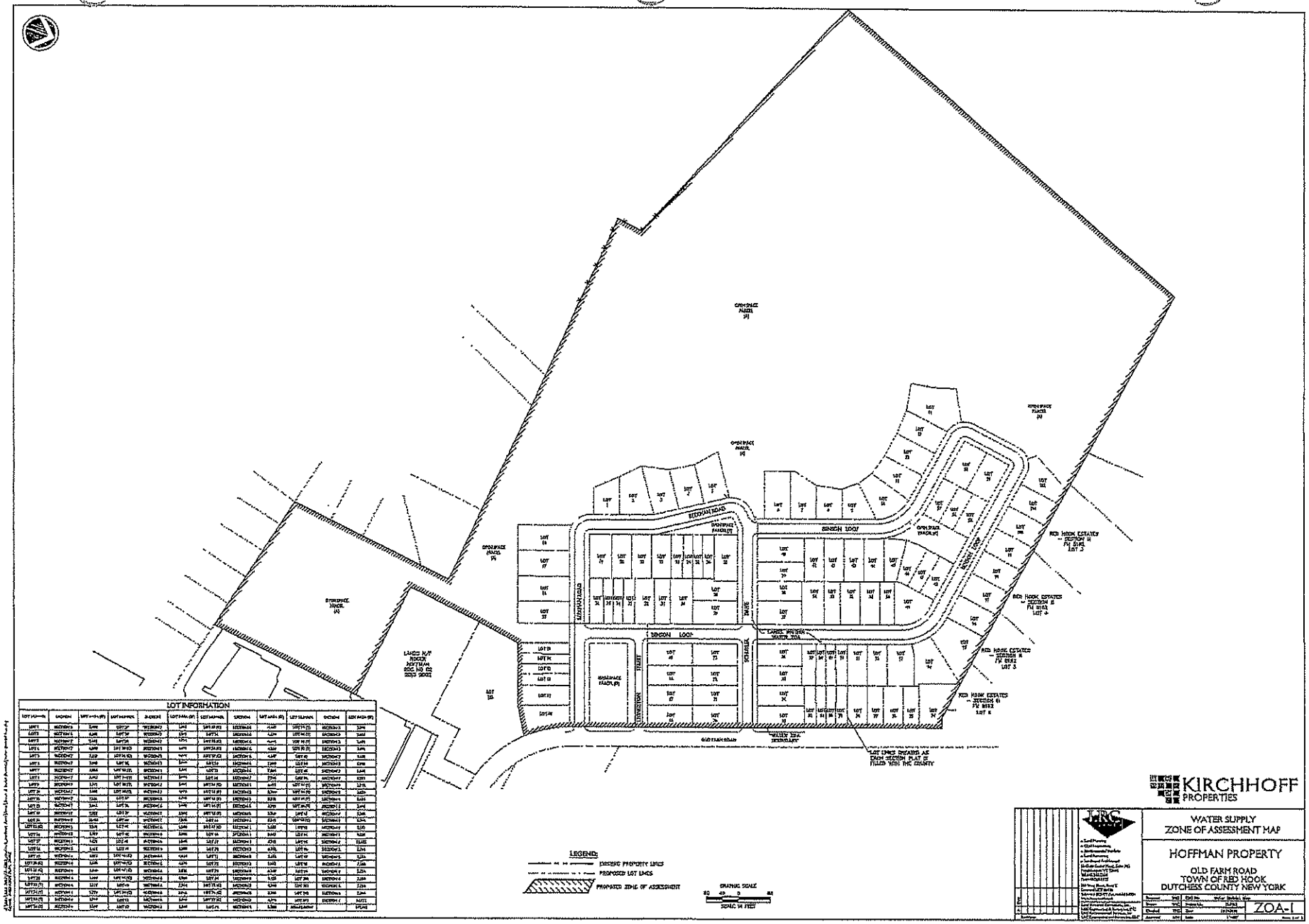
In the event the Authority does not commence taking water from the Village pursuant to this Agreement within 7 years of the date this Agreement is executed, this Agreement shall become null and void unless an extension is mutually agreed to by the parties.

This page intentionally left blank.

EXHIBIT A

TRADITIONS AT RED HOOK

COUNTY WATER DISTRICT ZONE OF ASSESSMENT W


OPEN SPACE PARCEL (A)
OPEN SPACE PARCEL (B)
OPEN SPACE PARCEL (C)
OPEN SPACE PARCEL (D)
OPEN SPACE PARCEL (E)
OPEN SPACE PARCEL (F)
OPEN SPACE PARCEL (G)
OPEN SPACE PARCEL (H)
OPEN SPACE PARCEL (I)
OPEN SPACE PARCEL (J)
OPEN SPACE PARCEL (K)
OPEN SPACE PARCEL (L)
OPEN SPACE PARCEL (M)
OPEN SPACE PARCEL (N)
OPEN SPACE PARCEL (O)
OPEN SPACE PARCEL (P)
OPEN SPACE PARCEL (Q)
OPEN SPACE PARCEL (R)
OPEN SPACE PARCEL (S)
OPEN SPACE PARCEL (T)
OPEN SPACE PARCEL (U)
OPEN SPACE PARCEL (V)
OPEN SPACE PARCEL (W)
OPEN SPACE PARCEL (X)
OPEN SPACE PARCEL (Y)
OPEN SPACE PARCEL (Z)
OPEN SPACE PARCEL (AA)
OPEN SPACE PARCEL (AB)
OPEN SPACE PARCEL (AC)
OPEN SPACE PARCEL (AD)
OPEN SPACE PARCEL (AE)
OPEN SPACE PARCEL (AF)
OPEN SPACE PARCEL (AG)
OPEN SPACE PARCEL (AH)
OPEN SPACE PARCEL (AI)
OPEN SPACE PARCEL (AJ)
OPEN SPACE PARCEL (AK)
OPEN SPACE PARCEL (AL)
OPEN SPACE PARCEL (AM)
OPEN SPACE PARCEL (AN)
OPEN SPACE PARCEL (AO)
OPEN SPACE PARCEL (AP)
OPEN SPACE PARCEL (AQ)
OPEN SPACE PARCEL (AR)
OPEN SPACE PARCEL (AS)
OPEN SPACE PARCEL (AT)
OPEN SPACE PARCEL (AU)
OPEN SPACE PARCEL (AV)
OPEN SPACE PARCEL (AW)
OPEN SPACE PARCEL (AX)
OPEN SPACE PARCEL (AY)
OPEN SPACE PARCEL (AZ)
OPEN SPACE PARCEL (BA)
OPEN SPACE PARCEL (BB)
OPEN SPACE PARCEL (BC)
OPEN SPACE PARCEL (BD)
OPEN SPACE PARCEL (BE)
OPEN SPACE PARCEL (BF)
OPEN SPACE PARCEL (BG)
OPEN SPACE PARCEL (BH)
OPEN SPACE PARCEL (BI)
OPEN SPACE PARCEL (BJ)
OPEN SPACE PARCEL (BK)
OPEN SPACE PARCEL (BL)
OPEN SPACE PARCEL (BM)
OPEN SPACE PARCEL (BN)
OPEN SPACE PARCEL (BO)
OPEN SPACE PARCEL (BP)
OPEN SPACE PARCEL (BQ)
OPEN SPACE PARCEL (BR)
OPEN SPACE PARCEL (BS)
OPEN SPACE PARCEL (BT)
OPEN SPACE PARCEL (BU)
OPEN SPACE PARCEL (BV)
OPEN SPACE PARCEL (BW)
OPEN SPACE PARCEL (BX)
OPEN SPACE PARCEL (BY)
OPEN SPACE PARCEL (BZ)
OPEN SPACE PARCEL (CA)
OPEN SPACE PARCEL (CB)
OPEN SPACE PARCEL (CC)
OPEN SPACE PARCEL (CD)
OPEN SPACE PARCEL (CE)
OPEN SPACE PARCEL (CF)
OPEN SPACE PARCEL (CG)
OPEN SPACE PARCEL (CH)
OPEN SPACE PARCEL (CI)
OPEN SPACE PARCEL (CJ)
OPEN SPACE PARCEL (CK)
OPEN SPACE PARCEL (CL)
OPEN SPACE PARCEL (CM)
OPEN SPACE PARCEL (CN)
OPEN SPACE PARCEL (CO)
OPEN SPACE PARCEL (CP)
OPEN SPACE PARCEL (CQ)
OPEN SPACE PARCEL (CR)
OPEN SPACE PARCEL (CS)
OPEN SPACE PARCEL (CT)
OPEN SPACE PARCEL (CU)
OPEN SPACE PARCEL (CV)
OPEN SPACE PARCEL (CW)
OPEN SPACE PARCEL (CX)
OPEN SPACE PARCEL (CY)
OPEN SPACE PARCEL (CZ)
OPEN SPACE PARCEL (DA)
OPEN SPACE PARCEL (DB)
OPEN SPACE PARCEL (DC)
OPEN SPACE PARCEL (DD)
OPEN SPACE PARCEL (DE)
OPEN SPACE PARCEL (DF)
OPEN SPACE PARCEL (DG)
OPEN SPACE PARCEL (DH)
OPEN SPACE PARCEL (DI)
OPEN SPACE PARCEL (DJ)
OPEN SPACE PARCEL (DK)
OPEN SPACE PARCEL (DL)
OPEN SPACE PARCEL (DM)
OPEN SPACE PARCEL (DN)
OPEN SPACE PARCEL (DO)
OPEN SPACE PARCEL (DP)
OPEN SPACE PARCEL (DQ)
OPEN SPACE PARCEL (DR)
OPEN SPACE PARCEL (DS)
OPEN SPACE PARCEL (DT)
OPEN SPACE PARCEL (DU)
OPEN SPACE PARCEL (DV)
OPEN SPACE PARCEL (DW)
OPEN SPACE PARCEL (DX)
OPEN SPACE PARCEL (DY)
OPEN SPACE PARCEL (DZ)
OPEN SPACE PARCEL (EA)
OPEN SPACE PARCEL (EB)
OPEN SPACE PARCEL (EC)
OPEN SPACE PARCEL (ED)
OPEN SPACE PARCEL (EE)
OPEN SPACE PARCEL (EF)
OPEN SPACE PARCEL (EG)
OPEN SPACE PARCEL (EH)
OPEN SPACE PARCEL (EI)
OPEN SPACE PARCEL (EJ)
OPEN SPACE PARCEL (EK)
OPEN SPACE PARCEL (EL)
OPEN SPACE PARCEL (EM)
OPEN SPACE PARCEL (EN)
OPEN SPACE PARCEL (EO)
OPEN SPACE PARCEL (EP)
OPEN SPACE PARCEL (EQ)
OPEN SPACE PARCEL (ER)
OPEN SPACE PARCEL (ES)
OPEN SPACE PARCEL (ET)
OPEN SPACE PARCEL (EU)
OPEN SPACE PARCEL (EV)
OPEN SPACE PARCEL (EW)
OPEN SPACE PARCEL (EX)
OPEN SPACE PARCEL (EY)
OPEN SPACE PARCEL (EZ)
OPEN SPACE PARCEL (FA)
OPEN SPACE PARCEL (FB)
OPEN SPACE PARCEL (FC)
OPEN SPACE PARCEL (FD)
OPEN SPACE PARCEL (FE)
OPEN SPACE PARCEL (FF)
OPEN SPACE PARCEL (FG)
OPEN SPACE PARCEL (FH)
OPEN SPACE PARCEL (FI)
OPEN SPACE PARCEL (FJ)
OPEN SPACE PARCEL (FK)
OPEN SPACE PARCEL (FL)
OPEN SPACE PARCEL (FM)
OPEN SPACE PARCEL (FN)
OPEN SPACE PARCEL (FO)
OPEN SPACE PARCEL (FP)
OPEN SPACE PARCEL (FQ)
OPEN SPACE PARCEL (FR)
OPEN SPACE PARCEL (FS)
OPEN SPACE PARCEL (FT)
OPEN SPACE PARCEL (FU)
OPEN SPACE PARCEL (FV)
OPEN SPACE PARCEL (FW)
OPEN SPACE PARCEL (FX)
OPEN SPACE PARCEL (FY)
OPEN SPACE PARCEL (FZ)
OPEN SPACE PARCEL (GA)
OPEN SPACE PARCEL (GB)
OPEN SPACE PARCEL (GC)
OPEN SPACE PARCEL (GD)
OPEN SPACE PARCEL (GE)
OPEN SPACE PARCEL (GF)
OPEN SPACE PARCEL (GG)
OPEN SPACE PARCEL (GH)
OPEN SPACE PARCEL (GI)
OPEN SPACE PARCEL (GJ)
OPEN SPACE PARCEL (GK)
OPEN SPACE PARCEL (GL)
OPEN SPACE PARCEL (GM)
OPEN SPACE PARCEL (GN)
OPEN SPACE PARCEL (GO)
OPEN SPACE PARCEL (GP)
OPEN SPACE PARCEL (GQ)
OPEN SPACE PARCEL (GR)
OPEN SPACE PARCEL (GS)
OPEN SPACE PARCEL (GT)
OPEN SPACE PARCEL (GU)
OPEN SPACE PARCEL (GV)
OPEN SPACE PARCEL (GW)
OPEN SPACE PARCEL (GX)
OPEN SPACE PARCEL (GY)
OPEN SPACE PARCEL (GZ)
OPEN SPACE PARCEL (HA)
OPEN SPACE PARCEL (HB)
OPEN SPACE PARCEL (HC)
OPEN SPACE PARCEL (HD)
OPEN SPACE PARCEL (HE)
OPEN SPACE PARCEL (HF)
OPEN SPACE PARCEL (HG)
OPEN SPACE PARCEL (HH)
OPEN SPACE PARCEL (HI)
OPEN SPACE PARCEL (HJ)
OPEN SPACE PARCEL (HK)
OPEN SPACE PARCEL (HL)
OPEN SPACE PARCEL (HM)
OPEN SPACE PARCEL (HN)
OPEN SPACE PARCEL (HO)
OPEN SPACE PARCEL (HP)
OPEN SPACE PARCEL (HQ)
OPEN SPACE PARCEL (HR)
OPEN SPACE PARCEL (HS)
OPEN SPACE PARCEL (HT)
OPEN SPACE PARCEL (HU)
OPEN SPACE PARCEL (HV)
OPEN SPACE PARCEL (HW)
OPEN SPACE PARCEL (HX)
OPEN SPACE PARCEL (HY)
OPEN SPACE PARCEL (HZ)
OPEN SPACE PARCEL (IA)
OPEN SPACE PARCEL (IB)
OPEN SPACE PARCEL (IC)
OPEN SPACE PARCEL (ID)
OPEN SPACE PARCEL (IE)
OPEN SPACE PARCEL (IF)
OPEN SPACE PARCEL (IG)
OPEN SPACE PARCEL (IH)
OPEN SPACE PARCEL (II)
OPEN SPACE PARCEL (IJ)
OPEN SPACE PARCEL (IK)
OPEN SPACE PARCEL (IL)
OPEN SPACE PARCEL (IM)
OPEN SPACE PARCEL (IN)
OPEN SPACE PARCEL (IO)
OPEN SPACE PARCEL (IP)
OPEN SPACE PARCEL (IQ)
OPEN SPACE PARCEL (IR)
OPEN SPACE PARCEL (IS)
OPEN SPACE PARCEL (IT)
OPEN SPACE PARCEL (IU)
OPEN SPACE PARCEL (IV)
OPEN SPACE PARCEL (IW)
OPEN SPACE PARCEL (IX)
OPEN SPACE PARCEL (IY)
OPEN SPACE PARCEL (IZ)
OPEN SPACE PARCEL (JA)
OPEN SPACE PARCEL (JB)
OPEN SPACE PARCEL (JC)
OPEN SPACE PARCEL (JD)
OPEN SPACE PARCEL (JE)
OPEN SPACE PARCEL (JF)
OPEN SPACE PARCEL (JG)
OPEN SPACE PARCEL (JH)
OPEN SPACE PARCEL (JI)
OPEN SPACE PARCEL (JJ)
OPEN SPACE PARCEL (JK)
OPEN SPACE PARCEL (JL)
OPEN SPACE PARCEL (JM)
OPEN SPACE PARCEL (JN)
OPEN SPACE PARCEL (JO)
OPEN SPACE PARCEL (JP)
OPEN SPACE PARCEL (JQ)
OPEN SPACE PARCEL (JR)
OPEN SPACE PARCEL (JS)
OPEN SPACE PARCEL (JT)
OPEN SPACE PARCEL (JU)
OPEN SPACE PARCEL (JV)
OPEN SPACE PARCEL (JW)
OPEN SPACE PARCEL (JX)
OPEN SPACE PARCEL (JY)
OPEN SPACE PARCEL (JZ)
OPEN SPACE PARCEL (KA)
OPEN SPACE PARCEL (KB)
OPEN SPACE PARCEL (KC)
OPEN SPACE PARCEL (KD)
OPEN SPACE PARCEL (KE)
OPEN SPACE PARCEL (KF)
OPEN SPACE PARCEL (KG)
OPEN SPACE PARCEL (KH)
OPEN SPACE PARCEL (KI)
OPEN SPACE PARCEL (KJ)
OPEN SPACE PARCEL (KK)
OPEN SPACE PARCEL (KL)
OPEN SPACE PARCEL (KM)
OPEN SPACE PARCEL (KN)
OPEN SPACE PARCEL (KO)
OPEN SPACE PARCEL (KP)
OPEN SPACE PARCEL (KQ)
OPEN SPACE PARCEL (KR)
OPEN SPACE PARCEL (KS)
OPEN SPACE PARCEL (KT)
OPEN SPACE PARCEL (KU)
OPEN SPACE PARCEL (KV)
OPEN SPACE PARCEL (KW)
OPEN SPACE PARCEL (KX)
OPEN SPACE PARCEL (KY)
OPEN SPACE PARCEL (KZ)
OPEN SPACE PARCEL (LA)
OPEN SPACE PARCEL (LB)
OPEN SPACE PARCEL (LC)
OPEN SPACE PARCEL (LD)
OPEN SPACE PARCEL (LE)
OPEN SPACE PARCEL (LF)
OPEN SPACE PARCEL (LG)
OPEN SPACE PARCEL (LH)
OPEN SPACE PARCEL (LI)
OPEN SPACE PARCEL (LJ)
OPEN SPACE PARCEL (LK)
OPEN SPACE PARCEL (LL)
OPEN SPACE PARCEL (LM)
OPEN SPACE PARCEL (LN)
OPEN SPACE PARCEL (LO)
OPEN SPACE PARCEL (LP)
OPEN SPACE PARCEL (LQ)
OPEN SPACE PARCEL (LR)
OPEN SPACE PARCEL (LS)
OPEN SPACE PARCEL (LT)
OPEN SPACE PARCEL (LU)
OPEN SPACE PARCEL (LV)
OPEN SPACE PARCEL (LW)
OPEN SPACE PARCEL (LX)
OPEN SPACE PARCEL (LY)
OPEN SPACE PARCEL (LZ)
OPEN SPACE PARCEL (MA)
OPEN SPACE PARCEL (MB)
OPEN SPACE PARCEL (MC)
OPEN SPACE PARCEL (MD)
OPEN SPACE PARCEL (ME)
OPEN SPACE PARCEL (MF)
OPEN SPACE PARCEL (MG)
OPEN SPACE PARCEL (MH)
OPEN SPACE PARCEL (MI)
OPEN SPACE PARCEL (MJ)
OPEN SPACE PARCEL (MK)
OPEN SPACE PARCEL (ML)
OPEN SPACE PARCEL (MM)
OPEN SPACE PARCEL (MN)
OPEN SPACE PARCEL (MO)
OPEN SPACE PARCEL (MP)
OPEN SPACE PARCEL (MQ)
OPEN SPACE PARCEL (MR)
OPEN SPACE PARCEL (MS)
OPEN SPACE PARCEL (MT)
OPEN SPACE PARCEL (MU)
OPEN SPACE PARCEL (MV)
OPEN SPACE PARCEL (MW)
OPEN SPACE PARCEL (MX)
OPEN SPACE PARCEL (MY)
OPEN SPACE PARCEL (MZ)
OPEN SPACE PARCEL (NA)
OPEN SPACE PARCEL (NB)
OPEN SPACE PARCEL (NC)
OPEN SPACE PARCEL (ND)
OPEN SPACE PARCEL (NE)
OPEN SPACE PARCEL (NF)
OPEN SPACE PARCEL (NG)
OPEN SPACE PARCEL (NH)
OPEN SPACE PARCEL (NI)
OPEN SPACE PARCEL (NJ)
OPEN SPACE PARCEL (NK)
OPEN SPACE PARCEL (NL)
OPEN SPACE PARCEL (NM)
OPEN SPACE PARCEL (NN)
OPEN SPACE PARCEL (NO)
OPEN SPACE PARCEL (NP)
OPEN SPACE PARCEL (NQ)
OPEN SPACE PARCEL (NR)
OPEN SPACE PARCEL (NS)
OPEN SPACE PARCEL (NT)
OPEN SPACE PARCEL (NU)
OPEN SPACE PARCEL (NV)
OPEN SPACE PARCEL (NW)
OPEN SPACE PARCEL (NX)
OPEN SPACE PARCEL (NY)
OPEN SPACE PARCEL (NZ)
OPEN SPACE PARCEL (OA)
OPEN SPACE PARCEL (OB)
OPEN SPACE PARCEL (OC)
OPEN SPACE PARCEL (OD)
OPEN SPACE PARCEL (OE)
OPEN SPACE PARCEL (OF)
OPEN SPACE PARCEL (OG)
OPEN SPACE PARCEL (OH)
OPEN SPACE PARCEL (OI)
OPEN SPACE PARCEL (OJ)
OPEN SPACE PARCEL (OK)
OPEN SPACE PARCEL (OL)
OPEN SPACE PARCEL (OM)
OPEN SPACE PARCEL (ON)
OPEN SPACE PARCEL (OO)
OPEN SPACE PARCEL (OP)
OPEN SPACE PARCEL (OQ)
OPEN SPACE PARCEL (OR)
OPEN SPACE PARCEL (OS)
OPEN SPACE PARCEL (OT)
OPEN SPACE PARCEL (OU)
OPEN SPACE PARCEL (OV)
OPEN SPACE PARCEL (OW)
OPEN SPACE PARCEL (OX)
OPEN SPACE PARCEL (OY)
OPEN SPACE PARCEL (OZ)
OPEN SPACE PARCEL (PA)
OPEN SPACE PARCEL (PB)
OPEN SPACE PARCEL (PC)
OPEN SPACE PARCEL (PD)
OPEN SPACE PARCEL (PE)
OPEN SPACE PARCEL (PF)
OPEN SPACE PARCEL (PG)
OPEN SPACE PARCEL (PH)
OPEN SPACE PARCEL (PI)
OPEN SPACE PARCEL (PJ)
OPEN SPACE PARCEL (PK)
OPEN SPACE PARCEL (PL)
OPEN SPACE PARCEL (PM)
OPEN SPACE PARCEL (PN)
OPEN SPACE PARCEL (PO)
OPEN SPACE PARCEL (PP)
OPEN SPACE PARCEL (PQ)
OPEN SPACE PARCEL (PR)
OPEN SPACE PARCEL (PS)
OPEN SPACE PARCEL (PT)
OPEN SPACE PARCEL (PU)
OPEN SPACE PARCEL (PV)
OPEN SPACE PARCEL (PW)
OPEN SPACE PARCEL (PX)
OPEN SPACE PARCEL (PY)
OPEN SPACE PARCEL (PZ)
OPEN SPACE PARCEL (QA)
OPEN SPACE PARCEL (QB)
OPEN SPACE PARCEL (QC)
OPEN SPACE PARCEL (QD)
OPEN SPACE PARCEL (QE)
OPEN SPACE PARCEL (QF)
OPEN SPACE PARCEL (QG)
OPEN SPACE PARCEL (QH)
OPEN SPACE PARCEL (QI)
OPEN SPACE PARCEL (QJ)
OPEN SPACE PARCEL (QK)
OPEN SPACE PARCEL (QL)
OPEN SPACE PARCEL (QM)
OPEN SPACE PARCEL (QN)
OPEN SPACE PARCEL (QO)
OPEN SPACE PARCEL (QP)
OPEN SPACE PARCEL (QQ)
OPEN SPACE PARCEL (QR)
OPEN SPACE PARCEL (QS)
OPEN SPACE PARCEL (QT)
OPEN SPACE PARCEL (QU)
OPEN SPACE PARCEL (QV)
OPEN SPACE PARCEL (QW)
OPEN SPACE PARCEL (QX)
OPEN SPACE PARCEL (QY)
OPEN SPACE PARCEL (QZ)
OPEN SPACE PARCEL (RA)
OPEN SPACE PARCEL (RB)
OPEN SPACE PARCEL (RC)
OPEN SPACE PARCEL (RD)
OPEN SPACE PARCEL (RE)
OPEN SPACE PARCEL (RF)
OPEN SPACE PARCEL (RG)
OPEN SPACE PARCEL (RH)
OPEN SPACE PARCEL (RI)
OPEN SPACE PARCEL (RJ)
OPEN SPACE PARCEL (RK)
OPEN SPACE PARCEL (RL)
OPEN SPACE PARCEL (RM)
OPEN SPACE PARCEL (RN)
OPEN SPACE PARCEL (RO)
OPEN SPACE PARCEL (RP)
OPEN SPACE PARCEL (RQ)
OPEN SPACE PARCEL (RR)
OPEN SPACE PARCEL (RS)
OPEN SPACE PARCEL (RT)
OPEN SPACE PARCEL (RU)
OPEN SPACE PARCEL (RV)
OPEN SPACE PARCEL (RW)
OPEN SPACE PARCEL (RX)
OPEN SPACE PARCEL (RY)
OPEN SPACE PARCEL (RZ)
OPEN SPACE PARCEL (SA)
OPEN SPACE PARCEL (SB)
OPEN SPACE PARCEL (SC)
OPEN SPACE PARCEL (SD)
OPEN SPACE PARCEL (SE)
OPEN SPACE PARCEL (SF)
OPEN SPACE PARCEL (SG)
OPEN SPACE PARCEL (SH)
OPEN SPACE PARCEL (SI)
OPEN SPACE PARCEL (SJ)
OPEN SPACE PARCEL (SK)
OPEN SPACE PARCEL (SL)
OPEN SPACE PARCEL (SM)
OPEN SPACE PARCEL (SN)
OPEN SPACE PARCEL (SO)
OPEN SPACE PARCEL (SP)
OPEN SPACE PARCEL (SQ)
OPEN SPACE PARCEL (SR)
OPEN SPACE PARCEL (SS)
OPEN SPACE PARCEL (ST)
OPEN SPACE PARCEL (SU)
OPEN SPACE PARCEL (SV)
OPEN SPACE PARCEL (SW)
OPEN SPACE PARCEL (SX)
OPEN SPACE PARCEL (SY)
OPEN SPACE PARCEL (SZ)
OPEN SPACE PARCEL (TA)
OPEN SPACE PARCEL (TB)
OPEN SPACE PARCEL (TC)
OPEN SPACE PARCEL (TD)
OPEN SPACE PARCEL (TE)
OPEN SPACE PARCEL (TF)
OPEN SPACE PARCEL (TG)
OPEN SPACE PARCEL (TH)
OPEN SPACE PARCEL (TI)
OPEN SPACE PARCEL (TJ)
OPEN SPACE PARCEL (TK)
OPEN SPACE PARCEL (TL)
OPEN SPACE PARCEL (TM)
OPEN SPACE PARCEL (TN)
OPEN SPACE PARCEL (TO)
OPEN SPACE PARCEL (TP)
OPEN SPACE PARCEL (TQ)
OPEN SPACE PARCEL (TR)
OPEN SPACE PARCEL (TS)
OPEN SPACE PARCEL (TT)
OPEN SPACE PARCEL (TU)
OPEN SPACE PARCEL (TV)
OPEN SPACE PARCEL (TW)
OPEN SPACE PARCEL (TX)
OPEN SPACE PARCEL (TY)
OPEN SPACE PARCEL (TZ)
OPEN SPACE PARCEL (UA)
OPEN SPACE PARCEL (UB)
OPEN SPACE PARCEL (UC)
OPEN SPACE PARCEL (UD)
OPEN SPACE PARCEL (UE)
OPEN SPACE PARCEL (UF)
OPEN SPACE PARCEL (UG)
OPEN SPACE PARCEL (UH)
OPEN SPACE PARCEL (UI)
OPEN SPACE PARCEL (UJ)
OPEN SPACE PARCEL (UK)
OPEN SPACE PARCEL (UL)
OPEN SPACE PARCEL (UM)
OPEN SPACE PARCEL (UN)
OPEN SPACE PARCEL (UO)
OPEN SPACE PARCEL (UP)
OPEN SPACE PARCEL (UQ)
OPEN SPACE PARCEL (UR)
OPEN SPACE PARCEL (US)
OPEN SPACE PARCEL (UT)
OPEN SPACE PARCEL (UU)
OPEN SPACE PARCEL (UV)
OPEN SPACE PARCEL (UW)
OPEN SPACE PARCEL (UX)
OPEN SPACE PARCEL (UY)
OPEN SPACE PARCEL (UZ)
OPEN SPACE PARCEL (VA)
OPEN SPACE PARCEL (VB)
OPEN SPACE PARCEL (VC)
OPEN SPACE PARCEL (VD)
OPEN SPACE PARCEL (VE)
OPEN SPACE PARCEL (VF)
OPEN SPACE PARCEL (VG)
OPEN SPACE PARCEL (VH)
OPEN SPACE PARCEL (VI)
OPEN SPACE PARCEL (VJ)
OPEN SPACE PARCEL (VK)
OPEN SPACE PARCEL (VL)
OPEN SPACE PARCEL (VM)
OPEN SPACE PARCEL (VN)
OPEN SPACE PARCEL (VO)
OPEN SPACE PARCEL (VP)
OPEN SPACE PARCEL (VQ)
OPEN SPACE PARCEL (VR)
OPEN SPACE PARCEL (VS)
OPEN SPACE PARCEL (VT)
OPEN SPACE PARCEL (VU)
OPEN SPACE PARCEL (VV)
OPEN SPACE PARCEL (VW)
OPEN SPACE PARCEL (VX)
OPEN SPACE PARCEL (VY)
OPEN SPACE PARCEL (VZ)
OPEN SPACE PARCEL (WA)
OPEN SPACE PARCEL (WB)
OPEN SPACE PARCEL (WC)
OPEN SPACE PARCEL (WD)
OPEN SPACE PARCEL (WE)
OPEN SPACE PARCEL (WF)
OPEN SPACE PARCEL (WG)
OPEN SPACE PARCEL (WH)
OPEN SPACE PARCEL (WI)
OPEN SPACE PARCEL (WJ)
OPEN SPACE PARCEL (WK)
OPEN SPACE PARCEL (WL)
OPEN SPACE PARCEL (WM)
OPEN SPACE PARCEL (WN)
OPEN SPACE PARCEL (WO)
OPEN SPACE PARCEL (WP)
OPEN SPACE PARCEL (WQ)
OPEN SPACE PARCEL (WR)
OPEN SPACE PARCEL (WS)
OPEN SPACE PARCEL (WT)
OPEN SPACE PARCEL (WU)
OPEN SPACE PARCEL (WV)
OPEN SPACE PARCEL (WW)
OPEN SPACE PARCEL (WX)
OPEN SPACE PARCEL (WY)
OPEN SPACE PARCEL (WZ)
OPEN SPACE PARCEL (XA)
OPEN SPACE PARCEL (XB)
OPEN SPACE PARCEL (XC)
OPEN SPACE PARCEL (XD)
OPEN SPACE PARCEL (XE)
OPEN SPACE PARCEL (XF)
OPEN SPACE PARCEL (XG)
OPEN SPACE PARCEL (XH)
OPEN SPACE PARCEL (XI)
OPEN SPACE PARCEL (XJ)
OPEN SPACE PARCEL (XK)
OPEN SPACE PARCEL (XL)
OPEN SPACE PARCEL (XM)
OPEN SPACE PARCEL (XN)
OPEN SPACE PARCEL (XO)
OPEN SPACE PARCEL (XP)
OPEN SPACE PARCEL (XQ)
OPEN SPACE PARCEL (XR)
OPEN SPACE PARCEL (XS)
OPEN SPACE PARCEL (XT)
OPEN SPACE PARCEL (XU)
OPEN SPACE PARCEL (XV)
OPEN SPACE PARCEL (XW)
OPEN SPACE PARCEL (XX)
OPEN SPACE PARCEL (XY)
OPEN SPACE PARCEL (XZ)
OPEN SPACE PARCEL (YA)
OPEN SPACE PARCEL (YB)
OPEN SPACE PARCEL (YC)
OPEN SPACE PARCEL (YD)
OPEN SPACE PARCEL (YE)
OPEN SPACE PARCEL (YF)
OPEN SPACE PARCEL (YG)
OPEN SPACE PARCEL (YH)
OPEN SPACE PARCEL (YI)
OPEN SPACE PARCEL (YJ)
OPEN SPACE PARCEL (YK)
OPEN SPACE PARCEL (YL)
OPEN SPACE PARCEL (YM)
OPEN SPACE PARCEL (YN)
OPEN SPACE PARCEL (YO)
OPEN SPACE PARCEL (YP)
OPEN SPACE PARCEL (YQ)
OPEN SPACE PARCEL (YR)
OPEN SPACE PARCEL (YS)
OPEN SPACE PARCEL (YT)
OPEN SPACE PARCEL (YU)
OPEN SPACE PARCEL (YV)
OPEN SPACE PARCEL (YW)
OPEN SPACE PARCEL (YX)
OPEN SPACE PARCEL (YY)
OPEN SPACE PARCEL (YZ)
OPEN SPACE PARCEL (ZA)
OPEN SPACE PARCEL (ZB)
OPEN SPACE PARCEL (ZC)
OPEN SPACE PARCEL (ZD)
OPEN SPACE PARCEL (ZE)
OPEN SPACE PARCEL (ZF)
OPEN SPACE PARCEL (ZG)
OPEN SPACE PARCEL (ZH)
OPEN SPACE PARCEL (ZI)
OPEN SPACE PARCEL (ZJ)
OPEN SPACE PARCEL (ZK)
OPEN SPACE PARCEL (ZL)
OPEN SPACE PARCEL (ZM)
OPEN SPACE PARCEL (ZN)
OPEN SPACE PARCEL (ZO)
OPEN SPACE PARCEL (ZP)
OPEN SPACE PARCEL (ZQ)
OPEN SPACE PARCEL (ZR)
OPEN SPACE PARCEL (ZS)
OPEN SPACE PARCEL (ZT)
OPEN SPACE PARCEL (ZU)
OPEN SPACE PARCEL (ZV)
OPEN SPACE PARCEL (ZW)
OPEN SPACE PARCEL (ZX)
OPEN SPACE PARCEL (ZY)
OPEN SPACE PARCEL (ZZ)
OPEN SPACE PARCEL (AA)
OPEN SPACE PARCEL (AB)
OPEN SPACE PARCEL (AC)
OPEN SPACE PARCEL (AD)
OPEN SPACE PARCEL (AE)
OPEN SPACE PARCEL (AF)
OPEN SPACE PARCEL (AG)
OPEN SPACE PARCEL (AH)
OPEN SPACE PARCEL (AI)
OPEN SPACE PARCEL (AJ)
OPEN SPACE PARCEL (AK)
OPEN SPACE PARCEL (AL)
OPEN SPACE PARCEL (AM)
OPEN SPACE PARCEL (AN)
OPEN SPACE PARCEL (AO)
OPEN SPACE PARCEL (AP)
OPEN SPACE PARCEL (AQ)
OPEN SPACE PARCEL (AR)
OPEN SPACE PARCEL (AS)
OPEN SPACE PARCEL (AT)
OPEN SPACE PARCEL (AU)
OPEN SPACE PARCEL (AV)
OPEN SPACE PARCEL (AW)
OPEN SPACE PARCEL (AX)
OPEN SPACE PARCEL (AY)
OPEN SPACE PARCEL (AZ)
OPEN SPACE PARCEL (BA)
OPEN SPACE PARCEL (BB)
OPEN SPACE PARCEL (BC)
OPEN SPACE PARCEL (BD)
OPEN SPACE PARCEL (BE)
OPEN SPACE PARCEL (BF)
OPEN SPACE PARCEL (BG)
OPEN SPACE PARCEL (BH)
OPEN SPACE PARCEL (BI)
OPEN SPACE PARCEL (BJ)
OPEN SPACE PARCEL (BK)
OPEN SPACE PARCEL (BL)
OPEN SPACE PARCEL (BM)
OPEN SPACE PARCEL (BN)
OPEN SPACE PARCEL (BO)
OPEN SPACE PARCEL (BP)
OPEN SPACE PARCEL (BQ)
OPEN SPACE PARCEL (BR)
OPEN SPACE PARCEL (BS)
OPEN SPACE PARCEL (BT)
OPEN SPACE PARCEL (BU)
OPEN SPACE PARCEL (BV)
OPEN SPACE PARCEL (BW)
OPEN SPACE PARCEL (BX)
OPEN SPACE PARCEL (BY)
OPEN SPACE PARCEL (BZ)
OPEN SPACE PARCEL (CA)
OPEN SPACE PARCEL (CB)
OPEN SPACE PARCEL (CC)
OPEN SPACE PARCEL (CD)
OPEN SPACE PARCEL (CE)
OPEN SPACE PARCEL (CF)
OPEN SPACE PARCEL (CG)
OPEN SPACE PARCEL (CH)
OPEN SPACE PARCEL (CI)
OPEN SPACE PARCEL (CJ)
OPEN SPACE PARCEL (CK)
OPEN SPACE PARCEL (CL)
OPEN SPACE PARCEL (CM)
OPEN SPACE PARCEL (CN)
OPEN SPACE PARCEL (CO)
OPEN SPACE PARCEL (CP)
OPEN SPACE PARCEL (CQ)
OPEN SPACE PARCEL (CR)
OPEN SPACE PARCEL (CS)
OPEN SPACE PARCEL (CT)
OPEN SPACE PARCEL (CU)
OPEN SPACE PARCEL (CV)
OPEN SPACE PARCEL (CW)
OPEN SPACE PARCEL (CX)
OPEN SPACE PARCEL (CY)
OPEN SPACE PARCEL (CZ)
OPEN SPACE PARCEL (DA)
OPEN SPACE PARCEL (DB)
OPEN SPACE PARCEL (DC)
OPEN SPACE PARCEL (DD)
OPEN SPACE PARCEL (DE)
OPEN SPACE PARCEL (DF)
OPEN SPACE PARCEL (DG)
OPEN SPACE PARCEL (DH)
OPEN SPACE PARCEL (DI)
OPEN SPACE PARCEL (DJ)
OPEN SPACE PARCEL (DK)
OPEN SPACE PARCEL (DL)
OPEN SPACE PARCEL (DM)
OPEN SPACE PARCEL (DN)
OPEN SPACE PARCEL (DO)
OPEN SPACE PARCEL (DP)
OPEN SPACE PARCEL (DQ)
OPEN SPACE PARCEL (DR)
OPEN SPACE PARCEL (DS)
OPEN SPACE PARCEL (DT)
OPEN SPACE PARCEL (DU)
OPEN SPACE PARCEL (DV)
OPEN SPACE PARCEL (DW)
OPEN SPACE PARCEL (DX)
OPEN SPACE PARCEL (DY)
OPEN SPACE PARCEL (DZ)
OPEN SPACE PARCEL (EA)
OPEN SPACE PARCEL (EB)
OPEN SPACE PARCEL (EC)
OPEN SPACE PARCEL (ED)
OPEN SPACE PARCEL (EE)
OPEN SPACE PARCEL (EF)
OPEN SPACE PARCEL (EG)
OPEN SPACE PARCEL (EH)
OPEN SPACE PARCEL (EI)
OPEN SPACE PARCEL (EJ)
OPEN SPACE PARCEL (EK)
OPEN SPACE PARCEL (EL)
OPEN SPACE PARCEL (EM)
OPEN SPACE PARCEL (EN)
OPEN SPACE PARCEL (EO)
OPEN SPACE PARCEL (EP)
OPEN SPACE PARCEL (EQ)
OPEN SPACE PARCEL (ER)
OPEN SPACE PARCEL (ES)
OPEN SPACE PARCEL (ET)
OPEN SPACE PARCEL (EU)
OPEN SPACE PARCEL (EV)
OPEN SPACE PARCEL (EW)
OPEN SPACE PARCEL (EX)
OPEN SPACE PARCEL (EY)
OPEN SPACE PARCEL (EZ)
OPEN SPACE PARCEL (FA)
OPEN SPACE PARCEL (FB)
OPEN SPACE PARCEL (FC)
OPEN SPACE PARCEL (FD)
OPEN SPACE PARCEL (FE)
OPEN SPACE PARCEL (FF)
OPEN SPACE PARCEL (FG)
OPEN SPACE PARCEL (FH)
OPEN SPACE PARCEL (FI)
OPEN SPACE PARCEL (FJ)
OPEN SPACE PARCEL (FK)
OPEN SPACE PARCEL (FL)
OPEN SPACE PARCEL (FM)
OPEN SPACE PARCEL (FN)
OPEN SPACE PARCEL (FO)
OPEN SPACE PARCEL (FP)
OPEN SPACE PARCEL (FQ)
OPEN SPACE PARCEL (FR)
OPEN SPACE PARCEL (FS)
OPEN SPACE PARCEL (FT)
OPEN SPACE PARCEL (FU)
OPEN SPACE PARCEL (FV)
OPEN SPACE PARCEL (FW)
OPEN SPACE PARCEL (FX)
OPEN SPACE PARCEL (FY)
OPEN SPACE PARCEL (FZ)
OPEN SPACE PARCEL (GA)
OPEN SPACE PARCEL (GB)
OPEN SPACE PARCEL (GC)
OPEN SPACE PARCEL (GD)
OPEN SPACE PARCEL (GE)
OPEN SPACE PARCEL (GF)
OPEN SPACE PARCEL (GG)
OPEN SPACE PARCEL (GH)
OPEN SPACE PARCEL (GI)
OPEN SPACE PARCEL (GJ)
OPEN SPACE PARCEL (GK)
OPEN SPACE PARCEL (GL)
OPEN SPACE PARCEL (GM)
OPEN SPACE PARCEL (GN)
OPEN SPACE PARCEL (GO)
OPEN SPACE PARCEL (GP)
OPEN SPACE PARCEL (GQ)
OPEN SPACE PARCEL (GR)
OPEN SPACE PARCEL (GS)
OPEN SPACE PARCEL (GT)
OPEN SPACE PARCEL (GU)
OPEN SPACE PARCE

WELCH SURVEYING

7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description excluding Lot 103

Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southwesterly line of Old Farm Road, said point being the intersection of the northerly line of Lot 103 as shown on shown on a plat entitled "Amendment to Filed Map No. 9147, Section One Subdivision Plat, Hoffman Property," with the southwesterly line of Old Farm Road, said point being a southeasterly corner of the herein described premises; thence along the northerly and westerly lines of Lot 103 as shown on said map the following three courses and distances, South 60 degrees 38' 12" West 80.32 feet to a point; thence South 72 degrees 04' 38" West 158.00 feet to a point; thence South 10 degrees 54' 24" West 110.15 feet to a point, said point being the southwesterly corner of Lot 103 and being a northwesterly corner of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being a southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being the southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence,

the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence North 83 degrees 38' 36" West 456.45 feet to a point; thence North 10 degrees 22' 54" East 66.00 feet to a point; thence partly along remains of wire fence, North 65 degrees 21' 16" West 768.90 feet to a point, said point being on the easterly line of Lot 3 as shown on Filed Map No. 9526-C, and being the southwesterly corner of the herein described premises; thence along the easterly lines of Lot 3 and Lot 5 as shown on said map, North 23 degrees 38' 54" East 1096.96 feet to a point, said point being the northwesterly corner of the herein described premises; thence along the southerly line of Lot 5 as shown on Filed Map No. 9526-C, and along the southerly lines of Lots 2, 3, 4, 5, and 6 as shown on Filed Map No. 8162, the following two courses and distances, South 79 degrees 34' 17" East 1228.66 feet to a point; thence North 71 degrees 16' 42" East 26.42 feet to a point, said point being on the westerly line of Old Farm Road, aforementioned, and being the northeasterly corner of the herein described premises; thence along the westerly line of Old Farm Road the following, South 17 degrees 55' 22" East 931.11 feet to a point; thence along a curve to the left, having a radius of 300.00 feet and a chord of South 29 degrees 38' 07" East 121.80 feet, an arc length of 122.65 feet to the point or place of beginning.
Containing 50.813 acres

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019033 ESTABLISHING ZONE "W" ZONE OF ASSESSMENT IN THE DUTCHESS COUNTY WATER DISTRICT IN THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019033 ESTABLISHING ZONE "W" ZONE OF ASSESSMENT IN THE DUTCHESS COUNTY WATER DISTRICT IN THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019034

RE: ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF ZONE "W" ZONE OF ASSESSMENT IN THE TOWN OF RED HOOK

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

WHEREAS, this Legislature has before it a resolution together with maps, plans and reports, all prepared by or on behalf of the Dutchess County Water and Wastewater Authority ("WWA") in support of the establishment of Zone "W" Zone of Assessment by the County of Dutchess ("County") to facilitate the payment of capital costs through the levy of benefit assessments, and

WHEREAS, as part of its review of the proposed actions the WWA supports the Town of Red Hook, which prepared a Long Environmental Assessment Form certified on September 25, 2014, and a Negative Declaration dated March 16, 2015, on file with the Clerk of the Legislature, which conclude that the proposed project constitutes a Type I Action pursuant to Part 617 of the New York Code of Rules and Regulations (SEQR), and that the action will not have a significant effect on the environment, and

WHEREAS, it appears that the Town of Red Hook and WWA made a careful review of the proposed action and this Legislature should confirm those findings, now, therefore, it is hereby

RESOLVED, that this Legislature adopts and confirms the findings of the Town of Red Hook, which the WWA supports, as set forth in the Long Environmental Assessment Form and Negative Declaration, attached hereto, concluding the proposed action will not have a significant effect on the environment.

CA-014-19
CRC/BB/kvh/
G-1217-Q
1/04/19

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Hoffman Property Residential Development		
Project Location (describe, and attach a general location map): 19, 25, and 45 Old Farm Road, Red Hook, NY 12571 Dutchess County Tax ID # 6272-00-204261, 6272-00-103351, 6272-00-191306		
Brief Description of Proposed Action (include purpose or need): The proposed plan is to create a "Traditional Neighborhood Residence" project consisting of 102 proposed residential units with one (1) existing unit commercial building on three existing lots. The existing single family residence currently located at 25 old Farm Road will be removed and the existing commercial use located at 19 Old Farm Road will remain on a new 1.255 acre parcel. The planned project will consist of single family homes, cottages, and townhouses as outlined within the TND District Regulations adopted by the Town of Red hook. The project includes a mix of civic spaces and open space as required by the TND code and will preserves the existing NYSDEC wetland and adjacent buffer.		
Name of Applicant/Sponsor: Kirchhoff Properties, LLC. Attn Richard Rang	Telephone: (845) 635-2000 E-Mail: RRang@kirchhoffCompanies.com	
Address: 199 West Road, Suite 101		
City/PO: Pleasant Valley	State: New York	Zip Code: 12569
Project Contact (if not same as sponsor; give name and title/role): Rodney Morrison	Telephone: 845-243-2880 E-Mail: rmorrison@lrcconsult.com	
Address: 85 Civic Center Plaza		
City/PO: Poughkeepsie	State: New York	Zip Code: 12601
Property Owner (if not same as sponsor): Roger Hoffman	Telephone: (845) 758-5668 E-Mail:	
Address: 19 Old Farm Road		
City/PO: Red Hook	State: New York	Zip Code: 12571

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	Red Hook Town Board. Lighting Dist, SW Maint. Red Hook Village-Water	
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Town Board Site Plan Approval Town Board Subdivision Approval	
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☑Yes☐No	DC Planning (239M)	
e. County agencies ☑Yes☐No	County Health Department (Sewage Disposal and Water Supply)	
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYSDEC SPDES Sewer & NYS Attorney Gen - HOA OPRHP	
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
TND (Traditional Neighborhood Development)

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Red Hook Central School District

b. What police or other public protection forces serve the project site?
Red Hook Police Department

c. Which fire protection and emergency medical services serve the project site?
Red Hook Fire Company

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 52.05 acres
b. Total acreage to be physically disturbed? 24.6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 52.05 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
ii. Is a cluster/conservation layout proposed? ☑ Yes ☐ No
iii. Number of lots proposed? 102
iv. Minimum and maximum proposed lot sizes? Minimum 0.06 Ac. Maximum 32.9 Ac.

e. Will proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 3
- Anticipated commencement date of phase 1 (including demolition) 12 month 14 year
- Anticipated completion date of final phase 12 month 18 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:
Each lot will be constructed based on market demand. At minimum the infrastructure will be built in 3 overall phases.

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	1	0	0	0
At completion of all phases	82			5 (4 unit Townhomes)

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes ☐No
If Yes:

i. Total anticipated water usage/demand per day: max day - 37,128 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes ☐No
If Yes:

- Name of district or service area: Village of Red Hook
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☐Yes ☑No
- Is expansion of the district needed? ☑Yes ☐No
- Do existing lines serve the project site? ☐Yes ☑No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☑No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☑ Yes ☐No
If, Yes:

- Applicant/sponsor for new district: Kirchhoff Properties, LLC
- Date application submitted or anticipated: TBD
- Proposed source(s) of supply for new district: Village of Red Hook

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), maximum pumping capacity: 410 gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 18,964 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☑No
If Yes:

- Name of wastewater treatment plant to be used:
- Name of district:
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☑No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☑No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☑Yes ☐No

If Yes:
- Applicant/sponsor for new district: Kirchhoff Properties, LLC
- Date application submitted or anticipated: TBD
- What is the receiving water for the wastewater discharge? NA-subsurface

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

Gravity collection system, septic tank pre treatment, with pump chamber dosing of subsurface absorption bed system

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 12.46 acres (impervious surface)

_____ Square feet or 52.05 acres (parcel size)

ii. Describe types of new point sources. Three new storm pipe outfalls will be created and will go to a level spreader to achieve sheet flow discharge to the existing discharge locations

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater runoff will be directed to on-site stormwater managment facilities which will have post treatment emergency overflow to on-site wetland

- If to surface waters, identify receiving water bodies or wetlands:

  NYSDEC Wetland KE-3 and an unnamed Class C tributary to the Rhinebeck Kill (H-136-6-a)

- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy Equipment - During Construction Only

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 9am-5pm
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 24 Hours/per day
- Saturday: 24 Hours/ per day
- Sunday: 24 Hours/per day
- Holidays: 24 Hours per/day

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Street lighting, 12' in height, Fully shielded downward facing fixtures.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☑ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☑ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Abandoned Agriculture, former storage, 1 single family residential parcel

ii. If mix of uses, generally describe:

The agricultural use has been abandoned and is currently fallow crop fields

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.02	12.46	+10.44
• Forested	1.62	1.51	-0.11
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)	24.67	0	-24.67
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	18.48	18.48	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Lawn and Recreational Space	5.26	19.6	+14.34

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 10 feet

b. Are there bedrock outcroppings on the project site? ☐Yes☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

HeA-Haven Loam	53.6 %
Ca-Canandaigua	29.8 %
Pc-Palms Muck	16.4 %

d. What is the average depth to the water table on the project site? Average: 5+ feet

e. Drainage status of project site soils:
☑ Well Drained: 40 % of site
☐ Moderately Well Drained: ____% of site
☑ Poorly Drained 60 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 96 % of site
☑ 10-15%: 2 % of site
☑ 15% or greater: 2 % of site

g. Are there any unique geologic features on the project site? ☐Yes☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name NA Classification NA
- Lakes or Ponds: Name NA Classification NA
- Wetlands: Name NYS Wetland, Federal Wetland Approximate Size 18.48 Acres
- Wetland No. (if regulated by DEC) KE-3

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes☑No

j. Is the project site in the 100 year Floodplain? ☐Yes☑No

k. Is the project site in the 500 year Floodplain? ☐Yes☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes☐No
If Yes:

i. Name of aquifer: Town of Red Hook Zone 1 Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:
transient birds
transient mammals

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name: Kirchhoff Properties, LLC Date: 09/25/2014

Signature: _____ Title: _____

PRINT FORM

LRC Engineering & Surveying, D.P.C
LRC Engineering and Surveying, LLC
LRC Environmental Services, Inc.
Land Resource Consultants, Inc.

85 Civic Center Plaza, Suite 103
Poughkeepsie, New York 12601
Tel: (845) 243-2880
Fax: (845) 265-8175

RECEIVED MAR 20 2015

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 16, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hoffman Traditional Neighborhood Development

SEQR Status: Type I ☑
Unlisted ☐

Conditioned Negative Declaration: ☐ YES
☑ NO

Description of Action: The applicant proposes to create a traditional neighborhood development (TND) consisting of 102 dwelling units (including 20 TND Cottages, 20 TND Townhouses, and 62 TND Houses), a Community Center, Mail Kiosk, and associated civic spaces on ± 52.05 acres of land (Tax Map Parcel Nos. 6272-00-103351, 6272-00-204261, and 6272-00-191306) located partially within the TND Residential Subdistrict and partially within the TND Commercial Center. The proposed project includes an application for Incentive Zoning, pursuant to § 143-49.2 of the Town's Zoning Law, for 33 incentive units. The existing single family residence located at 25 Old Farm Road will be demolished, and the existing commercial use located at 19 Old Farm Road will remain on a new 1.255 acre parcel. The project will be served by municipal water. Wastewater disposal will be by means of a new community subsurface sewage disposal system that will be designed to the standards of the Dutchess County Department of Health and the Dutchess County Water and Wastewater Authority, which will own and operate the system. The project includes the possible formation of water and/or sewer districts. New roads will be offered for dedication to the Town, and a Homeowners Association (HOA) will be created to maintain the rear lanes, civic spaces, sidewalks (with the exception of the sidewalk extension from the project site to Route 9), and street lighting. The HOA will also maintain all of the stormwater practices that are located outside of the Town right-of-way. Catch basins and pipes within the Town right-of-way will be maintained by the Town. The applicant has offered to work with the Town to identify an appropriate location for a trail connecting a portion of the site to the proposed Hucklebush Rail Trail, and will offer a trail easement to Town if an appropriate location can be

identified. The applicant has petitioned the Town Board for a Zoning amendment to increase the size of a TND Cottage from 1,200 square feet to 1,500 square feet. The application requires subdivision and site plan approval from the Planning Board, in addition to the approval for incentive zoning.

Location: 19, 25, and 45 Old Farm Road, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).

2. After reviewing the Full Environmental Assessment Form (EAF) for the action dated September 25, 2014 and revised October 23, 2014, December 2, 2014, January 23 2015, and March 12, 2015, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The proposed action will be constructed in a minimum of three (3) phases and will take approximately five years to complete. During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. Development of the site will result in a disturbed area in excess of one acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is required in order to obtain coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit. The applicant has submitted a SWPPP that outlines the erosion and sediment controls to be implemented during construction. The SWPPP states that "the existing watershed has 2.02 acres of impervious surface. The proposed development will add 10.44 acres for a total of 12.46 acres of impervious surface." The SWPPP includes an erosion and sediment control plan. It states that "silt fences, stabilized stone construction entrances, soil stock piles, concrete washouts, and seeding and mulching, as well as, other controls will be utilized as temporary surface water management features" and "steep slopes and exposed soils should be stabilized with silt fences, mulching blankets, geotextiles, geosynthetic drainage netting, hay or any other stabilization measure that will significantly reduce the risk of erosion." The majority of permanent stormwater features are utilizing infiltration practices. It should be noted that GP-0-10-001 expired on January 28, 2015; the new permit (GP-0-15-002) is currently available on the NYSDEC web site and shall be used. The applicant's SWPPP is generally in conformance with the new permit.

   While the proposed total disturbance area exceeds 10 acres, the disturbance shall be specified to occur in phases. Although the current erosion and sediment control plan does not provide a phasing plan, the plan does specify that all areas of disturbance will be stabilized prior to disturbance of the next area. Temporary seeding specifications have been provided and require any areas that have been exposed for seven (7) days and are not subject to truck traffic be seeded with the temporary seeding. The applicant will submit a detailed construction phasing plan to ensure that they are not proposing to disturb greater than five (5) acres at a time. The plan will show erosion and sediment control and stabilization of each phase proposed to be developed. The Homeowners Association (HOA) agreement will include the long-term operation and

maintenance policy for the stormwater management facilities onsite. The project site is comprised of relatively flat grades and well-draining soils, and these features will minimize the intensity of erosion. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on land.

4. The proposed action will require the construction of new wastewater treatment facilities. The project will be serviced by an onsite community subsurface sewage disposal system (SDS) that will be designed to the standards of the Dutchess County Water and Wastewater Authority (DCWWA) and the Dutchess County Department of Health (DCDOH), which will review the system design, plans and specifications. The DCWWA will own and operate the system, following approval by the DCDOH of the system design, plans and specifications. The DCDOH, as stated in its letter dated April 19, 2013, requires that a minimum flow of 110 gallons per day (gpd) per bedroom be utilized when sizing the sewage disposal system. Although the applicant proposes variations in the number of bedrooms (1, 2 or 3 bedrooms) per unit, a "worst case" flow rate that assumes all units have 3 bedrooms has been provided. The total flow is therefore calculated at 3 bedrooms per unit x 102 units x 110 gpd per bedroom = 33,660 gallons per day. Including the existing 5,000 sq. ft. commercial building at 19 Old Farm Road the proposed sanitary sewer estimate for the proposed development is 34,060 GPD. The DCDOH does not require added flows for the proposed community center. Soil tests conducted by the applicant and witnessed by the DCDOH show the site has a consistent sandy soil with a percolation rate between two (2) and five (5) minutes. The site is ideal for onsite subsurface sewage treatment. The proposed system will provide sewer treatment for the 102 proposed dwelling units and existing commercial building with a 100% expansion area, as required by the DCDOH.

A New York State Department of Environmental Conservation (NYSDEC) regulated wetland (KE-3) is present on the project site. The wetland and its 100' adjacent area comprise approximately 19 acres of the property. The NYSDEC Environmental Resource Mapper identifies KE-3 as a Class II wetland. Federal jurisdictional wetlands are located within the NYSDEC wetland. A field delineation of on-site wetlands was conducted by Ecological Solutions, LLC, in accordance with the methodologies of the Army Corps of Engineers (ACOE) *Wetland Delineation Manual* (1987) and New York State Department of Environmental Conservation (NYSDEC) *Freshwater Wetlands Delineation Manual* (1995). The delineation was validated by the NYSDEC on November 9, 2011. No vernal pools were identified on the property.

The proposed project has been designed to locate all development and associated improvements outside the NYSDEC wetland and its required 100' adjacent area. Property boundaries for the individual residential lots will end at the 100' adjacent area to the NYSDEC wetland, and a split rail fence or other means of delineation acceptable to the Planning Board and the NYSDEC will be installed to delineate the adjacent area. The HOA agreement will stipulate that the spit rail fence or other means of delineation is not to be removed and no disturbance to the NYSDEC wetland and the 100' adjacent area shall be permitted. The 100' wetland adjacent areas shall be protected prior to construction activities on the site. An existing gravel farm road, which will be used as a pedestrian trail, is located within the 100' adjacent area, but this road will not be improved or modified in any way. No filling or dredging or other construction impacts will occur to on-site wetlands or the 100 adjacent area as a result of the project. Since there is no proposed disturbance to the wetlands or their associated buffers, no permitting is sought, and no impacts to protected waters will occur.

The NYSDEC Environmental Mapper shows a Class C tributary of the Rhinebeck Kill (9H-136-6-a) is located on the property. However, the applicant has submitted correspondence from their biologist Ecological Solutions, LLC dated March 13, 2015 stating that the NYSDEC mapper is out of date. Wetlands and watercourses on the property were delineated by Ecological Solutions and no watercourse was observed on the area of the site in question. The delineation was verified by the NYSDEC. If a watercourse previously existing in this area, it was likely eliminated at the time the existing commercial developments were constructed between the project lands and Route 9. Existing Town and private storm drainage systems are located in the area, collecting storm runoff from the Town road and movie theater parking lot. Since the site no longer contains a Class C tributary, no impacts to a stream will occur.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on surface water.

5. The proposed project will connect to the Village of Red Hook water distribution system. The Village of Red Hook has a water supply yield of 330 gallons per minute (gpm) or 475,200 gallons per day with the largest well out of service. The Village has a maximum day water usage of 320,000 gpd. The Village also has a committed flow of 44,000 gpd for future developments in the community. The remaining Village capacity is 111,200 gpd, which exceeds the maximum day flow for the proposed project. The Village of Red Hook has indicated, in correspondence dated February 27, 2015, that it intends to supply water to the project, and believes the capacity of the Village water supply system will be sufficient to service the project. The proposed action will require the construction of new wastewater treatment facilities which, as discussed above, will be designed to the standards of the DCWWA and DCDOH. The DCWWA will own and operate the system. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on groundwater.

6. Correspondence from NYSDEC Natural Heritage Program dated October 17, 2011 indicates that there are no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of the property. A review of the US Fish and Wildlife Service website indicates that Dutchess County contains habitat for two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and dwarf wedgemussel (*Alasmidonta heterondon*), one threatened species, the bog turtle (*Clemmys muhlenbergii*), and one candidate species, the New England cottontail (*Sylvilagus transitionalis*). Blanding's turtle (*Emys blandingii*) also occurs in the Town.

The applicant prepared a Threatened and Endangered Species Habitat Suitability Assessment Report and a Blanding's Turtle Trapping Survey Report (both prepared by Ecological Solutions, LLC and dated June 1, 2012) for the project site to examine potential impacts of the project on threatened and endangered species. The project area is undeveloped and contains upland meadow only; no trees are located in the area proposed for development, and therefore no impacts to Indiana bats are expected since no tree removal will occur. The forested wetland on the property contains a mucky soil component at the western section of the wetland, but does not possess groundwater derived hydrology associated with bog turtle habitat. The wetland is densely canopied and does not contain the low growing wet meadow/fen habitat characteristics associated with bog turtle habitats. There are no potential habitats for this species on or within 300' of the property. The dwarf wedgemussel requires a watercourse with fish populations as primary habitat and to complete its life cycle; there is no habitat on the property that meets these criteria. The New England cottontail requires dense thickets as habitat; there is no habitat on the property for this species to potentially utilize.

The habitat suitability assessment indicated that the property has the components for potential use by Blanding's turtle. Based on recommendations from Ms. Lisa Masi, the Endangered Species Biologist for NYSDEC Region 3, the applicant's biologist conducted a 10-day live-trapping and observation survey for Blanding's turtle on the property from May 18 to May 29, 2012. A number of snapping turtles (*Chelydra serpentine*) and painted turtles (*Chrysemys picta*) were captured in the traps. However, no Blanding's turtles were trapped or observed on the property during the survey.

The two reports prepared by Ecological Solutions, LLC were reviewed by the Planning Board's consultant ERS Consultants, Inc. Based on comments from ERS Consultants, the applicant's Threatened and Endangered Species Habitat Suitability Assessment Report was revised July 13, 2013. The revised report included a study conducted to determine wildlife utilization within the meadow portion of the site. No threatened or endangered wildlife species were observed within the upland meadow, and ERS Consultants advised the Planning Board that no additional studies were recommended.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on plants and animals.

7. The proposed action will impact soils classified within soil group 1 through 4 of the NYS Land Classification System, and will irreversibly convert more than 10 acres of agricultural land to non-agricultural uses. Approximately 29 acres of prime agricultural soils (Haven [HcA]) are located on the project site in the area proposed to be developed. However, the project site is located in an area that the Town's *Comprehensive Plan* has identified as suitable for development. In July 2011, the Town amended its Zoning Law to create the TND District adjacent to the Village of Red Hook, consistent with the recommendations of the *Comprehensive Plan* that new development should be occur adjacent to the Villages, particularly south of the Village of Red Hook, which is where the site is located. Moreover, the applicant has requested the approval of 33 incentive units pursuant to § 143-49.2 of the Town's Zoning Law, and will be providing a community benefit of approximately $660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business (AB) Zoning District. This will permanently protect a critical mass of agricultural land in the Town's AB District. The proposed action is consistent with the recommendations of the Dutchess County *Agricultural and Farmland Protection Plan*, which notes that "concentrating development in and around community centers reinforces the economic vitality of village centers and supports existing local businesses." The project site is adjacent to a farm operation in a certified NYS Agricultural District. However, the closest proposed building will be located more than 500' from lands in agricultural use, and is separated from these lands by a NYSDEC wetland and its regulated 100' adjacent area. Thus adjacent agricultural lands will be well buffered from the proposed project, consistent with the Town's Subdivision Regulations, which recommend a minimum 200' buffer between residential development and adjacent agricultural operations. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on agriculture.

8. The project site is located within an area that has been identified as sensitive for archaeological resources. A Phase IA Literature Review and Archaeological Sensitivity Assessment, Phase IB Archaeological Field Reconnaissance, and Phase II Archaeological Field Reconnaissance prepared by Hartgen Archaeological Associates (January 2013) was submitted by the applicant to assess potential impacts on historic and archaeological resources. The Phase I and II investigation was conducted to comply with § 14.09 of the State Historic Preservation Act in

accordance with the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by the NYS Office of Park, Recreation and Historic Preservation (OPRHP). The report was prepared according to OPRHP's *State Historic Preservation Office (SHPO) Archaeological Report Format Requirements* (2005).

The project site consists of approximately 52 acres, ± 30 acres of which (the Potential Area of Effect or APE) will be disturbed. Archaeological site files at OPRHP and the New York State Museum identified two reported archaeological sites within a one mile radius of the project area. The historic map data shows a railroad easement (the former Hucklebush Rail Line) dating from the mid to late 19th and early 20th centuries traversing the westernmost perimeter of the project area, which gives the area the potential for yielding railroad related artifacts dating from the 19th and 20th centuries. The absence of map documented structures within or directly adjacent to the project area suggests a low potential for yielding intact historic habitation materials dating from the 19th century or earlier. No inventoried buildings or properties listed on the State or National Registers of Historic Places are located adjacent to the project area; the nearest National Register listed property is St. Margaret's Home, which is located approximately 1,500 feet southeast of the project area.

The combined Phase I and II archaeological excavations conducted at the site included the excavation of 20 reduced interval shovel tests and three (3) 1 x 2 meter units. The excavations yielded a small lithic assemblage consisting of one scraper and 19 debitage fragments. The site is interpreted as a small hunting/processing station that was occupied possibly by one or two individuals for a very short duration. The Phase II excavations revealed the site is confined to the Level I plow zone and to an area of less than 25 square meters. Nine square meters (36%) of the core portion of the site was excavated yielding an average of 1.6 precontact artifacts per square meter. Continued excavation at the site would result in the accumulation of similar material and a very limited artifact assemblage. Therefore, the site is not considered National Register Eligible, and no further investigation is recommended.

NYS OPRHP has reviewed the project in accordance with § 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 – Protection of Historic Properties. In its review letter dated August 14, 2013, OPRHP has determined that there will be "No Historic Properties Affected [as per 36 CFR Section 800.4(d)(1)] as a result of the proposed project."

To commemorate the former Hucklebush Rail Line that ran through the property, the applicant will provide an historic information post and will work with the Town's Conservation Advisory Council and Trails Committee on the desired location and design of the commemorative post. The applicant will also provide a trail easement extending from the proposed road/sidewalk network through the unencumbered open space parcel to extend public trail access on the site.

Based on the foregoing, the Planning Board has concluded that no significant adverse environmental impacts to historic and cultural resources will occur.

9. The proposed project may alter the present pattern of movement of people or goods resulting from the construction of 102 dwelling units. The applicant submitted a Traffic Impact Study prepared by Maser Consulting P.A. dated June 24, 2014, which was reviewed by the Planning Board's traffic and safety consultant FitzPatrick Engineering, LLC. Traffic counts were collected to establish the Existing Traffic Volumes for the study area intersections, which include Old Farm Road and Route 9; Rokeby Road/Hannaford Drive and Route 9; Amherst Road/Firehouse

Lane and Route 9; Route 199 and Route 9; and Old Farm Road and the proposed site access roads. The existing volumes were then projected to a 2017 Design Year to take into account expected increases in traffic due to normal background traffic growth and to account for other miscellaneous development traffic in the area. Estimates of traffic from other specific potential developments were also computed and added to the projected volumes to obtain the No-Build Traffic Volumes (i.e., without the proposed project). Estimates of the traffic generated by the proposed project were then made based on information published by the Institute of Transportation Engineers. These volumes were added to the No-Build Traffic Volumes to obtain the Design Year Build Traffic Volumes (i.e., with the proposed project). Based on the procedures contained in the *2010 Highway Capacity Manual*, the traffic volumes were then compared to roadway capacities to determine existing and future Levels of Service and operating conditions.

Projected vehicle trips resulting from the proposed project during the peak AM and PM hours are estimated to be 17 vehicles entering the site and 61 exiting it during the Peak AM Hour, and 62 entering the site and 34 exiting it during the Peak PM Hour. The Traffic Impact Analysis concludes that the additional traffic generated by the proposed development will not significantly change the levels of service at the area intersections when compared to the No-Build conditions. However, the Town's traffic and safety consultant recommends that the Town and Village of Red Hook work with the NYSDOT to monitor the operations of the intersections of US Route 9 and Old Farm Road, and US Route 9 and Amherst/Firehouse Lane once the project is built. Mr. Fitzpatrick notes that the proposed project's additional traffic generation will probably not initially push the intersections into the condition where a traffic control signal would be justified, although the Route 9 and Amherst/Firehouse Lane intersection in the Village of Red Hook would be close from a peak hour perspective. However, any additional turning movements such as the northbound left-turns at Old Farm Road will increase delay, the degree of which cannot be perfectly quantified. It is important that these two intersection be monitored to determine when and if a higher degree of intersection control will be appropriate to ensure that they operate safely and efficiently. Although both of these intersections are the ultimate responsibility of the NYSDOT relative to control, their operation closely affects the Town and Village, which might want to explore mechanisms where funds can be contributed by developers for future infrastructure needs.

The access connections to Old Farm Road will be via three access roadways, which will be connected internally. Sight distances for all access roadways exceed the 35 mph sight distance, with one exception where existing trees block sight lines. To ensure adequate sight distances for exiting and entering vehicles, the existing trees will be removed as part of the development. Pursuant to existing Town and state regulations, any on-street parking along the site frontage of Old Farm Road will be restricted in the immediate vicinity of the site access roads to ensure that adequate sight distance is provided.

The applicant will provide a sidewalk on the west side of Old Farm Road for the entire site frontage, and has offered to install a sidewalk along Old Farm Road connecting the project site to Route 9 provided that there is adequate space within the right-of-way or the Town can negotiate an easement with the landowners. This will help to reduce traffic impacts by encouraging pedestrian activity.

The applicant will install a new double yellow centerline pavement marking on Old Farm Road in coordination with the Town.

Construction impacts on US Route 9 are expected to be minimal. Traffic from construction workers and from deliveries of materials to and from the site will be spaced out over time and is not expected to result in any significant impact on the local roadway system. A schedule of construction and any maintenance and protection of traffic plans will be provided as necessary prior to construction.

The Planning Board's traffic and safety consultant has reviewed the Traffic Impact Study and has advised the Board that the study is acceptable along with its recommendations and conclusions.

Based on the foregoing, the Planning Board concludes that no significant adverse environmental impacts on the transportation network will occur.

10. The proposed project is anticipated to result in an increase in energy use resulting from the construction of 102 dwelling units, a community center and a mail kiosk, with a total of more than 100,000 square feet of floor area requiring heating, cooling, and lighting when completed. The proposed action will require the extension of an energy supply system to serve the project. The proposed action is a residential development that will be constructed in an already suburbanized area within walking distance of an adjacent commercial center. All of the dwellings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) to minimize energy consumption, as required by Chapter 74 of the Town Code. The proposed action is consistent with the Town's Climate Smart Communities Pledge to ensure that new construction: is Energy Star compliant; is located where residents can readily bike or walk for local errands as often as possible to minimize energy use and transportation exhaust; includes LED bulbs in street lighting; and includes street trees to shade buildings to keep them cool in summer and reduce energy costs and capture carbon dioxide. These measures will minimize energy use. Construction of the proposed project will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment; the level of energy consumption during construction is anticipated to be typical of similar developments in Dutchess County. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.

11. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities shall be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. All outdoor lighting will be fully shielded with full cut-off fixtures to prevent light trespass, glare and sky-glow, and to reduce the cost and waste of unnecessary energy consumption. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on noise and light.

12. The applicant has petitioned the Town Board for a Zoning amendment to increase the permitted size of a TND Cottage from a maximum of 1,200 square feet to a maximum of 1,500 square feet. The proposed amendment is consistent with the recommendations of the *Comprehensive Plan* to provide a range of housing types that are affordable to Town residents. The increase in the size of a TND Cottage to 1,500 square feet is also consistent with the recommendations for affordable housing in *Housing Designed to Build Neighborhoods: Affordable House Plans Inspired by Dutchess County Traditions*, published by the Dutchess County Department of Planning. This

booklet illustrates economically priced home designs that reflect the significant and varied architectural history of Dutchess County. It includes recommendations for affordable one- and two-story single family dwellings ranging in size from 1,120 square feet to 1,460 square feet. These affordable homes are based on local historic precedents that fit with the distinctive architecture of the Hudson Valley. The proposed amendment, which may result in an additional bedroom per TND Cottage unit, will not increase the overall residential density of the TND District and is therefore consistent with the GEIS adopted for Local Law No. 3 of 2011.

One of the proposed housing units, "Single Family Unit Type G," requires an area variance for a garage that is set back only 12' from the front facade of the dwelling rather than 20' as required. The plans will clearly indicate that the applicant or his successor who seeks to build this unit type shall be required to obtain an area variance from the Town of Red Hook Zoning Board of Appeals.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.

13. The project has been designed to be of similar architectural character as existing residential neighborhoods in the historic Village of Red Hook, with similar building materials, window and door configurations, roof style, and architectural details and trim. The architectural design and layout of the proposed buildings will be further reviewed by the Planning Board during site plan review to ensure that the project is fully consistent with the purposes of the TND District to ensure that development adjacent to the Village of Red Hook is compatible with historic village building patterns and to ensure that buildings and landscaping contribute to the physical definition of streets as public spaces. The Planning Board may restrict certain units to be built on certain lots in order to meet the intent of the Zoning Law with respect building patterns and defining streets as public spaces. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community character.

14. The applicant submitted a demographic analysis, dated June 5, 2014, of the estimated number of school age children attending public schools that the proposed project will generate, based on multipliers provided by Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers* (June 2006). The analysis estimates that the proposed project will result in an increase of approximately 75 school age children, of which approximately 65 will attend public school. The applicant has also submitted a "worst case" scenario analysis, assuming that all dwelling unit types have three (3) to four (4) bedrooms; this analysis estimates that the proposed project would result in approximately 105 school age children, of which approximately 89 would attend public school. Both analyses were reviewed by the Superintendent of the Red Hook Central School District who, in correspondence dated August 20, 2014, stated that "after comparing enrollment projections from our internal demographic study with the projected enrollment anticipated in both of the analyses, it is the District's opinion that the Hoffman TND project will not have a significant impact on the Red Hook School District." Based on the foregoing, the Planning Board concludes that the propose project will not result in a significant adverse environmental impact on community services.

15. The proposed project includes an application for Incentive Zoning pursuant to § 143-49.2 of the Town's Zoning Law. Based on calculations provided by the applicant and reviewed by the Planning Board, the applicant is permitted a by-right density of 69 dwelling units, and has requested that 33 incentive units be approved. The community benefit that will be provided by

the applicant, consistent with § 143-49.2F(2)(a), is estimated to be $660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business Zoning District. The applicant has submitted a narrative that discusses the consistency of the proposed incentive zoning application with the Generic Environmental Impact Statement (GEIS) adopted for the Town of Red Hook Local Law No. 3 of the year 2011. The proposed project will not exceed the number of dwelling units permitted in the TND District, which is established as 300 dwelling units. As discussed in detail herein, the proposed application for 102 dwelling units, of which 33 will be incentive units, will not result in a significant adverse environmental impact. Based on the foregoing, the Planning Board concludes that the application for incentive zoning is consistent with the GEIS adopted for Local Law No. 3 of the year 2011.

16. The Town Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person:	Kathleen Flood, Planning Board Clerk
Address:	7340 South Broadway Red Hook, NY 12571
Telephone:	845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Sue T. Crane, Town Supervisor

Red Hook Town Board

Village of Red Hook Board of Trustees

Dutchess County Health Department

Dutchess County Water and Wastewater Authority

New York State Department of Environmental Conservation

New York State Attorney General's Office

New York State Office of Parks, Recreation, and Historic Preservation

Kirchhoff Properties, LLC (applicant)

NYS DEC Environmental Notice Bulletin: enb@gw.dec.state.ny.us

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019034 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF ZONE "W" ZONE OF ASSESSMENT IN THE TOWN OF RED HOOK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019034 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF ZONE "W" ZONE OF ASSESSMENT IN THE TOWN OF RED HOOK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019035

RE: APPROVING AN AMENDED AND FOURTEENTH RESTATEMENT OF THE SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR ZONE "W" ZONE OF ASSESSMENT

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

WHEREAS, this Legislature has before it a resolution for the establishment of Zone "W" Zone of Assessment, covering the Tradition at Red Hook Water System, in the Town of Red Hook, and

WHEREAS, this Legislature has previously approved a Service Agreement, dated as of June 1, 1998, between the County of Dutchess ("County"), for and on behalf of the Dutchess County Water District and the Dutchess County Water and Wastewater Authority ("WWA"), which said Agreement has been amended and restated to cover Zones of Assessment "A," "B," "C," "D," "E," "F," "G," "H," "Valley Dale," "I," "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T" and "U", and

WHEREAS, this Legislature has under consideration an Amended and Fourteenth Restatement of the Service Agreement by and between the County for and on behalf of the Dutchess County Water District and WWA, a copy of which is attached, by the terms of which WWA will produce and sell water to the County on behalf of the Zone "W" Zone of Assessment (Zone "W") and the County will levy benefit assessments to pay for the capital costs of the existing water system and provide for the enforcement of delinquent water bills within the boundaries of Zone "W", and

WHEREAS, this Legislature, by separate Resolution has confirmed the findings of the Town of Red Hook and supported by the WWA certified on September 25, 2014, that the establishment of Zone "W" Zone of Assessment will not have a significant effect on the environment, and

WHEREAS, the approval of the Fourteenth Restatement is in the best interests of the citizens of Dutchess County, now, therefore, be it

RESOLVED, that the Amended and Fourteenth Restatement of the Service Agreement between the County of Dutchess on behalf of Zone "W" Zone of Assessment, a copy of which is attached, is approved and the County Executive or his designee is authorized and empowered to execute said Agreement on behalf of the County in substantially the same form as on file in the Office of the Legislative Clerk

CA-013-19
CRC/BB/kvh/G-1217-Q 1/04/19
Fiscal Impact: See statement attached"

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
1/31/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Dut.pdf

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019035 APPROVING AN AMENDED AND FOURTEENTH RESTATEMENT OF THE SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR ZONE "W" ZONE OF ASSESSMENT

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019035 APPROVING AN AMENDED AND FOURTEENTH RESTATEMENT OF THE SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR ZONE "W" ZONE OF ASSESSMENT

January 22, 2019

ENVIRONMENT

- RESOLUTION NO. 2019036

RE: ESTABLISHING PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

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

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1142, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and

WHEREAS, the WWA is entering into an Agreement, with the Red Hook Acres, LLC regarding the WWA's operation and future acquisition of the Tradition at Red Hook Sewer System which is located in the Town of Red Hook; and

WHEREAS, the WWA's ability to close on this acquisition and provide sewer service to the customers of the Tradition at Red Hook Sewer System is contingent on the creation of a Part County Sewer District encompassing all properties in the said sewer system which will include a total of 102 residential customers, four open space parcels, a community center, a mail building and a developed commercial property located in the Town of Red Hook, and

WHEREAS, the WWA has presented to this Legislature a notice of project pursuant to Section 1124 of the Public Authorities Law which outlines the WWA's plan to establish A Part County Sewer District #11 for the Tradition at Red Hook Sewer System, located in the Town of Red Hook, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report, Part County Sewer District No. 11" which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124, and

WHEREAS, WWA proposes to enter into a service agreement with Dutchess County (County), on behalf of the proposed Part County Sewer District No. 11 (District) whereby the District will provide sewer service to customers within the District at rates established by WWA, and

WHEREAS, said Map, Plan and Report identities the parcels to be included in the sewer district, describes the infrastructure to be constructed in order to provide sewer service, and provides the estimated annual cost for sewer service for the typical property in the proposed sewer district, and

WHEREAS, the first year cost to the typical one family home is estimated to be Six Hundred Forty-One and 00/100 ($641.00) Dollars, and

WHEREAS, this Legislature must create Part County Sewer District No. 11 covering the area of Tradition at Red Hook Sewer System described in "Attachment A," and

WHEREAS, this Legislature shall conduct a public hearing on this proposal on January 22, 2019, at 7pm and hear all persons interested, and

WHEREAS, the establishment of said Part County Sewer District No. 11 will ensure an efficient sewer system for all properties within the service area, now, therefore, be it

RESOLVED, that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Part County Sewer District No. 11 are benefited thereby and all the property and property owners benefited are included within the proposed Part County Sewer District No. 11 and it is in the public interest to create the Part County Sewer District No. 11, and be it further

RESOLVED, that a Part County Sewer District, to be known as Part County Sewer District No. 11 in the Town of Red Hook, more particularly described in "Attachment A" attached hereto, is hereby established, and be it further

RESOLVED, that this resolution is subject to permissive referendum.

CA-016-19
CRC/kvh/G-1217-Q
1/04/19
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Dul.pdf

DUTCHESS COUNTY

Part-County Sewer District #11

(Tradition at Red Hook Sewer System)
Red Hook, NY

MAP, PLAN AND REPORT

December 2018

Dutchess County Water and Wastewater Authority
Poughkeepsie, NY

DUTCHESS COUNTY
WATER AND
WASTEWATER AUTHORITY

December 2018

DUTCHESS COUNTY PART COUNTY SEWER DISTRICT #11
(Tradition at Red Hook Sewer System)

MAP, PLAN AND REPORT

INTRODUCTION

This Map, Plan and Report contains the information required for the formation of the proposed Part County Sewer District Number 11, which primarily includes an undeveloped area of approximately fifty-two (52) acres located on the west side of Old Farm Road in the Town of Red Hook, NY.

Upon successful formation of proposed Part County Sewer District Number 11 (the "District") by the Dutchess County Legislature, Red Hook Acres, LLC or its Assigns (the "Developer") will lease operation and management of the Tradition at Red Hook Sewer System (the "Sewer System") to the Dutchess County Water and Wastewater Authority (the "DCWWA", the "Authority") in accordance with the terms and conditions set forth in a Memorandum of Understanding for the Operation and Lease of the Sewer System for Red Hook Acres (MOU) dated September 2018, between the Authority, the Developer, and Roger Hoffman (local property owner) and attached herein as Appendix "D". The Developer shall retain ownership of this sanitary Sewer System. However, at any time after operation of the Sewer System commences, the Authority may purchase the Sewer System for one dollar upon the abandonment of the System by the Developer, or may purchase the system for no more than its fair market value, in accordance with the terms of sale set forth in the MOU. Information provided herein includes the proposed District's boundaries and the area that will comprise the future District, as well as a description of the proposed infrastructure by which sewage collection and treatment services will be provided to the District.

In addition, budgetary estimates for the first year operation and maintenance costs, as well as a cost allocation formula, have been included with this report. At this time, there are no immediate capital costs that will be borne directly by the future customers of the District.

The Dutchess County Water and Wastewater Authority will enter into a contract (the "Service Agreement") with Dutchess County on behalf of the District for the purpose of administering the retail rent of sewage collection and treatment services to all properties within the proposed District, with such service to be provided through the Sewer System facilities as described below. The Authority will administer the District pursuant to guidelines established by the Service Agreement and collect sewer rents. Rates for the use of the Sewer System will be set annually by the Authority.

HISTORY

On August 15, 2016, the Town of Red Hook Planning Board adopted the "Resolution Granting Approval to the Final Subdivision Plat and Incentive Zoning for Hoffman Property Traditional Neighborhood Development Subdivision". The project will create a Traditional Neighborhood Development (TND) Residential Subdivision project consisting of one hundred and two (102) residential lots and four (4) open space parcels, designated Parcels "A," "B," "C," and "D" [which

will be owned by the Homeowners Association (HOA)]. The project will consist of a mix of several types of single family dwellings as outlined within the Town's TND District Regulations. In November 2018, the project was renamed, "Tradition at Red Hook".

PART COUNTY SEWER DISTRICT #11

The proposed Part County Sewer District Number 11 is delineated by the document prepared by Welch Surveying and titled, "Property Description prepared for Red Hook Acres, LLC Outbounds Description including Lot 103" and illustrated by the map (both attached hereto as Appendix "A"). The development has received Town subdivision approval, and it is expected to be built out in phases. Upon the filing of all of the approved subdivision plats with the County Clerk, the District will include a total of one hundred and seven (107) tax parcels of which one hundred and two (102) will be residential parcels and four will be open space parcels owned by the HOA. Located on the open space parcels will be a "Mail Building" where the residents can receive their US Mail, a community center to be owned by the HOA for use by the neighborhood residents, and the wastewater treatment plant. The final parcel (presently referred to as "Lot 103" and owned by Roget Hoffman) will remain in use as a retail antique and collectibles business with an on-site barn and other small outbuildings. The boundaries of Part County Sewer District No. 11 will be coterminous with those of the Tradition at Red Hook Sewer System service area.

PHYSICAL FACILITIES

The District will be served by a conventional 8" diameter gravity sewage collection system, to convey raw, sanitary wastewater to a central location for subsequent treatment and disposal. This design, as opposed to a Septic Tank Effluent Pumping (STEP) system, will better facilitate connection to a regional facility should one become available in the future as noted in the Preliminary Engineering Report for the Hoffman Property Subdivision (a/k/a Tradition at Red Hook subdivision) prepared by Rodney E. Morrison, PE of the LRC Group (excerpt of report attached hereto as Appendix "E").

Primary treatment will be provided by a series of conventional septic tanks. The tanks have been sized in accordance with NYSDEC "Design Standards for Intermediate-Sized Wastewater Treatment Systems" (March 5, 2014). For flows exceeding 15,000 gallons per day, the required septic tank size must equal the total design flow. The system will include six tanks in three (3) flow paths, with a total capacity of 24,000 gallons. The three flow paths will allow the septic system to be installed in stages as the project phasing is implemented.

The subsurface disposal system will be designed and constructed to treat 150% of the design flow in three (3) field areas. On an annual basis, one area will be rested while the other two remain in use. Allowing a resting period will extend the functional life of the system and is recommended by the NYSDEC.

The expansion system has been designed to treat 50% of the design flow. Should one of the three (3) primary fields fail, the expansion area can be constructed and the soil in the failed area can be restored.

The system will include a pump chamber between the septic tanks and the subsurface disposal system. The pump chamber will dose the system.

The NYS DEC has issued SPDES Permit No. 3-1348-00195/00001 (SPDES ID NY 0280933) to the Dutchess County Water and Wastewater Authority with an effective date of 7/1/2016 for the operation of the District's future wastewater facility with a subsurface discharge of up to 21,744 gallons per day of treated sanitary waste through a septic tank and absorption field treatment system.

PROPERTY ISSUES

The Sewer System collection mains and stub extensions will generally be located within future rights-of-way and/or roads to be dedicated to the Town; and/or within utility easements granted in favor of the DCWWA.

The future wastewater treatment system and the space for additional subsurface disposal will be located within the Sewer District in the area presently referred to as Open Space Parcel "A". The Developer will eventually convey this parcel to the HOA, with the DCWWA being provided easements for the area of the collection, treatment and subsurface disposal areas, including the area required to be reserved for future disposal beds, allowing all necessary access for the operation, maintenance and repair of the wastewater treatment system.

CAPITAL COSTS AND ALLOCATIONS

All initial capital costs to construct the Tradition Sewer System will be borne directly by the Developer, and so are not included herein. There will be no capital costs assessed to District property owners for the first year of operation. Should debt be incurred for future capital improvements, annual debt expenses will be allocated equitably among all parcels within the District through the assignment of benefit units to each parcel. The methodology for the assignment of benefit units is attached (see Appendix C). All benefit units would be charged at the same rate. The annual benefit assessment would appear on the respective property owner's yearly property tax bill.

Application of the Benefit Assessment Methodology to the current district parcels results in a total of 1060 benefit units within the proposed Part County Sewer District. Under this approach, the apportionment of a capital cost would be across the calculated number of benefit units and would result in a per benefit unit cost. This expense would then appear on the annual property tax bill.

OPERATION AND MAINTENANCE (O&M) COSTS

The O&M Budget Projection is the total cost to the DCWWA to operate the Tradition at Red Hook Sewer System, such as: labor, insurance, sludge hauling, typical repairs and other ongoing costs. Additionally, the O&M Budget Projection includes the Lease Payment to be made to the Developer in accordance with the MOU. The DCWWA has developed an O&M budget projection to illustrate estimated First Year costs of the Tradition at Red Hook Sewer System under Authority operation and management, based on the Authority's prior operating expenses and history for comparable size wastewater systems, and possible anticipated repairs to the system.

Since the service area will only be partially developed in the early years of the Sewer System's operation, the initial O&M Budget will be based on an assumption of eighty-four (84) customers, in accordance with the terms of the MOU for the "Initial Assessment Period." A copy of the O&M budget projection, using 2019 as a base year and assuming 84 customers has been included as Appendix "B". The first year operational cost (2019 dollars) is estimated at $53,831.

The estimated annual O&M cost per typical customer during this Initial Assessment Period will be one-eighty-fourth (1/84) of the total estimated operational cost, or six hundred, forty-one dollars ($641). During the Initial Operating Period the Developer is obligated, per the MOU, to quarterly pay the difference between the amount charged per customer and the Authority's actual operating expenses ("the Developer's Subsidy"). All future O&M system budgets, rates, fees and other charges are reviewed annually and subject to change by the DCWWA Board of Directors.

CONNECTION CHARGES

An Application for Sewer Service and related permit fee will be required for each individual property to be connected to the Sewer System and receive sewer service. The sewer service connection fee would be three hundred and fifty dollars ($350) per connection, and is a one-time charge. The service connection charge will be waived to the extent the Developer installs the sewer service connection.

Annual Cost per a Typical Property – First Year: $641

The total annual cost for a typical property in a Part County Sewer District is generally a combination of the long-term capital charges (debt service) and sewer rents/usage charges. In the proposed District, a typical property will be a single family dwelling unit. Given the assumptions and estimates described above, the projected "First Year" total cost for a typical single family dwelling in in Part County Sewer District Number 11 will be six hundred and forty-one dollars ($641) for O&M expenses. A system budget based on these rates will build appropriate fund balances to maintain the wastewater system in good working order.

#####

APPENDICES

Appendix A – Description of Part County Sewer District # 11 (Property Description prepared for Red Hook Acres, LLC Outbounds Description including Lot 103 and map).

Appendix B – Proposed Operation & Maintenance Budget.

Appendix C – Proposed Benefit Assessment Methodology.

Appendix D – Memorandum of Understanding for the Operation and Lease of the Sewer Collection and Treatment System for Red Hook Acres.

Appendix E – Excerpt of Preliminary Engineering Report for the Hoffman Property Subdivision (a/k/a Traditions at Red Hook Subdivision).

This page intentionally left blank.

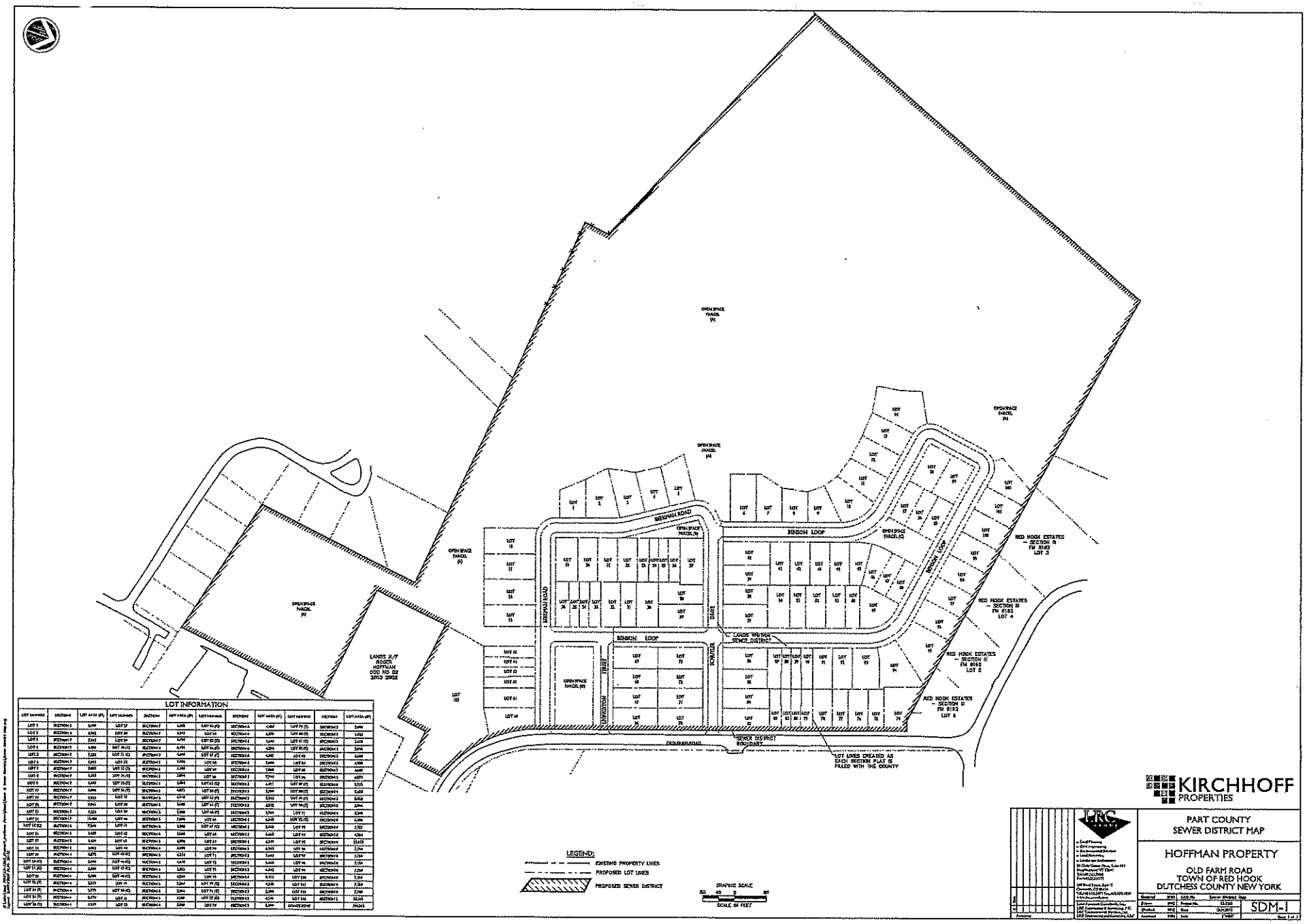
APPENDIX "A"

Part County Sewer District #11

Tradition at Red Hook Sewer System

DESCRIPTION OF DISTRICT

The Dutchess County Part County Sewer District Number 11 shall include the area as delineated in the attached survey description prepared by Welch Surveying and titled, "Property Description prepared for Red Hook Acres, LLC Outbounds Description including Lot 103" and illustrated further by the attached map.



LOT INFORMATION

LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)
LOT 1	SECTION 1	5,098	LOT 17	SECTION 2	5,000	LOT 33 (1)	SECTION 4	7,067	LOT 77 (1)	SECTION 3	5,000
LOT 2	SECTION 1	5,062	LOT 18	SECTION 2	5,017	LOT 34	SECTION 4	5,009	LOT 78 (1)	SECTION 3	5,024
LOT 3	SECTION 1	5,063	LOT 19	SECTION 2	5,741	LOT 35 (1)	SECTION 4	5,044	LOT 81 (1)	SECTION 3	5,000
LOT 4	SECTION 1	5,000	LOT 20 (1)	SECTION 2	6,416	LOT 36 (1)	SECTION 4	4,204	LOT 82 (1)	SECTION 3	5,044
LOT 5	SECTION 1	5,025	LOT 21 (1)	SECTION 2	5,044	LOT 37 (1)	SECTION 4	5,002	LOT 83	SECTION 3	5,000
LOT 6	SECTION 1	5,043	LOT 22	SECTION 2	5,006	LOT 38	SECTION 4	7,000	LOT 84	SECTION 3	5,000
LOT 7	SECTION 1	5,000	LOT 23 (1)	SECTION 2	5,000	LOT 39	SECTION 4	7,000	LOT 85	SECTION 3	5,000
LOT 8	SECTION 1	5,000	LOT 24 (1)	SECTION 2	5,004	LOT 40	SECTION 4	7,044	LOT 86	SECTION 3	5,000
LOT 9	SECTION 1	5,000	LOT 25 (1)	SECTION 2	5,004	LOT 41 (1)	SECTION 4	4,001	LOT 87 (1)	SECTION 3	5,725
LOT 10	SECTION 1	5,000	LOT 26 (1)	SECTION 2	5,000	LOT 42 (1)	SECTION 4	5,044	LOT 88 (1)	SECTION 3	5,000
LOT 11	SECTION 1	5,000	LOT 27	SECTION 2	5,714	LOT 43 (1)	SECTION 4	5,000	LOT 89 (1)	SECTION 3	5,000
LOT 12	SECTION 1	7,045	LOT 28	SECTION 2	5,000	LOT 44 (1)	SECTION 4	5,000	LOT 90 (1)	SECTION 3	5,004
LOT 13	SECTION 1	5,025	LOT 29	SECTION 2	5,000	LOT 45 (1)	SECTION 4	5,044	LOT 91	SECTION 3	5,044
LOT 14	SECTION 1	5,400	LOT 30	SECTION 2	7,000	LOT 46	SECTION 4	5,000	LOT 92 (1)	SECTION 3	5,000
LOT 15 (1)	SECTION 1	7,044	LOT 31	SECTION 2	5,000	LOT 47 (1)	SECTION 4	5,000	LOT 93	SECTION 3	5,000
LOT 16	SECTION 1	5,000	LOT 32	SECTION 2	5,000	LOT 48	SECTION 4	5,000	LOT 94	SECTION 3	5,004
LOT 17	SECTION 1	5,029	LOT 33	SECTION 2	5,000	LOT 49	SECTION 4	4,001	LOT 95	SECTION 3	11,410
LOT 18	SECTION 1	5,012	LOT 34	SECTION 2	5,000	LOT 50	SECTION 4	5,000	LOT 96	SECTION 3	2,704
LOT 19	SECTION 1	5,075	LOT 35 (1)	SECTION 2	4,514	LOT 51	SECTION 4	5,000	LOT 97	SECTION 3	2,704
LOT 19 (1)	SECTION 1	5,044	LOT 36 (1)	SECTION 2	4,414	LOT 52	SECTION 4	5,000	LOT 98	SECTION 3	2,704
LOT 20 (1)	SECTION 1	5,044	LOT 37 (1)	SECTION 2	5,000	LOT 53	SECTION 4	5,000	LOT 99	SECTION 3	2,704
LOT 21	SECTION 1	5,000	LOT 38 (1)	SECTION 2	5,000	LOT 54	SECTION 4	4,002	LOT 100	SECTION 3	2,704
LOT 22	SECTION 1	5,000	LOT 39 (1)	SECTION 2	4,004	LOT 55	SECTION 4	4,000	LOT 101	SECTION 3	2,704
LOT 23 (1)	SECTION 1	5,000	LOT 40	SECTION 2	5,004	LOT 56	SECTION 4	4,000	LOT 102	SECTION 3	2,704
LOT 24 (1)	SECTION 1	5,000	LOT 41	SECTION 2	5,000	LOT 57 (1)	SECTION 4	5,000	LOT 103	SECTION 3	2,704
LOT 25 (1)	SECTION 1	5,000	LOT 42 (1)	SECTION 2	5,000	LOT 58 (1)	SECTION 4	5,000	LOT 104	SECTION 3	2,704
LOT 26	SECTION 1	5,000	LOT 43	SECTION 2	5,000	LOT 59	SECTION 4	5,000	LOT 105	SECTION 3	2,704
LOT 27	SECTION 1	5,000	LOT 44	SECTION 2	5,000	LOT 60	SECTION 4	5,000	LOT 106	SECTION 3	2,704
LOT 28	SECTION 1	5,000	LOT 45	SECTION 2	5,000	LOT 61	SECTION 4	5,000	LOT 107	SECTION 3	2,704
LOT 29	SECTION 1	5,000	LOT 46	SECTION 2	5,000	LOT 62	SECTION 4	5,000	LOT 108	SECTION 3	2,704
LOT 30	SECTION 1	5,000	LOT 47	SECTION 2	5,000	LOT 63	SECTION 4	5,000	LOT 109	SECTION 3	2,704
LOT 31 (1)	SECTION 1	5,000	LOT 48	SECTION 2	5,000	LOT 64	SECTION 4	5,000	LOT 110	SECTION 3	2,704
LOT 32 (1)	SECTION 1	5,000	LOT 49	SECTION 2	5,000	LOT 65	SECTION 4	5,000	LOT 111	SECTION 3	2,704
LOT 33 (1)	SECTION 1	5,000	LOT 50	SECTION 2	5,000	LOT 66	SECTION 4	5,000	LOT 112	SECTION 3	2,704
LOT 34 (1)	SECTION 1	5,000	LOT 51	SECTION 2	5,000	LOT 67	SECTION 4	5,000	LOT 113	SECTION 3	2,704
LOT 35 (1)	SECTION 1	5,000	LOT 52	SECTION 2	5,000	LOT 68	SECTION 4	5,000	LOT 114	SECTION 3	2,704
LOT 36	SECTION 1	5,000	LOT 53	SECTION 2	5,000	LOT 69	SECTION 4	5,000	LOT 115	SECTION 3	2,704
LOT 37	SECTION 1	5,000	LOT 54	SECTION 2	5,000	LOT 70	SECTION 4	5,000	LOT 116	SECTION 3	2,704
LOT 38	SECTION 1	5,000	LOT 55	SECTION 2	5,000	LOT 71	SECTION 4	5,000	LOT 117	SECTION 3	2,704
LOT 39	SECTION 1	5,000	LOT 56	SECTION 2	5,000	LOT 72	SECTION 4	5,000	LOT 118	SECTION 3	2,704
LOT 40	SECTION 1	5,000	LOT 57	SECTION 2	5,000	LOT 73	SECTION 4	5,000	LOT 119	SECTION 3	2,704
LOT 41	SECTION 1	5,000	LOT 58	SECTION 2	5,000	LOT 74	SECTION 4	5,000	LOT 120	SECTION 3	2,704
LOT 42	SECTION 1	5,000	LOT 59	SECTION 2	5,000	LOT 75	SECTION 4	5,000	LOT 121	SECTION 3	2,704
LOT 43	SECTION 1	5,000	LOT 60	SECTION 2	5,000	LOT 76	SECTION 4	5,000	LOT 122	SECTION 3	2,704
LOT 44	SECTION 1	5,000	LOT 61	SECTION 2	5,000	LOT 77	SECTION 4	5,000	LOT 123	SECTION 3	2,704
LOT 45	SECTION 1	5,000	LOT 62	SECTION 2	5,000	LOT 78	SECTION 4	5,000	LOT 124	SECTION 3	2,704
LOT 46	SECTION 1	5,000	LOT 63	SECTION 2	5,000	LOT 79	SECTION 4	5,000	LOT 125	SECTION 3	2,704
LOT 47	SECTION 1	5,000	LOT 64	SECTION 2	5,000	LOT 80	SECTION 4	5,000	LOT 126	SECTION 3	2,704
LOT 48	SECTION 1	5,000	LOT 65	SECTION 2	5,000	LOT 81	SECTION 4	5,000	LOT 127	SECTION 3	2,704
LOT 49	SECTION 1	5,000	LOT 66	SECTION 2	5,000	LOT 82	SECTION 4	5,000	LOT 128	SECTION 3	2,704
LOT 50	SECTION 1	5,000	LOT 67	SECTION 2	5,000	LOT 83	SECTION 4	5,000	LOT 129	SECTION 3	2,704
LOT 51	SECTION 1	5,000	LOT 68	SECTION 2	5,000	LOT 84	SECTION 4	5,000	LOT 130	SECTION 3	2,704
LOT 52	SECTION 1	5,000	LOT 69	SECTION 2	5,000	LOT 85	SECTION 4	5,000	LOT 131	SECTION 3	2,704
LOT 53	SECTION 1	5,000	LOT 70	SECTION 2	5,000	LOT 86	SECTION 4	5,000	LOT 132	SECTION 3	2,704
LOT 54	SECTION 1	5,000	LOT 71	SECTION 2	5,000	LOT 87	SECTION 4	5,000	LOT 133	SECTION 3	2,704
LOT 55	SECTION 1	5,000	LOT 72	SECTION 2	5,000	LOT 88	SECTION 4	5,000	LOT 134	SECTION 3	2,704
LOT 56	SECTION 1	5,000	LOT 73	SECTION 2	5,000	LOT 89	SECTION 4	5,000	LOT 135	SECTION 3	2,704
LOT 57	SECTION 1	5,000	LOT 74	SECTION 2	5,000	LOT 90	SECTION 4	5,000	LOT 136	SECTION 3	2,704
LOT 58	SECTION 1	5,000	LOT 75	SECTION 2	5,000	LOT 91	SECTION 4	5,000	LOT 137	SECTION 3	2,704
LOT 59	SECTION 1	5,000	LOT 76	SECTION 2	5,000	LOT 92	SECTION 4	5,000	LOT 138	SECTION 3	2,704
LOT 60	SECTION 1	5,000	LOT 77	SECTION 2	5,000	LOT 93	SECTION 4	5,000	LOT 139	SECTION 3	2,704
LOT 61	SECTION 1	5,000	LOT 78	SECTION 2	5,000	LOT 94	SECTION 4	5,000	LOT 140	SECTION 3	2,704
LOT 62	SECTION 1	5,000	LOT 79	SECTION 2	5,000	LOT 95	SECTION 4	5,000	LOT 141	SECTION 3	2,704
LOT 63	SECTION 1	5,000	LOT 80	SECTION 2	5,000	LOT 96	SECTION 4	5,000	LOT 142	SECTION 3	2,704
LOT 64	SECTION 1	5,000	LOT 81	SECTION 2	5,000	LOT 97	SECTION 4	5,000	LOT 143	SECTION 3	2,704
LOT 65	SECTION 1	5,000	LOT 82	SECTION 2	5,000	LOT 98	SECTION 4	5,000	LOT 144	SECTION 3	2,704
LOT 66	SECTION 1	5,000	LOT 83	SECTION 2	5,000	LOT 99	SECTION 4	5,000	LOT 145	SECTION 3	2,704
LOT 67	SECTION 1	5,000	LOT 84	SECTION 2	5,000	LOT 100	SECTION 4	5,000	LOT 146	SECTION 3	2,704
LOT 68	SECTION 1	5,000	LOT 85	SECTION 2	5,000	LOT 101	SECTION 4	5,000	LOT 147	SECTION 3	2,704
LOT 69	SECTION 1	5,000	LOT 86	SECTION 2	5,000	LOT 102	SECTION 4	5,000	LOT 148	SECTION 3	2,704
LOT 70	SECTION 1	5,000	LOT 87	SECTION 2	5,000	LOT 103	SECTION 4	5,000	LOT 149	SECTION 3	2,704
LOT 71	SECTION 1	5,000	LOT 88	SECTION 2	5,000	LOT 104	SECTION 4	5,000	LOT 150	SECTION 3	2,704
LOT 72	SECTION 1	5,000	LOT 89	SECTION 2	5,000	LOT 105	SECTION 4	5,000	LOT 151	SECTION 3	2,704
LOT 73	SECTION 1	5,000	LOT 90	SECTION 2	5,000	LOT 106	SECTION 4	5,000	LOT 152	SECTION 3	2,704
LOT 74	SECTION 1	5,000	LOT 91	SECTION 2	5,000	LOT 107	SECTION 4	5,000	LOT 153	SECTION 3	2,704
LOT 75	SECTION 1	5,000	LOT 92	SECTION 2	5,000	LOT 108	SECTION 4	5,000	LOT 154	SECTION 3	2,704
LOT 76	SECTION 1	5,000	LOT 93	SECTION 2	5,000	LOT 109	SECTION 4	5,000	LOT 155	SECTION 3	2,704
LOT 77	SECTION 1	5,000	LOT 94	SECTION 2	5,000	LOT 110	SECTION 4	5,000	LOT 156	SECTION 3	2,704
LOT 78	SECTION 1	5,000	LOT 95	SECTION 2	5,000	LOT 111	SECTION 4	5,000	LOT 157	SECTION 3	2,704
LOT 79	SECTION 1	5,000	LOT 96	SECTION 2	5,000	LOT 112	SECTION 4	5,000	LOT 158	SECTION 3	2,704
LOT 80	SECTION 1	5,000	LOT 97	SECTION 2	5,000	LOT 113	SECTION 4	5,000	LOT 159	SECTION 3	2,704
LOT 81	SECTION 1	5,000	LOT 98	SECTION 2	5,000	LOT 114	SECTION 4	5,000	LOT 160	SECTION 3	2,704
LOT 82	SECTION 1	5,000	LOT 99	SECTION 2	5,000	LOT 115	SECTION 4	5,000	LOT 161	SECTION 3	2,704
LOT 83	SECTION 1	5,000	LOT 100	SECTION 2	5,000	LOT 116	SECTION 4	5,000	LOT 162	SECTION 3	2,704
LOT 84	SECTION 1	5,000	LOT 101	SECTION 2	5,000	LOT 117	SECTION 4	5,000	LOT 163	SECTION 3	2,704
LOT 85	SECTION 1	5,000	LOT 102	SECTION 2	5,000	LOT 118	SECTION 4	5,000	LOT 164	SECTION 3	2,704
LOT 86	SECTION 1	5,000	LOT 103	SECTION 2	5,000	LOT 119	SECTION 4	5,000	LOT 165	SECTION 3	2,704
LOT 87	SECTION 1	5,000	LOT 104	SECTION 2	5,000	LOT 120	SECTION 4	5,000	LOT 166	SECTION 3	2,704
LOT 88	SECTION 1	5,000	LOT 105	SECTION 2	5,000	LOT 121	SECTION 4	5,000	LOT 167	SECTION 3	2,704
LOT 89	SECTION 1	5,000	LOT 106	SECTION 2	5,000	LOT 122	SECTION 4	5,000	LOT 168	SECTION 3	2,704
LOT 90	SECTION 1	5,000	LOT 107	SECTION 2	5,000	LOT 123	SECTION 4	5,000	LOT 169	SECTION 3	2,704
LOT 91	SECTION 1	5,000	LOT 108	SECTION 2	5,000	LOT 124	SECTION 4	5,000	LOT 170	SECTION 3	2,704
LOT 92	SECTION 1	5,000	LOT 109	SECTION 2	5,000	LOT 125	SECTION 4	5,000	LOT 171	SECTION 3	2,704
LOT 93	SECTION 1	5,000	LOT 110	SECTION 2	5,000	LOT 126	SECTION 4	5,000	LOT 172	SECTION 3	2,704
LOT 94	SECTION 1	5,000	LOT 111	SECTION 2	5,000	LOT 127	SECTION 4	5,000	LOT 173	SECTION 3	2,704
LOT 95	SECTION 1	5,000	LOT 112	SECTION 2	5,000	LOT 128	SECTION 4	5,000	LOT 174	SECTION 3	2,704
LOT 96	SECTION 1	5,000	LOT 113	SECTION 2	5,000	LOT 129	SECTION 4	5,000	LOT 175	SECTION 3	2,704
LOT 97	SECTION 1	5,000	LOT 114	SECTION 2	5,000	LOT 130	SECTION 4	5,000	LOT 176	SECTION 3	2,704
LOT 98	SECTION 1	5,000	LOT 115	SECTION 2	5,000	LOT 131	SECTION 4	5,000	LOT 177	SECTION 3	2,704
LOT 99	SECTION 1	5,000	LOT 116	SECTION 2	5,000	LOT 132	SECTION 4	5,000	LOT 178	SECTION 3	2,704
LOT 100	SECTION 1	5,000	LOT 117	SECTION 2	5,000	LOT 133	SECTION 4	5,000	LOT 179	SECTION 3	2,704
LOT 101	SECTION 1	5,000	LOT 118	SECTION 2	5,000	LOT 134	SECTION 4	5,000	LOT 180	SECTION 3	2,704
LOT 102	SECTION 1	5,000	LOT 119	SECTION 2	5,000	LOT 135	SECTION 4	5,000	LOT 181	SECTION 3	2,704
LOT 103	SECTION 1	5,000	LOT 120	SECTION 2	5,000	LOT 136	SECTION 4	5,000	LOT 182	SECTION 3	2,704
LOT 104	SECTION 1	5,000	LOT 121	SECTION 2	5,000	LOT 137	SECTION 4	5,000	LOT 183	SECTION 3	2,704
LOT 105	SECTION 1	5,000	LOT 122	SECTION 2	5,000	LOT 138	SECTION 4	5,000	LOT 184	SECTION 3	2,704
LOT 106	SECTION 1	5,000	LOT 123	SECTION 2	5,000	LOT 139	SECTION 4	5,000	LOT 185	SECTION 3	2,704
LOT 107	SECTION 1	5,000	LOT 124	SECTION 2	5,000	LOT 140	SECTION 4	5,000	LOT 186	SECTION 3	2,704
LOT 108	SECTION 1	5,000	LOT 125	SECTION 2	5,000	LOT 141	SECTION 4	5,000	LOT 187	SECTION 3	2,704
LOT 109	SECTION 1	5,000	LOT 126	SECTION 2	5,000	LOT 142	SECTION 4	5,000	LOT 188	SECTION 3	2,704
LOT 110	SECTION 1	5,000	LOT 127	SECTION 2	5,000	LOT 143	SECTION 4	5,000	LOT 189	SECTION 3	2,704
LOT 111	SECTION 1	5,000	LOT 128	SECTION 2	5,000	LOT 144	SECTION 4	5,000	LOT 190	SECTION 3	2,704
LOT 112	SECTION 1	5,000	LOT 129	SECTION 2	5,000	LOT 145	SECTION 4	5,000	LOT 191	SECTION 3	2,704
LOT 113	SECTION 1	5,000	LOT 130	SECTION 2	5,000	LOT 146	SECTION 4	5,000	LOT 192	SECTION 3	2,704
LOT 114	SECTION 1	5,000	LOT 131	SECTION 2	5,000	LOT 147	SECTION 4	5,000	LOT 193	SECTION 3	2,704
LOT 115	SECTION 1	5,000	LOT 132	SECTION 2	5,000	LOT 148	SECTION 4	5,000	LOT 194	SECTION 3	2,704
LOT 116	SECTION 1	5,000	LOT 133	SECTION 2	5,000	LOT 149	SECTION 4	5,000	LOT 195	SECTION 3	2,704
LOT 117	SECTION 1	5,000	LOT 134	SECTION 2	5,000	LOT 150	SECTION 4	5,000	LOT 196	SECTION 3	2,704
LOT 118	SECTION 1	5,000	LOT 135	SECTION 2	5,000	LOT 151	SECTION 4	5,000	LOT 197	SECTION 3	2,704
LOT 119	SECTION 1	5,000	LOT 136	SECTION 2	5,000	LOT 152	SECTION 4	5,000	LOT 198	SECTION 3	2,704
LOT 120	SECTION 1	5,000	LOT 137	SECTION 2	5,000	LOT 153	SECTION 4	5,000	LOT 199	SECTION 3	2,704
LOT 121	SECTION 1	5,000	LOT 138	SECTION 2	5,000	LOT 154	SECTION 4	5,000	LOT 200	SECTION 3	2,704
LOT 122	SECTION 1	5,000	LOT 139	SECTION 2	5,000	LOT 155	SECTION 4	5,000	LOT 201	SECTION 3	2,704
LOT 123	SECTION 1	5,000	LOT 140	SECTION 2	5,000	LOT 156	SECTION 4	5,000	LOT 202	SECTION 3	2,704
LOT 124	SECTION 1	5,000	LOT 141	SECTION 2	5,000	LOT 157	SECTION 4	5,000	LOT 203	SECTION 3	2,704
LOT 125	SECTION 1	5,000	LOT 142	SECTION 2	5,000	LOT 158	SECTION 4	5,000	LOT 204	SECTION 3	2,704
LOT 126	SECTION 1	5,000	LOT 143	SECTION 2	5,000	LOT 159	SECTION 4	5,000	LOT 205	SECTION 3	2,704
LOT 127	SECTION 1	5,000	LOT 144	SECTION 2	5,000	LOT 160	SECTION 4	5,000	LOT 206	SECTION 3	2,704
LOT 128	SECTION 1	5,000	LOT 145	SECTION 2	5,000	LOT 161	SECTION 4	5,000	LOT 207	SECTION 3	2,704
LOT 129	SECTION 1	5,000	LOT 146	SECTION 2	5,000	LOT 162	SECTION 4	5,000	LOT 208	SECTION 3	2,704
LOT 130	SECTION 1	5,000	LOT 147	SECTION 2	5,000	LOT 163	SECTION 4	5,000	LOT 209	SECTION 3	2,704
LOT 131	SECTION 1	5,000	LOT 148	SECTION 2	5,000	LOT 164	SECTION 4	5,000	LOT 210	SECTION 3	2,704
LOT 132	SECTION 1	5,000	LOT 149	SECTION 2	5,000	LOT 165	SECTION 4	5,000	LOT 211	SECTION 3	2,704
LOT 133	SECTION 1	5,000	LOT 150	SECTION 2	5,000	LOT 166	SECTION 4	5,000	LOT 212	SECTION 3	2,704
LOT 134	SECTION 1	5,000	LOT 151	SECTION 2	5,000	LOT 167	SECTION 4	5,000	LOT 213	SECTION 3	2,704
LOT 135	SECTION 1	5,000	LOT 152	SECTION 2	5,000	LOT 168	SECTION 4	5,000	LOT 214	SECTION 3	2,704
LOT 136	SECTION 1	5,000	LOT 153	SECTION 2	5,000	LOT 169	SECTION 4	5,000	LOT 215	SECTION 3	2,704
LOT 137	SECTION 1	5,000	LOT 154	SECTION 2	5,000	LOT 170	SECTION 4	5,000	LOT 216	SECTION 3	2,704
LOT 138	SECTION 1	5,000	LOT 155	SECTION 2	5,000	LOT 171	SECTION 4	5,000	LOT 217	SECTION 3	2,704
LOT 139	SECTION 1	5,000	LOT 156	SECTION 2	5,000	LOT 172	SECTION 4	5,000	LOT 218	SECTION 3	2,704
LOT 140	SECTION 1	5,000	LOT 157	SECTION 2	5,000	LOT 173	SECTION 4	5,000	LOT 219	SECTION 3	2,704
LOT 141	SECTION 1	5,000	LOT 158	SECTION 2	5,000	LOT 174	SECTION 4	5,000	LOT 220	SECTION 3	2,704
LOT 142	SECTION 1	5,000	LOT 159	SECTION 2	5,000	LOT 175	SECTION 4	5,000	LOT 221	SECTION 3	2,704
LOT 143	SECTION 1	5,000	LOT 160	SECTION 2	5,000	LOT 176	SECTION 4	5,000	LOT 222	SECTION 3	2,704
LOT 144	SECTION 1	5,000	LOT 161	SECTION 2	5,000	LOT 177	SECTION 4	5,000	LOT 223	SECTION 3	2,704
LOT 145	SECTION 1	5,000	LOT 162	SECTION 2	5,000	LOT 178	SECTION 4	5,000	LOT 224	SECTION 3	2,704
LOT 146	SECTION 1	5,000	LOT 163	SECTION 2	5,000	LOT 179	SECTION 4	5,000	LOT 225	SECTION 3	2,704
LOT 147	SECTION 1	5,000	LOT 164	SECTION 2	5,000	LOT 180	SECTION 4	5,000	LOT 226	SECTION 3	2,704
LOT 148	SECTION 1	5,000	LOT 165	SECTION 2	5,000	LOT 181	SECTION 4	5,000	LOT 227	SECTION 3	2,704
LOT 149	SECTION 1	5,000	LOT 166	SECTION 2	5,000	LOT 182	SECTION 4	5,000	LOT 228	SECTION 3	2,704
LOT 150	SECTION 1	5,000	LOT 167	SECTION 2	5,000	LOT 183	SECTION 4	5,000	LOT 229	SECTION 3	2,704
LOT 151	SECTION 1	5,000	LOT 168	SECTION 2	5,000	LOT 184	SECTION 4	5,000	LOT 230	SECTION 3	2,704
LOT 152	SECTION 1	5,000	LOT 169	SECTION 2	5,000	LOT 185	SECTION 4	5,000	LOT 231	SECTION 3	2,704
LOT 153	SECTION 1	5,000	LOT 170	SECTION 2	5,000	LOT 186	SECTION 4	5,000	LOT 232	SECTION 3	2,704
LOT 154	SECTION 1	5,000	LOT 171	SECTION 2	5,000	LOT 187	SECTION 4	5,000	LOT 233	SECTION 3	2,704
LOT 155	SECTION 1	5,000	LOT 172	SECTION 2	5,000	LOT 188	SECTION 4	5,000	LOT 234	SECTION 3	2,704
LOT 156	SECTION 1	5,000	LOT 173	SECTION 2	5,000	LOT 189	SECTION 4	5,000	LOT 235	SECTION 3	2,704
LOT 157	SECTION 1	5,000	LOT 174	SECTION 2	5,000	LOT 190	SECTION 4	5,000	LOT 236	SECTION 3	2,704
LOT 158	SECTION 1	5,000	LOT 175	SECTION 2	5,000	LOT 191	SECTION 4	5,000	LOT 237	SECTION 3	2,704
LOT 159	SECTION 1	5,000	LOT 176	SECTION 2	5,000	LOT 192	SECTION 4	5,000	LOT 238	SECTION 3	2,704
LOT 160	SECTION 1	5,000	LOT 177	SECTION 2	5,000	LOT 193	SECTION 4	5,000	LOT 239	SECTION 3	2,704
LOT 161	SECTION 1	5,000	LOT 178	SECTION 2	5,000	LOT 194	SECTION 4	5,000	LOT 240	SECTION 3	2,704
LOT 162	SECTION 1	5,000	LOT 179	SECTION 2	5,000	LOT 195	SECTION 4	5,000	LOT 241	SECTION 3	2,704
LOT 163	SECTION 1	5,000	LOT 180	SECTION 2	5,000	LOT 196	SECTION 4	5,000	LOT 242	SECTION 3	2,704
LOT 164	SECTION 1	5,000	LOT 181	SECTION 2	5,000	LOT 197	SECTION 4	5,000	LOT 243	SECTION 3	2,704
LOT 165	SECTION 1	5,000	LOT 182	SECTION 2	5,000	LOT 198	SECTION 4	5,000	LOT 244	SECTION 3	2,704
LOT 166	SECTION 1	5,000	LOT 183	SECTION 2	5,000	LOT 199	SECTION 4	5,000	LOT 245	SECTION 3	2,704
LOT 167	SECTION 1	5,000	LOT 184	SECTION 2	5,000	LOT 200	SECTION 4	5,000	LOT 246	SECTION 3	2,704
LOT 168	SECTION 1	5,000	LOT 185	SECTION 2	5,000	LOT 201	SECTION 4	5,000	LOT 247	SECTION 3	2,704
LOT 169	SECTION 1	5,000	LOT 186	SECTION 2	5,000	LOT 202	SECTION 4	5,000	LOT 248	SECTION 3	2,704
LOT 170	SECTION 1	5,000	LOT 187	SECTION 2	5,000	LOT 203	SECTION 4	5,000	LOT 249	SECTION 3	2,704
LOT 171	SECTION 1	5,000	LOT 188	SECTION 2	5,000	LOT 204	SECTION 4	5,000	LOT 250	SECTION 3	2,704
LOT 172	SECTION 1	5,000	LOT 189	SECTION 2	5,000	LOT 205	SECTION 4	5,000	LOT 251	SECTION 3	2,704
LOT 173	SECTION 1	5,000	LOT 190	SECTION 2	5,000	LOT 206	SECTION 4	5,000	LOT 252	SECTION 3	2,704
LOT 174	SECTION 1	5,000	LOT 191	SECTION 2	5,000	LOT 207	SECTION 4	5,000	LOT 253	SECTION 3

WELCH SURVEYING

7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description, including Lot 103

Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southerly line of Old Farm Road, said point being the intersection of the westerly line of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002 with the southerly line of Old Farm Road and being a northeasterly corner of the herein described premises; thence along the westerly and northerly lines of Lot 1 as shown on said map the following four courses and distances, South 08 degrees 35' 46" West 87.28 feet to a point; thence North 81 degrees 24' 13" West 84.23 feet to a point; thence South 08 degrees 35' 46" West 76.98 feet to a point; thence North 81 degrees 24' 13" West 265.54 feet to a point, said point being a northwesterly corner of Lot 1; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being the southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being a southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence, the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence

North 83 degrees 38' 36" West 456.45 feet to a point; thence North 10 degrees 22' 54" East 66.00 feet to a point; thence partly along remains of wire fence, North 65 degrees 21' 16" West 768.90 feet to a point, said point being on the easterly line of Lot 3 as shown on Filed Map No. 9526-C, and being the southwesterly corner of the herein described premises; thence along the easterly lines of Lot 3 and Lot 5 as shown on said map, North 23 degrees 38' 54" East 1096.96 feet to a point, said point being the northwesterly corner of the herein described premises; thence along the southerly line of Lot 5 as shown on Filed Map No. 9526-C, and along the southerly lines of Lots 2, 3, 4, 5, and 6 as shown on Filed Map No. 8162, the following two courses and distances, South 79 degrees 34' 17" East 1228.66 feet to a point; thence North 71 degrees 16' 42" East 26.42 feet to a point, said point being on the westerly line of Old Farm Road, aforementioned, and being the northeasterly corner of the herein described premises; thence along the westerly line of Old Farm Road the following, South 17 degrees 55' 22" East 931.11 feet to a point; thence along a curve to the left, having a radius of 300.00 feet and a chord of South 44 degrees 37' 47" East 269.66 feet, an arc length of 279.68 feet to the point or place of beginning.
Containing 52.052 acres

APPENDIX "B"

Proposed

Operation & Maintenance Costs

Illustrative of projected first year O & M expenses, revenues and rates

Tradition at Red Hook Sewer System (Part County Sewer District #11)

EXPENSES (TRS)

Accounting	250
Billing	1,736
Bookkeeping	1,786
Buildings & Grounds	250
Chemicals	0
Computer Equipment/Technical Support	100
Electric	900
Engineering	250
Equipment Repair & Maintenance	1,250
Insurance	600
Lab Costs	0
Legal	200
Meter/Collection	0
Remote Monitoring	444
Operation	5,000
Operation Support	900
Permit Fees	330
Postage	210
Sanitation	0
STP Sludge Hauling	0
Supplies (Buildings)	0
Supplies (Office)	50
FIOS/DSL/Phone Line	520
Testing Chemicals/Flow Meter Calibration	0
Water	0

SUB TOTAL	14,776

Operation Contingency	120
Administration	5,335
Lease Payment	33,600
Capital Contingency	0

OPERATION TOTALS	53,831

APPENDIX "C"

Part County Sewer District #11

Proposed Benefit Assessment Methodology

SUBDIVIDED RESIDENTIAL LOTS	
VACANT	**5**
DEVELOPED	**10**
COMMERCIAL LOTS	
VACANT	**10**
DEVELOPED	**20**
TRADITIONS MAIL BUILDING	**10**
TRADITIONS COMMUNITY CENTER	**10**
VACANT PARCELS	
FIRST WHOLE ACRE	**55**
EACH ADDITIONAL WHOLE ACRE	**11**

No additional benefit units shall be assessed to Open Space Parcels A, B, C or D, which are under the ownership of a Homeowner's Association and/or which are subject to conservation easements or filed declaration prohibiting further residential or commercial uses.

This page intentionally left blank.

APPENDIX "D"

Memorandum of Understanding for the Operation and Lease of the Sewer System for Red Hook Acres

MEMORANDUM OF UNDERSTANDING

FOR THE OPERATION AND LEASE OF

THE SEWER COLLECTION AND TREATMENT SYSTEM FOR RED HOOK ACRES

Between

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

And

RED HOOK ACRES, LLC

TABLE OF CONTENTS

Page

1. Payment for Authority's Costs 3

2. Design and Construction 3

2.1. Approval of Plans 3

2.2. Permits and Approvals 3

2.3. Certification by Professional Engineer 4

2.4. Security for Construction 4

2.5. Inspection and Access to Construction by the Authority 5

2.6. Notice of the Deficiencies 5

2.7. Notice of Final Sewer System Testing 5

2.8. Engineering Certification to the Authority 5

3. Ownership of the Sewer System and Notice to Purchasers Within the District 6

4. Operating Agreement and Lease 6

5. Charges for Sewer Service 7

5.1 Components of the Charges 7

5.2 Initial Charges for Service 7

5.3 Additional Improvements to the Sewer System 8

5.3.1 During the Initial Assessment Period 8

5.3.2 After the Initial Assessment Period 9

6. Option to Purchase 10

6.1. Upon Abandonment 10

6.2. Market Option 10

6.3. Effect of Purchase 11

7. Surplus Capacity 11

8. Closing 11

9. Deliveries by Developer 11

10. Conditions Precedent and Responsibilities 12

10.1 Conditions Precedent 12

10.2 Reimbursement for Authority's Expenses 13

10.3 Authority's Responsibilities 13

11. Authority Shall Apply to Establish a New Part County Sewer District 14

12. Payment for Sewage Service Will be Made to the Authority 14

13. Notices 14

14. Binding Effect; Non-Assignable 15

15. Compliance with Closing Conditions 15

16. Termination 15

16.1. Mutual Agreement 15

16.2. Failure to Obtain Necessary Approvals 15

16.3. Time 16

17. Recording 16

18. No Third Party Beneficiaries 16

19. Law to Govern and Venue 16

20. Counterparts 16

21. Paragraph Headings 16

22. Miscellaneous 16

MEMORANDUM OF UNDERSTANDING

FOR THE OPERATION AND LEASE OF

THE SEWER COLLECTION AND TREATMENT SYSTEM FOR RED HOOK ACRES

Between

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

And

RED HOOK ACRES, LLC

This Memorandum of Understanding (hereinafter "**MOU**") is entered into as of the _____ day of September, 2018 between DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY, a public benefit corporation of the State of New York, with offices at 27 High Street, Poughkeepsie, New York 12601 (the "**Authority**"), Red Hook Acres, LLC, a New York limited liability company registered with the New York Department of State with its office at 199 West Road, Pleasant Valley, NY 12569 (the "**Developer**"), and Mr. Roger Hoffman, an individual with an address at 19 Old Farm Road, Red Hook, New York 12571 (the "Owner").

WITNESSETH:

Whereas, Roger Hoffman is the owner of real property located in the Town of Red Hook, County of Dutchess, State of New York, which is more particularly described in Schedule A annexed hereto (the "**Property**"), and

Whereas, the Developer is in contract to purchase the Property and intends to develop the Property into one hundred and two (102) residential units consisting of a mix of attached and detached homes, a community center, mail building, wastewater treatment facility, various open spaces, and supporting infrastructure (the "**Project**"), and

Whereas, the Owner currently operates a retail antique and collectables business at 19 Old Farm Road, known as The Hoffman Barn Sale, and

Whereas, the Owner will retain a portion of 19 Old Farm Road consisting of approximately 1.2 acres and inclusive of the existing improvements thereon, for the purpose of the continued operation of The Hoffman Barn Sale (the "**Retained Parcel**"), and

Whereas, the Developer intends to design and construct, or cause to be constructed, a sanitary wastewater collection system and a community subsurface wastewater disposal system for the collection, treatment, and disposal of wastewater from the Project and the Retained Parcel for the benefit of the owners of those parcels (the "**Sewer System**"), and

Whereas, the Sewer System shall consist of (a) a series of pipes, structures, and service laterals to collect and convey sanitary wastewater from the homes, community center, mail building, and appurtenant improvements, and the retained Hoffman parcel to a central location, (b) a series of septic tanks to provide primary wastewater treatment, and (c) a pumping station to convey the treated wastewater to a central community subsurface disposal system, but excludes any system improvements described herein, and

Whereas, the Sewer System is intended to service all properties and improvements within the Project and the existing uses on the Retained Parcel, a total of 106 benefit units, (collectively the "**Service Area**"), and

Whereas, the Developer has requested the Authority provide wastewater service to serve the Service Area and to provide all related sewer services for the benefit of the properties within the Service Area ("**Wastewater Service**"), and

Whereas, the Project is within Dutchess County but outside any Part County Sewer District, and

Whereas, the Developer and the Owner have requested the Authority to seek approval to form a new Part County Sewer District to serve the Service Area (the "**PCSD**"), and

Whereas, the Developer has requested that the Authority operate and lease or acquire the Sewer System from the Developer to provide wastewater conveyance, treatment, and disposal to serve the PCSD, and

Whereas, the Developer has requested that the Authority enter into this MOU to identify the contingencies that must be fulfilled and the respective obligations of the parties that must be performed to permit the Authority to operate and lease or acquire the Sewer System and provide service to the properties that would be in the PCSD, and

Whereas, the Authority has agreed to enter into this MOU subject to the provisions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants, stipulations, and provisions herein contained, it is hereby agreed as follows:

1. Payment for Authority's Costs. On or before the date hereof, the Developer has delivered to the Authority a good check in the amount of $3,500.00 (the "**Deposit**") to be used to establish an escrow fund from which the Authority will pay all administrative, engineering, legal, and other costs incurred in connection with the Authority's review of the Sewer System design, plans, and specifications and in other activities pursuant to the terms of this MOU (collectively, "**Authority Costs**"). Upon completion of all the Authority's activities described in this MOU, the balance, if any, remaining in the escrow fund will be returned to the Developer with an accounting of the expenses charged to the escrow fund. In the event that from time to time the Authority Costs exceed the amount of the Deposit, the Authority will request the Developer to replenish the escrow fund in an amount determined by the Authority to be appropriate and necessary and such replenishment shall be a condition to the Authority's continuation of performance hereunder. The Developer will be provided an accounting of the expenses to date and an estimate of the costs to complete the request to replenish the escrow fund.

2. Design and Construction.

2.1. Approval of Plans. The Developer has completed the design of the Sewer System. The Authority acknowledges that it has reviewed the plans, which received the Town of Red Hook's Final Site Plan and Subdivision Approval, a State Environmental Quality Review Act ("**SEQRA**") Negative Declaration, technical approval from the Dutchess County Department of Behavioral & Community Health and has provided comments to such plans. The final design of the Sewer System and all plans and specifications of the Sewer System components ("**Plans and Specifications**") are subject to the approval of the Authority, which shall review the design of facilities necessary to provide sewer service and provide approval of such design, including all Plans and Specifications, in its sole discretion.

2.2. Permits and Approvals. The Developer will be responsible for obtaining all necessary state, county, and town approvals, as well as approval of the Authority, for the design, construction, and operation of the Sewer System on the Property (the "**Developer Approvals**"), and for the approval of the site plan and/or subdivision. When needed, the Developer will obtain a "Certificate of Construction Compliance" issued under section 19.7 of Article 19 of the Dutchess County Sanitary Code and a SPDES permit issued by the New York State Department of Environmental Conservation in the name of the Authority as operator. Upon receipt of the necessary Developer Approvals, the Developer shall commence the construction and/or installation of the physical improvements, infrastructure, equipment, accessories, and components of the Sewer System in accordance with the terms of the Developer Approvals and the approved Plans and Specifications (the "**Developer Improvements**").

2.3. Certification by Professional Engineer. The Developer shall hire and compensate a New York State Licensed Professional Engineer acceptable to the Authority to inspect and certify to the Authority that construction of each component of the Developer Improvements has been performed in accordance with the Plans and Specifications and the terms and conditions of all Developer Approvals.

2.4. Security for Construction.

2.4.1. The Developer proposes to file the subdivision plat in 8 sections and build the Sewer System in phases corresponding to those section plats. Before the Developer commences any construction of any of the Developer Improvements, the Developer must post a letter of credit or an alternative form of security acceptable to the Authority, for the full amount of the cost of the construction of that part of the Sewer System currently being constructed for that phase or section plat ("**Construction Phase**") plus the Authority's administrative costs to guarantee completion of the construction ("**Performance Security**"). The amount posted shall include labor and materials.

2.4.2. The Authority's engineer, in consultation with the Developer's consulting engineer, will determine the amount of the Performance Security for the Construction Phase. The Authority's determination shall be based on the engineers' recommendations, and its determination shall be final.

2.4.3. If acceptable to the Authority's governing board, and upon review of the Authority's counsel of all Performance Security documents, the Authority will consent to a joint Performance Security for the Sewer System between the Authority and the Town of Red Hook.

2.4.4. The Performance Security shall be reduced as the balance of construction cost is reduced and the construction has been approved for use by the regulatory agencies and the Town, when applicable. The entire Performance Security shall be released when the Construction Phase is completed to the satisfaction of the Authority and the Town, if joint Performance Security is provided.

2.4.5. Before the balance of the Performance Security is reduced to less than 20% of the cost of construction for that Construction Phase, the Developer must post a maintenance security, in the form of a letter of credit or an alternative form of security acceptable to the Authority, in an amount equal to 20% of the construction cost of that Construction Phase ("**Maintenance Security**"). See

paragraph 9.3, *infra*. The purpose of the Maintenance Security is to assure funds will be available to repair or replace defects found within one year after the commencement of operation of each Construction Phase. The Maintenance Security shall be held for a period of one year after the completion of construction and commencement of operation of that Construction Phase.

2.5. Inspection and Access to Construction by the Authority. Authority personnel will have the right, but not the obligation, to witness and inspect installation and/or construction of Developer Improvements. However, since construction and installation will be certified to the Authority by the Developer's engineer, inspections by the Authority will be at the discretion of the Authority and at its expense. The inspection and testing of Developer Improvements as required by state, county, or local authorities shall be at the expense of the Developer. Authority personnel, consultants, and contractors shall have access to the Property for the purpose of carrying out the rights and obligations of the Authority under this MOU.

2.6. Notice of the Deficiencies. In the event the Authority determines that any work would be unacceptable based upon the approved design and approved plans and specifications, the Authority will notify the Developer in writing within two (2) business days of the discovery of the unacceptable work. All unacceptable work must be corrected to the Authority's satisfaction before the facilities are placed in service.

2.7. Notice of Final Sewer System Testing. The Developer must provide the Authority at least three (3) business days' written notice prior to any final Sewer System testing. Following receipt of such notice, in the event that the Authority does not attend such final Sewer System testing, the Authority waives its right to do so, but such waiver shall not excuse or constitute a waiver of Developer's obligation to correct any defective work.

2.8. Engineering Certification to the Authority. Upon completion of each Construction Phase, the Developer must provide the Authority with the Professional Engineer's certification to the Authority with the engineer's seal, and copies of authorizations of the Dutchess County Department of Behavioral and Community Health, the New York State Department of Environmental Conservation, and any other governmental authority having jurisdiction which are necessary to put the Sewer System into service. The Authority will accept certifications, and commence operation, only upon the completion of a Construction Phase. The Authority retains the right to accept certifications or commence operation of a portion of a Construction Phase.

3. Ownership of the Sewer System and Notice to Purchasers Within the District.

3.1. The Developer will own the Sewer System.

3.2. Prior to selling any property within the Service Area the Developer shall notify the potential purchaser that the Sewer System is privately owned and provided a projection of the annual costs for sewer service to the property. The offering plan will state that the Sewer System is privately owned and includes an estimate of the initial annual Sewer costs to the property. Before establishing sewer service to any new property owner, the property owner must certify to DCWWA that they were provided this information.

4. Operating Agreement and Lease

4.1. Before the first residential lot is sold or otherwise conveyed to a third party not affiliated with the Developer or before service to the first customer commences, the Authority shall operate and lease the Sewer System from the Developer pursuant to the terms and operating agreement and lease (**"Agreement"**) and will commence sewer service to the customers upon application to the Authority. In accordance with the Agreement, attached as Schedule B, the Authority shall operate, maintain, and replace the Sewer System. The Agreement shall have been signed and be effective before the date service commences. The Authority has no obligations under the Agreement until the first section of construction is complete and service is requested by a property owner.

4.2. The terms of the Agreement shall be consistent with this MOU.

4.3. The Agreement provides that the Authority will pay the Developer $400.00 per year plus any annual increase due for improvements paid by the Developer (paragraph 5.5.5.5) (**"Unit Rent"**) for each benefit unit served as described in the next paragraph. One benefit unit represents the usage of a single-family residence, and the Retained Parcel will be charged two benefit units based upon its expected usage.

4.4. The Unit Rent will be paid for each lot that is receiving sewer service from or through the Sewer System.

4.5. After the commencement of the Agreement, the Unit Rent will begin when the lot begins receiving Sewer service from the installed system.

4.6. The Unit Rent will be paid annually in arrears for each year after the Agreement is in effect and paid to the Developer or its designee.

4.7. The initial term of the Agreement shall be for a period not less than ten years and renewable on the same terms for up to 99 years. The lease will not expire without the consent of the Authority.

5. Charges for Sewer Service

5.1. Components of the Charges.

5.1.1. The Authority shall assess or charge each Subdivided Lot in the PCSD that receives service and all other property served through the Sewer System.

5.1.2. Each Subdivided Lot and property that is receiving Sewer service through the Sewer System shall be assessed or billed the Unit Rent and a share of the Authority's costs to operate the Sewer System.

5.1.3. The actual costs, excluding Unit Rent, that the Authority incurs to operate, maintain, and replace the System plus, if paid by the Authority, costs incurred to improve the System, plus 10% of the foregoing amounts to fund a replacement and emergency repair reserve constitute the Authority's **"Actual O&M"**. The actual cost incurred is after the annual cost is reduced to reflect draws from the replacement and emergency repair reserve. The Authority has sole discretion over the establishment of budgets and rates for the Sewer System. However, the Authority agrees that all charges will be directly related to the cost to operate, maintain, and improve the Sewer System plus overheads apportioned in the same way that the Authority currently allocates such overheads among the systems it operates.

5.2. Initial Charges for Service.

5.2.1. Since the Project will only be partially developed in the early years of the Sewer System's operation, the Initial charge for sewer service in the Service Area will be normalized until 80% of the 106 benefit units in the Project, *i.e.*, 85 Subdivided Lots are served (including the additional benefit unit associated with the Retained Parcel) in the PCSD and through the Sewer System (**"Initial Assessment Period"**).

5.2.2. During the Initial Assessment Period, the Authority will estimate what its costs to operate the Sewer System, excluding the Unit Rent, would be to serve the 106 benefit units that are planned for the Project (**"Estimated Operating Cost"**). The Authority will then divide the Estimated Operating Cost by 85 to develop an **"Estimated Operating Cost per Benefit Unit"**.

5.2.3. During the Initial Assessment Period, the Authority will assess or charge each Subdivided Lot in the PCSD that is connected to the Sewer System the Unit Rent per benefit unit plus the Estimated Operating Cost per Benefit Unit. Any other lot that may be served through the Sewer System will be assessed and/or charged the Unit Rent per benefit unit plus at least the amounts charged to lots and entities within the PCSD.

5.2.4. During the Initial Assessment Period, the Developer will pay quarterly the difference between the Estimated Operating Cost per Benefit Unit assessed and the Actual O&M incurred by the Authority, provided the Actual O&M is not more than 110% of the Estimated Operating Cost. The aggregate of the payments made by the Developer is the "**Developer's Subsidy**". The Authority may defer, for collection in future years, the amount that it did not collect because it was more than 110% of the Estimated Operating Cost. The Authority will bill the amount of the Developer's Subsidy, and the Developer will have 30 days to pay. Once a total of 85 Subdivided Lots and properties are served in the PCSD or through the Sewer System, the Developer would no longer be responsible to pay the Developer's Subsidy

5.2.5. The Developer will post a financial security in a form acceptable to the Authority to guarantee payment of the Developer's share of Actual O&M incurred by the Authority ("**Developer's Subsidy Security**"). Beginning on the effective date of the Agreement, the amount of the security shall be the Developer's share of Actual O&M for the next five years. The Developer's Subsidy Security shall be recalculated and reduced or increased annually to reflect the Developer's potential liability over the ensuing 5 years, noting that said liability should decrease each year that additional Lots are connected to the Sewer System. Once 85 Subdivided Lots and entities are served in the PCSD or through the Sewer System, the entire Developer's Subsidy Security shall be released.

5.3. Additional Improvements to the Sewer System.

5.3.1. During the Initial Assessment Period

5.3.1.1. During the Initial Assessment Period, the Authority will not implement any improvement that will be charged to lots in the Service Area, unless required by a regulatory authority having appropriate jurisdiction without the Developer's approval, which will not be unreasonably withheld.

5.3.1.2. In the event that there is a mandated capital improvement to the Sewer System, as directed by a regulatory body having appropriate jurisdiction, the Developer shall construct the improvement or, if the Developer elects not to construct the improvement, the Developer shall fund the Authority's construction of the improvement by depositing such cost prior to construction as directed by the Authority.

5.3.1.3. As with the prior provisions in this MOU addressing the initial construction, plans and specifications are subject to the approval of the Authority.

5.3.1.4. Failure to construct or fund the improvement will constitute a default, and ownership of the Sewer System will pass to the Authority as provided herein.

5.3.1.5. If such improvements are installed or paid for by the Developer, the Authority agrees to increase purchase price and lease payment. The purchase price would increase by the cost of the improvements and reduced at the time of purchase in accordance with 6.2 below. To reflect the full cost of the improvement, after a showing that the costs were incurred and paid, the Unit Rent would increase by the

Cost of the Improvements / (106 Benefit Units x 10 Years).

5.3.2. <u>After the Initial Assessment Period</u>

5.3.2.1. After the Initial Assessment Period, the Authority will implement any improvement or replacement project it feels is proper and charge the users in the assessment district in the same way it charges its other sewer assessment districts.

6. Option to Purchase. The Authority shall have the option to acquire the Sewer System.

6.1. Upon Abandonment

6.1.1. The Authority may acquire the Sewer System for $1.00 upon the abandonment of the Sewer System.

6.1.2. The Developer will have abandoned the Sewer System (i) if it fails to construct the Sewer System in accord with the MOU or succeeding contracts with the Authority or (ii) if it does not pay the Developer's Subsidy, other charges, or costs to be paid by the Developer, or post a required security pursuant this MOU and the Agreement. The Developer shall have a period of thirty (30) days after written notice from the Authority to address a noticed construction defect or to pay unpaid amounts that were properly charged. Should the Developer fail to correct after notice, the Developer would be required to assign its interests in the Sewer System to the Authority to facilitate the Authority's operation and/or completion of the Sewer System. Any transfer to the Authority shall be free and clear of all liens and encumbrances. All securities that had been posted by the Developer and still in effect at the time of the abandonment shall continue.

6.1.3. Abandonment of the Sewer System shall not mean isolated, single, or non-material failures to meet requirements, but shall only mean continuing, repeated, and material failures of the construction requirements that result in a failure to complete construction in time to meet the demands of lot owners, or a reduction in Sewer System capacity and/or reliability.

6.1.4. In the event of a dispute regarding any element of a claim that the system has been abandoned, such dispute shall be determined by arbitration in the manner set forth in Article XIX of the attached Agreement.

6.2. Market Option. At any time after operation of the Sewer System commences, the Authority may purchase the Sewer System for $1,100,000 plus the improvements paid for by the Developer (paragraph 5.5.5.5, above) less 50% of the total lease payments made as of the date the purchase price is paid ("**Purchase Price**"). The Purchase Price shall not be more than the fair market value based upon the methods for valuing a utility as applied by a qualified appraiser approved by the Developer and paid by the Authority. If the Purchase Price is more than the fair market value, then the Purchase Price would be reduced to the fair market value. The terms of the sale are set forth in this MOU.

6.3. Effect of Purchase.

6.3.1. In the event the Authority exercises its option to purchase, the Developer shall indemnify and hold harmless the Authority from any alleged violations of law or regulation arising out of the construction of the Sewer System prior to the date of transfer of the Sewer System from the Developer to the Authority.

6.3.2. Should the Authority exercise its option before the Project is complete, the Authority shall negotiate with the Developer and its assignees a new operating agreement that will permit the Developer and its assignees to complete the Project.

6.3.3. The Authority shall thereafter assess properties within the Project as provided in its enabling statute and shall share the operation, maintenance, repair, and replacement costs with all property served through the Sewer System; not charge property within the Service Area for any costs related to providing service to properties outside of the Service Area, and charge the cost to acquire the Sewer System to all properties serviced by or through the Sewer System on a benefit basis.

7. Surplus Capacity

7.1. The Authority and the Developer acknowledge that the Sewer System will be designed based upon current rules and regulations of the authorities having jurisdiction and the approval of the design and construction of the Sewer System will be based upon a theoretical design capacity to provide service to the Service Area. At some time, subject to the approval of the authorities having jurisdiction, it may be determined that the Sewer System has the capability to serve additional users. Should that determination and approval by the authorities having jurisdiction occur, the Developer, with the consent of the Authority and if at that time it owns the Sewer System, will have the right to sell such additional capacity and retain the payment as a contribution towards its prior expenditures.

8. Closing. For the purposes of this MOU, closing is defined as the date the Agreement is executed.

9. Deliveries by Developer. Developer will deliver to the Authority at or before the closing the following:

9.1. Duly recorded easements in the form and substance acceptable to the Authority and its attorneys to enable the Authority to enter into the described easement areas within the

Property to enable the Authority to test, inspect, operate, maintain, repair, and replace the Sewer System and all of its components (the "**Easements**"). The location as shown on the approved subdivision and site plans for the project and scope of all easement areas are subject to the Authority's prior written approval. Such easements shall be accompanied by duly completed and executed Forms TP-584. All recording and filing fees shall be paid by the Authority.

9.2. Easements will be delivered for each section of the Project upon the filing of that section's plat. The Developer shall deliver to the Authority three (3) paper copies and one (1) electronic copy of the as-built records, including drawings; specifications; equipment, operational and maintenance manuals; inspection, test and material reports, and equipment and material guarantees and warranties for the Sewer System and its components prior to the date service will be provided from that section by the Authority.

9.3. The Maintenance Security, referenced in paragraph 2.4.5, shall be in a form acceptable to the Authority. The Maintenance Security is to guarantee the repair of defects found within one year of commencing operation of each Construction Phase of the Sewer System and shall remain in effect for a period of one (1) year from the date of acceptance by the Authority. The Maintenance Security will be surrendered to the Developer at the end of the one (1) year period. The amount of the Maintenance Security shall be in an amount equal to 20% of the construction costs for each Construction Phase.

9.4. In addition, upon acquisition of the Sewer System by the Authority, the Developer shall provide such other documentation as the Authority and its attorney shall reasonably request to insure that the Sewer System and the Easements are transferred free and clear of any and all claims, conditions, liens, or encumbrances.

10. Conditions Precedent and Responsibilities. The Authority's obligations to perform service to the Red Hook Assessment District are contingent upon the fulfillment of all conditions precedent ("**Conditions Precedent**").

10.1. Conditions Precedent. Conditions Precedent include, without limitation, the following:

10.1.1. Evidence of completion of the requirements for compliance with SEQRA;

10.1.2. Review and non-denial of the Project by the Legislature of the County of Dutchess in accordance with the provisions of Section 1124(6) of the Public Authorities Law and establishment of Zone of Assessment by the County of Dutchess consisting of all of the properties in the Service Area and amendment of the service agreement between the County of Dutchess and the Authority;

10.1.3. The Developer's receipt of all Developer Approvals, including, without limitation, approvals of the Dutchess County Department of Behavioral and Community Health (DCDBCH), and the Town of Red Hook (the "Town"), and the delivery of true copies thereof to the Authority;

10.1.4. Delivery to the Authority

i. a true copies of certificates of occupancy and/or certificates of compliance issued by the Town covering the Developer Improvements that require the same or written documentation from the Town that no such certificates are required and

ii. written documentation from the Town and any other governmental authority having jurisdiction that there are no violations against Developer Improvements, the Sewer System, or the Easements;

10.1.5. The Authority's receipt of the Deposit described in paragraph 1 above and, to the extent required by the Authority, the replenishment of the escrow fund described in paragraph 1 above;

10.1.6. The final Site Plan and initial Subdivision approval of the Property with a copy of the Plan Map as approved;

10.1.7. The Authority's receipt of the Performance Security described in paragraph 2.4 above;

10.1.8. The Developer's

i. execution and delivery to the Authority of the Easements and all other instruments and

ii. delivery to the Authority of the Developer's Subsidy Security .

10.2. Reimbursement for Authority's Expenses. The Developer understands and agrees that in the event that all Conditions Precedent referred to herein have not been fulfilled, the Developer shall be responsible for reimbursement to the Authority of all Authority Costs incurred by the Authority.

10.3. Authority's Responsibilities. Subject to the fulfillment of all Conditions Precedent, the Authority shall maintain and operate the Sewer System.

11. Authority Shall Apply to Establish a New Part County Sewer District. Following the fulfillment of the Conditions Precedent described in paragraphs 10.1.1 and 10.1.5, the Authority shall promptly apply to the Dutchess County Legislature for the establishment of a new Part County Sewer District for the Service Area and shall employ commercially reasonable efforts to enter into a service agreement with the County of Dutchess. The Developer shall take such action in support of those efforts as the Authority may reasonably request.

12. Payment for Sewer Service Will be Made to the Authority. The Developer acknowledges that once the Sewer System is put into service, the Developer or any successor developer or lot owners or homeowners who have closed on the purchase of their lots or homes in the PCSD will be obligated to pay the Authority's charges for property in the PCSD. The Authority's costs shall be assessed against all users and subdivided lots that can be provided service in the PCSD and any premises served from extensions to the PCSD.

13. Notices

13.1. Any notice or demand which either party hereto may desire to give to the other shall be deemed properly given when deposited in the United States mail, postage prepaid and certified or registered, or delivered by nationally recognized overnight courier service, or hand delivered, or sent by confirmed facsimile, addressed if to the Authority to

Dutchess County Water and Wastewater Authority
27 High Street
Poughkeepsie, New York 12601
Attention: Bridget Barclay, Executive Director

And if to Developer, to

Albert A. Natoli, P.C.
Counselor-at-Law
233 Broadway, Suite 810
New York, NY 10279-0815
Tel: 212-619-8087
Fax: 877-770-8087

and

Red Hook Acres, LLC
199 West Road, Suite 101
Pleasant Valley, New York 12569
Attention: Joseph T. Kirchhoff, Managing Member

or such other address of which a party may be notified in writing by the other party. Such notice shall be deemed to have been given upon receipt thereof by the party to whom such notice is given.

13.2. Any notice or other communication ("**Notice**") shall be in writing and either

i. sent by either party's respective attorneys who are hereby authorized to do so on their behalf or

ii. delivered to the respective addresses given in this MOU for the party to whom the Notice is to be given, or to such other address as such party shall hereafter designate by Notice given to the other party or parties pursuant to this paragraph.

14. Binding Effect; Non-Assignable. This MOU shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. The rights and obligations of the Developer under this MOU (i) may only be assigned to an affiliate or related third party, and if such entity is an LLC, it must have been authorized to do business in the State of New York, and (ii) may not be assigned without the prior written consent of the Authority.

15. Compliance with Closing Conditions. The parties hereto shall use their best efforts to comply with the respective Closing conditions to be performed on their part.

16. Termination. This MOU and all the terms and provisions thereof shall be deemed canceled and the respective rights and obligations of the parties hereunder shall cease and neither party shall have any further rights, obligations, or liabilities against or to the other hereunder or otherwise, upon the following:

16.1. Mutual Agreement – Authority and Developer may, at any time prior to the Closing Date, mutually consent to the termination of this MOU, or

16.2. Failure to Obtain Necessary Approvals - In the event any of the consents, approvals, and authorizations of any nature required in connection with this transaction are (i) not issued on or before the Closing Date or after a reasonable postponement agreed upon by both parties or (ii) granted on conditions not expressed or contemplated in

this MOU including, but not limited to, payments or refunds to customers (unless such conditions are acceptable to the party charged therewith).

16.3. Time - Five (5) years after the date on which this MOU is signed unless the Agreement referenced herein is implemented or unless extended by agreement by both parties.

17. Recording. This MOU with attachments and the Agreement when executed shall be recorded in the office of the County Clerk. The cost for recording these documents is the responsibility of the Authority.

18. No Third Party Beneficiaries. Nothing contained in this MOU is intended or shall be construed to give any person, corporation, or other entity, other than the parties hereto and their respective successors, any legal or equitable right, remedy, or claim under or in respect of this MOU or any provision herein contained; this MOU being intended to be and being for the sole and exclusive benefit of the parties hereto and their respective successors and for the benefit of no other person, corporation, or other entity.

19. Law to Govern and Venue. This MOU shall be governed by and construed and enforced in accordance with the laws of the State of New York. The venue for any action brought relating to this MOU shall be the County of Dutchess.

20. Counterparts. This MOU may be executed simultaneously in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

21. Paragraph Headings. The paragraph headings in this MOU are for convenience of reference only and shall not be deemed to alter or affect any provision thereof. Reference to numbered "paragraphs", "subparagraphs", and "Schedules" refer to paragraphs and subparagraphs of this MOU and Schedules annexed hereto.

22. Miscellaneous.

22.1. This MOU incorporates all of the parties' prior understandings, agreements, and representations, whether oral or written, which are hereby merged into this MOU, which contains the entire agreement and understanding of the parties.

22.2. If any provision, sentence, term, clause, or word of this MOU shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision, sentence, term, clause, or word herein, and this MOU shall be enforced, to the maximum extent possible by law, with reference to the original intention of the parties hereto, from a reading of

the entire MOU, including any such provision, sentence, term, clause, or word held to be invalid.

22.3. This MOU may not be changed, altered, amended, waived, terminated, or otherwise modified unless the same shall be in writing and signed by each party hereto.

22.4. Any singular word or term herein shall also be read as in the plural and the neuter shall include the masculine and feminine gender, whenever the sense of this MOU may require it.

22.5. This MOU shall not be binding or effective until duly executed and delivered by Developer and Authority.

22.6. Developer and Authority shall comply with IRC reporting requirements, if applicable. This Subparagraph shall survive Closing.

22.7. Each party shall, at any time and from time to time, execute, acknowledge where appropriate, and deliver such further instruments and documents and take such other action as may be reasonably requested by the other in order to carry out the intent and purpose of this MOU. This subparagraph shall survive Closing.

IN WITNESS WHEREOF, the parties hereto have executed this MOU and affixed their corporate seals the day and year first above written.

DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

By: _____
Name: Bridget Barclay
Title: Executive Director

RED HOOK ACRES, LLC

By: _____
Name: JOSEPH T. KRECHHOFF
Title: MANAGER

Mr. Roger Hoffman, Property Owner

By: _____
Name: Mr. Roger Hoffman

STATE OF NEW YORK :

: ss.

COUNTY OF DUTCHESS:

On the 28th day of Sept, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared BRIDGET BARCLAY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

PAMELA ANN COMPASSO
Notary Public, State of New York
Reg. #01CO6318571
Qualified in Dutchess County
Commission Expires 11/26/19

Pamela Compasso
Notary Public

STATE OF NEW YORK :

: ss.

COUNTY OF DUTCHESS:

On the 28th day of Sept, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph T. Kirchhoff, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

PAMELA ANN COMPASSO
Notary Public, State of New York
Reg. #01CO6318571
Qualified in Dutchess County
Commission Expires 11/26/19

Pamela Compasso
Notary Public

STATE OF NEW YORK :

: ss.

COUNTY OF DUTCHESS:

On the 28th day of September, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared ROGER HOFFMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in

her capacity, and that by her signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

Notary Public

RAN 6

2021

SCHEDULE A

Legal Description

[of the Property on which the Project is located]

WELCH SURVEYING
7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description, including Lot 103

Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southerly line of Old Farm Road, said point being the intersection of the westerly line of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002 with the southerly line of Old Farm Road and being a northeasterly corner of the herein described premises; thence along the westerly and northerly lines of Lot 1 as shown on said map the following four courses and distances, South 08 degrees 35' 46" West 87.28 feet to a point; thence North 81 degrees 24' 13" West 84.23 feet to a point; thence South 08 degrees 35' 46" West 76.98 feet to a point; thence North 81 degrees 24' 13" West 265.54 feet to a point, said point being a northwesterly corner of Lot 1; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being the southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being a southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence, the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence

North 83 degrees 38' 36" West 456.45 feet to a point; thence North 10 degrees 22' 54" East 66.00 feet to a point; thence partly along remains of wire fence, North 65 degrees 21' 16" West 768.90 feet to a point, said point being on the easterly line of Lot 3 as shown on Filed Map No. 9526-C, and being the southwesterly corner of the herein described premises; thence along the easterly lines of Lot 3 and Lot 5 as shown on said map, North 23 degrees 38' 54" East 1096.96 feet to a point, said point being the northwesterly corner of the herein described premises; thence along the southerly line of Lot 5 as shown on Filed Map No. 9526-C, and along the southerly lines of Lots 2, 3, 4, 5, and 6 as shown on Filed Map No. 8162, the following two courses and distances, South 79 degrees 34' 17" East 1228.66 feet to a point; thence North 71 degrees 16' 42" East 26.42 feet to a point, said point being on the westerly line of Old Farm Road, aforementioned, and being the northeasterly corner of the herein described premises; thence along the westerly line of Old Farm Road the following, South 17 degrees 55' 22" East 931.11 feet to a point; thence along a curve to the left, having a radius of 300.00 feet and a chord of South 44 degrees 37' 47" East 269.66 feet, an arc length of 279.68 feet to the point or place of beginning.
Containing 52.052 acres

Schedule B

[Operating Agreement and Lease]

APPENDIX "E"

DUTCHESS COUNTY
PART COUNTY SEWER DISTRICT #11
Tradition at Red Hook Sewer System

PRELIMINARY ENGINEERING REPORT

(Excerpt of Preliminary Engineering Report for the Hoffman Property Subdivision; Poughkeepsie, NY: LRC Group, rev. 8/26/2015)

EXCERPT OF

PRELIMINARY ENGINEERING REPORT

For:

"HOFFMAN PROPERTY SUBDIVISION"

Located at:

19, 25, & 45 Old Farm Road
Town of Red Hook, Dutchess County, New York
Tax ID 6272-00-103351, 191306, & 204261

Dated:
June 5, 2015
Revised: August 26, 2015

Prepared For:
Kirchhoff Properties, LLC

199 West Road, Suite 101
Pleasant Valley, NY 12569

PREPARED BY:

LRC GROUP

Land Planning ~ Civil Engineering~ Environmental Services ~Surveying Services ~ Landscape architecture

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone 845-243-2880
Fax 845-265-8175

TABLE OF CONTENTS

1.0 INTRODUCTION
- 1.1 Location
- 1.2 Existing Conditions Summary
- 1.3 Existing Demand
- 1.4 Proposed Project Description

2.0 WATER SERVICES
- 2.1 Domestic Water Demand
- 2.2 Fire Suppression
- 2.3 Water Source
- 2.4 Water Treatment

3.0 WASTEWATER SERVICES
- 3.1 Wastewater Generation
- 3.2 Soil Testing
- 3.3 Primary System
- 3.4 Expansion System

4.0 CONCLUSION

APPENDICES

Appendix A – Rokeby Water Usage Data
Appendix B – Well Abandonment
Appendix C – Deep and Percolation test Results
Appendix D – System Design Calculations

1.0 INTRODUCTION

1.1 Location

The subject property consists of three (3) existing parcels with a total of 52.05 acres located at 19, 25 and 45 Old Farm Road, in the Town of Red Hook, Dutchess County, New York. The property is identified as Tax Parcels 6272-00-204261, 191306 and 103351 according to Dutchess County Parcel Access records. The property is shown on Filed Map 9147 and 9147A according to the records of the Dutchess County Clerk's Office. The project has UTM coordinates of 592416 Easting and 4648670 Northing. The properties are located within the TND Residential and TND Commercial Center Zoning Districts.

The property abuts the Village of Red Hook to the north which is served by the Village Water System. The property also abuts the existing Rokeby Residential Community to the south. The Rokeby Subdivision has a water supply system controlled by the Dutchess County Water Wastewater Authority as Zone of Assessment F.

1.2 Existing Conditions Summary

19 Old Farm Road is the most developed of the three existing parcels. The 8.4 ± acre property is the location of the Hoffman Barn Sale - Antiques Store. The property is not currently equipped with sewer or water. 25 Old Farm Road is a 1.0 ± acre lot which has an existing 3 bedroom single family home. The single family home is serviced by a private well and subsurface sewage disposal system on the property. The larger 42.6 ± acre property located at 45 Old Farm Road is currently undeveloped and has been primarily used for farming purposes.

Elevations at the site are relatively flat with the high side of the site being the north east corner along Old Farm Road and the border with the Village of Red Hook. Elevations fluctuate and drop slightly as you travel from north to south and east to west with the low point being the existing New York State Department of Environmental Conservation (NYSDEC) wetland located on the western side of the property.

Soils found at the site have been classified by the United States Department of Agriculture (USDA) Soil Survey of Dutchess County, New York. The following soils groups are present, based on the afore-noted mapping:

1. Ca: Canandaigua silt loam, neutral substratum
    a. These soil formations consist of very deep, concave, and very poorly drained soils that formed in silty and clayey glaciolacustrine deposits. Slopes are typically smooth in the range of 0 to 3 percent.

2. HeA: Haven loam, nearly level
    a. These soil formations consist of very deep, convex, and well drained soils that formed in loamy glaciofluvial deposits over sandy and gravelly glaciofluvial deposits. Slopes are typically in the range of 0 to 3 percent.

3. Pc: Palms muck
    a. These units consist of very deep and very poorly drained soils that formed in organic material over loamy glacial drift deposits. They commonly range from 0 to 3 percent slopes.

The nearest water body is a farm pond located within the DEC wetland which will not be altered as part of this project. The farm pond is not a mapped water body. There is one NYSDEC wetland located on the western portion of the site identified as NYSDEC wetland KE-3. The wetland and its 100 foot adjacent area are 24.88 acres of the 52.05 acres. There is no proposed disturbance within the wetland or its adjacent buffer. There are no mapped floodplains on the project site.

1.3 Existing Demand

The existing sewer and water demand for the three properties comprising the future Hoffman Property Subdivision are very minimal. As stated above the existing antique shop located at 19 Old Farm Road does not currently have any sewer or water demand. The single family home is not metered but existing maximum day demand is estimated at less than 300 gallons. The existing private well will be abandoned in accordance with Dutchess County Department of Health standards. A well abandonment application has been included in **Appendix B**.

1.4 Proposed Project Description

The proposed project will create a "Traditional Neighborhood Residence" project consisting of 102 new residential lots. The planned project will consist of single family homes, cottages, and townhouses as outlined within the TND District Regulations.

The single family home, its well and septic field, currently located at 25 Old Farm Road, will be removed as part of this project. The existing commercial use located at 19 Old Farm Road will remain on a new 1.25 acre portion of tax lot 6272-00-204261. This use is consistent with the TND Commercial Center Zoning. The project also proposes civic space with a mix of squares, green space and a community center. In addition to the civic space approximately 39.05 acres of the site will remain open space.

Based on the location of the project, the water supply system has been designed to create a connection to the existing Village of Red Hook water distribution system. The project offers unique benefits to the Village and Rokeby water systems as it can be used as a conduit to connect these two independent systems in the future. The proposed water system is further described in section 2.4 below. The new development will be served by a new gravity sewer collection system and a new community subsurface sewage disposal system which will be described in section 3.3 of this report.

2.0 WATER SERVICE

2.1 Domestic Water Demand

The estimated water demand design rates are based on a 75 gallon per capita per day (GPCD) for a metered public water supply. According to US census data the average occupancy per home is 2.6 persons for New York State and is also 2.6 persons per home for Owner Occupied Homes in Red Hook. A 20% additional demand was added to account for water loss. The average day water demand is 23,868 or 24,000 GPD. A 2 time peaking factor has been applied to the water system design for a max day of 48,000 GPD. Detailed Calculations can be found in **Appendix D**.

The water system is designed to include all of the proposed residential units. The existing antiques center at 19 Old Farm Road will not be provided with a water connection. Should water supply be needed in the future there is adequate space onsite to provide a private well for the commercial component.

There is a proposed community building which will hold homeowners activities such as monthly board meetings, birthdays, bridal showers, book clubs, etc. The community building will not include a ballroom or large event space. The community building will be used by the residents of the community and will not generate additional wastewater flows.

2.2 Fire Suppression

Water supply for fire suppression will be provided in accordance with NFPA 1142 "Standards on Water Supply for Suburban and Rural Fire Fighting", 2012. The existing Village water system does not currently have the capacity to provide fire flows. The project has been presented to the Town of Red Hook Fire Department. The department has acknowledged that the domestic water supply system will not provide adequate fire flows and that the water supply for fire suppression will be provided using available mobile water supply apparatus. This method is acceptable according to NFPA 1142 and is used to provide fire flow throughout the Town of Red Hook.

The applicant has however agreed to size the water distribution system to accommodate fire flows and to provide fire hydrants throughout the proposed system should fire flows become available in the future. Until such time fire flows are available, the hydrants will be banded to indicate they will have limited municipal fire flow capacities.

2.3 Water Source and Treatment

The proposed project will connect to the Village of Red Hook Water Distribution System. The Village operates under Water Supply Permit # PN 3-1348-00158-00001. Based on January 2014 Report completed by CT Male, "Firehouse Lane Well Field Water Supply Report" the Village has an available water supply of 475,200 GPD with the largest well out of service. The Village has a max day water demand of 383,000 GPD and a committed flow of 44,000 GPD for Anderson Commons and several smaller projects. The Village has a surplus capacity of 48,200 GPD which exceeds the max day demand of 48,000 GPD for the proposed project. An additional well has been constructed and will further expand the Village's available capacity.

The Village has an existing water treatment and storage system. The applicant is working with the Village of Red Hook engineer to determine what if any improvements will be required for the proposed connection.

2.4 Recommended Improvements

The water system will connect to the Village of Red Hook water distribution system located at the intersection of Old Farm Road and Cambridge Drive. A new, metered water connection, with backflow prevention, will be made with a new 8" water distribution system throughout the proposed project. As stated above the project will construct fire hydrants in critical points throughout the distribution system should fire flows become available in the future.

3.0 WASTEWATER SERVICES

3.1 Wastewater Generation

The estimated sewer demand design rates follow the guidelines established by the NYSDEC in the "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems" March 5, 2014. The proposed demand for the project has been calculated in accordance with section B.6.b Design flow method 3. Flow rates can be determined using water usage data collected from similar operations.

We evaluated a similar development in the vicinity of the proposed project. The Rokeby Water System is located in the Town of Red Hook, Dutchess County, NY. Constructed in the 1960's and 70's, it was acquired by the Dutchess County Water and Wastewater Authority in 2000 as Zone of Assessment F of the County Water District. We evaluated over five years of water usage records from the Rokeby residential development.

The Rokeby water system has 55 – 3 bedroom residential properties and one commercial parcel. The homes all consist of 3 bedroom homes as shown on Filed Map 2909. The development is analogous is terms of the house size, location, and demographics. The water usage records are a conservative representation of the flow rates we would expect at the new developed as the proposed project will incorporate modern water saving fixtures.

The commercial property has an average daily flow of 680 GPD according to the DCWWA. The water records showed each residential unit had an average water usage of 126 GPD. We are using a conservative design value of 135 GPD per home. It should be noted the recorded water usage has dropped significantly after the DCWWA replaced the water meter in 2013. Flow data for the Rokeby water system is provided in **Appendix A**.

To determine the max day peaking factor we have evaluated the max day for each month and averaged that to determine the max day for the year. Taking the average of the max day for each month is an accepted practice as there is some error in recording times and extraneous events such as hydrant flushing. The "average" max day for the year was then compared with the average flow for the entire year. Over the two years studied, the max day factor was determined to be 1.50. A conservative value of 1.55 has been used for the design.

Additional sewage flow has been provided for a future connection to the existing antiques center to remain at 19 Old Farm Road. The existing building currently has no sewer or water connection. As a result of the proposed subdivision the lot will become less than fire acres. The new lot will not have the space needed to provide a private SDS. As such capacity has been added to the SDS design to account for a future connection if needed. The total sewer demand for the project is 21,744 GPD. Detailed calculations are included in **Appendix D**.

3.2 Existing Wastewater Treatment

The existing single family home family home located at 25 Old Farm Road is proposed to be demolished. The existing septic tank will be pumped out and removed or filled with granular material and the SDS will be abandoned.

3.3 Recommended Improvements

Sanitary wastewater from the proposed development will be treated by a new community subsurface sewage disposal system. The system has been designed in accordance with NYSDEC "Design Standards for Intermediate-Sized Wastewater Treatment Systems" March 5, 2014. The project will include a new gravity collection system, central septic tanks, a pump chamber, and leaching fields. The system will be installed as an alternating field system which will improve performance and increase the life span of the system by allowing time for each field to rest.

Collection System

The community will be served by a conventional 8" diameter gravity sewage collection system, to convey raw, sanitarily wastewater to a central location for subsequent treatment and disposal. All connections will have rubber gaskets conforming to ASTM D-3212. The line has been designed with a minimum slope of 0.4% in accordance with Ten State Standards "Recommended Standards for Wastewater Facilities, 2004". This design, as opposed to a STEP system, will better facilitate connection to a regional facility should one become available in the future.

Treatment

Primary treatment will be provided by a series of conventional septic tanks. The tanks have been sized in accordance with NYSDEC "Design Standards for Intermediate-Sized Wastewater Treatment Systems" March 5, 2014. For flows exceeding 15,000 gallons per day the required septic tank size must equal the total design flow. The system will include six (6) 4,000 gallon septic tanks in three (3) flow paths, with a total capacity of 24,000 gallons. The three flow paths will allow the septic tanks to be installed in three stages as the project phasing is implemented.

Soil Testing

The LRC Group completed deep tests on February 4, 2010. The deep tests were witnessed by Mr. James Napoli, P.E. from the Dutchess County Department of Health (DCDOH). On September 12, 2012 LRC conducted percolation tests. Deep and Percolation tests were conducted at the locations of the proposed septic field and expansion areas.

Based on the field test data, the amount of native material present at the site is consistent with the requirements for a traditional absorption trench or absorption bed system with no fill pad. The deep tests showed the native soil is over 8 foot deep and no rock or water was encountered in the location of the proposed improvements. The percolation tests conducted on September 12, 2012 are consistent and range between 1 and 3 minutes. The results of the deep and percolation tests can be found in **Appendix C** of this report.

Subsurface Disposal System

The subsurface disposal system will be designed and constructed to treat 150% of the design flow in three (3) field areas. On an annual basis one area will be rested while the other two remain in use. Allowing a resting period will extend the functional life of the system and is recommended by the NYSDEC. We are requesting a 20% reduction in the size of the distribution lines due to the use of an alternating field system.

Using the field percolation rate of 1-5 minutes, the primary system has been designed to include thirty-eight (94) rows at a length of 94 linear feet for a total length of 11,562 feet. Full design calculations can be found in **Appendix D** of this report.

Expansion System

The expansion system has been designed to treat 50% of the design flow. Should one of the three (3) primary fields fail, the expansion area can be constructed and the soil in the failed area can be restored.

Using the field percolation rate of 1-5 minutes, the expansion system has been designed to include thirteen (42) rows at a length of 94 linear feet for a total length of 3,948 feet. Full design calculations can be found in **Appendix D** of this report.

The system will include a pump chamber between the septic tanks and the sewer fields. The pump chamber will dose the system. Detailed design information and calculations will be provided with the final engineers report.

4.0 CONCLUSSIONS

This engineer's report has detailed the proposed sewer and water supply for the Hoffman Property Subdivision. The proposed design is in substantial compliance with the requirements of the Town of Red Hook, NYSDEC, and the DCDOH.

APPENDIX D

System Design Calculations

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

LRC GROUP

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property		Project #:	12-1263	
Calculations by:	SMO	Checked by:	RM	Date:	06.03.15

PROPOSED WATER DESIGN FLOWS

Average Daily Flow		
Number of Units	102	
Persons Per House[1]	2.6	
Flow Per Unit	75	GPD
Average Day Flow	19890	GPD
Design Flow[2]	23868	GPD
Use Avg. Day	**24000**	**GPD**

Max Daily Flow		
Max Day Flow[3]	47736	GPD
Use Max Day	**48000**	**GPD**

[1] According to census data the average occupancy per home is 2.6 persons for New York State and is also 2.6 persons per home for Owner Occupied Homes in Red Hook

[2] 20% Added for potential water loss.

[3] Max day based on two (2) times average day demand.

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property			Project #:	12-1263
Calculations by:	SMO	Checked by:	REM	Date:	06.03.15

Location:	19, 25, 45 Old Farm Road		
Parcel ID:	6267-00-204261		
project:	Traditional Neighborhood Development		
Flow per Unit[1]:	209.25	GPD	
Proposed Units:	102		
Residential Flow:	21343.5	GPD	
Ex Commercial	5000	SQ FT	Antique Center at 19 Old Farm Road to Remain
Design Rate:	0.08	GPD / SQ FT	
Commercial Rate:	400	GPD	
TOTAL RATE:	**21,744**	**GPD**	

[1] Flow per unit is based on 1.55 times the average daily flow for the Rokeby subdivision. The Rokeby subdivision is analogous to the proposed project in many ways as described In the engineers report.

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Phone: (845) 243-2880
Fax: (845) 265-8175

LRC GROUP

Land Planning ~ Civil Engineering ~ Environmental Services
Land Surveying ~ Landscape Architecture

Project:	Hoffman Property			Project #:	12-1263
Calculations by:	SMO	Checked by:	REM	Date:	06.03.15

SSDS DESIGN CALCULATIONS			
Total Design Flow:	21,744	GPD	
Septic Tank Required:	21,744	GALLONS	
Standard Tank Size:	24,000	GALLONS	(6*4,000 Gallons)
Perc Rate:	5	Min	
App Rate:	1.20	gal/day/sq ft	

SDS System			
Bottom Area:	18,120	SQ FT	GPD/Application rate
20% reduction:	15,100	SQ FT	for alternative field system
Required Trench Length:	7,550	LF	
Required Primary:	11,325	LF	150% for Primary
Expansion length:	3,775	LF	50% for Expansion

Primary System	
Length of Rows:	94
Number of Rows:	123
Total Length:	11,562

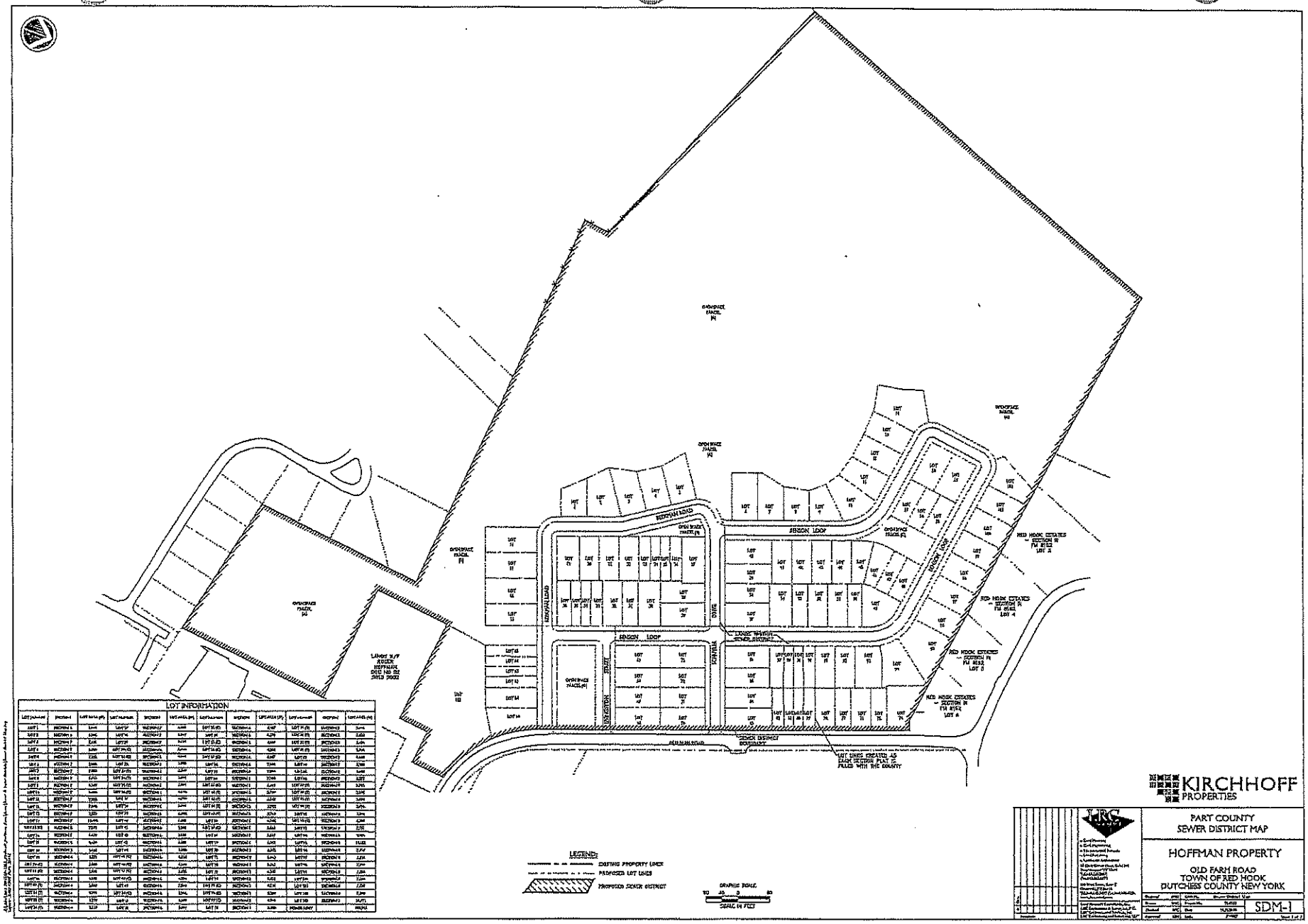
ExpansionSyetm	
Length of Rows:	94
Number of Rows:	42
Total Length:	3,948

This page intentionally left blank.

EXHIBIT A

TRADITIONS AT RED HOOK

PART COUNTY SEWER DISTRICT 11



LOT INFORMATION

LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)	LOT NUMBER	SECTION	LOT AREA (SF)
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

WELCH SURVEYING
7 ORLICH ROAD
RED HOOK, NEW YORK 12571
(845) 876-1000 FAX: (845) 758-1342
E-mail: WelchSurv@aol.com

Property Description prepared for
Red Hook Acres, LLC
Outbounds Description, including Lot 103

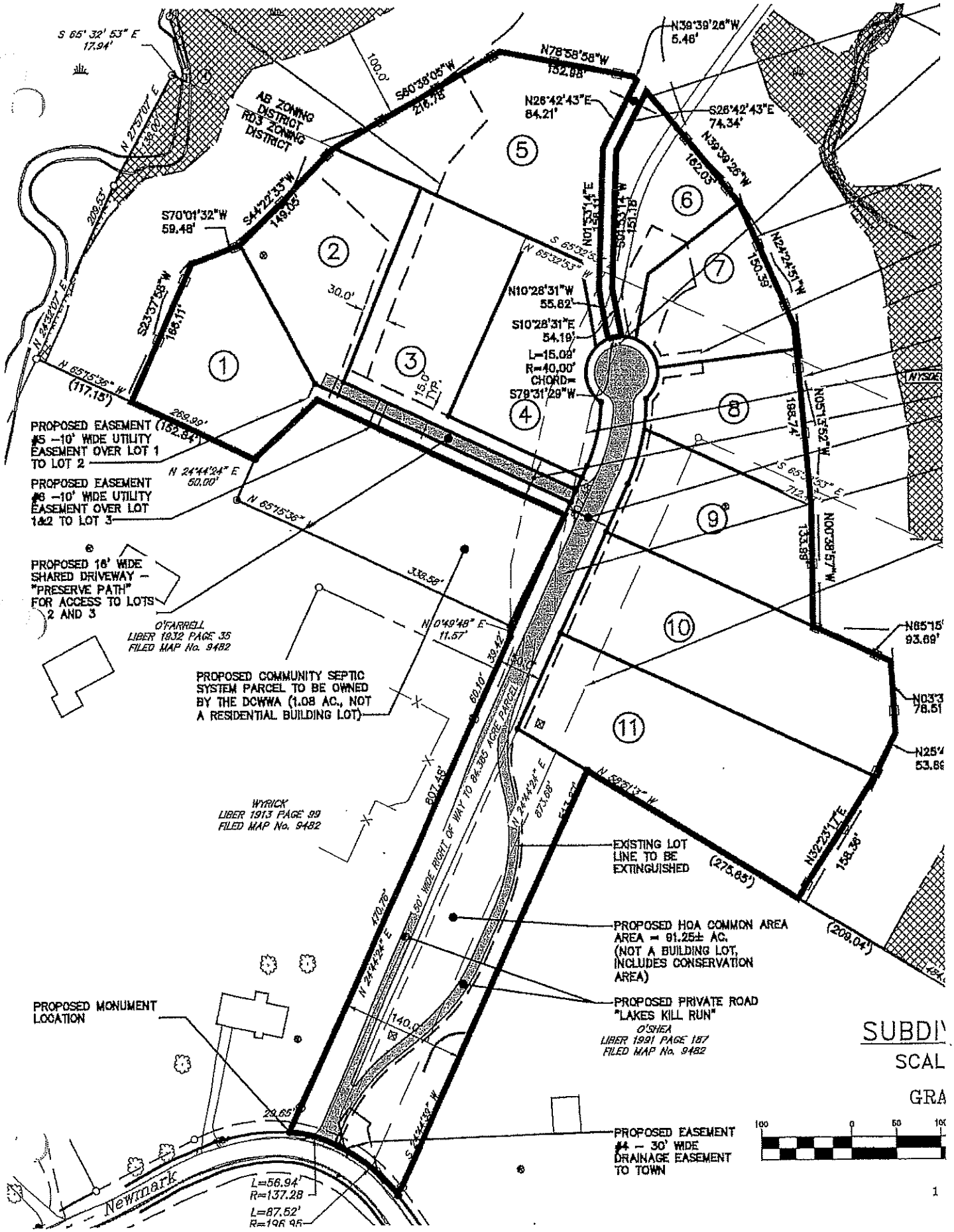
Being all that piece, parcel or tract of land situate in the Town of Red Hook, County of Dutchess and State of New York, and being bounded and described as follows:

Beginning at a point on the southerly line of Old Farm Road, said point being the intersection of the westerly line of Lot 1 as shown on Filed Map No. 9147-B, lands now or formerly of Steve Hoffman Properties, LLC, Document No. 02 2013 2002 with the southerly line of Old Farm Road and being a northeasterly corner of the herein described premises; thence along the westerly and northerly lines of Lot 1 as shown on said map the following four courses and distances, South 08 degrees 35' 46" West 87.28 feet to a point; thence North 81 degrees 24' 13" West 84.23 feet to a point; thence South 08 degrees 35' 46" West 76.98 feet to a point; thence North 81 degrees 24' 13" West 265.54 feet to a point, said point being a northwesterly corner of Lot 1; thence along the westerly and southerly lines of Lot 1 as shown on said map the following two courses and distances, South 09 degrees 02' 51" West 193.03 feet to a point, said point being the southwesterly corner of Lot 1; thence South 81 degrees 24' 13" East 307.06 feet to a point, said point being the southeasterly corner of Lot 1 and being on the westerly line of Lot 2 as shown on Filed Map No. 8957, lands now or formerly of Lyceum Six Partners, Document No. 02 1991 2693; thence along the westerly line of Lot 2 as shown on said map, South 08 degrees 35' 46" West 395.82 feet to a point, said point being the southwesterly corner of Lot 2 and being on the northerly line of Lot 21 as shown on Filed Map No. 2909, said point being the southeasterly corner of the herein described premises; thence along the northerly lines of Lots 21, 22, 23 and 24 as shown on Filed Map No. 2909, North 75 degrees 19' 45" West 373.97 feet to a point, said point being the southeasterly corner of Lot 26 as shown on Filed Map No. 2909 and being a southwesterly corner of the herein described premises; thence along the easterly line of Lots 26, 27, 28 and 29 as shown on said map, North 09 degrees 02' 51" East 431.73 feet to a point, said point being the northeasterly corner of Lot 29 as shown on said map; thence along the northerly line of Lot 29 and along the northerly line of lands now or formerly of Dutchess County Water and Wastewater Authority, Document No. 02 2000 6186, North 83 degrees 01' 20" West 527.97 feet to a point, said point being the northeasterly corner of lands now or formerly of Arnold M. and Alice B. Colburn, Document No. 02 2006 6610; thence along the northerly line of said lands now or formerly of Colburn, and along the northerly line of Parcel B as shown on Filed Map No. 6202, lands now or formerly of Franz N. and Mary K. Stoppenbach, Liber 1715 page 525, partly along a stone wall and partly along remains of a wire fence, the following three courses and distances, North 83 degrees 59' 57" West 34.72 feet to a point; thence

EXHIBIT A

PRESERVES AT LAKES KILL

PART COUNTY SEWER DISTRICT 12


S 65° 32' 53" E
17.94'
N 27°07' E
135.00'
209.63'
N 24°24'07" E
AB ZONING DISTRICT
R03 ZONING DISTRICT
100.0'
S60°38'05"W
216.78
N78°58'58"W
152.98'
N39°39'26"W
5.46'
N26°42'43"E
84.21'
S26°42'43"E
74.34'
N39°39'26"W
162.03'
S44°22'33"W
149.03'
S70°01'32"W
59.48'
S23°37'58"W
166.11'
30.0'
N 65°15'36" W
(117.15')
269.99'
(152.34')
N 24°44'24" E
50.00'
N 65°15'36" W
S 65°32'53" E
N 65°32'53" W
N10°28'31"W
55.82'
S10°28'31"E
54.19'
L=15.09'
R=40.00'
CHORD=
S79°31'29"W
15.0' TYP.
N01°53'14"E
151.78'
N24°24'51"W
150.33'
N01°15'52"W
188.74'
S 65°32'53" E
712.
N00°38'57"W
133.88'
N85°15'
93.69'
N03°3
78.51
N25°4
53.86
N 65°15'36" W
308.58'
N 0°49'48" E
11.57'
39.42'
60.10'
807.48'
N 24°44'24" E
873.08'
N 59°21'13" W
N32°23'17"E
158.38'
(275.65')
(209.04')
470.76'
N 24°44'24" E
140.0'
S 24°44'24" W
29.65'
L=56.94'
R=137.28
L=87.52'
R=196.95
Newmark
1
2
3
4
5
6
7
8
9
10
11
PROPOSED EASEMENT #5 –10' WIDE UTILITY EASEMENT OVER LOT 1 TO LOT 2
PROPOSED EASEMENT #6 –10' WIDE UTILITY EASEMENT OVER LOT 1&2 TO LOT 3
PROPOSED 16' WIDE SHARED DRIVEWAY – "PRESERVE PATH" FOR ACCESS TO LOTS 2 AND 3
O'FARRELL
LIBER 1932 PAGE 35
FILED MAP No. 9482
PROPOSED COMMUNITY SEPTIC SYSTEM PARCEL TO BE OWNED BY THE DCWWA (1.08 AC., NOT A RESIDENTIAL BUILDING LOT)
WYRICK
LIBER 1913 PAGE 99
FILED MAP No. 9482
50' WIDE RIGHT OF WAY TO 64.385 ACRE PARCEL
EXISTING LOT LINE TO BE EXTINGUISHED
PROPOSED HOA COMMON AREA AREA = 91.25± AC. (NOT A BUILDING LOT, INCLUDES CONSERVATION AREA)
PROPOSED PRIVATE ROAD "LAKES KILL RUN"
O'SHEA
LIBER 1991 PAGE 187
FILED MAP No. 9482
PROPOSED MONUMENT LOCATION
PROPOSED EASEMENT #4 – 30' WIDE DRAINAGE EASEMENT TO TOWN
SUBDI
SCAL
GRA
100
0
50
100

Preserve at Lakes Kill Sewer District

All that certain plot, piece or parcel of land situate, lying and being in the Town of Red Hook, County of Dutchess, and State of New York, bounded and described as follows:

Beginning at a point on the northerly bounds of Feller-Newmark Road, said point being the southeast of the lands, now or formerly, Wyrick (Tax ID: 6372-00-688938);

Thence along the same and along the lands, now or formerly, of O'Farrell (Tax ID:6372-00-662950) in part the following four (4) courses:

1. N 24° 44' 24" E for a distance of 599.92 feet to a point;
2. N 00° 49' 48" E for a distance of 11.57 feet to a point;
3. N 65° 15' 36" W for a distance of 338.58 feet to a point and
4. N 24° 44' 24" E for a distance of 50.00 feet to a point;

To a point, said point being located on the southerly bounds of the lands, now or formerly, of The Preserve at Lakes Kill LLC (Tax ID: 6372-00-718975) Thence through the same and through other lands, now or formerly, of The Preserve at Lakes Kill, LLC (Tax ID: 6373-00-790095) the following twenty-two (22) Courses:

1. N 65° 15' 36" W for a distance of 152.84 feet to a point;
2. N 23° 37' 58" E for a distance of 166.11 feet to a point;
3. N 70° 01' 32" E for a distance of 59.48 feet to a point;
4. N 44° 22' 33" E for a distance of 149.05 feet to a point;
5. N 60° 38' 05" E for a distance of 216.78 feet to a point;
6. S 78° 58' 58" E for a distance of 152.98 feet to a point;
7. S 39° 39' 26" E for a distance of 5.46 feet to a point;
8. S 26° 42' 43" W for a distance of 84.21 feet to a point;
9. S 01° 53' 14" W for a distance of 156.11 feet to a point;
10. S 10° 28' 31" E for a distance of 55.82 feet to feet to the beginning of a non-tangential curve,
11. Said curve turning to the right having a radius of 40.00 feet, an arc length of 15.09 feet, a chord bearing N 79° 31' 29" E for a distance of 15.00 feet to a point;
12. N 10° 28' 31" W for a distance of 54.19 feet to a point;
13. N 01° 53' 14" E for a distance of 151.18 feet to a point;
14. N 26° 42' 43" E for a distance of 74.34 feet to a point;
15. S 39° 39' 26" E for a distance of 162.03 feet to a point;
16. S 24° 24' 51" E for a distance of 150.39 feet to a point;
17. S 05° 13' 52" E for a distance of 198.74 feet to a point;
18. S 00° 38' 57" E for a distance of 133.99 feet to a point;
19. S 65° 15' 36" E for a distance of 93.69 feet to a point;
20. S 03° 34' 52" E for a distance of 78.51 feet to a point;
21. S 25° 47' 29" W for a distance of 53.89 feet to a point and
22. S 32° 23' 17" W for a distance of 158.36 feet to a point;

To a point, said point being located on the northerly bounds of the lands, now or formerly, of O'Shea (Tax ID: 6372-00-724915) Thence along the same N 58° 51' 03" W for a distance of 275.65 feet and S 24° 44' 39" W for a distance of 513.54 feet to the beginning of a non-tangential curve,

Said curve turning to the left having a radius of 196.95 feet and arc length of 87.52 and whose long chord bears N 50° 52' 33" W for a chord distance of 86.80 feet to the beginning of a non-tangential curve,

Said curve turning to the left having a radius of 137.28 feet, an arc length of 56.94 feet and whose long chord bears N 73° 56' 07" W for a distance of 56.54 feet to the point or place of Beginning.

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019036 ESTABLISHING PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019036 ESTABLISHING PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019037

RE: ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

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

WHEREAS, this Legislature has before it a resolution together with a map, plan and report, all prepared by or on behalf of the Dutchess County Water and Wastewater Authority ("WWA") in support of the creation of Part County Sewer District No. 11, in the Town of Red Hook by the County of Dutchess ("County") to facilitate the payment of the costs of improvements to the facilities and the more efficient payment of those costs through the levy of benefit assessments, and

WHEREAS, as part of its review of the proposed actions the Town of Red Hook prepared a Long Environmental Assessment Form, certified on September 25, 2014, and Negative Declaration, adopted on March 16, 2015, for the project, on file with the Clerk of the Legislature, which concludes that the proposed project constitutes a Type I Action pursuant to Part 617 of the New York Code of Rules and Regulations (SEQR), and that the actions will not result in any significant adverse environmental impacts, and

WHEREAS, it appears that the Town of Red Hook made a careful review of the proposed action and this Legislature should confirm those findings, now, therefore, it is hereby

RESOLVED, that this Legislature adopts and confirms the findings of the Town of Red Hook as set forth in the Long Environmental Assessment Form and Negative Declaration concluding that the proposed action will not have a significant effect on the environment.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-017-19
CRC/kvh/G-1217-Q
1/04/19

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Hoffman Property Residential Development		
Project Location (describe, and attach a general location map): 19, 25, and 45 Old Farm Road, Red Hook, NY 12571 Dutchess County Tax ID # 6272-00-204261, 6272-00-103351, 6272-00-191306		
Brief Description of Proposed Action (include purpose or need): The proposed plan is to create a "Traditional Neighborhood Residence" project consisting of 102 proposed residential units with one (1) existing unit commercial building on three existing lots. The existing single family residence currently located at 25 old Farm Road will be removed and the existing commercial use located at 19 Old Farm Road will remain on a new 1.255 acre parcel. The planned project will consist of single family homes, cottages, and townhouses as outlined within the TND District Regulations adopted by the Town of Red hook. The project includes a mix of civic spaces and open space as required by the TND code and will preserves the existing NYSDEC wetland and adjacent buffer.		
Name of Applicant/Sponsor: Kirchhoff Properties, LLC. Attn Richard Rang	Telephone: (845) 635-2000 E-Mail: RRang@kirchhoffCompanies.com	
Address: 199 West Road, Suite 101		
City/PO: Pleasant Valley	State: New York	Zip Code: 12569
Project Contact (if not same as sponsor; give name and title/role): Rodney Morrison	Telephone: 845-243-2880 E-Mail: rmorrison@ircconsult.com	
Address: 85 Civic Center Plaza		
City/PO: Poughkeepsie	State: New York	Zip Code: 12601
Property Owner (if not same as sponsor): Roger Hoffman	Telephone: (845) 758-5668 E-Mail:	
Address: 19 Old Farm Road		
City/PO: Red Hook	State: New York	Zip Code: 12571

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	Red Hook Town Board. Lighting Dist, SW Maint. Red Hook Village-Water	
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town Board Site Plan Approval Town Board Subdivision Approval	
c. City Council, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	DC Planning (239M)	
e. County agencies ☑Yes ☐No	County Health Department (Sewage Disposal and Water Supply)	
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC SPDES Sewer & NYS Attorney Gen - HOA OPRHP	
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes ☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
TND (Traditional Neighborhood Development)

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Red Hook Central School District

b. What police or other public protection forces serve the project site?
Red Hook Police Department

c. Which fire protection and emergency medical services serve the project site?
Red Hook Fire Company

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 52.05 acres
b. Total acreage to be physically disturbed? 24.6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 52.05 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
ii. Is a cluster/conservation layout proposed? ☑ Yes ☐ No
iii. Number of lots proposed? 102
iv. Minimum and maximum proposed lot sizes? Minimum 0.06 Ac. Maximum 32.9 Ac.

e. Will proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 3
- Anticipated commencement date of phase 1 (including demolition) 12 month 14 year
- Anticipated completion date of final phase 12 month 18 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:
Each lot will be constructed based on market demand. At minimum the infrastructure will be built in 3 overall phases.

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	1	0	0	0
At completion of all phases	82			5 (4 unit Townhomes)

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes ☐No
If Yes:

i. Total anticipated water usage/demand per day: max day - 37,128 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes ☐No
If Yes:

- Name of district or service area: Village of Red Hook
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☐Yes ☑No
- Is expansion of the district needed? ☑Yes ☐No
- Do existing lines serve the project site? ☐Yes ☑No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☑No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☑Yes ☐No
If, Yes:

- Applicant/sponsor for new district: Kirchhoff Properties, LLC
- Date application submitted or anticipated: TBD
- Proposed source(s) of supply for new district: Village of Red Hook

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), maximum pumping capacity: 410 gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 18,964 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☑No
If Yes:

- Name of wastewater treatment plant to be used:
- Name of district:
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☑No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☑No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☑Yes ☐No

If Yes:
- Applicant/sponsor for new district: Kirchhoff Properties, LLC
- Date application submitted or anticipated: TBD
- What is the receiving water for the wastewater discharge? NA-subsurface

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

Gravity collection system, septic tank pre treatment, with pump chamber dosing of subsurface absorption bed system

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 12.46 acres (impervious surface)

_____ Square feet or 52.05 acres (parcel size)

ii. Describe types of new point sources. Three new storm pipe outfalls will be created and will go to a level spreader to achieve sheet flow discharge to the existing discharge locations

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater runoff will be directed to on-site stormwater managment facilities which will have post treatment emergency overflow to on-site wetland

- If to surface waters, identify receiving water bodies or wetlands: _____

  NYSDEC Wetland KE-3 and an unnamed Class C tributary to the Rhinebeck Kill (H-136-6-a)
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy Equipment - During Construction Only

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 9am-5pm
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 24 Hours/per day
- Saturday: 24 Hours/ per day
- Sunday: 24 Hours/per day
- Holidays: 24 Hours per/day

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Street lighting, 12' in height, Fully shielded downward facing fixtures.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☑ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☑ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Abandoned Agriculture, former storage, 1 single family residential parcel

ii. If mix of uses, generally describe:

The agricultural use has been abandoned and is currently fallow crop fields

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.02	12.46	+10.44
• Forested	1.62	1.51	-0.11
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)	24.67	0	-24.67
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	18.48	18.48	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Lawn and Recreational Space	5.26	19.6	+14.34

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 10 feet

b. Are there bedrock outcroppings on the project site? ☐Yes☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

HeA-Haven Loam	53.6 %
Ca-Canandaigua	29.8 %
Pc-Palms Muck	16.4 %

d. What is the average depth to the water table on the project site? Average: 5+ feet

e. Drainage status of project site soils:
☑ Well Drained: 40 % of site
☐ Moderately Well Drained: ____ % of site
☑ Poorly Drained 60 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 96 % of site
☑ 10-15%: 2 % of site
☑ 15% or greater: 2 % of site

g. Are there any unique geologic features on the project site? ☐Yes☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name NA Classification NA
- Lakes or Ponds: Name NA Classification NA
- Wetlands: Name NYS Wetland, Federal Wetland Approximate Size 18.48 Acres
- Wetland No. (if regulated by DEC) KE-3

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes☑No

j. Is the project site in the 100 year Floodplain? ☐Yes☑No

k. Is the project site in the 500 year Floodplain? ☐Yes☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes☐No
If Yes:

i. Name of aquifer: Town of Red Hook Zone 1 Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:
transient birds transient mammals

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐Yes ☑No

If Yes:

i. Nature of historic/archaeological resource: ☐Archaeological Site ☐Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑Yes ☐No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐Yes ☑No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐Yes ☑No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐Yes ☑No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐Yes ☐No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name: Kleinhitt Properties, LLC Date: 09/25/2014

Signature: _____ Title: _____

PRINT FORM

LRC Engineering & Surveying, D.P.C
LRC Engineering and Surveying, LLC
LRC Environmental Services, Inc.
Land Resource Consultants, Inc.

85 Civic Center Plaza, Suite 103
Poughkeepsie, New York 12601
Tel: (845) 243-2880
Fax: (845) 265-8175

RECEIVED MAR 20 2015

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 16, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hoffman Traditional Neighborhood Development

SEQR Status: Type I ☑ Unlisted ☐

Conditioned Negative Declaration: ☐ YES ☑ NO

Description of Action: The applicant proposes to create a traditional neighborhood development (TND) consisting of 102 dwelling units (including 20 TND Cottages, 20 TND Townhouses, and 62 TND Houses), a Community Center, Mail Kiosk, and associated civic spaces on ± 52.05 acres of land (Tax Map Parcel Nos. 6272-00-103351, 6272-00-204261, and 6272-00-191306) located partially within the TND Residential Subdistrict and partially within the TND Commercial Center. The proposed project includes an application for Incentive Zoning, pursuant to § 143-49.2 of the Town's Zoning Law, for 33 incentive units. The existing single family residence located at 25 Old Farm Road will be demolished, and the existing commercial use located at 19 Old Farm Road will remain on a new 1.255 acre parcel. The project will be served by municipal water. Wastewater disposal will be by means of a new community subsurface sewage disposal system that will be designed to the standards of the Dutchess County Department of Health and the Dutchess County Water and Wastewater Authority, which will own and operate the system. The project includes the possible formation of water and/or sewer districts. New roads will be offered for dedication to the Town, and a Homeowners Association (HOA) will be created to maintain the rear lanes, civic spaces, sidewalks (with the exception of the sidewalk extension from the project site to Route 9), and street lighting. The HOA will also maintain all of the stormwater practices that are located outside of the Town right-of-way. Catch basins and pipes within the Town right-of-way will be maintained by the Town. The applicant has offered to work with the Town to identify an appropriate location for a trail connecting a portion of the site to the proposed Hucklebush Rail Trail, and will offer a trail easement to Town if an appropriate location can be

identified. The applicant has petitioned the Town Board for a Zoning amendment to increase the size of a TND Cottage from 1,200 square feet to 1,500 square feet. The application requires subdivision and site plan approval from the Planning Board, in addition to the approval for incentive zoning.

Location: 19, 25, and 45 Old Farm Road, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).

2. After reviewing the Full Environmental Assessment Form (EAF) for the action dated September 25, 2014 and revised October 23, 2014, December 2, 2014, January 23 2015, and March 12, 2015, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The proposed action will be constructed in a minimum of three (3) phases and will take approximately five years to complete. During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. Development of the site will result in a disturbed area in excess of one acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is required in order to obtain coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit. The applicant has submitted a SWPPP that outlines the erosion and sediment controls to be implemented during construction. The SWPPP states that "the existing watershed has 2.02 acres of impervious surface. The proposed development will add 10.44 acres for a total of 12.46 acres of impervious surface." The SWPPP includes an erosion and sediment control plan. It states that "silt fences, stabilized stone construction entrances, soil stock piles, concrete washouts, and seeding and mulching, as well as, other controls will be utilized as temporary surface water management features" and "steep slopes and exposed soils should be stabilized with silt fences, mulching blankets, geotextiles, geosynthetic drainage netting, hay or any other stabilization measure that will significantly reduce the risk of erosion." The majority of permanent stormwater features are utilizing infiltration practices. It should be noted that GP-0-10-001 expired on January 28, 2015; the new permit (GP-0-15-002) is currently available on the NYSDEC web site and shall be used. The applicant's SWPPP is generally in conformance with the new permit.

   While the proposed total disturbance area exceeds 10 acres, the disturbance shall be specified to occur in phases. Although the current erosion and sediment control plan does not provide a phasing plan, the plan does specify that all areas of disturbance will be stabilized prior to disturbance of the next area. Temporary seeding specifications have been provided and require any areas that have been exposed for seven (7) days and are not subject to truck traffic be seeded with the temporary seeding. The applicant will submit a detailed construction phasing plan to ensure that they are not proposing to disturb greater than five (5) acres at a time. The plan will show erosion and sediment control and stabilization of each phase proposed to be developed. The Homeowners Association (HOA) agreement will include the long-term operation and

maintenance policy for the stormwater management facilities onsite. The project site is comprised of relatively flat grades and well-draining soils, and these features will minimize the intensity of erosion. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on land.

4. The proposed action will require the construction of new wastewater treatment facilities. The project will be serviced by an onsite community subsurface sewage disposal system (SDS) that will be designed to the standards of the Dutchess County Water and Wastewater Authority (DCWWA) and the Dutchess County Department of Health (DCDOH), which will review the system design, plans and specifications. The DCWWA will own and operate the system, following approval by the DCDOH of the system design, plans and specifications. The DCDOH, as stated in its letter dated April 19, 2013, requires that a minimum flow of 110 gallons per day (gpd) per bedroom be utilized when sizing the sewage disposal system. Although the applicant proposes variations in the number of bedrooms (1, 2 or 3 bedrooms) per unit, a "worst case" flow rate that assumes all units have 3 bedrooms has been provided. The total flow is therefore calculated at 3 bedrooms per unit x 102 units x 110 gpd per bedroom = 33,660 gallons per day. Including the existing 5,000 sq. ft. commercial building at 19 Old Farm Road the proposed sanitary sewer estimate for the proposed development is 34,060 GPD. The DCDOH does not require added flows for the proposed community center. Soil tests conducted by the applicant and witnessed by the DCDOH show the site has a consistent sandy soil with a percolation rate between two (2) and five (5) minutes. The site is ideal for onsite subsurface sewage treatment. The proposed system will provide sewer treatment for the 102 proposed dwelling units and existing commercial building with a 100% expansion area, as required by the DCDOH.

A New York State Department of Environmental Conservation (NYSDEC) regulated wetland (KE-3) is present on the project site. The wetland and its 100' adjacent area comprise approximately 19 acres of the property. The NYSDEC Environmental Resource Mapper identifies KE-3 as a Class II wetland. Federal jurisdictional wetlands are located within the NYSDEC wetland. A field delineation of on-site wetlands was conducted by Ecological Solutions, LLC, in accordance with the methodologies of the Army Corps of Engineers (ACOE) *Wetland Delineation Manual* (1987) and New York State Department of Environmental Conservation (NYSDEC) *Freshwater Wetlands Delineation Manual* (1995). The delineation was validated by the NYSDEC on November 9, 2011. No vernal pools were identified on the property.

The proposed project has been designed to locate all development and associated improvements outside the NYSDEC wetland and its required 100' adjacent area. Property boundaries for the individual residential lots will end at the 100' adjacent area to the NYSDEC wetland, and a split rail fence or other means of delineation acceptable to the Planning Board and the NYSDEC will be installed to delineate the adjacent area. The HOA agreement will stipulate that the spit rail fence or other means of delineation is not to be removed and no disturbance to the NYSDEC wetland and the 100' adjacent area shall be permitted. The 100' wetland adjacent areas shall be protected prior to construction activities on the site. An existing gravel farm road, which will be used as a pedestrian trail, is located within the 100' adjacent area, but this road will not be improved or modified in any way. No filling or dredging or other construction impacts will occur to on-site wetlands or the 100 adjacent area as a result of the project. Since there is no proposed disturbance to the wetlands or their associated buffers, no permitting is sought, and no impacts to protected waters will occur.

The NYSDEC Environmental Mapper shows a Class C tributary of the Rhinebeck Kill (9H-136-6-a) is located on the property. However, the applicant has submitted correspondence from their biologist Ecological Solutions, LLC dated March 13, 2015 stating that the NYSDEC mapper is out of date. Wetlands and watercourses on the property were delineated by Ecological Solutions and no watercourse was observed on the area of the site in question. The delineation was verified by the NYSDEC. If a watercourse previously existing in this area, it was likely eliminated at the time the existing commercial developments were constructed between the project lands and Route 9. Existing Town and private storm drainage systems are located in the area, collecting storm runoff from the Town road and movie theater parking lot. Since the site no longer contains a Class C tributary, no impacts to a stream will occur.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on surface water.

5. The proposed project will connect to the Village of Red Hook water distribution system. The Village of Red Hook has a water supply yield of 330 gallons per minute (gpm) or 475,200 gallons per day with the largest well out of service. The Village has a maximum day water usage of 320,000 gpd. The Village also has a committed flow of 44,000 gpd for future developments in the community. The remaining Village capacity is 111,200 gpd, which exceeds the maximum day flow for the proposed project. The Village of Red Hook has indicated, in correspondence dated February 27, 2015, that it intends to supply water to the project, and believes the capacity of the Village water supply system will be sufficient to service the project. The proposed action will require the construction of new wastewater treatment facilities which, as discussed above, will be designed to the standards of the DCWWA and DCDOH. The DCWWA will own and operate the system. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on groundwater.

6. Correspondence from NYSDEC Natural Heritage Program dated October 17, 2011 indicates that there are no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of the property. A review of the US Fish and Wildlife Service website indicates that Dutchess County contains habitat for two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and dwarf wedgemussel (*Alasmidonta heterondon*), one threatened species, the bog turtle (*Clemmys muhlenbergii*), and one candidate species, the New England cottontail (*Sylvilagus transitionalis*). Blanding's turtle (*Emys blandingii*) also occurs in the Town.

   The applicant prepared a Threatened and Endangered Species Habitat Suitability Assessment Report and a Blanding's Turtle Trapping Survey Report (both prepared by Ecological Solutions, LLC and dated June 1, 2012) for the project site to examine potential impacts of the project on threatened and endangered species. The project area is undeveloped and contains upland meadow only; no trees are located in the area proposed for development, and therefore no impacts to Indiana bats are expected since no tree removal will occur. The forested wetland on the property contains a mucky soil component at the western section of the wetland, but does not possess groundwater derived hydrology associated with bog turtle habitat. The wetland is densely canopied and does not contain the low growing wet meadow/fen habitat characteristics associated with bog turtle habitats. There are no potential habitats for this species on or within 300' of the property. The dwarf wedgemussel requires a watercourse with fish populations as primary habitat and to complete its life cycle; there is no habitat on the property that meets these criteria. The New England cottontail requires dense thickets as habitat; there is no habitat on the property for this species to potentially utilize.

The habitat suitability assessment indicated that the property has the components for potential use by Blanding's turtle. Based on recommendations from Ms. Lisa Masi, the Endangered Species Biologist for NYSDEC Region 3, the applicant's biologist conducted a 10-day live-trapping and observation survey for Blanding's turtle on the property from May 18 to May 29, 2012. A number of snapping turtles (*Chelydra serpentine*) and painted turtles (*Chrysemys picta*) were captured in the traps. However, no Blanding's turtles were trapped or observed on the property during the survey.

The two reports prepared by Ecological Solutions, LLC were reviewed by the Planning Board's consultant ERS Consultants, Inc. Based on comments from ERS Consultants, the applicant's Threatened and Endangered Species Habitat Suitability Assessment Report was revised July 13, 2013. The revised report included a study conducted to determine wildlife utilization within the meadow portion of the site. No threatened or endangered wildlife species were observed within the upland meadow, and ERS Consultants advised the Planning Board that no additional studies were recommended.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on plants and animals.

7. The proposed action will impact soils classified within soil group 1 through 4 of the NYS Land Classification System, and will irreversibly convert more than 10 acres of agricultural land to non-agricultural uses. Approximately 29 acres of prime agricultural soils (Haven [HeA]) are located on the project site in the area proposed to be developed. However, the project site is located in an area that the Town's *Comprehensive Plan* has identified as suitable for development. In July 2011, the Town amended its Zoning Law to create the TND District adjacent to the Village of Red Hook, consistent with the recommendations of the *Comprehensive Plan* that new development should be occur adjacent to the Villages, particularly south of the Village of Red Hook, which is where the site is located. Moreover, the applicant has requested the approval of 33 incentive units pursuant to § 143-49.2 of the Town's Zoning Law, and will be providing a community benefit of approximately $660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business (AB) Zoning District. This will permanently protect a critical mass of agricultural land in the Town's AB District. The proposed action is consistent with the recommendations of the Dutchess County *Agricultural and Farmland Protection Plan*, which notes that "concentrating development in and around community centers reinforces the economic vitality of village centers and supports existing local businesses." The project site is adjacent to a farm operation in a certified NYS Agricultural District. However, the closest proposed building will be located more than 500' from lands in agricultural use, and is separated from these lands by a NYSDEC wetland and its regulated 100' adjacent area. Thus adjacent agricultural lands will be well buffered from the proposed project, consistent with the Town's Subdivision Regulations, which recommend a minimum 200' buffer between residential development and adjacent agricultural operations. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on agriculture.

8. The project site is located within an area that has been identified as sensitive for archaeological resources. A Phase IA Literature Review and Archaeological Sensitivity Assessment, Phase IB Archaeological Field Reconnaissance, and Phase II Archaeological Field Reconnaissance prepared by Hartgen Archaeological Associates (January 2013) was submitted by the applicant to assess potential impacts on historic and archaeological resources. The Phase I and II investigation was conducted to comply with § 14.09 of the State Historic Preservation Act in

accordance with the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by the NYS Office of Park, Recreation and Historic Preservation (OPRHP). The report was prepared according to OPRHP's *State Historic Preservation Office (SHPO) Archaeological Report Format Requirements* (2005).

The project site consists of approximately 52 acres, ± 30 acres of which (the Potential Area of Effect or APE) will be disturbed. Archaeological site files at OPRHP and the New York State Museum identified two reported archaeological sites within a one mile radius of the project area. The historic map data shows a railroad easement (the former Hucklebush Rail Line) dating from the mid to late 19th and early 20th centuries traversing the westernmost perimeter of the project area, which gives the area the potential for yielding railroad related artifacts dating from the 19th and 20th centuries. The absence of map documented structures within or directly adjacent to the project area suggests a low potential for yielding intact historic habitation materials dating from the 19th century or earlier. No inventoried buildings or properties listed on the State or National Registers of Historic Places are located adjacent to the project area; the nearest National Register listed property is St. Margaret's Home, which is located approximately 1,500 feet southeast of the project area.

The combined Phase I and II archaeological excavations conducted at the site included the excavation of 20 reduced interval shovel tests and three (3) 1 x 2 meter units. The excavations yielded a small lithic assemblage consisting of one scraper and 19 debitage fragments. The site is interpreted as a small hunting/processing station that was occupied possibly by one or two individuals for a very short duration. The Phase II excavations revealed the site is confined to the Level I plow zone and to an area of less than 25 square meters. Nine square meters (36%) of the core portion of the site was excavated yielding an average of 1.6 precontact artifacts per square meter. Continued excavation at the site would result in the accumulation of similar material and a very limited artifact assemblage. Therefore, the site is not considered National Register Eligible, and no further investigation is recommended.

NYS OPRHP has reviewed the project in accordance with § 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800—Protection of Historic Properties. In its review letter dated August 14, 2013, OPRHP has determined that there will be "No Historic Properties Affected [as per 36 CFR Section 800.4(d)(1)] as a result of the proposed project."

To commemorate the former Hucklebush Rail Line that ran through the property, the applicant will provide an historic information post and will work with the Town's Conservation Advisory Council and Trails Committee on the desired location and design of the commemorative post. The applicant will also provide a trail easement extending from the proposed road/sidewalk network through the unencumbered open space parcel to extend public trail access on the site.

Based on the foregoing, the Planning Board has concluded that no significant adverse environmental impacts to historic and cultural resources will occur.

9. The proposed project may alter the present pattern of movement of people or goods resulting from the construction of 102 dwelling units. The applicant submitted a Traffic Impact Study prepared by Maser Consulting P.A. dated June 24, 2014, which was reviewed by the Planning Board's traffic and safety consultant FitzPatrick Engineering, LLC. Traffic counts were collected to establish the Existing Traffic Volumes for the study area intersections, which include Old Farm Road and Route 9; Rokeby Road/Hannaford Drive and Route 9; Amherst Road/Firehouse

Lane and Route 9; Route 199 and Route 9; and Old Farm Road and the proposed site access roads. The existing volumes were then projected to a 2017 Design Year to take into account expected increases in traffic due to normal background traffic growth and to account for other miscellaneous development traffic in the area. Estimates of traffic from other specific potential developments were also computed and added to the projected volumes to obtain the No-Build Traffic Volumes (i.e., without the proposed project). Estimates of the traffic generated by the proposed project were then made based on information published by the Institute of Transportation Engineers. These volumes were added to the No-Build Traffic Volumes to obtain the Design Year Build Traffic Volumes (i.e., with the proposed project). Based on the procedures contained in the *2010 Highway Capacity Manual*, the traffic volumes were then compared to roadway capacities to determine existing and future Levels of Service and operating conditions.

Projected vehicle trips resulting from the proposed project during the peak AM and PM hours are estimated to be 17 vehicles entering the site and 61 exiting it during the Peak AM Hour, and 62 entering the site and 34 exiting it during the Peak PM Hour. The Traffic Impact Analysis concludes that the additional traffic generated by the proposed development will not significantly change the levels of service at the area intersections when compared to the No-Build conditions. However, the Town's traffic and safety consultant recommends that the Town and Village of Red Hook work with the NYSDOT to monitor the operations of the intersections of US Route 9 and Old Farm Road, and US Route 9 and Amherst/Firehouse Lane once the project is built. Mr. Fitzpatrick notes that the proposed project's additional traffic generation will probably not initially push the intersections into the condition where a traffic control signal would be justified, although the Route 9 and Amherst/Firehouse Lane intersection in the Village of Red Hook would be close from a peak hour perspective. However, any additional turning movements such as the northbound left-turns at Old Farm Road will increase delay, the degree of which cannot be perfectly quantified. It is important that these two intersection be monitored to determine when and if a higher degree of intersection control will be appropriate to ensure that they operate safely and efficiently. Although both of these intersections are the ultimate responsibility of the NYSDOT relative to control, their operation closely affects the Town and Village, which might want to explore mechanisms where funds can be contributed by developers for future infrastructure needs.

The access connections to Old Farm Road will be via three access roadways, which will be connected internally. Sight distances for all access roadways exceed the 35 mph sight distance, with one exception where existing trees block sight lines. To ensure adequate sight distances for exiting and entering vehicles, the existing trees will be removed as part of the development. Pursuant to existing Town and state regulations, any on-street parking along the site frontage of Old Farm Road will be restricted in the immediate vicinity of the site access roads to ensure that adequate sight distance is provided.

The applicant will provide a sidewalk on the west side of Old Farm Road for the entire site frontage, and has offered to install a sidewalk along Old Farm Road connecting the project site to Route 9 provided that there is adequate space within the right-of-way or the Town can negotiate an easement with the landowners. This will help to reduce traffic impacts by encouraging pedestrian activity.

The applicant will install a new double yellow centerline pavement marking on Old Farm Road in coordination with the Town.

Construction impacts on US Route 9 are expected to be minimal. Traffic from construction workers and from deliveries of materials to and from the site will be spaced out over time and is not expected to result in any significant impact on the local roadway system. A schedule of construction and any maintenance and protection of traffic plans will be provided as necessary prior to construction.

The Planning Board's traffic and safety consultant has reviewed the Traffic Impact Study and has advised the Board that the study is acceptable along with its recommendations and conclusions.

Based on the foregoing, the Planning Board concludes that no significant adverse environmental impacts on the transportation network will occur.

10. The proposed project is anticipated to result in an increase in energy use resulting from the construction of 102 dwelling units, a community center and a mail kiosk, with a total of more than 100,000 square feet of floor area requiring heating, cooling, and lighting when completed. The proposed action will require the extension of an energy supply system to serve the project. The proposed action is a residential development that will be constructed in an already suburbanized area within walking distance of an adjacent commercial center. All of the dwellings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) to minimize energy consumption, as required by Chapter 74 of the Town Code. The proposed action is consistent with the Town's Climate Smart Communities Pledge to ensure that new construction: is Energy Star compliant; is located where residents can readily bike or walk for local errands as often as possible to minimize energy use and transportation exhaust; includes LED bulbs in street lighting; and includes street trees to shade buildings to keep them cool in summer and reduce energy costs and capture carbon dioxide. These measures will minimize energy use. Construction of the proposed project will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment; the level of energy consumption during construction is anticipated to be typical of similar developments in Dutchess County. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.

11. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities shall be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. All outdoor lighting will be fully shielded with full cut-off fixtures to prevent light trespass, glare and sky-glow, and to reduce the cost and waste of unnecessary energy consumption. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on noise and light.

12. The applicant has petitioned the Town Board for a Zoning amendment to increase the permitted size of a TND Cottage from a maximum of 1,200 square feet to a maximum of 1,500 square feet. The proposed amendment is consistent with the recommendations of the *Comprehensive Plan* to provide a range of housing types that are affordable to Town residents. The increase in the size of a TND Cottage to 1,500 square feet is also consistent with the recommendations for affordable housing in *Housing Designed to Build Neighborhoods: Affordable House Plans Inspired by Dutchess County Traditions*, published by the Dutchess County Department of Planning. This

booklet illustrates economically priced home designs that reflect the significant and varied architectural history of Dutchess County. It includes recommendations for affordable one- and two-story single family dwellings ranging in size from 1,120 square feet to 1,460 square feet. These affordable homes are based on local historic precedents that fit with the distinctive architecture of the Hudson Valley. The proposed amendment, which may result in an additional bedroom per TND Cottage unit, will not increase the overall residential density of the TND District and is therefore consistent with the GEIS adopted for Local Law No. 3 of 2011.

One of the proposed housing units, "Single Family Unit Type G," requires an area variance for a garage that is set back only 12' from the front facade of the dwelling rather than 20' as required. The plans will clearly indicate that the applicant or his successor who seeks to build this unit type shall be required to obtain an area variance from the Town of Red Hook Zoning Board of Appeals.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.

13. The project has been designed to be of similar architectural character as existing residential neighborhoods in the historic Village of Red Hook, with similar building materials, window and door configurations, roof style, and architectural details and trim. The architectural design and layout of the proposed buildings will be further reviewed by the Planning Board during site plan review to ensure that the project is fully consistent with the purposes of the TND District to ensure that development adjacent to the Village of Red Hook is compatible with historic village building patterns and to ensure that buildings and landscaping contribute to the physical definition of streets as public spaces. The Planning Board may restrict certain units to be built on certain lots in order to meet the intent of the Zoning Law with respect building patterns and defining streets as public spaces. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community character.

14. The applicant submitted a demographic analysis, dated June 5, 2014, of the estimated number of school age children attending public schools that the proposed project will generate, based on multipliers provided by Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers* (June 2006). The analysis estimates that the proposed project will result in an increase of approximately 75 school age children, of which approximately 65 will attend public school. The applicant has also submitted a "worst case" scenario analysis, assuming that all dwelling unit types have three (3) to four (4) bedrooms; this analysis estimates that the proposed project would result in approximately 105 school age children, of which approximately 89 would attend public school. Both analyses were reviewed by the Superintendent of the Red Hook Central School District who, in correspondence dated August 20, 2014, stated that "after comparing enrollment projections from our internal demographic study with the projected enrollment anticipated in both of the analyses, it is the District's opinion that the Hoffman TND project will not have a significant impact on the Red Hook School District." Based on the foregoing, the Planning Board concludes that the propose project will not result in a significant adverse environmental impact on community services.

15. The proposed project includes an application for Incentive Zoning pursuant to § 143-49.2 of the Town's Zoning Law. Based on calculations provided by the applicant and reviewed by the Planning Board, the applicant is permitted a by-right density of 69 dwelling units, and has requested that 33 incentive units be approved. The community benefit that will be provided by

the applicant, consistent with § 143-49.2F(2)(a), is estimated to be $660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business Zoning District. The applicant has submitted a narrative that discusses the consistency of the proposed incentive zoning application with the Generic Environmental Impact Statement (GEIS) adopted for the Town of Red Hook Local Law No. 3 of the year 2011. The proposed project will not exceed the number of dwelling units permitted in the TND District, which is established as 300 dwelling units. As discussed in detail herein, the proposed application for 102 dwelling units, of which 33 will be incentive units, will not result in a significant adverse environmental impact. Based on the foregoing, the Planning Board concludes that the application for incentive zoning is consistent with the GEIS adopted for Local Law No. 3 of the year 2011.

16. The Town Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person:	Kathleen Flood, Planning Board Clerk
Address:	7340 South Broadway Red Hook, NY 12571
Telephone:	845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Sue T. Crane, Town Supervisor

Red Hook Town Board

Village of Red Hook Board of Trustees

Dutchess County Health Department

Dutchess County Water and Wastewater Authority

New York State Department of Environmental Conservation

New York State Attorney General's Office

New York State Office of Parks, Recreation, and Historic Preservation

Kirchhoff Properties, LLC (applicant)

NYS DEC Environmental Notice Bulletin: enb@gw.dec.state.ny.us

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019037 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019037 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 11 IN THE TOWN OF RED HOOK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019038

RE: APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 11

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

WHEREAS, this Legislature has before it a resolution for the establishment of a Part County Sewer District No. 11, and

WHEREAS, in addition, this Legislature, in connection with the establishment of Part County Sewer District No. 11, must approve a Service Agreement between Dutchess County (County) and the Dutchess County Water and Wastewater Authority (WWA), by the terms of which WWA will collect and process the sewerage in the area of the Part County Sewer District No. 11 and the County will levy benefit assessments to pay for the capital costs of the sewerage system and provide for the enforcement of delinquent sewer bills within the boundaries of the Part County Sewer District No. 11 and

WHEREAS, this Legislature, by separate Resolution, has confirmed the findings of the Town of Red Hook, and which the WWA supported, certified on September 25, 2014, that the establishment of Part County Sewer District No. 11 will not have a significant effect on the environment, and

WHEREAS, the approval of the Service Agreement between the County and WWA for Part County Sewer District No. 11 is in the best interests of the citizens of Dutchess County, now, therefore, be it

RESOLVED, that the Service Agreement between Dutchess County and the Dutchess County Water and Wastewater Authority is hereby approved and the County Executive or his designee is authorized to execute said agreement on behalf of the County in substantially the same form as on file in the Office of the Clerk of the Legislature.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-015-19
CRC/kvh/G-1217-Q
1/04/19
Fiscal impact: See Statement attached

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

DuLpdf

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019038 APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 11

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019038 APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 11

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019039

RE: ESTABLISHING PART COUNTY SEWER DISTRICT NO. 12
IN THE TOWN OF RED HOOK

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

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1142, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and

WHEREAS, the WWA is entering into an Agreement, with the Preserves at Lakes Kill Sewer System regarding the WWA's acquisition of that system which is located in the Town of Red Hook, and

WHEREAS, the WWA's ability to close on this acquisition and provide sewer service to the customers of the Preserves at Lakes Kill Sewer System contingent on the creation of a Part County Sewer District encompassing all properties in the said sewer system which will include a total of eleven (11) residential customers in the Town of Red Hook, and

WHEREAS, the WWA has presented to this Legislature a notice of project pursuant to Section 1124 of the Public Authorities Law which outlines the WWA's plan to establish A Part County Sewer District #12 for the Preserves at Lakes Kill Sewer System, located in the Town of Red Hook, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report, Part County Sewer District No. 12" which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124, and

WHEREAS, WWA proposes to enter into a service agreement with Dutchess County (County), on behalf of the proposed Part County Sewer District No. 12 (District) whereby the District will provide sewer service to customers within the District at rates established by WWA, and

WHEREAS, said Map, Plan and Report identities the parcels to be included in the sewer district, describes the infrastructure to be constructed in order to provide sewer service, and provides the estimated annual cost for sewer service for the typical property in the proposed sewer district, and

WHEREAS, the first-year cost to the typical one family home is estimated to be One Thousand Three-Hundred Forty-Five and 00/100 ($1,345.00) Dollars, and

WHEREAS, this Legislature must create Part County Sewer District No. 12 covering the area of Preserves at Lakes Kill Sewer System described in "Attachment A," and

WHEREAS, this Legislature will conduct a public hearing on this proposal on January 22, 2019, at 7pm and hear all persons interested, and

WHEREAS, the establishment of said Part County Sewer District No. 12 will ensure an efficient sewer system for all properties within the service area, now, therefore, be it

RESOLVED, that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Part County Sewer District No. 12 are benefited thereby and all the property and property owners benefited are included within the proposed Part County Sewer District No. 12 and it is in the public interest to create the Part County Sewer District No. 12, and be it further

RESOLVED, that a Part County Sewer District, to be known as Part County Sewer District No. 12 in the Town of Red Hook, more particularly described in "Attachment A" attached hereto, is hereby established, and be it further

RESOLVED, that this resolution is subject to permissive referendum.

CA-020-19
CRC/BB/kvh/G-1217-R
1/04/2019
Fiscal Impact: See attached statement

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

DUTCHESS COUNTY

Part County Sewer District #12

(Preserves at Lakes Kill Community Wastewater System)
Red Hook, NY

MAP, PLAN AND REPORT

December 2018

Dutchess County Water and Wastewater Authority
Poughkeepsie, NY

DUTCHESS COUNTY
WATER AND
WASTEWATER AUTHORITY

DUTCHESS COUNTY PART COUNTY SEWER DISTRICT #12
(Preserve at Lakes Kill Community Wastewater System)

MAP, PLAN AND REPORT

INTRODUCTION

This Map, Plan and Report contains the information required for the formation of the proposed Dutchess County Part County Sewer District #12, which includes an area of approximately 9 acres located north of Feller - Newmark Road in the east central portion of the Town of Red Hook, NY. Dutchess County Part County Sewer District #12 will service the new subdivision that will consist of 11 single family residential lots and one parcel for the community wastewater treatment system.

Upon successful formation of Part County Sewer District #12 (the "District") by the Dutchess County Legislature and completion of construction of the District infrastructure, ownership and operation of the Preserves at Lakes Kill Community Wastewater System will transfer to the Dutchess County Water and Wastewater Authority ("DCWWA", "Authority") in accordance with the terms and conditions set forth in an agreement between the Authority and Preserve at Lakes Kill, LLC (Developer). Information provided herein includes the proposed District boundaries and a list of the tax parcels that will comprise the future District, as well as a description of the proposed infrastructure by which sewage will be conveyed, treated and discharged.

In addition, budgetary estimates for the first year operation and maintenance costs, capital costs, and a cost allocation formula, have been included with this report.

The Dutchess County Water and Wastewater Authority will enter into a contract (the "Service Agreement") with Dutchess County on behalf of the Part County Sewer District #12 for the purpose of administering the retail sale of sewage services to all properties within the proposed District, with such service to be provided through the sewer system facilities as described below. The Authority will administer the District pursuant to guidelines established by the Service Agreement and collect sewer revenues. Sewer service rates will be set annually by the Authority.

HISTORY

On December 7, 2015 the Town of Red Hook Planning Board adopted the "Resolution Granting Final Subdivision Approval to Preserve at Lakes Kill Subdivision. The subdivision will create a single family residential development with eleven (11) single family residential lots one (1) community wastewater treatment facility lot and one (1) undevelopable HOA lot. The Dutchess County Department of Health approval for construction of the wastewater infrastructure was granted on July 25, 2018.

The Sewer Memorandum of Understanding between Preserve at Lakes Kill and the DCWWA was executed on November 26, 2018.

PART COUNTY SEWER DISTRICT #12

The proposed Part County Sewer District delineated on the attached map and property survey (Appendix "A"), includes a total of 12 tax parcels. The proposed District is comprised of eleven (11) single family residential parcels and one (1) community wastewater treatment parcel.

PHYSICAL FACILITIES

General

Each individual residential property will have a septic tank with effluent screen and pump discharging through a pressurized service lateral to the pressurized collection system (a STEP system). The individual property owner will own the septic tank, effluent screen, pump and controls, service lateral and standby power source. A 1,000 gallon minimum precast concrete septic tank will be installed at each property upon

which a 3 bedroom home is constructed. A 1,250 gallon minimum precast concrete septic tank will be installed at each property upon which a 4 bedroom home is constructed. Wastewater will be filtered in the second compartment of each septic tank and then pumped into the service lateral. Service laterals will connect to the pressurized collection mains which are connected to the Community Wastewater Treatment System.

The sewage collection system will terminate at the Wastewater Treatment System parcel where the wastewater will be treated by packaged bio-filtration units with subsurface disposal.

Collection System

The collection system will consist of a network of collection mains terminating at the concrete equalization tank at the community wastewater treatment facility.

The west branch main will service lots 1 through 3 utilizing 2 inch diameter HDPE piping with cleanouts at the head of the collection main. This branch lies entirely on the community wastewater treatment parcel. This line connects to the line connecting to the EQ tank.

The east branch main runs on the community wastewater treatment parcel until it emerges onto the main access road where it splits into north and south branches. All these mains utilize 2 inch diameter HDPE piping with cleanouts at the head of the collection main. The north branch will service lots 4 through 9. The south branch will service lots 10 and 11. The portion of the mains not located on the community wastewater treatment parcel will be located in a general roadway access and utility easement to be granted by the Developer to DCWWA prior to system transfer.

Isolation valves will be installed at all junctions of mains to allow for isolation of sections of the mains for cleaning or repair.

Additional cleanouts will be located at valve locations to allow two-way cleaning of any main section.

All service connections will be made with wye fittings to the mains. All services will have isolation valves at the main.

Treatment System

The Treatment System will be designed for a peak flow of 4,680 gallons per day (gpd) versus an estimated average daily flow of 1,650 gpd from the 11 single family residences.

The treatment system will consist of a 4,000 gallon precast concrete equalization-recirculation tank with duplex pumps, 2 packaged bio-filtration units, dosing chamber, valve pit and subsurface disposal field. The subsurface disposal field will be constructed in three equal sized sections, each capable of treating 50% of the peak daily design flow. Only two sections will be used at a time. Sections will be alternated in a planned sequence, usually quarterly or semiannually, to allow one section to rest for the sequence period.

Septic tank effluent will be delivered to the treatment parcel at pressure to a precast concrete equalization-recirculation tank. A duplex set of pumps will deliver the septic tank effluent to 2 packaged bio-filtration units. A control valve allows a portion of the effluent from the bio-filtration units to return by gravity to the equalization-recirculation tank while the remainder flows by gravity to the dosing tank. When the dosing chamber is filled, the treated water will discharge to two of the three subsurface disposal fields as controlled by manual valves located in the valve pit.

An onsite standby power generation system will be installed to provide power to the treatment system components should utility power be lost.

FUTURE DEMAND

There are no anticipated plans to expand the Preserves at Lakes Kill Community Wastewater System once the construction of the system to service the 11 lots is completed.

OPERATION AND MAINTENANCE (O&M) COSTS

The O&M budget projection is the total cost to the DCWWA to operate the Preserves at Lakes Kill Community Wastewater System including labor, electricity, insurance, typical repairs, typical routine maintenance and other ongoing costs. DCWWA has developed an O&M budget projection to illustrate estimated First Year costs of the Preserves at Lakes Kill Community Wastewater System under Authority ownership, based on the Authority's prior operating expenses and history for comparable size sewer systems, and possible anticipated repairs to the system. A copy of the O&M budget projection, using 2018 as a base year for demonstration purposes of those First Year costs, has been included as Appendix "B". The first year operational cost (2018 dollars) is estimated at $14,792.

The proposed rate structure based on the O & M budget projection includes a proposed flat rate fixed amount, assuming 11 customers, of $1,345.

Should the system ownership be transferred mid-year, the budget would be pro-rated for the portion of the year DCWWA would own the system. All future O&M system budgets, rates, fees and other charges are reviewed annually and subject to change by the DCWWA Board of Directors.

CAPITAL COSTS AND ALLOCATIONS

All initial capital infrastructure costs to construct the Preserves at Lakes Kill Community Wastewater System will be borne directly by the Developer, and so are not included herein. There will be no capital costs assessed to district property owners for the first year of ownership.

Should the Authority, in the future, issue bonds for capital improvements, annual debt expenses will be allocated equitably among all parcels within the District through the assignment of benefit units to each parcel. The methodology for the assignment of benefit units is attached (see Appendix C.) All benefit units would be charged at the same rate. The annual benefit assessment would appear on the respective property owner's yearly property tax bill.

CONNECTION CHARGES

An "Application for Sewer Service" and related permit fee will be required for each individual property to be connected to the collection system and receive sanitary sewer service from DCWWA. Based on the DCWWA's 2015 schedule of fees, the sewer service connection fee for properties in the District would be $350 per connection, and is a one-time charge.

Annual Cost per a Typical Property – First Year: $1,345

The total annual cost for a typical property in a sewer district is generally a combination of the long-term capital charges (debt service) and sewer usage (O&M) charges. In the proposed District a typical property will be a single family dwelling unit. Given the assumptions and estimates described above, the projected "First Year" total cost for a typical single family dwelling in Part County Sewer District #12 will be $1,345.

#####

APPENDICES

Appendix A – Description of Part County Sewer District #12 (Map & Survey)

Appendix B – Proposed Operation & Maintenance Budget

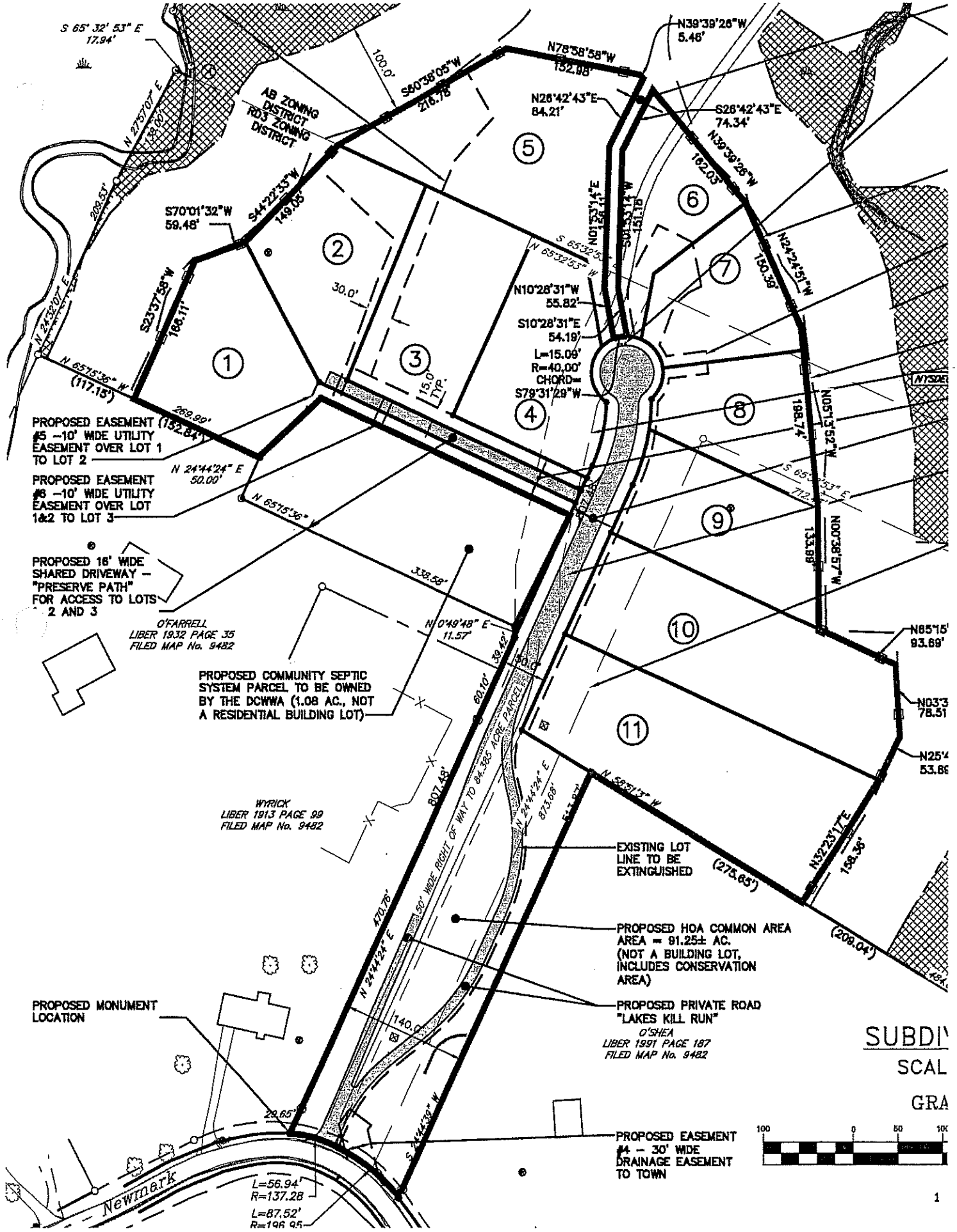
Appendix C - Proposed Benefit Assessment Methodology

APPENDIX "A"

Part County Sewer District #12

Survey Description and Map

The Dutchess County Part County Sewer District #12 shall include the area as delineated in the attached survey description, and illustrated further by the attached map.


S 65° 32' 53" E
17.94'
N 27°57'07" E
138.00'
269.51'
N 24°32'07" E
AB ZONING DISTRICT
RD3 ZONING DISTRICT
100.0'
S60°38'05"W
216.78'
N78°58'58"W
152.88'
N39°39'26"W
5.46'
N26°42'43"E
84.21'
S26°42'43"E
74.34'
N39°39'26"W
182.03'
S70°01'32"W
59.48'
S44°22'33"W
149.03'
S23°37'58"W
186.11'
N 65°15'36" W
(117.15')
269.99'
(152.84')
30.0'
15.0 TYP.
N01°53'14"E
126.43'
S01°53'14"W
151.78'
S 65°32'53" W
N 65°32'53" W
N10°28'31"W
55.82'
S10°28'31"E
54.19'
L=15.09'
R=40.00'
CHORD=
S79°31'29"W
N24°24'51"W
150.39'
N05°13'52"W
198.74'
S 65°32'53" E
712.
N00°36'57"W
133.89'
N65°15'
93.69'
N03°3
78.51
N25°4
53.69
PROPOSED EASEMENT #5 –10' WIDE UTILITY EASEMENT OVER LOT 1 TO LOT 2
N 24°44'24" E
50.00'
PROPOSED EASEMENT #6 –10' WIDE UTILITY EASEMENT OVER LOT 1&2 TO LOT 3
N 65°15'36"
PROPOSED 16' WIDE SHARED DRIVEWAY – "PRESERVE PATH" FOR ACCESS TO LOTS 2 AND 3
338.58'
O'FARRELL
LIBER 1932 PAGE 35
FILED MAP No. 9482
N 0°49'48" E
11.57'
39.42'
50.0'
60.10'
PROPOSED COMMUNITY SEPTIC SYSTEM PARCEL TO BE OWNED BY THE DCWWA (1.08 AC., NOT A RESIDENTIAL BUILDING LOT)
807.48'
WYRICK
LIBER 1913 PAGE 99
FILED MAP No. 9482
N 24°44'24" E
873.68'
50' WIDE RIGHT OF WAY TO 84.385 ACRE PARCEL
N 58°51'3" W
EXISTING LOT LINE TO BE EXTINGUISHED
(275.65')
N32°23'17"E
138.36'
(209.04')
470.76'
N 24°44'24" E
140.0'
PROPOSED HOA COMMON AREA AREA = 91.25± AC. (NOT A BUILDING LOT, INCLUDES CONSERVATION AREA)
PROPOSED PRIVATE ROAD "LAKES KILL RUN"
O'SHEA
LIBER 1991 PAGE 187
FILED MAP No. 9482
PROPOSED MONUMENT LOCATION
29.65'
S 24°44'32" W
PROPOSED EASEMENT #4 – 30' WIDE DRAINAGE EASEMENT TO TOWN
Newmark
L=56.94'
R=137.28
L=87.52'
R=196.95
SUBDI
SCAL
GRA
100
0
50
100

Preserve at Lakes Kill Sewer District

All that certain plot, piece or parcel of land situate, lying and being in the Town of Red Hook, County of Dutchess, and State of New York, bounded and described as follows:

Beginning at a point on the northerly bounds of Feller-Newmark Road, said point being the southeast of the lands, now or formerly, Wyrick (Tax ID: 6372-00-688938);

Thence along the same and along the lands, now or formerly, of O'Farrell (Tax ID:6372-00-662950) in part the following four (4) courses:

1. N 24° 44' 24" E for a distance of 599.92 feet to a point;
2. N 00° 49' 48" E for a distance of 11.57 feet to a point;
3. N 65° 15' 36" W for a distance of 338.58 feet to a point and
4. N 24° 44' 24" E for a distance of 50.00 feet to a point;

To a point, said point being located on the southerly bounds of the lands, now or formerly, of The Preserve at Lakes Kill LLC (Tax ID: 6372-00-718975) Thence through the same and through other lands, now or formerly, of The Preserve at Lakes Kill, LLC (Tax ID: 6373-00-790095) the following twenty-two (22) Courses:

1. N 65° 15' 36" W for a distance of 152.84 feet to a point;
2. N 23° 37' 58" E for a distance of 166.11 feet to a point;
3. N 70° 01' 32" E for a distance of 59.48 feet to a point;
4. N 44° 22' 33" E for a distance of 149.05 feet to a point;
5. N 60° 38' 05" E for a distance of 216.78 feet to a point;
6. S 78° 58' 58" E for a distance of 152.98 feet to a point;
7. S 39° 39' 26" E for a distance of 5.46 feet to a point;
8. S 26° 42' 43" W for a distance of 84.21 feet to a point;
9. S 01° 53' 14" W for a distance of 156.11 feet to a point;
10. S 10° 28' 31" E for a distance of 55.82 feet to feet to the beginning of a non-tangential curve,
11. Said curve turning to the right having a radius of 40.00 feet, an arc length of 15.09 feet, a chord bearing N 79° 31' 29" E for a distance of 15.00 feet to a point;
12. N 10° 28' 31" W for a distance of 54.19 feet to a point;
13. N 01° 53' 14" E for a distance of 151.18 feet to a point;
14. N 26° 42' 43" E for a distance of 74.34 feet to a point;
15. S 39° 39' 26" E for a distance of 162.03 feet to a point;
16. S 24° 24' 51" E for a distance of 150.39 feet to a point;
17. S 05° 13' 52" E for a distance of 198.74 feet to a point;
18. S 00° 38' 57" E for a distance of 133.99 feet to a point;
19. S 65° 15' 36" E for a distance of 93.69 feet to a point;
20. S 03° 34' 52" E for a distance of 78.51 feet to a point;
21. S 25° 47' 29" W for a distance of 53.89 feet to a point and
22. S 32° 23' 17" W for a distance of 158.36 feet to a point;

To a point, said point being located on the northerly bounds of the lands, now or formerly, of O'Shea (Tax ID: 6372-00-724915) Thence along the same N 58° 51' 03" W for a distance of 275.65 feet and S 24° 44' 39" W for a distance of 513.54 feet to the beginning of a non-tangential curve,

Said curve turning to the left having a radius of 196.95 feet and arc length of 87.52 and whose long chord bears N 50° 52' 33" W for a chord distance of 86.80 feet to the beginning of a non-tangential curve.

Said curve turning to the left having a radius of 137.28 feet, an arc length of 56.94 feet and whose long chord bears N 73° 56' 07" W for a distance of 56.54 feet to the point or place of Beginning.

APPENDIX "B"

Proposed
Operation & Maintenance Costs

Illustrative of projected first year O & M expenses, revenues and rates
for customers of
Preserves at Lakes Kill Community Wastewater System
(Part County Sewer District #12)

LINE ITEMS	Budget
Accounting	100
Billing	171
Bookkeeping	2,041
Buildings & Grounds	1,250
Chemicals	0
Computer Equipment/Technical Support	50
Electric	777
Engineering	200
Equipment Repair & Maintenance	1,000
Insurance	500
Lab Costs	0
Legal	200
Meter/Collection	0
Remote Monitoring	105
Operation	3,276
Operation Support	1,100
Permit Fees	375
Postage	48
Sanitation	0
Customer Tank Cleaning	0
STP Sludge Hauling	115
Supplies (Buildings)	25
Supplies (Office)	25
FIOS/DSL/Phone Line + Burns Messaging	1,392
Testing Chemicals/Flow Meter Calibration	420
Water	0
SUB TOTAL	**13,169**
Operation Contingency	157
Administration	1,466
Debt Service	0
Capital Contingency	0
OPERATION TOTALS	**14,792**

APPENDIX "C"

Preserves at Lakes Kill Community Wastewater System
(Part County Sewer District #12)

Proposed Benefit Assessment Methodology

DEVELOPED LAND (Use the higher of either LAND USE/WATER USE or ACREAGE)

LAND USE/WATER USE

RESIDENTIAL	
FIRST DWELLING UNIT	**10**
EACH ADDITIONAL DWELLING UNIT	**8**
COMMERCIAL/INSTITUTIONAL:	
FIRST 500 GPD WATER USAGE	**20**
EACH ADDITIONAL 100 GPD	**4**

ACREAGE

FIRST 2 ACRES	**10**
EACH ADDITIONAL WHOLE ACRE	**2**

UNDEVELOPED LAND

FIRST 2 ACRES	**8**
EACH ADDITIONAL WHOLE ACRE	**2**

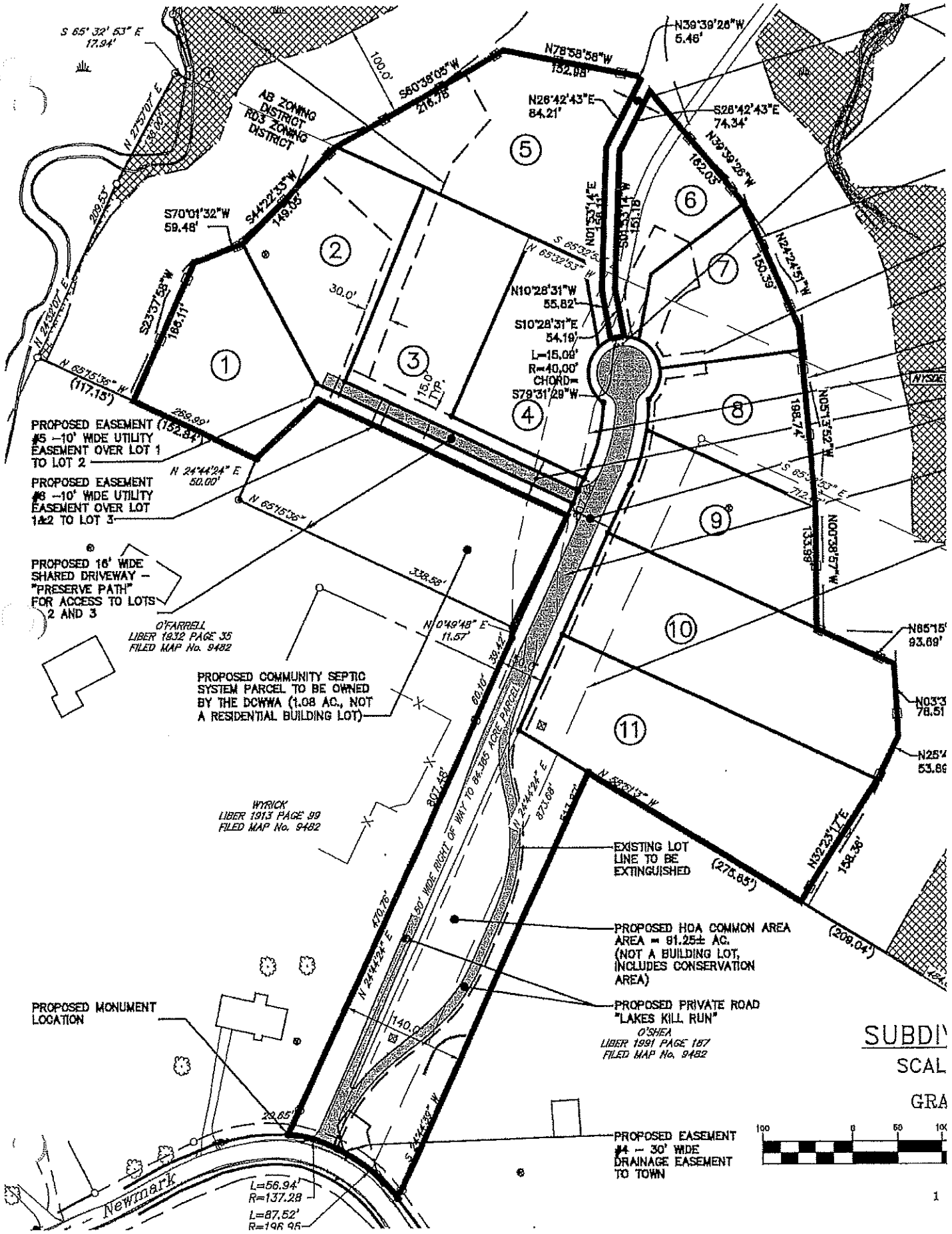
STATE PARK LANDS

FIRST 500 GPD WATER USAGE	**20**
EACH ADDITIONAL 100 GPD	**4**

EXHIBIT A

PRESERVES AT LAKES KILL

PART COUNTY SEWER DISTRICT 12


S 65° 32' 53" E
17.94'
N 27°57'07" E
35.00'
209.53'
N 24°57'07" E
AB ZONING DISTRICT
RD3 ZONING DISTRICT
100.0'
S60°38'05"W
216.78'
N78°58'58"W
152.98'
N39°39'28"W
5.46'
N26°42'43"E
84.21'
S28°42'43"E
74.34'
N39°39'28"W
182.03'
S44°22'33"W
149.05'
S70°01'32"W
59.48'
S23°37'58"W
166.11'
30.0'
S 65°32'53" W
N 65°32'53" W
N10°28'31"W
55.82'
S10°28'31"E
54.19'
L=15.09'
R=40.00'
CHORD=
S79°31'29"W
15.0' TYP.
N24°24'51"W
150.39'
N05°13'52"W
198.74'
N00°38'07"W
133.59'
N 65°15'35" W
(117.13')
269.99'
(152.84')
PROPOSED EASEMENT #5 –10' WIDE UTILITY EASEMENT OVER LOT 1 TO LOT 2
N 24°44'24" E
50.00'
PROPOSED EASEMENT #6 –10' WIDE UTILITY EASEMENT OVER LOT 1&2 TO LOT 3
N 65°15'35"
PROPOSED 16' WIDE SHARED DRIVEWAY – "PRESERVE PATH" FOR ACCESS TO LOTS 2 AND 3
338.58'
O'FARRELL
LIBER 1832 PAGE 35
FILED MAP No. 9482
N 0°49'48" E
11.57'
PROPOSED COMMUNITY SEPTIC SYSTEM PARCEL TO BE OWNED BY THE DCWWA (1.08 AC., NOT A RESIDENTIAL BUILDING LOT)
60.10'
39.42'
N85°15'
93.69'
N03°3
78.51
N25°4
53.69
WYRICK
LIBER 1913 PAGE 99
FILED MAP No. 9482
307.48'
N 24°44'24" E
873.68'
EXISTING LOT LINE TO BE EXTINGUISHED
(278.65')
N32°23'17"E
158.36'
(209.04')
470.76'
N 24°44'24" E
PROPOSED HOA COMMON AREA
AREA = 91.25± AC.
(NOT A BUILDING LOT, INCLUDES CONSERVATION AREA)
PROPOSED PRIVATE ROAD "LAKES KILL RUN"
O'SHEA
LIBER 1991 PAGE 187
FILED MAP No. 9482
PROPOSED MONUMENT LOCATION
140.0'
29.65'
S 24°44'39" W
PROPOSED EASEMENT #4 – 30' WIDE DRAINAGE EASEMENT TO TOWN
Newmark
L=56.94'
R=137.28
L=87.52'
R=196.96
SUBDI
SCAL
GRA
100
0
50
10

Preserve at Lakes Kill Sewer District

All that certain plot, piece or parcel of land situate, lying and being in the Town of Red Hook, County of Dutchess, and State of New York, bounded and described as follows:

Beginning at a point on the northerly bounds of Feller-Newmark Road, said point being the southeast of the lands, now or formerly, Wyrick (Tax ID: 6372-00-688938);

Thence along the same and along the lands, now or formerly, of O'Farrell (Tax ID:6372-00-662950) in part the following four (4) courses:

1. N 24° 44' 24" E for a distance of 599.92 feet to a point;
2. N 00° 49' 48" E for a distance of 11.57 feet to a point;
3. N 65° 15' 36" W for a distance of 338.58 feet to a point and
4. N 24° 44' 24" E for a distance of 50.00 feet to a point;

To a point, said point being located on the southerly bounds of the lands, now or formerly, of The Preserve at Lakes Kill LLC (Tax ID: 6372-00-718975) Thence through the same and through other lands, now or formerly, of The Preserve at Lakes Kill, LLC (Tax ID: 6373-00-790095) the following twenty-two (22) Courses:

1. N 65° 15' 36" W for a distance of 152.84 feet to a point;
2. N 23° 37' 58" E for a distance of 166.11 feet to a point;
3. N 70° 01' 32" E for a distance of 59.48 feet to a point;
4. N 44° 22' 33" E for a distance of 149.05 feet to a point;
5. N 60° 38' 05" E for a distance of 216.78 feet to a point;
6. S 78° 58' 58" E for a distance of 152.98 feet to a point;
7. S 39° 39' 26" E for a distance of 5.46 feet to a point;
8. S 26° 42' 43" W for a distance of 84.21 feet to a point;
9. S 01° 53' 14" W for a distance of 156.11 feet to a point;
10. S 10° 28' 31" E for a distance of 55.82 feet to feet to the beginning of a non-tangential curve,
11. Said curve turning to the right having a radius of 40.00 feet, an arc length of 15.09 feet, a chord bearing N 79° 31' 29" E for a distance of 15.00 feet to a point;
12. N 10° 28' 31" W for a distance of 54.19 feet to a point;
13. N 01° 53' 14" E for a distance of 151.18 feet to a point;
14. N 26° 42' 43" E for a distance of 74.34 feet to a point;
15. S 39° 39' 26" E for a distance of 162.03 feet to a point;
16. S 24° 24' 51" E for a distance of 150.39 feet to a point;
17. S 05° 13' 52" E for a distance of 198.74 feet to a point;
18. S 00° 38' 57" E for a distance of 133.99 feet to a point;
19. S 65° 15' 36" E for a distance of 93.69 feet to a point;
20. S 03° 34' 52" E for a distance of 78.51 feet to a point;
21. S 25° 47' 29" W for a distance of 53.89 feet to a point and
22. S 32° 23' 17" W for a distance of 158.36 feet to a point;

To a point, said point being located on the northerly bounds of the lands, now or formerly, of O'Shea (Tax ID: 6372-00-724915) Thence along the same N 58° 51' 03" W for a distance of 275.65 feet and S 24° 44' 39" W for a distance of 513.54 feet to the beginning of a non-tangential curve,

Said curve turning to the left having a radius of 196.95 feet and arc length of 87.52 and whose long chord bears N 50° 52' 33" W for a chord distance of 86.80 feet to the beginning of a non-tangential curve.

Said curve turning to the left having a radius of 137.28 feet, an arc length of 56.94 feet and whose long chord bears N 73° 56' 07" W for a distance of 56.54 feet to the point or place of Beginning.

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ___

Vacant: 0 **Abstentions:** 0

2019039 ESTABLISHING PART COUNTY SEWER DISTRICT NO. 12 IN THE TOWN OF RED HOOK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 (Yes) 0 (No)

Absent: 2 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019039 ESTABLISHING PART COUNTY SEWER DISTRICT NO. 12 IN THE TOWN OF RED HOOK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019040

RE: ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 12 IN THE TOWN OF RED HOOK

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

WHEREAS, this Legislature has before it a resolution together with a map, plan and report, all prepared by or on behalf of the Dutchess County Water and Wastewater Authority ("WWA") in support of the creation of Part County Sewer District No. 12, in the Town of Red Hook by the County of Dutchess ("County") to facilitate the payment of the costs of improvements to the facilities and the more efficient payment of those costs through the levy of benefit assessments, and

WHEREAS, as part of its review of the proposed actions the WWA prepared a Short Environmental Assessment Form and Negative Declaration dated December 30, 2015, and a Negative Declaration/Determination of Significance adopted on January 20, 2016, on file with the Clerk of the Legislature, which concludes that the proposed project constitutes an unlisted action pursuant to Part 617 of the New York Code of Rules and Regulations (SEQR), and that the actions will not have a significant effect on the environment, and

WHEREAS, it appears that WWA made a careful review of the proposed action and this Legislature should confirm those findings, now, therefore, it is hereby

RESOLVED, that this Legislature adopts and confirms the findings of the WWA as set forth in the Short Environmental Assessment Form and Negative Declaration concluding that the proposed action will not have a significant effect on the environment.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-019-19
CRC/BB/kvh
G-1217-R
Fiscal Impact: Attached

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Dut.pdf

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Acquisition of Preserve at Lakes Kill Sewer System and Establishment of Part County Sewer District

Project Location (describe, and attach a location map):
Feller Newmark Road, Town of Red Hook. Tax lots 6372-00-718975 and 754955, and part of lot 6373-00-790095.

Brief Description of Proposed Action:
Acquisition of property, easements, treatment system, collection system and other assets of the Preserve at Lakes Kill community sewer system. Creation of a Part County Sewer District by Dutchess County. Execution of a Service Agreement for the Part County Sewer District between DCWWA and Dutchess County. Provision of sewer services by the DCWWA to the properties encompassed by the Part County Sewer District.

Name of Applicant or Sponsor:	Telephone: (845) 486-3601
Dutchess County Water and Wastewater Authority	E-Mail: dcwwa@dutchessny.org

Address:
27 High Street

City/PO:	State:	Zip Code:
Poughkeepsie	NY	12601

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Dutchess County; Creation of Part County Sewer District; Approval of Service Agreement	☐	☑

3.a. Total acreage of the site of the proposed action? +/- 35 acres
b. Total acreage to be physically disturbed? <1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/- 35 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	☐	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: N/A	☐	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☐	☑
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☑ Forest ☑ Agricultural/grasslands ☑ Early mid-successional
☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☑
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ NO ☐ YES If Yes, briefly describe: _____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✔	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✔	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✔	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

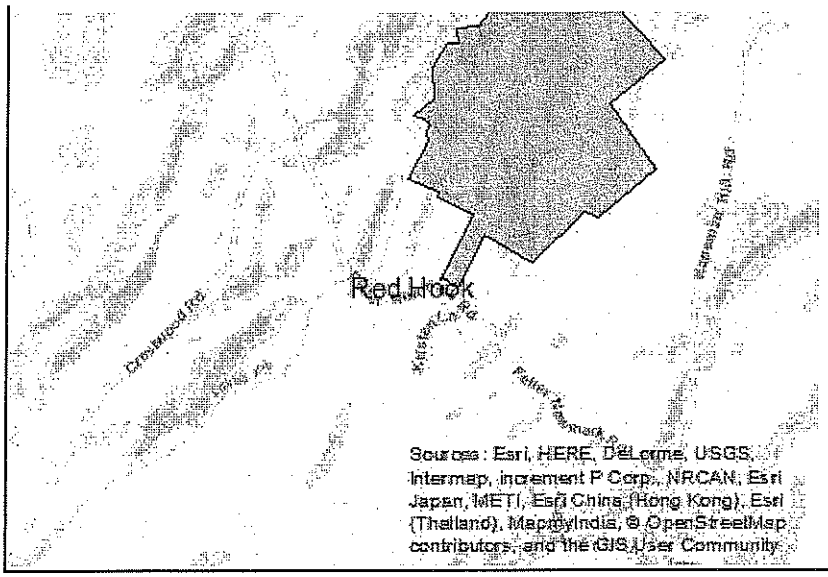
Applicant/sponsor name: Dutchess County Water and Wastewater Authority Date: December 30, 2015

Signature: _____

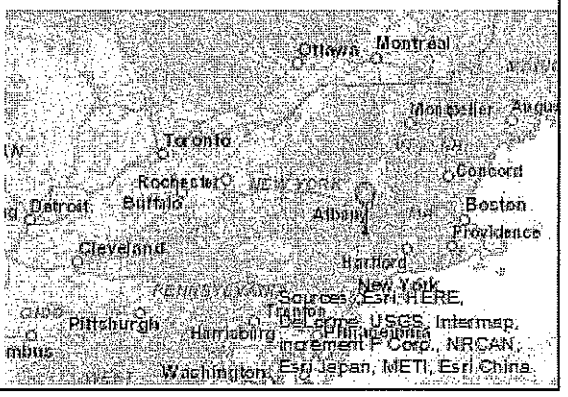
PRINT FORM

EAF Mapper Summary Report

Wednesday, December 30, 2015 11:01 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]	
Project:	
Date:	

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✔	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	✔	☐
3. Will the proposed action impair the character or quality of the existing community?	✔	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✔	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✔	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✔	☐
7. Will the proposed action impact existing: a. public / private water supplies?	✔	☐
b. public / private wastewater treatment utilities?	✔	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✔	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✔	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✔	☐
11. Will the proposed action create a hazard to environmental resources or human health?	✔	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The action involves the acquisition of a proposed sewer system after such system has been constructed by others. The construction of the system, and the residential subdivision that it will service, is not part of this action. The Preserve at Lakes Kill Subdivision, including the sewer system, has already been subject to SEQR review by the Town of Red Hook Planning Board, resulting in the adoption of a Negative Declaration (dated December 2, 2013.) No further physical changes to the project area are covered under this review.

This action is considered to by an Unlisted Action.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Dutchess County Water & Wastewater Authority	
Name of Lead Agency	Date
Bridget Barclay	Executive Director
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 (Yes) 0 (No)

Absent: 1 **Motion:** ____ **Abstentions:** 0

Vacant: 0

2019040 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 12 IN THE TOWN OF RED HOOK

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019040 ADOPTION OF NEGATIVE DECLARATION IN CONNECTION WITH THE ESTABLISHMENT OF PART COUNTY SEWER DISTRICT NO. 12 IN THE TOWN OF RED HOOK

January 22, 2019

ENVIRONMENT

RESOLUTION NO. 2019041

RE: APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 12

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

WHEREAS, this Legislature has before it a Resolution establishing Part County Sewer District No. 11 in the Town of Red Hook, and

WHEREAS, in addition, this Legislature, in connection with the establishment of Part County Sewer District No. 12, must approve a Service Agreement between Dutchess County (County) and the Dutchess County Water and Wastewater Authority (WWA), by the terms of which WWA will collect and process the sewerage in the area of the Part County Sewer District No. 12, and the County will levy benefit assessments to pay for the capital costs of the sewerage system and provide for the enforcement of delinquent sewer bills within the boundaries of the Part County Sewer District No. 12, and

WHEREAS, this Legislature, by separate Resolution, has confirmed the findings of WWA made January 20, 2016, that the establishment of Part County Sewer District No. 12 will not have a significant effect on the environment, and

WHEREAS, the approval of the Service Agreement between the County and WWA for Part County Sewer District No. 12 is in the best interests of the citizens of Dutchess County, now, therefore, be it

RESOLVED, that the Service Agreement between Dutchess County and the Dutchess County Water and Wastewater Authority is hereby approved and the County Executive or his designee is authorized to execute said agreement on behalf of the County in substantially the same form as on file in the Office of the Clerk of the Legislature.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

CA-018-19
CRC/kvh/G-1217-R
01/04/2019
Fiscal impact: See Statement attached to Resolution establishing the part county sewer district

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Bridget Barclay Prepared On: Jan. 2, 2019

Environment Committee Roll Call

District	*Name*	*Yes*	*No*
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 3 - Town of LaGrange	Borchert (C)		
District 6 - Town of Poughkeepsie	Edwards		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Page		
District 22 - Towns of Beekman and Union Vale	Garito		
District 24 - Towns of Dover and Union Vale	Surman (VC)	absent	

Present: 11 **Resolution:** ✓ **Total :** 11 Yes 0 No

Absent: 1 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019041 APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 12

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 23 0

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019041 APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE COUNTY OF DUTCHESS AND THE DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY FOR PART COUNTY SEWER DISTRICT NO. 12

January 22, 2019

GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2019042

RE: CONFIRMING A REAPPOINTMENT AND A NEW APPOINTMENT TO THE DUTCHESS COUNTY BOARD OF ETHICS

Legislators TRUITT, SAGLIANO, BOLNER, MICCIO, HORTON, and THOMES offer the following and move its adoption:

WHEREAS, Local Law No. 7 of 2000, terminated the existing Dutchess County Board of Ethics and established a new Board of Ethics, and

WHEREAS, Local Law No. 7 of 2000 was amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001 and Local Law No. 5 of 2004, and

WHEREAS, pursuant to said Local Law, the County Executive is authorized to make appointments and reappointments to the Board of Ethics, subject to confirmation by this Legislature, and

WHEREAS, there is presently one position vacant and shall be appointed as well as one position is expiring, and

WHEREAS, the Dutchess County Executive has submitted to this Legislature his appointment and reappointment to the Board of Ethics, and the individuals are qualified to serve on said Board, please see the resumes for the individuals, now, therefore, be it

RESOLVED, that the following individuals shall be appointed and reappointed to the Board of Ethics by the Dutchess County Executive, are hereby confirmed:

NEW APPOINTMENT:	**TERM:**
Kip Bleakly O'Neill 504 Applewood Circle Poughkeepsie, NY 12601	1/1/2019 – 12/31/19 (filling an unexpired term, then eligible for a three-year renewal)
REAPPOINTMENT:	
Yvonne Flowers 31 Lent Street Poughkeepsie, NY 12601	1/1/19 – 12/31/21

CA-011-19
CRC/kvh/kvh/G-0770
01/02/19
Fiscal Impact: None, statement attached.

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1/30/2019

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

KIP BLEAKLEY O'NEILL
504 Applewood Circle
Poughkeepsie, NY 12601
845-483-7625
kip12601@gmail.com

Bio:

A community activist and Dutchess County native, exemplifies Eleanor Roosevelt's commitment to making her community a better place to live, work and raise a family. As an educator, Kip taught at both the high school and college levels, was a columnist, and also held a position in public relations. Kip served Dutchess County as a member of the Dutchess County Legislature for 28 years, 13 of them as the Minority Leader. Kip holds a BA in English from William Smith College and an MA from the University of Miami. Her community engagement activities span countless committees and boards, most currently a Trustee of the Vassar Brothers Medical Center Foundation, Trustee Emeriti of the Dutchess Community College Board of Trustees, and former Board of Trustees, Vassar Warner Foundation. As a former vice chair of ERVK, she was instrumental in developing ERVK's leadership program for community college students. Inspired by the people of her community, Kip is a contributor to the book Eleanor Roosevelt: *A Hudson Valley Remembrance* written by Joyce C. Ghee and Joan Spence, 2005.

Yvonne Flowers

31 Lent Street, Poughkeepsie, NY 12601
Phone: (845) 485-5077 email: flowers431@verizon.net

Education:

Poughkeepsie High School, Poughkeepsie, NY
High School/NYS Regents Diploma – Business Concentration

Dutchess Community College, Poughkeepsie, NY
Applied Associates Degree with honors – Accounting

Professional Experience: Dutchess Community College (1989-present)

Principle Account Clerk – Grant Finance (Apr.1998-present)

- Responsible for establishing and maintaining fiscal control for Federal and State grants and local industry contracts.
- Ensure that all grant recipients are in compliance with all Federal and State laws, guidelines and procedures while completing their individual grant projects.
- Prepare and submit Federal and State financial reports, as required.
- Work closely with Grant Administrators and college administration to develop grant and contract projections for inclusion in the college budget, year-end financial reports and annual audits.

Interim Supervisor of Student Accounts (May 2000-Dec. 2000, Dec. 2004-Apr. 2005, and Sept. 2005-June 2006)

- Supervised the work of accounting staff in the areas of student loans, financial aid and accounts receivable.
- Developed and maintained operating procedures for cash receipts, billing and collection systems including credit, credit-free and procedures for the College's in-house payment plan.
- Served on various committees to coordinate Business Office functions that pertain to student registration and financial aid disbursements.
- Oversee the maintenance of the general ledger transaction codes and the reconciliation of subsidiary accounts and trial balances.
- Interpret and apply Federal and State regulations pertaining to student loans and financial aid accounting functions.
- Assist in the annual audit of College accounts by outside auditors.
- Prepared required federal, state and local financial reports as needed.

Account Clerk Typist I (Nov. 1989 – Mar. 1998)

- Collect and post payments on a daily basis
- Generate daily reports and use them to prepare and audit daily deposits for all cash receiving departments.
- Reconcile Federal Aid and Continuing Ed A/R accounts, monthly.
- Conduct /Supervise Drinking and Driving Program registration at all on/off campus destinations.
- Worked directly with staff, students and faculty answering questions regarding tuition, residency, financial aid and other financial inquiries.

Community Service Experience:

City of Poughkeepsie 5th Ward Councilmember (Jan. 2010-Dec. 2011)

- Meet with constituents to discuss any concerns or problems they encountered and find ways to address them if possible.
- Attend and participate in council meetings to review, amend or create local laws, ordinances and/or resolutions that will help improve the city.
- Work with City department heads to resolve any issues affecting my ward and sometimes the entire city.
- Reviewed annual budget and make requests to amend the budget when necessary and vote to adopt the final budget.
- Attend and sometimes participate in community events throughout the city.

School Board Liaison-Mayoral appointment (Jan. 2010-Dec. 2011)

- Meet with School Board members and District Superintendent to discuss any issues that could be resolved with my assistance.
- Review any agreements between the School District and City Municipality and discuss where improvements can be made.
- Assisted in improving communication and collaboration between District Superintendent and City Mayor.
- Attend bi-weekly School Board meetings.

City of Poughkeepsie School District Audit Committee-Chair (October 2011-present)

- Conduct interviews and recommend to the Board the appointment of the internal and external auditors.
- Review draft annual report and draft management letter and assist the Board of Education in interpreting the received audit documents.
- Review and discuss with external auditors any risk assessment of the District's fiscal operations.
- Review any corrective action plan developed by the District and assist the Board with its implementation.
- Coordinate and schedule Audit Committee meetings when necessary.

Additional Service to Dutchess Community College and the Community

Dutchess Community College

- Black Student Union/Multi-Cultural Affairs Association (1991-1996) – Treasurer (2 years)/Co-Advisor (2 years)
- Member of Phi Theta Kappa Honor Society
- DCC Banner Implementation Team – 2005/2006
- Middle States 2005 Accreditation Committee
- Black and Latino Male Student Initiative and Mentoring Program 2008-2010
- Black History Committee (since 2005) – Chair (3 years 2008-2010)/Co-Chair (2011-present)
- SUNY Chancellor's Award for Excellence in Professional Service Committee (2011-2012)
- Volunteer – DCC Foundation Events (since 2000)
- Volunteer – Annual HVFLL Championship LEGO League event held at DCC (since 2009)

Community

- Member of the Hudson River Housing Board of Directors (since Feb. 2012)
- Vice Chair of City of Poughkeepsie Industrial Development Agency (2 year term) Jan. 2011- Dec.2012
- Member of City of Poughkeepsie School District Budget Review Committee (Feb. 2010 - present)
- Member of the Exempt Firemen's Association (2008 - present)-Served on the Community Relations and Summer Activities Committee for 3 years (Chair 2009-2010)
- Co-Founder of the Andre Taylor-Bond Endowed Scholarship for African American and Latino students (Jan. 2001) and served as Chair of Scholarship Committee (April 2003 - present)
- Member of the City of Poughkeepsie Elementary Student Athletic Basketball Program Committee (Jan. 2011-present)
- Member of the Independence Party Committee
- Volunteer/Committee member of 2010 and 2011 S.W.A.G events and Annual March (Society at War Against Gun Violence)
- Vice-President of Lent Street Block Association – 6 years (May 2003- December 2009)
- Volunteer as needed– John Flowers & Elves community events, Grace House Smith and Dutchess Outreach Programs

Discussion on Resolution No. 2019042 proceeded as follows:

Legislator Tyner spoke regarding pay-to-play.

Legislator Truitt called Point of Order because the foregoing comment was not relevant to the resolution.

Chair Pulver ruled Legislator Tyner out of order.

Roll call vote on the foregoing Resolution No. 2019042 resulted as follows:

AYES:	22	Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston Incoronato, Jeter-Jackson, Johnson, Keith, Llaverias, Metzger, Miccio, Munn, Pulver, Sagliano, Surman, Thomes, Truitt, Zernike
NAYS:	1	Tyner
ABSENT:	2	Amparo, Page

Resolution adopted.

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		1
District 14 - Town of Wappinger	Amparo		
District 22 - Towns of Beekman and Union Vale	Garito		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 12 **Resolution:** ✓ **Total :** 11 1
Absent: 0 **Motion:** ____ Yes No
Vacant: 0 **Abstentions:** 0

2019042 CONFIRMING A REAPPOINTMENT AND A NEW APPOINTMENT TO THE DUTCHESS COUNTY BOARD OF ETHICS

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 22 1

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019042 CONFIRMING A REAPPOINTMENT AND A NEW APPOINTMENT TO THE DUTCHESS COUNTY BOARD OF ETHICS

January 22, 2019

GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2019043

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

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

RESOLVED, that the 2018 Rules, as attached hereto, be and they hereby are adopted as the Permanent Rules of the Dutchess County Legislature, effective January 1, 2019.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date _____

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

Carolyn Morris
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

2018

Permanent Rules of the Dutchess County Legislature

TABLE OF CONTENTS

PAGE

Organizational Meeting....1
Notice of Organizational Meeting....1
Election of Chair....1
Appointment of Clerk....2
Appointment of Counsel....3
Confirmation of Appointments....3
Meetings; General....3
Meetings; Regular, Special....4
Duties of Clerk....5
Order of Business....6
Roll Call....7
Attendance and Quorum....7
Powers and Duties of Chair....8
Privilege of the Floor....10
Petitions, Reports, Motions, Resolutions and Announcements10
Priority of Business....13
Debate....13
Addressing Chair....13
Calls to Order....14
Members Entitled to Vote....15
Appeal Decision of Chair....16
Vote Required for Adoption of Resolution....17
Effective Date of Resolutions....17
Power to Amend or Repeal....17
Roll Call Vote....17
Withdrawal of Motion....18
Motions....18
Adjournment....18
Moving the Question....18
Postponement of Consideration....19
Reference to Committee....19

Reconsideration.....19
Minutes of Meeting..... 20
Where no Express Rule is Provided.....20
State Statute or County Charter Shall Govern.....21
Amendment to Rules.....21
Creation of Committee.....21
Duties and Functions of Committees.....21
Time and Manner of Appointment
Committees.....22
Term of Committee Membership.....22
Rules of Procedure for Committees.....22
Committee Authorized to Accept Help
From Non-Members.....24
Powers and Duties of the Legislature not be Delegated..... 25
Reference to Committees.....25
Reference to Special Committee.....26
Resignation from Committee.....26
Presiding Officer of the Committee of the Whole.....26
Rules of Committee of the Whole.....26
Standing Committees:
Budget, Finance, & Personnel.....27
Environment.....28
Family and Human Services.....28
Government Services and Administration.....29
Public Safety.....30
Public Works and Capital Projects.....30
Index.....31

PERMANENT RULES OF THE
DUTCHESS COUNTY LEGISLATURE
FOR THE YEAR 2018

ARTICLE I

ORGANIZATIONAL MEETING OF THE COUNTY LEGISLATURE

RULE 1.1 ORGANIZATION MEETING:

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

RULE 1.2 NOTICE OF ORGANIZATIONAL MEETING:

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

RULE 1.3 ELECTION OF CHAIR OF THE LEGISLATURE AND LEADERSHIP:

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

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

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

RULE 1.4 APPOINTMENT OF CLERK OF LEGISLATURE

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

RULE 1.5 APPOINTMENT OF COUNSEL TO THE LEGISLATURE:

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

RULE 1.6 CONFIRMATION OF APPOINTMENTS:

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

ARTICLE II

MEETINGS OF THE LEGISLATURE

RULE 2.1 GENERAL PROVISIONS OF MEETINGS:

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

RULE 2.2 REGULAR MONTHLY MEETINGS:

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

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

RULE 2.3 SPECIAL MEETINGS:

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

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

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

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

RULE 2.4 DUTIES OF THE CLERK OF THE LEGISLATURE:

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

ARTICLE III

ORDER OF BUSINESS

RULE 3.1 ORDER OF BUSINESS:

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

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

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

ARTICLE IV

RULES OF ORDER AND PROCEDURE

RULE 4.1 ROLL CALL:

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

RULE 4.2 ATTENDANCE AND QUORUM:

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

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

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

RULE 4.3 POWERS AND DUTIES OF THE CHAIR:

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

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

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

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

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

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

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

F. The Chair shall have the power to:

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

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

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

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

RULE 4.4 PRIVILEGE OF THE FLOOR:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RULE 4.6 PRIORITY OF BUSINESS:

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

RULE 4.7 WHEN DEBATE IN ORDER:

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

RULE 4.8 ADDRESSING THE CHAIR:

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

RULE 4.9 CALLS TO ORDER:

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

RULE 4.10 FLOOR MOVEMENT

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

RULE 4.11 BANNER, SIGNS AND PLACARDS

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

Legislative Chambers is prohibited.

RULE 4.12 PUBLIC CONDUCT

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

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

RULE 4.13 MEMBERS ENTITLED TO VOTE:

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

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

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

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

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

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

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

RULE 4.14 APPEAL FROM DECISION OF CHAIR:

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

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

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

RULE 4.15 VOTE REQUIRED FOR ADOPTION OF RESOLUTIONS:

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

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

RULE 4.16 EFFECTIVE DATE OF RESOLUTIONS

All resolutions shall become effective as provided by law.

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

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

RULE 4.18 ROLL CALL VOTE TAKEN:

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

RULE 4.19 WITHDRAWAL OF A MOTION:

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

RULE 4.20 MOTIONS WHEN RECEIVABLE:

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

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

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

RULE 4.21 ADJOURNMENT:

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

RULE 4.22 MOVING THE QUESTION:

A. The Chair shall not close debate so long as any member

who has not exhausted his/her right to debate desires the floor, except by order of the Legislature, which requires a 2/3 majority of those present and voting.

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

the main question without further debate or amendment.

RULE 4.23 POSTPONEMENT OF CONSIDERATION:

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

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

RULE 4.24 REFERENCE TO COMMITTEE:

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

RULE 4.25 RECONSIDERATION GENERALLY:

No motion for reconsideration shall be in order unless made on the same day, or the meeting, regular or special, next succeeding that on which the decision proposed to be reconsidered

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

RULE 4.26 MINUTES OF MEETINGS OF THE LEGISLATURE:

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

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

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

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

RULE 4.27 WHERE NO EXPRESS RULE IS PROVIDED:

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

RULE 4.28 STATE STATUTE OR COUNTY CHARTER SHALL GOVERN:

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

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

RULE 4.29 AMENDMENT TO RULES:

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

ARTICLE V

COMMITTEES

RULE 5.1 CREATION OF COMMITTEES:

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

RULE 5.2 GENERAL DUTIES AND FUNCTIONS

OF COMMITTEES:

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

RULE 5.3 TIME AND MANNER OF APPOINTMENT COMMITTEES:

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

RULE 5.4 TERM OF COMMITTEE MEMBERSHIP:

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

RULE 5.5 RULES OF PROCEDURE FOR COMMITTEES:

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

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

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

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

For the purpose of conducting the business of any given committee, a quorum must be maintained. Except as provided in Rule 4.13, once a quorum has been established all voting

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

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

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

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

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

RULE 5.6 COMMITTEE AUTHORIZED TO ACCEPT HELP FROM NON-MEMBERS

Any committee of this Legislature is authorized to accept

advice and counsel from citizens who are not members of the Legislature.

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

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

RULE 5.8 REFERENCE TO COMMITTEES:

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

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

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

RULE 5.9 REFERENCE TO SPECIAL COMMITTEE:

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

RULE 5.10 RESIGNATION FROM COMMITTEE:

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

RULE 5.11 PRESIDING OFFICER OF THE COMMITTEE OF THE WHOLE:

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

RULE 5.12 RULES FOR THE COMMITTEE OF THE WHOLE:

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

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

RULE 5.13 STANDING COMMITTEES OF THE LEGISLATURE:

A. BUDGET, FINANCE, AND PERSONNEL

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

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

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

Not withstanding Rule 5.5 (B)(c) it is intended that public

comment on the Tentative Budget and Capital Project Plan and the reports by these committees will be reserved for a public hearing(s) on said budget and capital project plan.

B. ENVIRONMENT

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

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

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

C. FAMILY AND HUMAN SERVICES

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

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to

or arising out of the requirements of law and the action of the Legislature with respect to:

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

D. GOVERNMENT SERVICES AND ADMINISTRATION

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

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

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

11) Local Laws
12) Above Department Budget Amendments

E. PUBLIC SAFETY

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

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

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

F. PUBLIC WORKS AND CAPITAL PROJECTS

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

Except as to matters specifically assigned to other committees, this committee shall have referred to it all matters relating to

or arising out of the requirements of law and the action of the Legislature with respect to:

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

INDEX

A

PAGE

Addressing Chair 13
Adjournment 18
Amendment to Rules 21
Appeal Decision of Chair 16
Appointments:
Clerk 2
Counsel 3
Confirmation of 3
Attendance and Quorum 7

B

Budget, Finance, and Personnel Committee 27
Business:
Order of 6
Priority of 13

C

Chair, Election of.....1
Chair, Powers and Duties.....8
Clerk:
Appointment of.....2
Duties of.....5
Committee of the Whole
Presiding Officer.....26
Rules.....26
Committees:
Creation of.....21
Duties and Functions.....21
Reference to.....19, 25
Resignation from.....26
Rules of Procedures.....23
Special, Reference to.....26
Standing.....27-31
Term of Membership.....22
Time and Manner of Appointment.....22

D

Debate.....13

E

Environment Committee.....28

F

Family & Human Services Committee.....28

G

Government Services and Administration Committee.....29

M

Meetings:

Calls to Order 14
General, Regular 3, 4
Members Entitled to Vote 15
Special 4
Minutes of Meeting 20
Motions 18
Reconsideration 19
Moving the Question 18

O

Organization Meeting 1
Organization Meeting, Notice of 1

P

Petitions, Reports, Motions and Resolutions 10
Postponement of Consideration 19
Priority of Business 13
Privilege of Floor 10
Public Safety Committee 30
Public Works & Capital Projects Committee 30

R

Reference to Committee 19
Reconsideration 19
Resolutions:
Effective Date of 17
Power to Amend or Repeal 17
Roll Call Vote 17
Vote Required for Adoption 17
Withdrawal of Motion 18
Roll Call 7

Discussion on Resolution No. 2019043 proceeded as follows:

Legislator Tyner, duly seconded by Legislator Edwards, made a motion to amend Rule 3.1 Order of Business d) as follows:

d) Privilege of the Floor with respect to printed agenda **and non-agenda** items; (limited to three minutes)

Roll call on the foregoing amendment resulted as follows:

AYES:	9	Black, Munn, Llaverias, Edwards, Brendli, Johnson, Jeter-Jackson, Tyner, Zernike
NAYS:	14	Bolner, Borchert, Garito, Horton, Houston Incoronato, Keith, Metzger, Miccio, Pulver, Sagliano, Surman, Thomes, Truitt
ABSENT:	2	Amparo, Page

The foregoing amendment was defeated.

Legislator Incoronato made a motion to add a new Article 6 as follows:

Article 6. All proposed amendments to the Tentative Budget shall be submitted to the Clerk of the Legislature and Legislative body not less than three business days before the final budget vote. Any such revisions submitted less than three business days before this deadline shall not be recognized for discussion by the Legislative Chair, nor for voting by the Legislative body.

The foregoing motion failed for a lack of second.

Roll call vote on the foregoing Resolution No. 2019043 resulted as follows:

AYES:	22	Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston Incoronato, Jeter-Jackson, Johnson, Keith, Llaverias, Metzger, Miccio, Munn, Pulver, Sagliano, Surman, Thomes, Truitt, Zernike
NAYS:	1	Tyner
ABSENT:	2	Amparo, Page

Resolution adopted.

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		2
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	4	
District 14 - Town of Wappinger	Amparo	5	
District 22 - Towns of Beekman and Union Vale	Garito		6
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		7

Present: 12 **Resolution:** ___ **Total :** 5 (Yes) 7 (No)

Absent: 0 **Motion:** ✓ **Abstentions:** 0

Vacant: 0

JT / HB

pg. 6

3.1 D – add

" non agenda "

2019043

1/17/19

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		1
District 14 - Town of Wappinger	Amparo		
District 22 - Towns of Beekman and Union Vale	Garito		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 12 **Resolution:** ✓ **Total :** 11 Yes 1 No

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019043 ADOPTION OF THE PERMANENT RULES OF THE DUTCHESS COUNTY LEGISLATURE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ___ **Total :** 9 14

Absent: 2 **Motion:** ✓ **Yes** **No**

Vacant: 0 **Abstentions:** 0

JT/RE

Page 6 Rule 3.1 D add "non-agenda"

1/22/19

2019 043

Roll Call Sheets

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

Present: 23 **Resolution:** ____ **Total :** ____ ____

Absent: 2 **Motion:** ✓ **Yes** **No**

Vacant: 0 **Abstentions:** ____

JI - see amendment attached
fails lack of a
second

2019043
1.22.19

Morris, Carolyn

:om:	jincoronato@verizon.net
Sent:	Saturday, January 5, 2019 11:22 AM
To:	CountyLegislature
Cc:	Morris, Carolyn; marcusmolinaro@gmail.com; Volkman, Scott
Subject:	Revision to Rules of the Legislature

Legislators: We recently underwent yet another budget adoption process that subjected us to a host of proposed last-minute changes to the Tentative Budget -- many scrawled literally at the 11th hour. I think this haphazard practice does not allow sufficient time for us to review and understand the fiscal implications of such last-minute revisions. Therefore, in order to provided a more rational approach to the budget process I would like to offer the following amendment to Rules of the Legislature -- addition of a new Article 6 -- as follows: **All proposed amendments to the Tentative Budget shall be submitted to the Clerk of the Legislature and Legislative body not less than three business days before the final budget vote. Any such revisions submitted less than three business days before this deadline shall not be recognized for discussion by the Legislative Chair, nor for voting by the Legislative Body.**

I hope you can join me in adopting this vital change to our Rules at our upcoming Reorganization Meeting. Any suggestions, give a holler.

Joe I.

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 22 1

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019043 ADOPTION OF THE PERMANENT RULES OF THE DUTCHESS COUNTY LEGISLATURE

January 22, 2019

GOVERNMENT SERVICES AND ADMINISTRATION

RESOLUTION NO. 2019044

RE: CONFIRMATION OF APPOINTMENT OF KAREN E. HAGSTROM AS COUNSEL TO THE DUTCHESS COUNTY LEGISLATURE

Legislators PULVER, TRUITT, SAGLIANO, BOLNER, MICCIO, THOMES, and HORTON offer the following and move its adoption:

WHEREAS, Scott L. Volkmann was reappointed as Counsel to the Dutchess County Legislator by Robert Rolison, Chairman of the Dutchess County Legislature, which appointment was confirmed by the Dutchess County Legislature on January 22, 2015, for a term of five years expiring December 31, 2019, and

WHEREAS, Scott L. Volkmann has tendered his resignation upon his retirement effective December 31, 2018, from the position as Counsel to the Dutchess County Legislature, therefore a vacancy exists in that position, and

WHEREAS, pursuant to Article II, Section 2.14(e) of the Dutchess County Charter, A. Gregg Pulver, Chairman of the Dutchess County Legislature, has appointed Karen E. Hagstrom as Counsel to the Dutchess County Legislature effective immediately for the balance of the term ending December 31, 2019, now, therefore, be it

RESOLVED, that said appointment of Karen E. Hagstrom, as Counsel to the Dutchess County Legislature, be and the same is hereby confirmed.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

KAREN E. HAGSTROM

82 Carriage Drive
Red Hook, NY 12571
(845) 554-6969 (cell)

EDUCATION

1994 **J.D., University of San Diego School of Law**

1991 **B.A., Skidmore College, *Cum Laude***

1987 **Spackenkill High School**

PROFESSIONAL EXPERIENCE

2003-1/18/19 Corbally, Gartland and Rappleyea, LLP

Practice areas include Civil Litigation, Tax Certiorari, Land Development Law, Municipal Law, Family Law, Criminal Law and Appellate Advocacy.

1994-2003 Dutchess County District Attorney's Office

Senior Assistant District Attorney: Extensive experience in felony and misdemeanor trial work and prosecutions. Practiced in the following bureaus: Special Victims Bureau, Violent Crimes, Fraud, Narcotics, DWI and Justice Courts.

Presented at several conferences in New York State regarding the prosecution of domestic violence cases.
Trained law enforcement.
Trained Town and Village Justices.

1996-1997 Dutchess County Attorney's Office

Senior Assistant County Attorney: Represented the Department of Social Services in Family Court. Duties included trial work, emergency removal proceedings, preparing and reviewing petitions for Court, and motion practice.

BOARD MEMBER/VOLUNTEER

2017-2018 United Way of Orange and Dutchess Counties
2013-2017 Callabar Swim and Tennis Club
2005-2011 Mid-Hudson Civic Center
2004-2005 Dutchess County Women's Bar Association
2002-2004 Camerata Chorale
1999-2002 United Way of Dutchess County

MEMBER

Dutchess County Bar Association
New York State Bar Association
Mid-Hudson Women's Bar Association
Served on Judicial Screening Committee for Dutchess County Bar Association
Dutchess County Supreme Court Excellence Initiative Committee

APPELLATE DECISIONS

People v. Kochanowski, 186 Misc.2d 441 (N.Y. App. Term 2000); leave to appeal denied 95 N.Y.2d 965 (2000) (trial prosecutor, Jessica Glickman/Segal on brief)
Behrends v. White Acre Acquisitions, LLC, 54 A.D.3d 700 (2nd Dept. 2008)
Weaver St. Props., LLC v. Cold Stone Creamery, Inc., 63 A.D.3d 1044 (2d Dept. 2009)
Weaver St. Props., LLC v. Cold Stone Creamery, Inc., 86 A.D.3d 536 (2d Dept. 2011)
Matter of Homeland Found., Inc. v. Gotovich, 148 A.D.3d 708 (2d Dept. 2017)
Preferred Group of Manhattan, Inc. v. City of Poughkeepsie 2018 NY Slip Op 08047 (2d Dept. 2018)

Discussion on Resolution No. 2019044 proceeded as follows:

Legislator Tyner spoke regarding what resolutions were allowed on the agenda.

Legislator Miccio called Point of Order because the Legislative Counsel has no control over what resolutions come to the board.

Chair Pulver requested Legislator Tyner to speak to the point of the resolution.

Roll call vote on the foregoing Resolution No. 2019044 resulted as follows:

AYES:	22	Black, Bolner, Borchert, Brendli, Edwards, Garito, Horton, Houston Incoronato, Jeter-Jackson, Johnson, Keith, Llaverias, Metzger, Miccio, Munn, Pulver, Sagliano, Surman, Thomes, Truitt, Zernike
NAYS:	1	Tyner
ABSENT:	2	Amparo, Page

Resolution adopted.

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		1
District 14 - Town of Wappinger	Amparo		
District 22 - Towns of Beekman and Union Vale	Garito		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

Present: 12 **Resolution:** ✓ **Total :** 11 (Yes) 1 (No)

Absent: 0 **Motion:** ____

Vacant: 0 **Abstentions:** 0

2019044 CONFIRMATION OF APPOINTMENT OF KAREN E. HAGSTROM AS COUNSEL TO THE DUTCHESS COUNTY LEGISLATURE

January 17, 2019

Roll Call Sheets

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

Present: 23 **Resolution:** ✓ **Total :** 22 1

Absent: 2 **Motion:** ____ **Yes** **No**

Vacant: 0 **Abstentions:** 0

2019044 CONFIRMATION OF APPOINTMENT OF KAREN E. HAGSTROM AS COUNSEL TO THE DUTCHESS COUNTY LEGISLATURE

January 22, 2019

DUTCHESS COUNTY LEGISLATURE

Commendation: K9 PIKO

Legislator Keith offers the following and moves its adoption:

WHEREAS, Sgt. Petrus of the Dutchess County Sheriff's Department recently retired K9 Piko on October 31, 2018, and

WHEREAS, K9 Piko faithfully served Dutchess County and the Dutchess County Sheriff's office for over ten years after completing the K9 Academy on March 12, 2009, and

WHEREAS, K9 Piko was one of, if not the best K9 the Sheriff's office ever deployed, he had numerous finds and apprehensions during his long career and was routinely utilized by many other local police agencies, and, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate K9 Piko on the occasion of his retirement, and, be it further

RESOLVED, that the Dutchess County Legislature does hereby extend to K9 Piko its best wishes in all of his future endeavors.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

Resolution No. 2019045

Carolyn Morris

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

DUTCHESS COUNTY LEGISLATURE

Commendation: Legislative Counsel Scott L. Volkman

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature seeks to commend those individuals whose actions serve to enhance the quality of life in Dutchess County, and

WHEREAS, Scott L. Volkman was appointed in 2003 by Bradford Kendall, Chairman of the Dutchess County Legislature to fill the unexpired term created by Anthony Quartararo's resignation due to his retirement, and

WHEREAS, Scott L. Volkman served as Deputy Legislative Counsel under Legislative Counsel Anthony Quartararo, and

WHEREAS, Scott L. Volkman has tendered his resignation after a more than 13 years of serving the people and government of Dutchess County to serve as City of Poughkeepsie Judge, and

WHEREAS, during his tenure at the Dutchess County Legislature Scott L. Volkman has seen five Chairmen come and go along with two County Executives and nine Legislatures, and

WHEREAS, Scott has served the Legislature and all the residents of Dutchess County with respect and fairness, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby commend and congratulate Scott L. Volkman for his many years of dedicated service to the Dutchess County Legislature and the Dutchess County Community and extends its deepest and sincere appreciation, and, be it further

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, hereby extends to Scott L. Volkman its deep and sincere appreciation for his years of service as the Legislative Counsel to the Dutchess County Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22nd day of January 2019, 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 22nd day of January 2019.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Resolution No. 2019046

On motion by Legislator Edwards, 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.

Mr. Taylor, 320 Mill Street, Poughkeepsie, invited the Legislature to the "That's So Po" community youth event on February 16, 2019, to be held at the Changepoint Church Theatre.

William Maloney, 82 Carrol Street, Poughkeepsie, spoke regarding public safety in the city of Poughkeepsie.

Constantine Kazolias, 47 Noxon Street, Poughkeepsie, spoke on zombie properties in the city of Poughkeepsie, comments attached.

No one wishing to speak, on motion by Legislator Bolner, duly seconded by Legislator Llaverias and carried, the Regular Order of Business was resumed.

There being no further business, the Chair adjourned the meeting at 8:14 p.m.

P.C.

I AM AGAINST THE CITY OF POUGHKEEPSIE BECOMING THE LAND BANK FOR THESE 540 ZOMBIE PROPERTIES!!!! MANY REASONS, BUT THE CRITICAL ONE , IS THAT THESE PROPERTIES CAN BE SOLD TO THEIR FRIENDS AS WAS DONE WHEN COUNCILMAN [redacted] CALLED A SPECIAL MEETING TO SELL TO A FRIEND VIOLIN MAKER, WITH NO CLAW BACK.FYI THE CITY DID THE BAR CLAIM ON THE VIOLIN HOUSE . THE GOING RATE WAS $5000. FYI, I BID HIGHER FOR SAID PROPERTY TO PUT A DUNCAN DONUTS ON THAT CORNER PROPERTY, INCORPORATING MY ADLACENT PROPERTY TO MAKE IT A DRIVE THRU, THANKS TO [redacted] WHO HUSTLED THAT CITY SALE FOR VIOLIN MAKING . NOW [redacted] IS BEING REWARDED AT $50,000 AS A FRIEND OF ROLLISONS, WITH THE ABOVE TRACK RECORD.ADDITIOANALY PARCELS SHOULD NOT BE SOLD TO NFT, TO HOUSE MANY HOMELESS BEING ONE WAY TICKET HOLDERS FROM MANHATTAN , PROOF,I GAVE A $2 HANDOUT TO A FORMER MANHATTANITE, LAST WEEK AT STOPAND SHOP!!! THE HOMELESS IS A NYS CRISIS AND NOT A LOCAL PROBLEM.NOW THAT THE DEMOCRATYS CONTROL ALBANY FROM LITTLE ANDREW, SENATE AND THE ASSEMBLY, DO NOT KICK THE CAN DOWN TO THE LOCAL LEVEL.

TURNING ON MY TV TO LOCAL TV CHANNEL FOR COMMON COUNCIL MEETINGS, THE VISUAL CAME On BUT THE TURNING THE VOLUME ALL THE WAY UP, STILL NO AUDIO. THIS NON AUDIO HAS BEEN A NO-NO FOR MONTHS.SILENT MOVIES WENT OUT IN THE 1930S, OR IS THIS A PLOY TO KEEP THOSE VIEWING AT HOME A NEW FORM OF SESURESHIP? TWO GIANT VIEWING PANELS WERE RECENTLY INSTALLED IN CITY HALL COMMON COUNCIL CHAMBERS ENFORCING THE PUBLIC 3MINUTE LIMIT GAG RULE , IS VERY DISFUNCTIONAL. THIS BRINGS ME TO THAT SPECIAL, SECOND WARD CONCERED CITIZENS MEETING WHICH WAS A CHARADE BEGINNING FROM THE START, TO FINISH!!!! THE MEETING WAS CONTROLLED BY THE PANEL LIKE A DOG AND PONY SHOW RUNNING OUT THE CLOCK WHEN ONLY FIVE SPEAKERS ENFORCING THE 3 MINUTE COMMON COUNCIL GAG RULE, NOT THE 5 MIN RULE DURING SPECIAL MEETING RULES. FIVE SPEAKERS CONSUMMED 17% OF THE 90 MINUTE CHAMBER RESERVED TIME. THREE OF THESE FIVE CONCERNED SPEAKERS WERE BLACK AND ONE WHITE FEMALE. THIS PANEL, INCLUDING THE CHAIRWOMAN SHOWED COMPLETE DISRESPECT TOWARDS THESE FOUR CONCERNED SPEAKERS. MY RECOMMENDATIONS FOR THESE PANALS LEADERS SHOULD AND MUST HAVE ADDITIONAL DIVERSIVICATION TRAINING, HOPEFULLY IT MIGHT HELP, BUT I DOUBT IT!!! THIS DISRESPECT IS A NATIONWIDE MALADY COULD/ SHOULD BE ADDRESSED BY THE LEADERS IN THIS COMMUNITY. I FIND THE CONTRACT BETWEEN THE CITY OF POLICE AND THE CITY SCHOOL DISTRICT WHEN THE SCHOOL DISTRICT HAS A 2018-19 $14 MILLION FUND BALANCE WITH ONE MILLION AT $86K PER SRO COULD BE PLACED IN ALL THE CITY PUBLIC SCHOOLS WHERE STUDENT VIOLENCE IS RUNNING UNABATED AS EXPOUNDED BY TEACHERS, PARENTS AND TEACHERS UNION PRESIDENT AT RECENT BOE MEETINGS. REGARDING THE POLICE/SCHOOL CONTRACT, THE POLICE ARE GOING TO MOONLIGHT, IF SAID POLICE OFFICER OCURRS AN INJURY ONSCHOOL PROPERTY DOES THE CITY INSURANCE COVER SAID INJURY?

C.K.

Constintine P. Kazolias
47 Noxon St.
Poughkeepsie, NY 12601-4101

D.C.

NYC HAS BEEN DROPPING THEIR HOMELESS INTO THE CITY OF POUGHKEEPSIE, AS EVIDENCED, WHEN I GAVE A HOMELESS $2 AT A STOP AND SHOP., THEN I ASKED HIM WHERE WAS HE FROM, HIS RESPONSE WAS MANHATTAN. BEING HOMELESSNESS IS A STATE PROBLEM, NOW THAT THE BOTH STATE HOUSES AMD GOVERNOR ARE IN TOTAL CONTROL, WHY HASN'T THE STATE TAKEN OVER THE HOMELES PROBLEM WITH FUNDS, PROGRAMS RATHER THAN CITIES LIKE POUGHKEEPSIE BE OVERWHELMED WITH THE STATE HOMELESSNES. THIS IS A STATE PROBLEM. RATHER, THAN KICKING THE HOMELESS CAN PROBLEM DOWN TO THE LOCALS WHO ARE UNDER MASSIVE FINACIAL BURDENS, CONTRBUTING TO 100,000 NYS RESIDENTS ARE LEAVING EACH EVERY YEAR SINCE EL= DUCE CUOMO CAME TO POWER, BEING #1 TAXED STATE. REGARDING THE NEW JAIL, I HAVE STATED PUBLICALLY THE RUBBER STAMPED SEQUA REPORT BY A LOCAL CONNECTED ENGINEER FIRM, I HAVE CALLED INTO QUESTION THE EXISTING CITY OLD INFRATRUTURE WATER AND SEWER MAINS WHICH WERE INADEQUATE FOE SEVERAL REASONS. I.E DOWN IN NYC WHEN A NEW HIGH RISE BUILDING ADDITIONAL ELECTRIC POWER HAD TO BE ADDED BECAUSE OF THE INCRESE DEMAND FOR ENERGY RESULTING IN NEW LINES WITH ADDITIONAL CAPACITY HAVE TO BE ADDED. REGARDING THE NEW JAIL DUE TO THE INCREASE IN DEMAND FOR WATER AND SEWER, NEW MAINS SHOULD HA VE BEEN ADDED FROM THE JAIL TO BOTH PLANTS, IN THE ORIGINAL SEQUA REPORT, RATHER THAN PASS THRU RUBER STAMP ONE. BEING THE COUNTY OWNS OVER 50% OF THE BULIDINGS ON MARKET STREET FROM THE CHURCH TO MAIN STREET WHEN IS THE COUNTY GOING TO BE RESPONSIBLE FOR THE COST IN THE UPDATING THE STREET.

Constintine P. Kazolias
47 Noxon St.
Poughkeepsie, NY 12601-4101